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CONGRESSIONAL GLOBE,

CONTAINING

SKETCHES OF THE DEBATES AND PROCEEDING

OF THE

TWENTY-SIXTH CONGRESS.

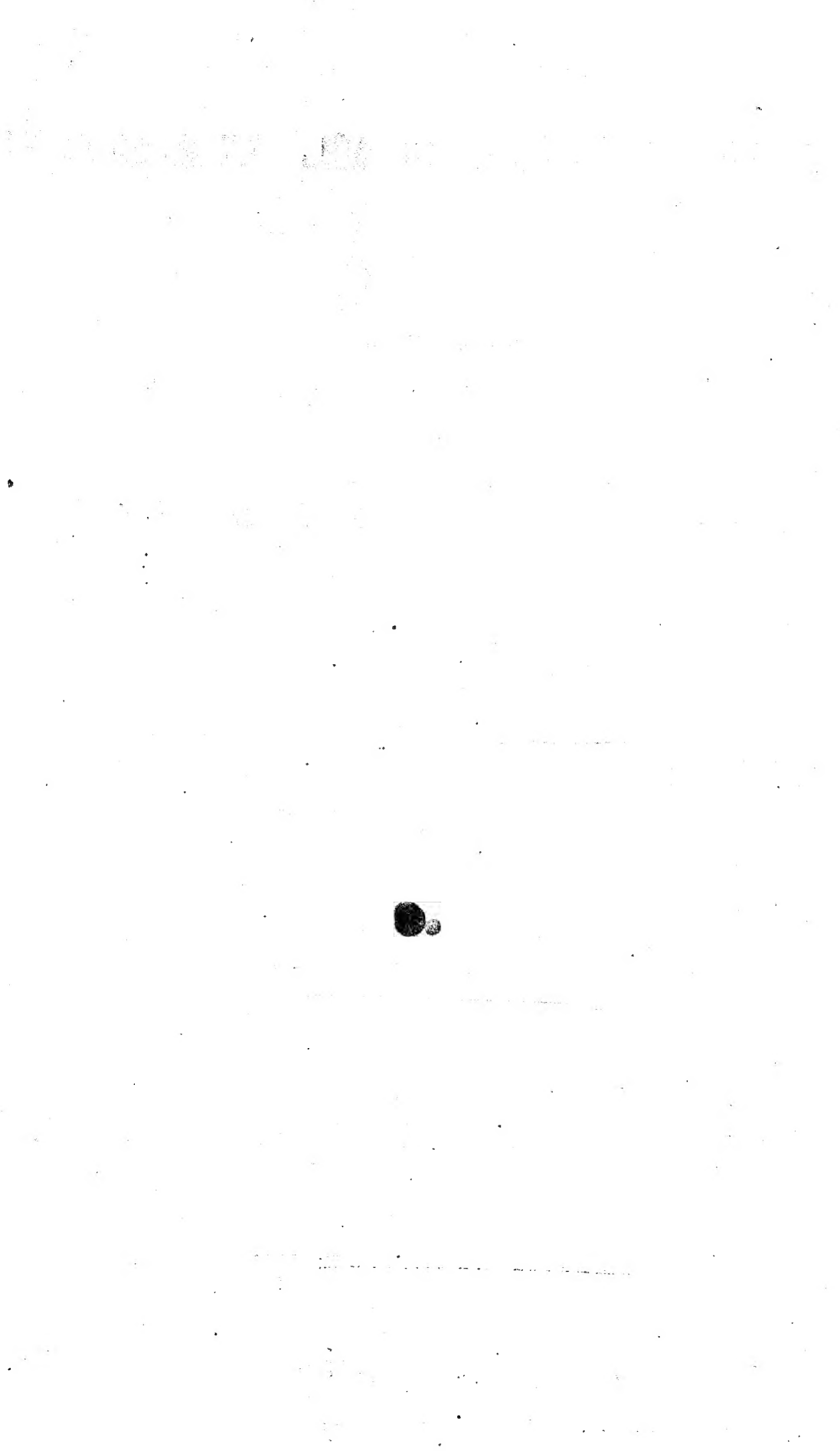
BLAIR AND RIVES, EDITORS.

SECOND SESSION---VOLUME IX.

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CONGRESSIONAL GLOBE.

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THURSDAY, DECEMBER 17, 1840.

VOLUME 9.....No. 1.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

CONGRESS.

MONDAY, December 7, 1840.

This being the day set apart by the Constitution for the meeting of Congress, the following Senators appeared in their seats:

MESSRS. ALLEN, BENTON, BUCHANAN, CRITTENDEN, FULTON, HUNTINGDON, LINN, LUMPKIN, PORTER, PRENTISS, SMITH of Ia., STURGEON, TAPPAN, WALL, WRIGHT, YOUNG.

At 12 o'clock, the SECRETARY, in the absence of the presiding officer, called the Senate to order, and there being no quorum present,

On motion of Mr. WRIGHT, the Senate adjourned until to-morrow at 12 o'clock.

HOUSE OF REPRESENTATIVES.

At 12 o'clock, the SPEAKER called the House to order.

The CLERK then called the roll by States, when the following gentlemen answered to their names, viz:

MAINE.—MESSRS. Hugh J. Anderson, Nathan Clifford, Benjamin Randall, and Albert Smith.

NEW HAMPSHIRE.—MESSRS. Charles G. Atherton, Ira A. Eastman, and Jared W. Williams.

MASSACHUSETTS.—MESSRS. John Quincy Adams, Osmyn Baker, Levi Lincoln, William Parmenter, and Henry Williams.

RHODE ISLAND.—MESSRS. Robert E. Cranston and Joseph L. Tillinghast.

CONNECTICUT.—MESSRS. Thomas B. Osborne and Joseph Trumbull.

VERMONT.—MESSRS. Horace Everett, Hiland Hall, William Slade, and John Smith.

NEW YORK.—MESSRS. David P. Brewster, Amasa Dana, Nehemiah H. Earl, John Ely, John Fine, Francis Granger, Augustus C. Hand, Thomas B. Jackson, Charles Johnston, Nathaniel Jones, Gouverneur Kemble, James Monroe, Luther C. Peck, John H. Prentiss, David Russell, Theron R. Strong, and Peter J. Wagner.

NEW JERSEY.—MESSRS. Joseph F. Randolph and Peter D. Vroom.

PENNSYLVANIA.—MESSRS. William Beatty, James Cooper, Edward Davies, Joseph Fornance, Thomas Henry, Enos Hock, George M. Keim, Isaac Leet, Samuel W. Morris, George McCulloch, William Simonton, George W. Toland, and David D. Wagener.

MARYLAND.—Mr. Daniel Jenifer.

VIRGINIA.—MESSRS. Robert Craig, George W. Hopkins, Robt. M. T. Hunter, *Speaker*, William Lucas, Green B. Samuels, Lewis Steenrod, and John Taliaferro.

NORTH CAROLINA.—MESSRS. Kenneth Rayner and Lewis Williams.

SOUTH CAROLINA.—Mr. Thomas D. Sumpter.

KENTUCKY.—MESSRS. Lian Boyd, Willis Green, Richard Hawes, and Joseph R. Underwood.

TENNESSEE.—MESSRS. John Bell, Julius W. Blackwell, John W. Crockett, Cave Johnson, Abraham McClellan, Harvey M. Watterson, and Christopher H. Williams.

OHIO.—MESSRS. William Key Bond, Alexander Duncan, Patrick G. Goode, John Hastings, Daniel P. Leadbetter, Samson Mason, William Medill, Calvary Morris, Isaac Parrish, Joseph Ridgway, and George Sweeney.

INDIANA.—MESSRS. John W. Davis, George H. Proffit, James Rariden, and Thomas Smith.

ILLINOIS.—Mr. Zadok Casey.

MISSOURI.—Mr. John Miller.

The following gentlemen elected to fill the vacancies occasioned by the resignation and death of former members, were then announced and severally took the usual oath; viz:

Mr. CHARLES McCURE, of Pennsylvania.

ROBERT C. WINTHROP, of Massachusetts.

JEREMIAH MORROW, of Ohio.

HENRY S. LANE, of Indiana.

WILLIAM W. BOARDMAN, of Connecticut.

NICHOLAS B. DOE, of New York.

JOHN B. THOMPSON, of Kentucky.

The SPEAKER then counted the House, and there being no quorum,

At ten minutes past twelve, on motion of Mr. LEWIS WILLIAMS,

The House adjourned.

SENATE.

TUESDAY, December 8, 1840.

At 12 o'clock, the Hon. W. R. KING, President *pro tempore*, called the Senate to order, and it being ascertained that there was not a quorum present,

On motion of Mr. SMITH of Indiana, the Senate adjourned until to-morrow at 12 o'clock.

In addition to those whose names were given yesterday, we noticed the following Senators in attendance: MESSRS. CLAY of Kentucky, KING, MERRICK, NORVELL, and ROBINSON.

HOUSE OF REPRESENTATIVES.

After the journal of yesterday had been read, and it appearing therefrom that the House had adjourned for want of a quorum,

The SPEAKER directed the Clerk to call over the names of the absentees; which being done, the following gentlemen responded, viz:

FROM MASSACHUSETTS.—MESSRS. George N. Briggs and William B. Calhoun.

CONNECTICUT.—MESSRS. Truman Smith and Thomas W. Williams.

VERMONT.—Mr. Isaac Fletcher.

NEW YORK.—MESSRS. Daniel D. Barnard, Thomas C. Crittenden, John C. Clark, Millard Fillmore, Seth M. Gates, Gouverneur Kemble, Meredith Mallory, Richard P. Marvin, Charles F. Mitchell, James De La Montanya, and Edward Rodgers.

NEW JERSEY.—Mr. Joseph Kille.

PENNSYLVANIA.—MESSRS. John Davis, John Galbraith, James Gerry, Albert G. Marchand, Charles Naylor, Peter Newhard, and John Sergeant.

MARYLAND.—MESSRS. Solomon Hillen, Francis Thomas, and Philip F. Thomas.

VIRGINIA.—Andrew Beirne, John Hill, and Joseph Johnson.

NORTH CAROLINA.—MESSRS. William Montgomery and Charles Shepard.

SOUTH CAROLINA.—MESSRS. Sampson H. Butler and John K. Griffin.

KENTUCKY.—MESSRS. Landaff W. Andrews, Garret Davis, Philip Triplett, and John White.

TENNESSEE.—MESSRS. Aaron V. Brown, William B. Campbell, Meredith P. Gentry, and Hopkins L. Turney.

OHIO.—MESSRS. Jonathan Taylor and John B. Weller.

LOUISIANA.—Mr. Thomas W. Chinn.

INDIANA.—MESSRS. John Carr and William W. Wick.

MISSISSIPPI.—Mr. Albert G. Brown.

ILLINOIS.—Mr. John T. Stuart.

ALABAMA.—Mr. Reuben Chapman.

MISSOURI.—Mr. John Jameson.

ARKANSAS.—Mr. Edward Cross.

MICHIGAN.—Mr. Isaac E. Cray.

FLORIDA.—Mr. Charles Downing.

Mr. DODGE, Delegate from Iowa, and Mr. DOTY, Delegate from Wisconsin, were then duly qualified, and took their seats.

There being now a quorum,

On motion of Mr. TALIAFERRO, it was

Resolved, That a committee be appointed on the part of this House, to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled; and that Congress is now ready to receive any communication he may be pleased to make.

Whereupon, Mr. TALIAFERRO and Mr. CAVE JOHNSON were appointed the said committee on the part of the House.

Mr. TALIAFERRO also offered the following:

Ordered, That a message be sent to the Senate, informing that body that a quorum of the House of Representatives is assembled, and that the House is ready to proceed to business.

ABOLITION OF SLAVERY.

Mr. ADAMS gave notice that he would on to-morrow move to rescind the 21st rule of the House adopted on the 28th of January last; which is as follows:

"No petition, memorial, resolution, or other paper praying the abolition of slavery in the District of Columbia, or any State or Territory, or the slave trade between the States or Territories of the United States, in which it now exists, shall be received by this House, or entertained in any way whatever."

Mr. CASEY observed, that he had just learned there was no quorum present in the Senate; and, as there would probably be none to-day, he would move that the House adjourn.

And, at half-past twelve, p. m.

The House adjourned.

IN SENATE,

WEDNESDAY, December 9, 1840.

The Senate was called to order by the Hon. W. R. KING, President *pro tempore*, when the following Senators appeared in their places:

MAINE.

Mr. RUGGLES.

NEW HAMPSHIRE:

Mr. HUBBARD.

Mr. PIERCE.

MASSACHUSETTS.

Mr. DAVIS.

VERMONT.

Mr. PRENTISS.

CONNECTICUT.

Mr. HUNTINGTON.

RHODE ISLAND.

Mr. KNIGHT.

Mr. DIXON.

NEW YORK.

Mr. WRIGHT.

NEW JERSEY.

Mr. WALL.

PENNSYLVANIA.

Mr. BUCHANAN.

Mr. STURGEON.

DELAWARE.

Mr. CLAYTON.

MARYLAND.

Mr. MERRICK.

GEORGIA.

Mr. LUMPKIN.

ALABAMA.

Mr. KING.

Mr. CLAY.

KENTUCKY.

Mr. CLAY.

Mr. CRITTENDEN.

OHIO.

Mr. ALLEN.

Mr. TAPPAN.

INDIANA.

Mr. SMITH.

ILLINOIS.

Mr. ROBINSON.

Mr. YOUNG.

MISSISSIPPI.

Mr. HENDERSON.

MISSOURI.

Mr. BENTON.

Mr. LINN.

ARKANSAS.

Mr. SEVIER.

Mr. FULTON.

MICHIGAN.

Mr. NORVELL.

Mr. PORTER.

The Hon. WILLIE P. MANGUM elected by the Legislature of North Carolina a Senator from the

State, for the unexpired term occasioned by the resignation of the Hon. BEDFORD BROWN, appeared, was qualified, and took his seat in the Senate.

Mr. FULTON submitted the following resolution, which was considered and agreed to:

Resolved, That a message be sent to the House of Representatives, informing that body that a quorum of the Senate is assembled, and that they are ready to proceed to business.

A message was received from the House of Representatives, stating that a quorum of that body was assembled, and were ready to proceed to business.

A message was also received from the House of Representatives, stating that they had passed the following joint resolution:

Resolved, That a committee be appointed on the part of this House, to join such committee as may be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses is assembled, and that Congress is now ready to receive any communication he may be pleased to make.

And that Mr. TALIAFERRO and Mr. CAVE JOHNSON were appointed the said committee on the part of the House.

On motion of Mr. WRIGHT the message of the House was concurred in; whereupon Messrs. WRIGHT and HUNTINGDON were appointed the committee on the part of the Senate.

Mr. LUMPKIN offered the following resolution; which was considered and agreed to:

Resolved, That each Senator be supplied during the present session with three such newspapers printed in any of the States as he may choose; provided the same be furnished at the usual rate for the annual charge for such newspapers; and provided that, if any Senator shall choose to take any newspaper other than daily papers, he shall be supplied with as many such papers as shall not exceed the price of three daily papers.

Mr. SMITH of Indiana offered the following resolution; which was considered and agreed to:

Resolved, That the 34th rule of the Senate be so far suspended that the presiding officer of the Senate shall appoint, for the present session, the members of all the standing committees, with the exception of the chairman of the Committee on Commerce; and that the Senate shall, previously to such appointment, elect by ballot, the chairman of that committee.

A message was received from the House of Representatives, stating that it had passed a resolution for the election of two Chaplains of different denominations, to officiate alternately, in either branch of Congress during the present session, and asking the concurrence of the Senate therein.

Mr. WRIGHT, from the Joint Committee appointed to wait on the President of the United States, and inform him that a quorum of the two Houses had assembled, and were ready to receive any communications he might be pleased to make, reported that they had performed that duty, and that the President had replied that he would immediately make a communication to them in writing.

MESSAGE OF THE PRESIDENT.

The following message from the President of the United States was received by Mr. VAN BUREN, his Private Secretary:

Fellow-citizens of the Senate

and House of Representatives:

Our devout gratitude is due to the Supreme Being for having graciously continued to our beloved country, through the vicissitudes of another year, the invaluable blessings of health, plenty, and peace. Seldom has this favored land been so generally exempted from the ravages of disease, or the labor of the husbandman more amply rewarded; and never before have our relations with other countries been placed on a more favorable basis than that which they so happily occupy at this critical conjuncture in the affairs of the world. A rigid and persevering abstinence from all interference with the domestic and political relations of

other States, alike due to the genius and distinctive character of our Government and to the principles by which it is directed; a faithful observance, in the management of our foreign relations, of the practice of speaking plainly, dealing justly, and requiring truth and justice in return, as the best conservatives of the peace of nations; a strict impartiality in our manifestations of friendship, in the commercial privileges we concede, and those we require from others: these, accompanied by a disposition as prompt to maintain, in every emergency, our own rights, as we rea from principle averse to the invasion of those of others, have given to our country and Government a standing in the great family of nations, of which we have just cause to be proud, and the advantages of which are experienced by our citizens throughout every portion of the earth to which their enterprising and adventurous spirit may carry them. Few, if any, remain insensible to the value of our friendship, or ignorant of the terms on which it can be acquired, and by which it can alone be preserved.

A series of questions of long standing, difficult in their adjustment, and important in their consequences, in which the rights of our citizens and the honor of the country were deeply involved, have, in the course of a few years, (the most of them during the successful administration of my immediate predecessor,) been brought to a satisfactory conclusion; and the most important of those remaining are, I am happy to believe, in a fair way of being speedily and satisfactorily adjusted.

With all the powers of the world our relations are those of honorable peace. Since your adjournment, nothing serious has occurred to interrupt or threaten this desirable harmony. If clouds have lowered above the other hemisphere, they have not cast their portentous shadows upon our happy shores. Bound by no entangling alliances, yet linked by a common nature and interest with the other nations of mankind, our aspirations are for the preservation of peace, in whose solid and civilizing triumphs all may participate with a generous emulation. Yet it behooves us to be prepared for any event, and to be always ready to maintain those just and enlightened principles of national intercourse, for which this Government has ever contended. In the shock of contending empires, it is only by assuming a resolute bearing, and clothing themselves with defensive armor, that neutral nations can maintain their independent rights.

The excitement which grew out of the territorial controversy between the United States and Great Britain having in a great measure subsided, it is hoped that a favorable period is approaching for its final settlement. Both Governments must now be convinced of the dangers with which the question is fraught; and it must be their desire, as it is their interest, that this perpetual cause of irritation should be removed as speedily as practicable. In my last annual message you were informed that the proposition for a commission of exploration and survey promised by Great Britain had been received, and that a counter project, including also a provision for the certain and final adjustment of the limits in dispute, was then before the British Government for its consideration. The answer of that Government, accompanied by additional propositions of its own, was received, through its minister here, since your separation. These were promptly considered; such as were deemed correct in principle, and consistent with a due regard to the just rights of the United States and of the State of Maine, concurred in; and the reasons for dissenting from the residue, with an additional suggestion on our part, communicated by the Secretary of State to Mr. Fox. That Minister, not feeling himself sufficiently instructed upon some of the points raised in the discussion, felt it to be his duty to refer the matter to his own Government for its further decision. Having now been for some time under its advisement, a speedy answer may be confidently expected. From the character of the points still in difference, and the undoubted disposition of both parties to bring the matter to an early conclusion, I look with entire confidence to a prompt and satisfactory termination of the negotiation. Three commissioners were

appointed shortly after the adjournment of Congress, under the act of the last session providing for the exploration and survey of the line which separates the States of Maine and New Hampshire from the British Provinces; they have been actively employed until their progress was interrupted by the inclemency of the season, and will resume their labors as soon as practicable in the ensuing year.

It is understood that their respective examinations will throw new light upon the subject in controversy, and serve to remove any erroneous impressions which may have been made elsewhere prejudicial to the rights of the United States. It was, among other reasons, with a view of preventing the embarrassments which, in our peculiar system of government, impede and complicate negotiations involving the territorial rights of a State, that I thought it my duty, as you have been informed on a previous occasion, to propose to the British Government, through its Minister at Washington, that early steps should be taken to adjust the points of difference on the line of boundary from the entrance of Lake Superior to the most northwestern point of the Lake of the Woods, by the arbitration of a friendly power, in conformity with the seventh article of the treaty of Ghent. No answer has yet been returned by the British Government to this proposition.

With Austria, France, Prussia, Russia, and the remaining powers of Europe, I am happy to inform you our relations continue to be of the most friendly character. With Belgium, a treaty of commerce and navigation, based upon liberal principles of reciprocity and equality, was concluded in March last, and having been ratified by the Belgian Government, will be duly laid before the Senate. It is a subject of congratulation that it provides for the satisfactory adjustment of a long standing question of controversy, thus removing the only obstacle which could obstruct the friendly and mutually advantageous intercourse between the two nations. A messenger has been despatched with the Hanoverian treaty to Berlin, where, according to stipulation, the ratifications are to be exchanged. I am happy to announce to you that, after many delays and difficulties, a treaty of commerce and navigation between the United States and Portugal, was concluded and signed at Lisbon on the 26th of August last, by the plenipotentiaries of the two Governments. Its stipulations are founded upon those principles of mutual liberality and advantage which the United States have always sought to make the basis of their intercourse with foreign powers; and it is hoped they will tend to foster and strengthen the commercial intercourse of the two countries.

Under the appropriation of the last session of Congress, an agent has been sent to Germany, for the purpose of promoting the interests of our tobacco trade.

The commissioners appointed under the convention for the adjustment of claims of citizens of the United States upon Mexico having met and organized at Washington, in August last, the papers in the possession of the Government, relating to those claims, were communicated to the board. The claims not embraced by that convention are now the subject of negotiation between the two Governments, through the medium of our Minister at Mexico.

Nothing has occurred to disturb the harmony of our relations with the different Governments of South America. I regret, however, to be obliged to inform you that the claims of our citizens upon the late Republic of Colombia have not yet been satisfied by the separate Governments into which it has been resolved.

The Charge d'Affaires at Brazil having expressed the intention of his Government not to prolong the treaty of 1823, it will cease to be obligatory upon either party on the 12th day of December, 1841, when the extensive commercial intercourse between the United States and that vast empire will no longer be regulated by express stipulations.

It affords me pleasure to communicate to you that the Government of Chili has entered into an agreement to indemnify the claimants in the case of the Macedonian, for American property seized in 1819; and to add, that information has also been

received which justifies the hope of an early adjustment of the remaining claims upon that Government.

The commissioners appointed in pursuance of the convention between the United States and Texas, for marking the boundary between them, have, according to the last report received from our commissioner, surveyed and established the whole extent of boundary north along the western bank of the Sabine river, from its entrance into the Gulf of Mexico to the thirty-second degree of north latitude. The commission adjourned on the 16th of June last, to reassemble on the 1st of November, for the purpose of establishing accurately the intersection of the thirty-second degree of latitude with the western bank of the Sabine, and the meridian line thence to Red river. It is presumed that the work will be concluded in the present season.

The present sound condition of their finances, and the success with which embarrassments in regard to them, at times apparently insurmountable, have been overcome, are matters upon which the people and the Government of the United States may well congratulate themselves. An overflowing Treasury, however it may be regarded as an evidence of public prosperity, is seldom conducive to the permanent welfare of any people; and experience has demonstrated its incompatibility with the salutary action of political institutions like those of the United States. Our safest reliance for financial efficiency and independence has, on the contrary, been found to exist in ample resources unencumbered with debt; and, in this respect, the Federal Government occupies a singularly fortunate and truly enviable position.

When I entered upon the discharge of my official duties in March, 1837, the act for the distribution of the surplus revenue was in a course of rapid execution. Nearly twenty-eight millions of dollars of the public moneys were, in pursuance of its provisions, deposited with the States in the months of January, April, and July, of that year. In May there occurred a general suspension of specie payments by the banks, including, with very few exceptions, those in which the public moneys were deposited, and upon whose fidelity the Government had unfortunately made itself dependent for the revenues which had been collected from the people, and were indispensable to the public service. This suspension, and the excesses in banking and commerce out of which it arose, and which were greatly aggravated by its occurrence, made, to a great extent, unavailable the principal part of the public money then on hand; suspended the collection of many millions accruing on merchants' bonds, and greatly reduced the revenue arising from customs and the public lands. These effects have continued to operate, in various degrees, to the present period; and, in addition to the decrease in the revenue thus produced, two and a half millions of duties have been relinquished by two biennial reductions under the act of 1833, and probably as much more upon the importation of iron for railroads, by special legislation.

Whilst such has been our condition for the last four years in relation to revenue, we have, during the same period, been subjected to an unavoidable continuance of large extraordinary expenses necessarily growing out of past transactions, and which could not be immediately arrested without great prejudice to the public interest. Of these, the charge upon the Treasury, in consequence of the Cherokee treaty alone, without adverting to others arising out of Indian treaties, has already exceeded five millions of dollars; that for the prosecution of measures for the removal of the Seminole Indians, which were found in progress, has been nearly fourteen millions; and the public buildings have required the unusual sum of nearly three millions.

It affords me, however, great pleasure to be able to say, that, from the commencement of this period to the present day, every demand upon the Government, at home or abroad, has been promptly met. This has been done, not only without creating a permanent debt, or a resort to additional taxation in any form, but in the midst of a steadily progressive reduction of existing burdens upon the

people, leaving still a considerable balance of available funds which will remain in the Treasury at the end of the year. The small amount of Treasury notes, not exceeding four and a half millions of dollars, still outstanding, and less by twenty-three millions than the United States have in deposit with the States, is composed of such only as are not yet due, or have not been presented for payment. They may be redeemed out of the accruing revenue, if the expenditures do not exceed the amount within which they may, it is thought, be kept without prejudice to the public interest, and the revenue shall prove to be as large as may justly be anticipated.

Among the reflections arising from the contemplation of these circumstances, one, not the least gratifying, is the consciousness that the Government had the resolution and the ability to adhere, in every emergency, to the sacred obligations of law; to execute all its contracts according to the requirements of the Constitution, and thus to present, when most needed, a rallying point by which the business of the whole country might be brought back to a safe and unvarying standard—a result vitally important as well to the interests as to the morals of the people. There can surely now be no difference of opinion in regard to the incalculable evils that would have arisen if the Government, at that critical moment, had suffered itself to be deterred from upholding the only true standard of value, either by the pressure of adverse circumstances or the violence of unmerited denunciation. The manner in which the people sustained the performance of this duty was highly honorable to their fortitude and patriotism. It cannot fail to stimulate their agents to adhere, under all circumstances, to the line of duty; and to satisfy them of the safety with which a course really right, and demanded by a financial crisis, may, in a community like ours, be pursued, however apparently severe its immediate operation.

The policy of the Federal Government, in extinguishing as rapidly as possible the national debt, and, subsequently, in resisting every temptation to create a new one, deserves to be regarded in the same favorable light. Among the many objections to a national debt, the certain tendency of public securities to concentrate ultimately in the coffers of foreign stockholders, is one which is every day gathering strength. Already have the resources of many of the States, and the future industry of their citizens, been indefinitely mortgaged to the subjects of European Governments, to the amount of twelve millions annually, to pay the constantly accruing interest on borrowed money—a sum exceeding half the ordinary revenues of the whole United States. The pretext which this relation affords to foreigners to scrutinize the management of our domestic affairs, if not actually to intermeddle with them, presents a subject for earnest attention, not to say of serious alarm. Fortunately, the Federal Government, with the exception of an obligation entered into in behalf of the District of Columbia, which must soon be discharged, is wholly exempt from any such embarrassment. It is also, as is believed, the only Government which, having fully and faithfully paid all its creditors, has also relieved itself entirely from debt. To maintain a distinction so desirable, and so honorable to our national character, should be an object of earnest solicitude. Never should a free people, if it be possible to avoid it, expose themselves to the necessity of having to treat of the peace, the honor, or the safety of the Republic, with the Governments of foreign creditors, who, however well disposed they may be to cultivate with us in general friendly relations, are nevertheless, by the law of their own condition, made hostile to the success and permanency of political institutions like ours. Most humiliating may be the embarrassments consequent upon such a condition. Another objection, scarcely less formidable, to the commencement of a new debt, is its inevitable tendency to increase in magnitude, and to foster national extravagance. He has been an unprofitable observer of events, who needs at this day to be admonished of the difficulties which a Government, habitually dependent on loans to sustain its ordinary expenditures, has to encounter in resisting the influences constantly exerted in fa-

vor of additional loans; by capitalists, who enrich themselves by Government securities for amounts much exceeding the money they actually advance—a prolific source of individual aggrandizement in all borrowing countries; by stockholders, who seek their gains in the rise and fall of public stocks; and by the selfish importunities of applicants for appropriations for works avowedly for the accommodation of the public, but the real objects of which are, too frequently, the advancement of private interests. The known necessity which so many of the States will be under to impose taxes for the payment of the interest on their debts, furnishes an additional and very cogent reason why the Federal Government should refrain from creating a national debt, by which the people would be exposed to double taxation for a similar object. We possess within ourselves ample resources for every emergency; and we may be quite sure that our citizens, in no future exigency, will be unwilling to supply the Government with all the means asked for the defence of the country. In time of peace there can, at all events, be no justification for the creation of a permanent debt by the Federal Government. Its limited range of constitutional duties may certainly, under such circumstances, be performed without such a resort. It has, it is seen, been avoided during four years of greater fiscal difficulties than have existed in a similar period since the adoption of the Constitution, and one also remarkable for the occurrence of extraordinary causes of expenditures.

But to accomplish so desirable an object, two things are indispensable: first, that the action of the Federal Government be kept within the boundaries prescribed by its founders, and, secondly, that all appropriations for objects admitted to be constitutional, and the expenditure of them also, be subjected to a standard of rigid but well considered and practical economy. The first depends chiefly on the people themselves, the opinions they form of the true construction of the Constitution, and the confidence they repose in the political sentiments of those they select as their representatives in the Federal Legislature; the second rests upon the fidelity with which their more immediate representatives, and other public functionaries, discharge the trusts committed to them. The duty of economizing the expenses of the public service is admitted on all hands; yet there are few subjects upon which there exists a wider difference of opinion than is constantly manifested in regard to the fidelity with which that duty is discharged. Neither diversity of sentiment, nor even mutual recriminations, upon a point in respect to which the public mind is so justly sensitive, can well be entirely avoided; and least so at periods of great political excitement. An intelligent people, however, seldom fail to arrive, in the end, at correct conclusions in such a matter. Practical economy in the management of public affairs can have no adverse influence to contend with more powerful than a large surplus revenue; and the unusually large appropriations for 1837 may, without doubt, independently of the extraordinary requisitions for the public service growing out of the state of our Indian relations, be, in no inconsiderable degree, traced to this source. The sudden and rapid distribution of the large surplus then in the Treasury, and the equally sudden and unprecedentedly severe revulsion in the commerce and business of the country, pointing with unerring certainty to a great and protracted reduction of the revenue, strengthened the propriety of the earliest practicable reduction of the public expenditures.

But, to change a system operating upon so large a surface, and applicable to such numerous and diversified interests and objects, was more than the work of a day. The attention of every department of the Government was immediately, and in good faith, directed to that end; and has been so continued to the present moment. The estimates and appropriations for the year 1838 (the first over which I had any control) were somewhat diminished. The expenditures of 1839 were reduced six millions of dollars. Those of 1840, exclusive of disbursements for public debt and trust claims, will probably not exceed twenty-two and a half millions; being between two and three millions less than those

of the preceding year, and nine or ten millions less than those of 1837. Nor has it been found necessary, in order to produce this result, to resort to the power conferred by Congress, of postponing certain classes of the public works, except by deferring expenditures for a short period upon a limited portion of them; and which postponement terminated some time since, at the moment the Treasury Department, by further receipts from the indebted banks, became fully assured of its ability to meet them without prejudice to the public service in other respects. Causes are in operation which will, it is believed, justify a still further reduction, without injury to any important national interest. The expenses of sustaining the troops employed in Florida have been gradually and greatly reduced, through the persevering efforts of the War Department; and a reasonable hope may be entertained that the necessity for military operations in that quarter will soon cease. The removal of the Indians from within our settled borders is nearly completed. The pension list, one of the heaviest charges upon the Treasury, is rapidly diminishing by death. The most costly of our public buildings are either finished, or nearly so; and we may, I think, safely promise ourselves a continued exemption from border difficulties.

The available balance in the Treasury on the first of January next is estimated at one million and a half of dollars. This sum, with the expected receipts from all sources during the next year, will, it is believed, be sufficient to enable the Government to meet every engagement, and leave a suitable balance in the Treasury at the end of the year, if the remedial measures connected with the customs and the public lands, heretofore recommended, shall be adopted, and the new appropriations by Congress shall not carry the expenditures beyond the official estimates.

The new system established by Congress for the safekeeping of the public money, prescribing the kind of currency to be received for the public revenue, and providing additional guards and securities against losses, has now been several months in operation. Although it might be premature, upon an experience of such limited duration, to form a definite opinion in regard to the extent of its influences in correcting many evils under which the Federal Government and the country have hitherto suffered, especially those that have grown out of banking expansions, a depreciated currency, and official defalcations, yet it is but right to say that nothing has occurred in the practical operation of the system to weaken in the slightest degree, but much to strengthen the confident anticipations of its friends. The grounds of these have been heretofore so fully explained, as to require no recapitulation. In respect to the facility and convenience it affords in conducting the public service, and the ability of the Government to discharge through its agency every duty attendant on the collection, transfer, and disbursement of the public money with promptitude and success, I can say with confidence that the apprehensions of those who felt it to be their duty to oppose its adoption, have proved to be unfounded. On the contrary, this branch of the fiscal affairs of the Government has been, and it is believed may always be, thus carried on with every desirable facility and security. A few changes and improvements in the details of the system, without affecting any principles involved in it, will be submitted to you by the Secretary of the Treasury, and will, I am sure, receive at your hands that attention to which they may, on examination, be found to be entitled.

I have deemed this brief summary of our fiscal affairs necessary to the due performance of a duty specially enjoined upon me by the Constitution. It will serve, also, to illustrate more fully the principles by which I have been guided in reference to two contested points in our public policy, which were earliest in their development, and have been more important in their consequences, than any that have arisen under our complicated and difficult, yet admirable, system of Government: I allude to a national debt, and a national bank. It was in these that the political contests by which the country has been agitated ever since the adoption of the Constitution, in a great measure, originated; and

there is too much reason to apprehend that the conflicting interests and opposing principles thus marshalled, will continue, as heretofore, to produce similar, if not aggravated, consequences.

Coming into office the declared enemy of both, I have earnestly endeavored to prevent a resort to either.

The consideration that a large public debt affords an apology, and produces, in some degree, a necessity also, for resorting to a system and extent of taxation which is not only oppressive throughout, but likewise so apt to lead, in the end, to the commission of that most odious of all offences against the principles of Republican government—the prostitution of political power, conferred for the general benefit, to the aggrandizement of particular classes, and the gratification of individual cupidity—is alone sufficient, independently of the weighty objections which have already been urged, to render its creation and existence the sources of bitter and unappeasable discord. If we add to this, its inevitable tendency to produce and foster extravagant expenditures of the public money, by which a necessity is created for new loans and new burdens on the people; and, finally, if we refer to the examples of every Government which has existed, for proof how seldom it is that the system, when once adopted and implanted in the policy of a country, has failed to expand itself, until public credit was exhausted, and the people were no longer able to endure its increasing weight, it seems impossible to resist the conclusion, that no benefits resulting from its career, no extent of conquest, no accession of wealth to particular classes; nor any, nor all its combined advantages, can counterbalance its ultimate but certain results—a splendid Government, and an impoverished people.

If a National Bank was, as is undeniable, repudiated by the framers of the Constitution as incompatible with the rights of the States and the liberties of the people; if, from the beginning, it has been regarded by large portions of our citizens as coming in direct collision with that great and vital amendment of the Constitution, which declares that all powers not conferred by that instrument on the General Government are reserved to the States and to the people; if it has been viewed by them as the first great step in the march of latitudinous construction, which, unchecked, would render that sacred instrument of as little value as an unwritten Constitution, dependent, as it would alone be, for its meaning, on the interested interpretation of a dominant party, and affording no security to the rights of the minority; if such is undeniably the case, what rational grounds could have been conceived for anticipating aught but determined opposition to such an institution at the present day.

Could a different result have been expected, when the consequences which have flowed from its creation, and particularly from its struggles to perpetuate its existence, had confirmed, in so striking a manner, the apprehensions of its earliest opponents; when it had been so clearly demonstrated that a concentrated money-power, wielding so vast a capital, and combining such incalculable means of influence, may, in those peculiar conjunctures to which this Government is unavoidably exposed, prove an overmatch for the political power of the people themselves; when the true character of its capacity to regulate, according to its will and its interests, and the interests of its favorites, the value and production of the labor and property of every man in this extended country, had been so fully and fearfully developed; when it was notorious that all classes of this great community had, by means of the power and influence it thus possesses, been infected to madness with a spirit of heedless speculation; when it had been seen that, secure in the support of the combination of influences by which it was surrounded, it could violate its charter, and set the laws at defiance with impunity; and when, too, it had become most apparent that to believe that such an accumulation of powers can ever be granted without the certainty of being abused, was to indulge in a fatal delusion?

To avoid the necessity of a permanent debt, and

its inevitable consequences. I have advocated, and endeavored to carry into effect, the policy of confining the appropriations for the public service to such objects only as are clearly within the constitutional authority of the Federal Government; of excluding from its expenses those improvident and unauthorized grants of public money for works of internal improvement, which were so wisely arrested by the constitutional interposition of my predecessor, and which, if they had not been so checked, would long before this time have involved the finances of the General Government in embarrassments far greater than those which are now experienced by any of the States, of limiting all our expenditures to that simple, unostentatious, and economical administration of public affairs, which is alone consistent with the character of our institutions; of collecting annually from the customs, and the sales of public lands, a revenue fully adequate to defray all the expenses thus incurred, but, under no pretence whatsoever, to impose taxes upon the people to a greater amount than was actually necessary to the public service, conducted upon the principles I have stated.

In lieu of a national bank, or a dependence upon banks of any description, for the management of our fiscal affairs, I recommended the adoption of the system which is now in successful operation. That system affords every requisite facility for the transaction of the pecuniary concerns of the Government; will, it is confidently anticipated, produce in other respects many of the benefits which have been from time to time expected from the creation of a national bank, but which have never been realized; avoid the manifold evils inseparable from such an institution; diminish, to a greater extent than could be accomplished by any other measure of reform, the patronage of the Federal Government—a wise policy in all Governments, but more especially so in one like ours, which works well only in proportion as it is made to rely for its support upon the unbiassed and unadulterated opinions of its constituents; do away, forever, all dependence on corporate bodies, either in the raising, collecting, safekeeping, or disbursing the public revenues, and place the Government equally above the temptation of fostering a dangerous and unconstitutional institution at home, or the necessity of adapting its policy to the views and interests of a still more formidable money-power abroad.

It is by adopting and carrying out these principles, under circumstances the most arduous and discouraging, that the attempt has been made, thus far successfully, to demonstrate to the people of the United States that a National Bank at all times; and a national debt, except it be incurred at a period when the honor and safety of the nation demand the temporary sacrifice of a policy, which should only be abandoned in such exigencies, are not merely unnecessary, but in direct and deadly hostility to the principles of their Government, and to their own permanent welfare.

The progress made in the development of these positions, appears in the preceding sketch of the past history and present state of the financial concerns of the Federal Government. The facts there stated fully authorize the assertion, that all the purposes for which this Government was instituted have been accomplished during four years of greater pecuniary embarrassment than were ever before experienced in time of peace, and in the face of opposition as formidable as any that was ever before arrayed against the policy of an Administration; that this has been done when the ordinary revenues of the Government were generally decreasing, as well from the operation of the laws, as the condition of the country, without the creation of a permanent public debt, or incurring any liability, other than such as the ordinary resources of the Government will speedily discharge, and without the agency of a National Bank.

If this view of the proceedings of the Government, for the period it embraces, be warranted by the facts as they are known to exist; if the army and navy have been sustained to the full extent authorized by law, and which Congress deemed sufficient for the defence of the country and the protection of its rights and its honor; if its civil and diplomatic service has been equally sustained; if

selves for their activity, patience, and enduring courage; the army has been constantly furnished with supplies of every description; and we must look for the causes which have so long procrastinated the issue of the contest, in the vast extent of the theatre of hostilities, the almost insurmountable obstacles presented by the nature of the country, the climate, and the wily character of the savages.

The sites for marine hospitals on the rivers and lakes, which I was authorized to select and cause to be purchased, have all been designated; but, the appropriation not proving sufficient, conditional arrangements only have been made for their acquisition. It is for Congress to decide whether those conditional purchases shall be sanctioned, and the humane intentions of the law carried into full effect.

The navy, as will appear from the accompanying report of the Secretary, has been usefully and honorably employed in the protection of our commerce and citizens in the Mediterranean, the Pacific, on the coast of Brazil, and in the Gulf of Mexico. A small squadron, consisting of the frigate *Constellation* and the sloop-of-war *Boston*, under Commodore Kearney, is now on its way to the China and Indian seas, for the purpose of attending to our interests in that quarter; and Commander Aulick, in the sloop-of-war *Yorktown*, has been instructed to visit the Sandwich and Society islands, the coasts of New Zealand and Japan, together with other ports and islands frequented by our whale-ships, for the purpose of giving them countenance and protection, should they be required. Other smaller vessels have been, and still are, employed in prosecuting the surveys of the coast of the United States, directed by various acts of Congress; and those which have been completed will shortly be laid before you.

The Exploring expedition, at the latest date, was preparing to leave the Bay of Islands, New Zealand, in further prosecution of objects which have thus far been successfully accomplished. The discovery of a new continent, which was first seen in latitude 66° 2' south, longitude 154° 27' east, and afterwards in latitude 66° 31' south, longitude 153° 40' east, by Lieutenant Wilkes and Hudson, for an extent of eighteen hundred miles, but on which they were prevented from landing by vast bodies of ice which encompassed it, is one of the honorable results of the enterprise. Lieutenant Wilkes bears testimony to the zeal and good conduct of his officers and men; and it is but justice to that officer to state that he appears to have performed the duties assigned to him with an ardor, ability, and perseverance, which give every assurance of an honorable issue to the undertaking.

The report of the Postmaster General, herewith transmitted, will exhibit the service of that Department the past year, and its present condition. The transportation has been maintained during the year to the full extent authorized by the existing laws; some improvements have been effected, which the public interest seemed urgently to demand, but not involving any material additional expenditure; the contractors have generally performed their engagements with fidelity; the postmasters, with few exceptions, have rendered their accounts and paid their quarterly balances with promptitude; and the whole service of the Department has maintained the efficiency for which it has for several years been distinguished.

The acts of Congress establishing new mail routes, and requiring more expensive services on others, and the increasing wants of the country, have, for three years past, carried the expenditures something beyond the accruing revenues; the excess having been met, until the past year, by the surplus which had previously accumulated. That surplus having been exhausted, and the anticipated increase in the revenue not having been realized, owing to the depression in the commercial business of the country, the finances of the department exhibit a small deficiency at the close of the last fiscal year. Its resources, however, are ample; and the reduced rates of compensation for the transportation service, which may be expected on the future lettings, from the general reduction of prices, with

the increase of revenue that may reasonably be anticipated from the revival of commercial activity, must soon place the finances of the department in a prosperous condition.

Considering the unfavorable circumstances which have existed during the past year, it is a gratifying result that the revenue has not declined, as compared with the preceding year, but, on the contrary, exhibits a small increase; the circumstances referred to having had no other effect than to check the expected income.

It will be seen that the Postmaster General suggests certain improvements in the establishment, designed to reduce the weight of the mails, cheapen the transportation, ensure greater regularity in the service, and secure a considerable reduction in the rates of letter postage—an object highly desirable. The subject is one of general interest to the community, and is respectfully recommended to your consideration.

The suppression of the African slave trade has received the continued attention of the Government. The brig *Dolphin* and schooner *Grampus* have been employed during the last season on the coast of Africa, for the purpose of preventing such portions of that trade as was said to be prosecuted under the American flag. After cruising off those parts of the coast most usually resorted to by slavers, until the commencement of the rainy season, these vessels returned to the United States for supplies, and have since been despatched on a similar service.

From the reports of the commanding officers, it appears that the trade is now principally carried on under Portuguese colors; and they express the opinion that the apprehension of their presence on the slave coast has, in a great degree, arrested the prostitution of the American flag to this inhuman purpose. It is hoped that, by continuing to maintain this force in that quarter, and by the exertions of the officers in command, much will be done to put a stop to whatever portion of this traffic may have been carried on under the American flag, and to prevent its use in a trade which, while it violates the laws, is equally an outrage on the rights of others and the feelings of humanity. The efforts of the several Governments who are anxiously seeking to suppress this traffic must, however, be directed against the facilities afforded by what are now recognised as legitimate commercial pursuits, before that object can be fully accomplished. Supplies of provisions, water-casks, merchandise, and articles connected with the prosecution of the slave-trade, are, it is understood, freely carried by vessels of different nations to the slave factories; and the effects of the factors are transported openly from one slave station to another, without interruption or punishment by either of the nations to which they belong, engaged in the commerce of that region. I submit to your judgments whether this Government, having been the first to prohibit, by adequate penalties, the slave trade—the first to declare it piracy—should not be the first, also, to forbid to its citizens all trade with the slave factories on the coast of Africa; giving an example to all nations in this respect, which, if fairly followed, cannot fail to produce the most effective results in breaking up those dens of iniquity.

M. VAN BUREN.

Washington, December 5, 1840.

The message having been read,

On motion by Mr. HUBBARD,

Ordered, That the message and accompanying documents be printed; and that five thousand copies of the message, and fifteen hundred copies of the message and accompanying documents, be printed for the use of the Senate.

The PRESIDENT communicated a letter from the Secretary of the Treasury, accompanied by his annual report on the finances, which was ordered to be printed.

REPORT FROM THE SECRETARY OF THE TREASURY,
ON THE STATE OF THE FINANCES.

TREASURY DEPARTMENT,
December 7, 1840.

The undersigned respectfully submits to Congress the following report on the finances:

He has great pleasure in announcing that during the present year the expenditures have been

still further reduced; and, though the revenue has not proved so large as usual, all the public engagements have been met with promptitude.

I. The receipts and means for 1840, exclusive of trusts and the Post Office has been as follows:

The available balance in the Treasury on the 1st of January, 1840, is computed to have been - \$2,246,749 00

The data on which this conclusion rests, connected with the actual receipts and expenditures in 1839, and with the unavailable condition of a portion of the public funds, may be seen in the statements annexed.

During the first three quarters of the present year the nett receipts from customs were - \$10,689,884 78

During the same period the receipts from lands were - 2,630,217 25

Miscellaneous receipts for the same time - 77,660 98

Estimated receipts for the fourth quarter from all these sources - 3,800,000 00

These make the aggregate of ordinary receipts for the year - 17,197,763 01

Add the estimated receipts of principal and interest in 1840, out of what was due from former deposit banks, but not available on the 1st of January last - \$850,000 00

Add also the estimated receipts from the fourth bond of the United States Bank - 2,500,000 00

Deduct from the issue of Treasury notes instead of others redeemed - 5,440,000 00

Aggregate from these additional sources - 8,790,000 00

This will make the total means in 1840, as ascertained and estimated - \$28,234,512 01

It is proper to remark, that about \$700,000 of the sums computed to be received within the year from the banks above described, have not yet been ascertained to be paid; and if, contrary to expectation, there should be a failure to pay any part of them until next year, it will make a difference to that extent in the preceding results.

II. The expenditures for 1840, exclusive of trusts and the Post Office, have been as follows:

For the first three quarters: civil, diplomatic, and miscellaneous - \$4,118,248 64

For the same time, military - 8,750,784 52

For the same time, naval - 4,620,316 35

Estimates by this Department (though higher by the others) for all expenses during the fourth quarter - 5,000,000 00

These make the aggregate of current expenses for the whole year 22,489,349 51

Add for funded debt and interest for that of the cities of the District of Columbia during the year, ascertained and estimated - 100,000 00

Redemption of Treasury notes, including principal and interest, ascertained during the first three quarters - 3,629,306 61

Estimate of notes that will be redeemed in the fourth quarter - 425,000 00

This will make the aggregate of payments or expenditures of all kinds 26,643,656 12
 Leaving an available balance of money in the Treasury on the 31st December, 1840, computed to be 1,590,855 89
\$28,234,512 01

The funds on hand, considered not available for public purposes, at the commencement as well as close of the present year, are described particularly in the statement annexed.

Previous to the close of the year, should Congress pass any new appropriations which may be immediately expended, an additional charge to that extent will thus be imposed on 1840; and if amounting to any considerable sum, it might prudently be accompanied by some provision of new means sufficient for its payment.

III. The condition of the public debt next demands consideration.

An exhibit of the particulars of it, whether funded or unfunded, and of the payments made within the year on account of both, is annexed.

Probably none of the former kind of debt exists which is due, except what has been forgotten, or the evidence of it mislaid; as all ever claimed, whether incurred in the Revolution, or since, has been promptly discharged. It is fortunate that no new debt of a permanent character has been recently created by the General Government; and the undersigned, for reasons formerly explained, which need not be here repeated, has uniformly considered it sound policy never to incur one in time of peace. But it will be recollected that Congress, by an act passed in May, 1836, engaged, under special conditions, to make payment of a debt due from the cities of the District of Columbia to certain individuals abroad.

The principal amounted of \$1,500,000, and was to be paid in yearly instalments of \$60,000 each, beginning the 1st of January, 1841. But the interest was payable quarterly, and, during the last four years, has been regularly discharged by the Treasury.

Within the past year, notice has been received from the agent of the creditors that payment of the first and subsequent instalments of the principal is desired to be made, when due, with punctuality. To insure a compliance with that wish, it will be necessary, besides meeting the interest quarterly, to advance \$60,000 of the principal at the commencement of the ensuing year; and the residue must be paid, in like amounts, annually hereafter, till the whole is discharged.

The canal stocks, assigned to secure these payments, can, by the terms of the agreement, be sold to aid in reimbursing them. But, in the first instance, the money is to be taken from the Treasury, under existing laws, which appropriate sufficient to discharge all outstanding debts; and a sale, if able to be made afterwards, must probably be at a great sacrifice. Congress may therefore, in its wisdom, think further legislation on the subject expedient.

This is all the funded debt not due, and likewise all of it not paid, except, as before explained, the inconsiderable portions never yet demanded.

In respect to the unfunded debt: such small parts as were created previous to 1837, and still remain unsatisfied, must, it is presumed, be in that condition from some accident, which has prevented a request to be made for payment.

Nor has any of it, which was incurred since, fallen due, without being discharged whenever claimed.

The whole balance of the four emissions of Treasury notes made since October, 1837, which was outstanding on the 1st instant, amounted only to \$4,433,823. This is but \$1,675,498 more than at the close of 1839, notwithstanding the great decline in our revenue since, and the unexpectedly large expenditures of old appropriations connected with the Florida war, and the further adjustment of claims in behalf of Indians.

Had these events not happened, less even than that amount of notes would have been issued, and the Treasury might, with ease, have redeemed within the year all that were outstanding.

It could have done the same, also, with most of them, had Congress, at the last session, passed the declaratory act concerning the tariff, modified the system of drawbacks to correspond with the existing duties, and adopted the propositions made for graduating the price of the public lands, as well as forming new land districts.

It must be gratifying to learn, however, that, though incommenced by the failure of those measures, and the unexpected circumstances before enumerated, the Department has been enabled, by other means under its control, to redeem every note presented, and to pay, with punctuality, all debts that have fallen due.

The credit of the General Government has thus thus been preserved so high, that, instead of sacrificing its securities at large discounts, as in this and foreign nations some have been compelled to do with public stocks, the Treasury notes have continued at par during the year, though never bearing an interest higher than 5-5 per cent. and subject even to the stoppage of that, after sixty days' notice.

In fine, on a review of the whole subject, our situation respecting a public debt of any kind will be found a most favored one. Regarded as an indication either of the good state of the national credit, or the ample resources of the General Government, or the discreet legislation relative to its fiscal concerns, it will be difficult to discover many eras more prosperous in these respects, whether in the annals of this or any other country.

IV. The exports and imports within the year ending September 30, 1840, exhibit several striking peculiarities. While the foreign commerce of the country constitutes the chief basis of the revenue of the General Government, and is indicative of the extent of our surplus produce, the statistical returns in relation to the subject must excite constant attention among statesmen and political economists, as well as merchants.

The exports during the year are computed to have been \$131,571,950. This amount is quite \$10,543,534 more than in 1839, notwithstanding the reduced price of some of our great staples, and is larger than ever existed before in our history.

Of the whole exports, only \$17,809,333 were of foreign origin. This left those of domestic origin at \$113,762,617, being \$6,845,937 more than in any previous year.

The imports during 1840 were about \$104,805,891. This shows the great falling off from the previous year of \$57,236,241. It furnishes, likewise, the principal explanation of the extraordinary diminution which has occurred in the revenue from customs; a diminution, however, which has been caused, in part, by evasions of the laws, new judicial constructions left uncorrected, and the payment of too large sums for bounties and drawbacks, under an omission in the existing tariff to reduce them in a ratio equal to the reduction going on in the duties.

The difference between our exports and imports has usually been in favor of the latter. Several years ago it ranged that way about seven millions of dollars annually; but, of late, the average has risen to near twenty millions annually; the excess of imports having been, in 1836 even, \$61,316,995, and in 1839 \$41,063,716. But during 1840, the extraordinary occurrence of a reverse in this state of things has taken place. Such a circumstance as the exports at all exceeding the imports, is believed to have happened previously only six times since the Constitution was adopted; and then, never to an extent beyond \$7,916,831. Now, however, without any inflation, and in some important articles under a contraction of prices, the excess of exports is not only more than ever was known before, but quite threefold greater, being computed to equal \$26,766,059.

This excess having failed to produce the usual corresponding increase of imports, but, on the contrary, having been accompanied by a diminution never previously equalled in amount, except under the influence of the embargo in 1808, the whole matter furnishes another proof of the hazardous fluctuations in the chief source of our present reve-

nue, which Congress has been requested so repeatedly to guard against by some permanent provision.

It is also a strong illustration of the probability of the conjecture expressed in the last annual report, that the country had become alarmingly indebted abroad; in part on ordinary mercantile credit, but chiefly on stocks of corporations and States.

To meet what would soon be due for interest alone, it was then supposed would require twelve or thirteen millions of the exports; and which, in that event, would of course furnish no returns in imports. The same result must follow yearly, till the old stocks are redeemed, unless new ones can, for some time longer, be sold; and the difficulty be thus deferred, though merely at the expense of increasing the whole ultimate indebtedness.

But it is a source of great satisfaction to witness the indications which the unprecedented amount of exports, during the last four years, has given of the continued prosperity of the country.

Notwithstanding some depressions in particular branches of business, or in particular places, the general prosperity has been such as to create a large surplus of products, and to enable us to send abroad immense and increased values of them, however great the complaints have been as to low prices.

These official records are some of the most authentic tests of truth, amidst contradictory conjectures on topics like these. They show that we have been able to spare, in exports of domestic productions during the last four years, quite \$408,894,743 in value; while in no previous term of that length, since the adoption of the Constitution, have they exceeded \$359,447,622. Except in the last two series of four years, they have never gone beyond \$239,576,749; or, not two-thirds as high as from 1837 to 1840. The whole tonnage of the country has also advanced within the four years past, more than 20,000 tons.

Seldom, indeed, if ever, has the navigating interest, one of the great exponents of our wealth and increased commerce, been so prosperous as within the last twelve months.

It is true that a portion of the increase in exports may be attributable to some alteration in the habits of the community, not connected with additional wealth.

The disposition in families to rely less on their own resources, and obtain more by means of mercantile exchanges abroad as well as at home, has, without doubt, grown more rapidly of late years than formerly, and tended to augment both the imports and exports beyond what the real increase in the amount of products would indicate. Yet the great excess of exports during the last few years, over those of previous times, cannot all have arisen from these circumstances. Granting, however, that some of it has; the consequences to that extent, and in another view of the subject, are not so well calculated to excite gratification. The increased dependence which the change of habits, in selling and buying so much more of what is consumed, has occasioned between different countries and those engaged in different avocations, as well as the increased credit thus demanded through many new ramifications, and the greater subjection thus produced of almost every pursuit to the evils attendant on fluctuations in prices, on bank expansions, and revulsions in commerce, have probably exercised an influence on the events of the last four years not inconsiderable nor salutary. Combined with other causes, they must certainly have tended to effect a wide and unfavorable alteration in public manners; and may, in time, inflict an injury on the morals and character of the nation, which will more than counterbalance all the gains in wealth.

V. The estimates of the receipts and expenditures for 1841 next demand attention.

The actual receipts and expenditures in that year can, of course, be so regulated by Congress, through new legislation, as to reach nearly any amount it may deem proper. But the undersigned can neither increase nor diminish them; though a duty is developed on him, in respect to the subject, while at the head of the Treasury, which he now

proceeds to perform—of presenting some opinion concerning the amounts to which, under the existing laws, and the calls of the different departments, they are likely to attain.

He will further suggest any general changes which appear to him expedient, as well as any new means deemed necessary to meet all the burdens, which, it is apprehended, may be imposed.

The estimates for the ordinary receipts and expenditures in the ensuing year differ some millions from what will be actually received and expended in the present one.

It is calculated, however, that the difference will be what is always most desirable,—some increase of the receipts, and a further diminution of the expenditures.

The estimates for the latter, in the present year, were made less than those of 1839; and the results have corresponded. Indeed, it is a cause of much gratification that the expectations heretofore cherished, of materially reducing the public burdens, have been verified to so great an extent. Thus, the expenses of 1838 fell below those of 1837; while the expenses of 1839, notwithstanding the continuance of the Florida war, were nearly eight millions below those of 1838; and it is expected that the expenses of 1840 will be from two to three millions still lower, or quite ten millions less than those of 1838.

They would have been nearly twelve millions less, had not that war continued, and unusually large payments been made to Indians, under old appropriations.

It is believed that the ordinary expenses of 1841 ought to fall some millions below those in 1840; as the pensions have diminished by deaths, fewer Indians remain to be removed, several expensive public buildings have been mostly finished, and hostilities with the Seminoles must be nearer to a close.

More details concerning the estimates for the next year will be proper, and will illustrate the correctness of some of the preceding results.

It may be stated, from the best data in possession of this Department, that the receipts, under the existing laws, will probably be as follows:

From customs	\$19,000,000
From lands	3,500,000
From miscellaneous	80,000
Add the expected balance in the Treasury, available on the 1st of January next	1,580,855

The aggregate of ordinary means for the next year would then be 24,160,855

There will be nothing more, either of principal or interest, due from banks, which is likely to be made available, except about 220,000

A power will exist, under the act of 31st March, 1840, to issue Treasury notes till a year from its passage expires, but not to make the whole emission outstanding at any one time exceed five millions of dollars.

This will furnish additional means, equal to the computed amount which can be issued at the close of the present year, being about 343,618

Hence, there may be added, from these several sources, so much as to make the whole means for the next year 24,723,473

On the other hand, the expenditures for 1841 for ordinary purposes, if Congress make no reduction in the appropriations requested by the different departments, are estimated at 19,250,000

This would leave a balance in the Treasury, at the close of the year, equal to 5,473,473

But certain payments must also be made on account of the funded and unfunded debt, unless Congress authorize contracts to be formed for

extending the time of their payment. Thus, there will be required—

On account of the funded debt, chiefly for the cities of this District	\$149,200
For the redemption of Treasury notes, if all the others be issued which can be under the present law, as then the amount returned within A. D. 1841 will probably not exceed	4,500,000
	\$4,649,200

Estimated balance in the Treasury at the close of the next year, after all payments whatever	\$824,273
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Thus it will be seen that if the whole of these charges, both ordinary and extraordinary, should be required to be extinguished in 1841, the estimated means will be sufficient for that purpose, but may not, besides, leave so large a balance in the Treasury as is convenient and useful. The best mode of obviating any difficulty which might arise from that circumstance will soon be considered by itself.

For some further general view of the grounds of the estimate of the expenditures for 1841, it will be necessary to advert a few moments to the new and old appropriations from which those expenditures are to be made.

The new ones, proposed by the different Departments for the service of 1841, amount to \$16,621,520 28.

Viz: Civil, diplomatic, and miscellaneous	\$3,450,740 13
Military	7,725,440 94
Naval	5,445,339 21

Besides these, certain permanent appropriations under existing laws will become chargeable on the Treasury during the next year, in sums as follows:

For ordinary purposes.	
Military	\$864,000
For other purposes.	
Public debt, including interest and first instalment for the District of Columbia	149,200
Redeeming Treasury notes	4,500,000

These would make the new charges, for ordinary purposes, under both new and permanent appropriations, amount to \$17,485,520 28. But, including the public debt and the redemption of Treasury notes, these charges would be \$22,134,720 28.

It will be perceived, therefore, that the aggregate of actual expenditures during 1841 has been computed to be \$1,764,480 higher than the estimated amount of new and permanent appropriations. This is done not only because some small oversights have doubtless occurred in the latter, and unavoidable omissions, as will be seen by the notes, but some new private bills, granting money, may be passed by Congress, and a greater proportion of the outstanding appropriations at the end of 1840 (though reduced as much as three or four millions less than at the end of 1839) may be expended in 1841, than will be left unexpended of the new charges imposed. These last two items are usually computed to equal each other. The Departments calculate that \$6,661,123 of the old appropriations will be required to complete the purposes originally contemplated by them.

They propose only to apply about \$3,749,904 of them to the service of the ensuing year, without re-appropriation; and the residue, amounting to \$138,878, it is expected will go to the surplus fund. They estimate the whole of them at the close of the year to be \$10,549,905.

VI. A few more explanations of other grounds for the estimates of receipts and expenditures for the next year may be useful.

It will be noticed that the estimates for both are founded principally on the existing laws. Should Congress, therefore, alter the tariff, so as to increase or reduce the duties, the expected amount of receipts must of course be varied in that proportion.

So it must be if Congress makes any essential change in respect to the public lands, and either

passes a graduation bill, and creates new land districts in which surveys are ready for large sales, as this would increase the immediate receipts; or if, on the other hand, it should distribute the proceeds of the sales among the States, as that would diminish the revenue applicable to the purposes of the General Government, and render a resort to new taxation, an increased tariff, or a loan, indispensable, to the extent of the distribution.

The estimates of the receipts from customs have been lessened somewhat, because the importation of certain articles paying a duty will, in 1841, be partially postponed to 1842, in consequence of the great reduction in the tariff on them which will take place in the latter year under the existing laws.

So have they been on account of the greater proportionate bounties and drawbacks which are now returned on several articles, and some beneficial operation anticipated from the Independent Treasury in checking speculation.

On the contrary, the revulsions in business which have occurred since the middle of 1839, and deeply affected the revenue of some other countries as well as our own, and the protracted suspension of specie payments by many of the banks, which has continued over a large part of the United States since October in that year, will probably terminate soon, by the salutary reaction of great commercial principles; and that event must be accompanied by a considerable increase of imports and duties. The amount of the latter, therefore, has been estimated higher than the actual receipts in the present year, but not so high as they were in 1839 by about two millions, nor so high as many anticipate they will be. But if the banks do not speedily resume, it is to be feared that the estimate will prove larger, instead of smaller, than events will verify.

The revenue from lands must continue to be lower under the present laws than might otherwise be expected, because that portion of the vast sales in 1835 and 1836 which were made to speculators, must for some years longer come into the market in competition with the Government; and the emigration to Texas, as well as the continuance of the suspension of specie payments by the banks over much of the West and Southwest, is likely to operate injuriously somewhat longer, though probably with a force much diminished.

In respect to the estimates for expenditures, it need only be observed here, that any considerable addition made by Congress to the new appropriations called for, would require a provision of further means to meet them, corresponding in amount; and any diminution in those appropriations would also reduce, in a similar manner, the amount of means otherwise necessary.

VII. It is proper to advert next to the best mode of avoiding any inequality between the anticipated receipts and expenditures, either in 1841 or 1842.

It has already been shown that the whole amount of receipts in 1841 will probably be sufficient to discharge all ordinary expenditures, and those parts of the outstanding debt, funded or unfunded, which may become due. But the preservation of a suitable balance in the Treasury may require more than what will probably be left after satisfying other purposes. The raising of any sum for that object in 1841 could, however, be obviated by authorizing a contract to be made, under proper restrictions, extending the period of payment for a portion of the temporary liabilities falling due in that year. Yet, in the opinion of the undersigned, the best mode of providing for this case would be, without either an extension of this kind, or a loan, or a further issue of Treasury notes, or a change in the tariff; but merely by lessening the appropriations for the service of 1841 below the estimates, or by passing such declaratory clauses as to the present tariff, and such acts as to the public lands, as have heretofore been urged on the consideration of Congress.

The arguments in favor of some further diminution in our expenditures, and the general items in which the reduction is considered most compatible with the public interests, were so fully exhibited in the last two annual reports as to render a repetition of them unnecessary.

It was then believed that the laws could be alter-

el so as to admit of safely curtailing the appropriations at once, to such an extent that the expenditures need not exceed, in the aggregate, seventeen or eighteen millions yearly. After more of the pensions terminate, and the removal of the Indians is completed, they could be beneficially contracted to even less than that amount. Such a reduction as is first adverted to seems, therefore, proper to be adopted now, since it could be effected without the probability of injury to any useful national establishment, would promote public frugality, and supersede the necessity either of higher tariffs, direct taxes, or permanent debts.

If that be not done, the secondary measures before suggested, such as a declaratory act to enforce the present tariff, a suitable modification of the drawbacks and bounties; and the passage of bills graduating the price of public lands, as well as creating some new districts for the sale of them, would be likely, if taking effect early, to yield a suitable supply in the course of the year.

It will be observed, however, that though, under either of these arrangements, enough might be obtained within the whole of 1841 for the objects contemplated, yet not a due or sufficient proportion in the first quarter; because by that time all the measures are not likely to go into full operation, nor much of the anticipated increase to happen in the actual receipts of duties under existing laws. Unusually heavy expenses will also fall on that quarter in the next year. In addition to a full portion of most of the current expenses, and the whole pension payments for the first half of the year, and one-third of a million, or more, for all the annual fishing bounties; there will be imposed on it most of the charges for the whole year connected with the session of Congress and private bills, as well as large payments for taking the census, and for the first instalment of the debt of this District; several of them as early even as the first day of January.

From these circumstances, and the considerations that all which is due from the banks may not be then paid, and that the balance in the Treasury, under the policy adopted by Congress of late years, will of necessity be small, while the fluctuations and inequalities are very great between the receipts and expenditures in different portions of the year, to which we are constantly exposed from causes that have on former occasions been explained at length, it must be obvious that entire safety requires a conditional power to be seasonably conferred on the Executive to obtain at any time with 1841 such subsidiary means as may be needed for a few months, and as may be sufficient to enable the Treasury punctually to discharge, during that year, all the liabilities imposed by Congress.

There is another contingency under the existing laws, as to duties, which requires attention, with a view to be properly prepared for it; though legislation concerning the subject is not necessary so early as in the other case, because the event on which it depends cannot actually happen till the year 1842.

Thus the progressive reduction of the present tariff, which has been going on since 1833, will, after December, 1841, take effect to a much larger extent than heretofore. Nearly two millions and a half of dollars will then be deducted at once.

On the 1st of July afterwards, at least two millions and a half more of duties will be removed, making an aggregate, in six months, of quite five millions. If the imports then should not differ much from those in 1833, this would leave an income from them, not probably exceeding ten or eleven millions of dollars yearly. It will therefore be necessary to make corresponding reductions in the expenditures of 1842, or seasonably provide otherwise, in some permanent manner, to supply any wants likely to happen from this cause.

Should Congress conclude that such reduction in the expenditures cannot properly be made, and that the imports for 1842 will not increase beyond those in 1833, the amount of the deficiency would, in those events, probably differ but little from five millions. Such a deficiency would, under these circumstances, be likely to become permanent, and may be considered the first of that character which will occur under the tariff act of 1833.

The idea that such a deficiency in time of peace ought to be supplied by issues of Treasury notes, or by a loan, has never been entertained by the undersigned. Nor can it be countenanced by any sound principles either of finance or political economy. The inquiry then recurs, what other mode would be more eligible? When we possessed an extraordinary surplus, it was considered prudent by Congress to make deposits with the States, with a view to be returned in an exigency, rather than to invest a portion of it safely and productively, so as to be realized in such an event. It would therefore be consistent with that arrangement to recall, in 1842, such part of the surplus as may be then needed.

That course, however, appears not very likely to be adopted, since the former power given to this Department to recall these deposits has been taken away by Congress.

Another practicable mode would be to resort to direct taxes. But this is so unsuited to the general habits, and so uncongenial to the opinions of most of our population, that its adoption is not to be anticipated. Some other permanent resource must then be looked to. The choice will probably rest between the large reduction of expenditures, with the other accompanying measures before specified, and some extensive modification of the present tariff. Explanations have heretofore been given by the undersigned in favor of the former course; and it would probably prove sufficient to meet the emergency, if the reduction be pushed vigorously, and especially if the imports after 1841 shall exceed those in 1833, which is regarded as probable.

But Congress may not coincide with him in opinion on these points, and, for covering the contingency, may consider the adoption of some permanent change in the tariff as preferable, and as not too early at the present session, to give full notice of its character, before going into operation, in order that the different interests most affected by it shall have time to become gradually adjusted to its provisions.

In that event, it might be supposed that the undersigned had avoided due responsibility, and a timely discharge of duty, if he were not prepared to offer some views concerning the details, as well as general principles, which he deems applicable to such a change. He has therefore examined the subject, and is ready to present the results at any moment either House of Congress shall express a wish to that effect. But he refrains from submitting them without a special request, because some doubt exist, under circumstances which can be properly appreciated, as to the delicacy of his discussing a measure at this time, which the Legislature may not consider it necessary to act on till a new Congress assembles.

VIII. The mode of keeping the public money recently established by Congress, has thus far answered the expectations of this Department.

The numerous labors, perplexities, and delays of putting a new system into operation, have been mostly overcome, and no losses whatever are known to have occurred under it.

Some of the provisions in the law are deemed objectionable in their details, and are respectfully recommended to Congress for revision. But they are not supposed to affect in the slightest degree any principle involved in the measure.

Thus, the ordinary clerks authorized are numerous enough, yet a principal one is needed at New York city, with such compensation as is usual at a place of so large and important business.

On full inquiry, it has been found also that no site could probably be purchased for the erection of an office at St. Louis, which would be more suitable than a lot now owned by the United States; and it may be, under a further examination which is in progress, that no new building could be erected on that site, which would prove more economical and convenient than one which can be purchased already erected. A suitable change in the appropriation on that subject is therefore respectfully recommended.

A provision is needed likewise in case of vacancies, from any cause whatever, in the offices of receivers general and treasurers. One has formerly been asked in relation to collectors of the customs,

in cases of removals and expirations of the terms of office, to prevent an interregnum in the discharge of the duties. This might properly be adopted as to them, and extended to receivers general and the Treasurer of the United States, as well as of the Mint and its branches, in all instances whatever of vacancy or temporary inability of the principal. Perhaps the least objectionable mode to effect this object would be, to direct that the chief clerk of all these officers should, in such cases, and where no other legal provision now exists, be authorized and required to discharge these duties, at the risk and under the responsibility of the principal and his securities, till the vacancy is filled, or the disability removed.

In consequence of some defects in the phraseology of the penal parts of the act, a new clause extending them to all disbursing officers of every character under the General Government would be judicious. A further provision also, respecting the places of deposit, by disbursing officers, of money not in the Treasury, but drawn out and put into their hands for making payments, appears necessary.

The keeping of such money is now regulated by the act of 31 of March, 1809; and if it is intended to bring it within the operation of the late law as to money in the Treasury, it seems proper to do so by an explicit enactment.

The section requiring disbursing officers to sell their drafts for specie alone, though certain proportions of paper are allowed to be received for all public dues, appears not to be in symmetry with those other provisions. The general influence of the present system is believed to have been thus far salutary. The true standard of value has been rendered more familiar, confidence has been increased in its stability, prices have gradually risen, business improved, and exchanges altered greatly for the better.

If something has been or may be lost in convenience, (which is not unlikely,) by the increasing disuse of a paper currency for public payments, much more will probably be gained by the circumstances before enumerated, as well as by the greater security in the use of specie, the more stable value imparted by the present system to property and labor, and the strong check established by it, not only against defalcations, but against bank expansions, excessive speculations, and commercial fluctuations.

Even any inconvenience attending this change in the currency used, if found particularly embarrassing, can be overcome hereafter, and the system still maintained, should Congress feel disposed to adopt the measure which was suggested for that purpose by the undersigned in September, 1837.

Such a measure would often furnish every advantage of a circulating medium, easy of transportation, of the highest possible credit, and at the same time requiring an equal amount of specie to be employed, (though in deposits,) and without subjecting any of the fiscal affairs of the Government to that legal dependence on corporations for their management, which is so objectionable in many respects, as never to have been attempted in the management of any of its other affairs, civil or military.

The topics of the condition of the banks of the Union; the state of the currency; the proper places of deposit for the public funds, and other matters immediately connected with them, have engrossed a considerable portion of the annual reports from this Department for several years.

But the keeping of the money in the Treasury being now separated from the banks, and the kind of money to be received and paid out fixed by new legal provisions, it is not considered material at this time further to discuss these matters, than to submit the general remarks which will be found at the close of this communication.

IX. Some miscellaneous topics connected with the finances deserve a brief notice.

The various measures heretofore recommended to Congress by the undersigned, and which have not yet been finally acted on, are again respectfully recalled to its attention.

Without recapitulating them, it will be found, on a reference to former reports, that many of the sub-

jects possess much importance in a fiscal view, and every year's experience has strengthened the conviction of the usefulness of early action upon them.

It affords me pleasure to state that, since the last session, the Neapolitan Government, under its treaty of indemnity, has paid promptly another installment, which this Department has been enabled to have remitted home early, and distributed among the claimants.

The situation of the General Land Office, and its operations within the year, will be submitted separately in a few days.

Six old land districts have been recently discontinued, under the act of June 12, 1840. It is believed that some others might economically and usefully be abolished by Congress, though not coming within the provisions of that law. Such is the office at Greensburg, Louisiana. One district in Indiana, including the capital of the State, is thought, from its peculiar position, to require special legislation to exempt it from the operation of the late act.

This occasion is taken, also, to renew the recommendations, before presented by this Department to Congress and the appropriate committees, for the discontinuance of certain officers now employed in the collection of duties, whose further services, it has been believed, could be safely dispensed with, in consequence of the reduction in business of late years at the different places where they are stationed. They include some collectors and naval officers, and several surveyors, amounting in all to eighteen, but whose offices cannot be abolished without new legislation.

All the subordinate custom-house officers, which it is competent for this Department, without such legislation, to dispense with, and whose situation was in other respects similar, have already been discontinued, including, within two years, more than fifty officers, and, besides those, five vessels and boats, with nearly one hundred men, in the cutter service. In about forty other cases, the compensation of officers and light-house keepers has been reduced.

X. In closing this last annual report of the undersigned, it may be expected that he would advert, for a moment, to the general character of some of our financial operations during the period of his connection with the Treasury Department.

Though employed in different Executive offices nearly ten years, he has been connected with the Treasury only from six to seven of them.

During this term there has occurred much to evince the great fiscal power, as well as prosperity of the Union. Some reverses have, at times, overtaken the rashness displayed by parts of the community in certain branches business, and have extended their adverse influences to the revenue dependent upon them. But the period and the country, as a whole, have been almost unexampled in prosperous developments.

Thus, in respect to our receipts. Notwithstanding the unusual revulsions in imports on two occasions, so sensibly lessening the revenue; notwithstanding any losses sustained in those crises, by the Government, through officers, banks, or merchants; and notwithstanding the biennial reduction in the duties, which has by law been constantly going on, as well as the remission of several millions to railroad corporations, and under new judicial constructions; yet our condition has been so flourishing, as to yield a revenue during that time sufficient, after all those deductions, to accomplish the following important results. It has enabled the Treasury to meet the current expenditures of the Government, as well as the extraordinary ones by Indian wars, treaties, and other costly measures, and, without imposing any new taxes, or higher tariff, and without any new funded debt whatever, but extinguishing considerable remains of the old one, and paying the interest on that assumed for this District, to save the unprecedented surplus of more than twenty-eight millions of dollars, and deposit the same with the States for safe keeping till needed by the General Government.

The only permanent aid in effecting this, beyond the receipts from ordinary sources, has been the

debt due from the United States Bank, of about eight millions, and the Treasury notes now outstanding, equal to nearly four and a half millions. But during that period, a sum not far from the first amount has been applied to the discharge of the principal and interest of the old funded debt; so that, towards the payment of all other expenses, only between four and five millions, beyond what was temporary, and what has already been refunded or adjusted, have been received from any extraneous source whatever.

It follows, therefore, that the current revenue, notwithstanding all reductions, has been adequate to defray both the ordinary and extraordinary demands, and, after taking from what is deposited with the States, sufficient to extinguish every kind of indebtedness created on account of the General Government during the same period, to leave on hand the large balance of nearly twenty-four millions.

It is true that the available sums in the Treasury at the commencement and close of the period in question will probably prove different in amount; but if made equal, a surplus would still be left, which is likely to exceed seventeen or eighteen millions of dollars.

Beside this recorded evidence of the prosperity of the country and the fiscal ability of the General Government in those years, it is gratifying, amidst many misapprehensions concerning the subject, to reflect on another circumstance connected with our financial operations, which has also become matter of history. It is this: Though destitute of the aid of a United States Bank as a fiscal agent during that period, and baffled by various unremedied imperfections in the laws connected with the finances, as well as embarrassed by two suspensions of specie payments by many of the State banks—one still continuing; yet the Treasury has been able to make its vast collections, transfers, and payments, with promptitude, and in most cases with specie or its equivalent.

Some correct judgment can be formed of the extent and difficulty of these operations, when it is recollected that the whole sums which have thus been collected, without deducting fractions, added to those sums which have been paid over chiefly by another class of officers, have exceeded the extraordinary aggregate of \$360,000,000, and been dispersed over a territory of nearly two million square miles in extent. It is, moreover, ascertained that the whole losses within the same time by defaults, large and small, and in all kinds of offices, will probably not equal half of one per cent. on that amount; and however official delinquencies may, in some cases, have inevitably been aggravated by the unprecedented speculations of the times, and by great revulsions and failures among banks and individuals, those losses will not be one-fourth so large, in proportion to the amounts collected and paid, as in some previous terms, when the system under a United States Bank was in full operation.

A few words may be proper as to the expenditures during the same period. Though they were of necessity augmented by some of the circumstances before mentioned, two Indian treaties only, out of a large number, having already involved us in the expense of nearly twenty-three millions of dollars; yet the aggregate of all has been much reduced since the influences of those causes and the impulses of an overflowing Treasury have diminished. The expenditures have fallen yearly since 1837, till they are now only twenty-two and a half millions independent of any debt and trusts, and are supposed to be in progress to a still lower amount.

The undersigned has earnestly urged a more rapid reduction. He has considered the great safeguard against a too splendid central government, which would constantly threaten to overshadow all State independence, and attract the ambition of most of the friends of State Rights from humbler paths of frugality and principle into the dazzling vortex of higher patronage, honors, and emoluments. While the stimulants to excesses shall continue to lessen, nothing will be necessary to insure the further success of an economical policy, but perseverance in retrenchments, wherever they are practicable with-

out injury to the public interests. The removals of Indians being mostly finished, and the chief causes of frontier wars extinguished, unless new objects of expenditure be selected, or a great enlargement given to some already existing, the whole amount must, of necessity, contract hereafter very rapidly. The same result will be further promoted by the deaths of pensioners, increasing through advanced age, and the completion of many public works, as well as by persisting in a firm policy to avoid the wasteful expense of unnecessary foreign collisions, and to refrain from those lavish expenditures for certain domestic objects, over which the jurisdiction of the General Government is often questionable, and which always open the widest door to extravagance, favoritism, and corruption.

One of the greatest evils to the public service, as well as to the security of private business, during a part of the above period, has consisted in the fluctuations to which both have been subjected.

With only a single year intervening, and without any material change in the tariff, or any whatever in the price of the public lands, we have seen the revenue from ordinary sources suddenly vary from nearly fifty millions annually to eighteen; and, on two occasions since, vibrate to the extraordinary extent of nearly eight and eleven millions yearly.

The transactions of individuals upon which our revenue depends, must, of course, have undergone an unusual change at the same time.

The imports fell within two years, in the case first referred to, from near one hundred and ninety millions to one hundred and fourteen; and in the single year just passed, fell almost sixty millions. Such inflations and contractions must be destructive of all confidence in calculations for the future, while the causes of them shall continue to operate unremedied.

What were those causes?

They will be found to have been chiefly connected with the abuses of banking. On the occasion first referred to, they were the superabundance of a fictitious medium of circulation, with the attendant overtrading and speculations in 1836, and the consequent suspensions of specie payments in 1837, as well as the disasters and scarcity of any medium till the latter part of A. D. 1838. Then another expansion commenced, extending into 1839, and accompanied by another increase in imports of nearly fifty millions, which ended again in the contractions by banks, suspensions, and commercial reverses, which have suddenly reduced the imports of 1840 more than one-third, and in many places augmented seriously the embarrassments before existing from similar vacillations in the paper currency.

How far some imprudences abroad, at the same time, similar to these, though in a country enjoying any advantages which can result from a National Bank, may have augmented the evils here, by means of the intimate moneyed relations between us, need not now be discussed, though probably their influence was large and unfavorable.

The causes first named were, likewise, in full operation here in 1816 and 1817, and were succeeded by many of the same deplorable consequences in 1819 and 1820. One followed the other as inevitably as the ebb of the tide succeeds its flood.

The great principles of trade can never be long violated with impunity; and any fictitious or unnatural excess of credit soon ends in revulsions, as the essence of legitimate commerce consists in an exchange of values for each other, or of values for what truly represent values, and can be readily converted into them.

All business otherwise becomes a mere game of hazard; speculation must enter into every affair of life; riches and poverty will be dependent on the merest bubbles; prices will change oftener than the wind; regularity in receipts and expenditures be impossible; estimates for the future, whether in public or private matters, become mere conjectures; tariffs require yearly alteration to meet the fluctuations of business; and the community be kept under the constant excitement and depression of the hot and cold fits of a violent fever.

The first remedy sought in 1816, by the establishment of a National Bank, was supposed, during a few ensuing years, to have aggravated those evils; and the next remedy, adopted in 1824 by a high tariff, did not prevent the low prices and bankruptcies of 1825, which covered the country with wrecks and ruin.

Undoubtedly, the best relief on such occasions is to be found in removing the cause of the disease. So far as regards the General Government, this was attempted in 1837, and since, by gradually withdrawing from the use of banks and their paper in its fiscal operations, so as neither to stimulate nor contract their issues by other influences than ordinary business; and by urging on those, who might find their employment sometimes useful, a closer regard in doing it, to the safe and sober influences of the universal laws of trade, as well as an inflexible adherence to the constitutional standard of value.

While the General Government shall continue to pursue such a course, it will mitigate and check the evils which others produce, and which they alone, under the limitations in the Constitution, are able entirely to remove. At all events, it will faithfully perform a momentous duty, and exhibit a useful example for imitation.

In a period of peace and comparative exemption from public debt, as well as from serious difficulty in financial operations, it would hardly seem proper to attempt more by assumptions of doubtful powers, and by forced constructions in favor of measures by no means certain, if adopted, not to aggravate rather than diminish existing evils, and not to produce others of a character still more dangerous. Much less can it be considered respectful either to State rights or the people, and certainly not competent, in the opinion of the undersigned, to exercise such powers by creating moneyed corporations among them, which many of their number have repeatedly denounced as unconstitutional, and the authority to establish which was originally refused rather than confided to the General Government by the people and the States that formed it. But some other powers expressly conferred can, without question, be exercised further than has yet been done by Congress, and in such a manner as to produce very beneficial consequences upon the currency. Still, it is hoped they will never be pushed so as to trespass on ground really doubtful under the Constitution, and prevent the States from continuing to exercise all the legitimate authority they now possess as to banks and debt, however much it may be regretted that public opinion has not yet run with more strength against the abuses of both, and led to their prompt correction. It is not proposed at this time to go into the consideration of farther details on these points. But the danger to be guarded against now, seems to be rather of an opposite character from that of overaction by the General Government in the exercise of its express powers. On the contrary, apprehensions exist that it may not continue firm in the support of all which has already been accomplished in connection with the currency. If it should not, and should thus not aid to correct in any degree the rashness of many to force something like a formidable steam power into all kinds of business, without due guards to prevent constant and fatal explosions, myriads of individuals, as well as some corporations and States, are likely to be overwhelmed in still wider ruin, and will ere long probably look to no escape except the application of the sponge of a general bankrupt law to all private liabilities, and the unconstitutional assumption of the public ones by the General Government, so as to tax oppressively those portions of the community who have any thing left to pay for the losses and follies of the rest.

A remedy which has been adverted to by some, and which consists in the creation of more credit, to cure the mischief of an existing excess of credit, or the formation of larger banks with like power of abuses, in order to correct smaller ones, must usually aggravate the evil; and therefore, where it is free from constitutional objections, may, in point of expediency alone, well be discountenanced.

A plan of free banking, adopted by the States,

properly guarded and secured by provisions similar to those recommended by the undersigned as long ago as 1836, with such others as reflection and experience may sanction, appears far preferable. But, independent of that, no changes in the present system, as to banks, seem worthy of strenuous exertions, except those whose direct object shall be to make safer, to restrict, control, and regulate better the institutions that already exist rather than to incorporate more. Above all, should public efforts be directed to strengthen the certainty of prompt specie payments as to all notes out, and of a nearer approach to uniformity in the amount of issues in similar states of trade; and of specie on hand, instead of multiplying them for speculation or cupidity, and thus keeping up a succession of expansions and contractions, which will only inflame the existing disorders, and render the continuance of great fluctuations in all public as well as private affairs unavoidable, endless, and ruinous.

With much respect,

LEVI WOODBURY,
Secretary of the Treasury.

To the PRESIDENT of the Senate of the U. S.

DEATH OF HON. JOHN S. SPENCE.

Mr. MERRICK rose and addressed the Senate as follows:

Mr. PRESIDENT: Like all other human enjoyments, the gratification of meeting and interchanging our mutual congratulations again on this occasion, is not unmixed with painful and melancholy reflection. To me in an especial manner are the circumstances under which I now rise to address you afflicting. Yonder vacant seat, sir, explains the cause. My most excellent and estimable colleague, the honorable JOHN S. SPENCE, who for the last several years filled that chair with honor to himself, and advantage to his country, is no more. He closed his useful and valuable life in the latter part of the month of October last, at his residence, in Worcester county, Maryland, surrounded by his amiable and interesting family, and at peace with God and man. He was, it will be remembered, in languid health during great part of our last session, and was often detained from his place here by that cause, which finally obliged him to leave the seat of Government, and retire to his own home some time before the adjournment. From the disease which then afflicted him he never perfectly recovered; though there was occasional relief from suffering, there was no effectual cure, and he has now left these and all sublunary scenes forever. He has at different periods of his life filled many of the most important and honorable trusts in the gift of the people of his State, always possessing, always deserving their entire confidence. His course through life was much more of the useful than brilliant order; possessed of a very large stock of sterling worth and virtue, there was about him nothing of ostentatious display. Ever content with the consciousness of doing his duty well and faithfully, he was careless of all other rewards. None knew him who did not honor and esteem him; and all who knew him will join with me in saying that he has left no purer man behind him.

Mr. MERRICK then offered the following resolutions, which were unanimously adopted:

Resolved, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of the honorable JOHN S. SPENCE, late a member thereof, will go into mourning, by wearing crape on the left arm for thirty days.

Resolved, That as an additional mark of respect for the memory of the honorable JOHN S. SPENCE, the Senate do now adjourn.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, Dec. 9, 1840.

After the Journal had been read,

Mr. RUSSELL offered the following resolutions:

Resolved, That the daily hour to which this House stand adjourned, be 12 o'clock, meridian, until otherwise ordered.

Resolved, That the Clerk cause the members of this House to be furnished, during the present session, with such newspapers as they may respectively direct, the expense for each member not to exceed at the rate of three daily papers per annum.

Which resolutions were adopted.

ABOLITION OF SLAVERY.

Mr. ADAMS, in pursuance of notice given on yesterday, offered the following resolution:

Resolved, That the standing rule of this House, No. 21, adopted on the 28th of January last, in the following words:

"No petition, memorial, resolution, or other paper praying the abolition of slavery in the District of Columbia, or any State or Territory, or the slave trade between the States or Territories of the United States, in which it now exists, shall be received by this House, or entertained in any way whatever," be, and the same is hereby rescinded.

Mr. JENIFER moved to lay the resolution on the table.

The SPEAKER reminded the gentleman from Maryland that the gentleman from Massachusetts was entitled to the floor.

Mr. ADAMS, after some preliminary remarks, which were imperfectly heard by the Reporter, hoped the gentleman from Maryland would not press the motion to lay on the table, as it was not his intention to debate the resolution at that time.

Mr. JENIFER said, that as the gentleman from Massachusetts had no intention of debating the resolution, he would withdraw his motion to lay on the table.

Mr. ADAMS, after stating his reasons for offering the resolution at so early a period of the session, observed that he was not willing the rule in question should remain in force for a single hour longer, as, in his opinion, it was a direct violation of the Constitution of the United States.

Mr. BANKS did not rise for the purpose of discussing the resolution, but of expressing his regret that the gentleman from Massachusetts had thought proper to offer it. It would be recollected that at the last session the subject had been disposed of by a resolution solemnly ratified by the House; but as the gentleman was desirous of again agitating it, he Mr. B. was anxious to meet the question by a direct vote. He therefore moved to lay the resolution on the table.

And the question being on the motion to lay on the table,

Messrs. BANKS and ADAMS simultaneously demanded the yeas and nays.

Mr. LEWIS WILLIAMS begged leave to ask the gentleman from Virginia to withdraw for the present his motion to lay on the table. On so important a subject, he was desirous of the opinion of the whole House, whereas there were not now more than two-thirds of the members in their seats. He was extremely averse to having any partial expression of opinion on the subject, and therefore suggested a postponement of the resolution until that day week.

After the resolution had been again read by the CLERK,

Mr. LEWIS WILLIAMS further suggested to the gentleman from Virginia, that the gentleman from Maryland, [Mr. COST JONSON,] on whose motion the rule in question had been adopted, was not now in his place. Under these circumstances, he thought it no more than fair that the subject should be postponed, in order that the House might have an opportunity of hearing what the gentleman from Maryland might have to say in defence of the rule.

Mr. ADAMS had not the slightest objection to the subject being, for the present, laid on the table, as being on the table it might be called up hereafter, when there should be a full House. He was perfectly willing to hear what the gentleman from Maryland, who had the honor of moving the adop-

tion of the rule, might have to say in defence of it, provided the House would hear what he (Mr. A.) might have to say in reply.

The yeas and nays on the motion to lay on the table were then ordered, and being taken, resulted as follows:

YEAS—Messrs. Alford, John W. Allen, Andrews, Atherton, Banks, Bell, Blackwell, Bond, Boyd, Aaron V. Brown, Sampson H. Butler, William O. Butler, William B. Campbell, Chapman, Chinn, Clifford, Crockett, Cross, John Davis, John W. Davis, G. Davis, Dawson, Deberry, Dellet, Earl, Eastman, Galbraith, Genay, Gerry, Goggin, Green, Habersham, Jno. Hastings, Hawes, Hill of Va., Hill of N. C., Hillea, Hook, Jameson, Jenifer, Cave Johnson, Nathaniel Jones, Keim, Kemble, Kille, Leadbetter, Lucas, McCarty, McClellan, McClure, Marchand, Medill, Miller, Montana, Montgomery, Samuel W. Morris, Morrow, Nowhard, Nisbet, Parrish, Rayner, Samuels, Shepard, Albert Smith, Thomas Smith, Stanley, Steenrod, Strong, Stuart, Sumner, Sweeney, Taliaferro, Philip F. Thomas, John B. Thompson, David D. Wagener, Waterson, Weller, John White, Wick, Jared W. Williams, Lewis Williams, and Christopher H. Williams—52.

NAYS—Messrs. Adams, Baker, Barnard, Beatty, Boardman, Brewster, Briggs, Calhoun, Casey, Chittenden, Clark, James Cooper, Cranston, Edward Davies, Doe, Doig, Everett, Illinois, Fletcher, Gates, Goodie, Granger, Hildan Hall, Augustus C. Hand, Thomas Henry, Hopkins, Jackson, Charles Johnston, Lane, Lincoln, McCulloch, Mallory, Marvin, Mason, Mitchell, Calvary Morris, Naylor, Osborne, Parmenter, Peck, Randall, Randolph, Rariden, Ridgway, Edward Rogers, Russell, Sergeant, Simonton, Slade, John Smith, Truman Smith, Tillinghast, Toland, Trumbull, Underwood, Peter J. Wagner, Henry Williams, and Winthrop—58.

So the resolution was laid upon the table.

After the vote was announced,

Mr. BEIRNE stated that the Clerk had just passed his name, when he entered the hall; and as it was contrary to the rules for him to vote at that time, he asked permission of the House that his name might be recorded on the important vote just taken.

General consent being necessary for that purpose, and some members objecting,

Mr. BEIRNE withdrew his request.

Mr. TOLAND moved that the House adjourn. But the motion was not agreed to.

A message was received from the Senate by their Secretary, informing the House that a quorum of the Senate had assembled, and was ready to proceed to business.

Also, that the Senate had concurred in the resolution of the House, for the appointment of a Joint Committee of both Houses to wait upon the President of the United States, for the purpose of informing him that the two Houses had assembled, and were ready to receive any communication he might be pleased to make.

Also, that Messrs. WRIGHT and HUNTINGTON had been chosen to constitute the committee on the part of the Senate.

On motion of Mr. RUSSELL, it was

Resolved, That two Chaplains, of different denominations, be elected by Congress—one by each House—to serve during the present session, who shall interchange weekly.

The SPEAKER then laid before the House the Annual Message of the President of the United States;

Which having been read,

On motion of Mr. ATHERTON, it was

Resolved, That the Message of the President of the United States be referred to the Committee of the Whole on the State of the Union, and that fifteen thousand copies thereof with the accompanying documents, and five thousand copies thereof, without the accompanying documents, be printed for the use of the members of the House.

On motion of Mr. HOPKINS,

The House adjourned.

IN SENATE,

THURSDAY, December 10, 1840.

Mr. CALHOUN, Mr. ROANE, Mr. WEBSTER, Mr. WHITE, and Mr. TALLMADGE, appeared in their places this morning.

Mr. MANGUM presented the credentials of the Hon. WILLIAM R. GRAHAM, elected by the General Assembly of the State of North Carolina, a Senator for the unexpired term occasioned by the resignation of the Hon. ROBERT STRANGE.

Mr. GRAHAM was then qualified and took his seat in the Senate.

The PRESIDENT communicated the credentials of the Hon. WILLIE P. MANGUM, elected by the Legislature of North Carolina, a Senator from that State, for the unexpired term occasioned by the

resignation of the Hon. BEDFORD BROWN; and also, for the term of six years from the 4th of March next.

Mr. SEVIER presented the credentials of the Hon. W. S. FULTON, elected by the General Assembly of Arkansas, a Senator from that State for six years, from the 4th of March next.

On motion by Mr. BUCHANAN, the Senate then, in accordance with their resolution of yesterday, proceeded to the election of a Chairman of the Committee on Commerce; and the votes having been counted, the result was declared to be as follows:

Whole number of ballots	-	-	32
Mr. KING received	-	-	29
Mr. DAVIS	-	-	3

Mr. KING was accordingly declared to be elected.

The PRESIDENT then announced the following as the

COMMITTEES OF THE SENATE.

COMMITTEE ON FOREIGN RELATIONS.

Mr. BUCHANAN, Chairman.

Mr. CLAY, of Kentucky, Mr. ROANE, CALHOUN, ALLEN.

COMMITTEE ON FINANCE.

Mr. WRIGHT, Chairman.

Mr. WEBSTER, Mr. BENTON, NICHOLAS, HUBBARD.

COMMITTEE ON COMMERCE.

Mr. KING, Chairman.

Mr. DAVIS, Mr. RUGGLES, NORVELL, MOUTON.

COMMITTEE ON MANUFACTURES.

Mr. LUMPKIN, Chairman.

Mr. PRESTON, Mr. BUCHANAN, KNIGHT, ALLEN.

COMMITTEE ON AGRICULTURE.

Mr. MOUTON, Chairman.

Mr. DIXON, Mr. STURGEON, LINN, SMITH of Conn.

COMMITTEE ON MILITARY AFFAIRS.

Mr. BENTON, Chairman.

Mr. PRESTON, Mr. PIERCE, WALL, NICHOLAS.

COMMITTEE ON THE MILITIA.

Mr. CLAY of Alabama, Chairman.

Mr. SMITH of Indiana, Mr. FULTON, ANDERSON, MANGUM.

COMMITTEE ON NAVAL AFFAIRS.

Mr. WILLIAMS, Chairman.

Mr. SOUTHWARD, Mr. TALLMADGE, CUTBERT, TAPPAN.

COMMITTEE ON PUBLIC LANDS.

Mr. WALKER, Chairman.

Mr. FULTON, Mr. PRENTISS, CLAY of Alabama, NORVELL.

COMMITTEE ON PRIVATE LAND CLAIMS.

Mr. LINN, Chairman.

Mr. SEVIER, Mr. MOUTON, CLAYTON, HUNTINGTON.

COMMITTEE ON INDIAN AFFAIRS.

Mr. SEVIER, Chairman.

Mr. LINN, Mr. PHELPS, WHITE, LUMPKIN.

COMMITTEE ON CLAIMS.

Mr. HUBBARD, Chairman.

Mr. YOUNG, Mr. WILLIAMS, MERRICK, HUNTINGTON.

COMMITTEE ON REVOLUTIONARY CLAIMS.

Mr. SMITH of Conn. Chairman.

Mr. STURGEON, Mr. GRAHAM, CRITTENDEN, ROBINSON.

COMMITTEE ON THE JUDICIARY.

Mr. WALL, Chairman.

Mr. CLAYTON, Mr. ANDERSON, CRITTENDEN, SMITH of Ia.

COMMITTEE ON POST OFFICE AND POST ROADS.

Mr. ROBINSON, Chairman.

Mr. LUMPKIN, Mr. WRIGHT, FULTON, HENDERSON.

COMMITTEE ON ROADS AND CANALS.

Mr. YOUNG, Chairman.

Mr. PHELPS, Mr. HENDERSON, MANGUM, SMITH of Ia.

COMMITTEE ON PENSIONS.

Mr. PIERCE, Chairman.

Mr. PRENTISS, Mr. WHITE, ROANE, HUNTINGTON.

COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. MERRICK, Chairman.

Mr. CRITTENDEN, Mr. MANGUM, SOUTHWARD, CLAYTON.

COMMITTEE ON PATENTS AND THE PATENT OFFICE.

Mr. STURGEON, Chairman.

Mr. DAVIS, Mr. PRENTISS, ROBINSON, PORTER.

COMMITTEE ON THE PUBLIC BUILDINGS.

Mr. FULTON, Chairman.

Mr. MERRICK, Mr. SMITH of Conn.

ON THE CONTINGENT EXPENSES OF THE SENATE.

Mr. KNIGHT of Conn. Chairman.

Mr. FULTON, Mr. PORTER.

COMMITTEE ON ENGROSSED BILLS.

Mr. HENDERSON, Chairman.

Mr. PORTER, Mr. PHELPS.

Mr. WALL submitted the following resolution:

Resolved, That a committee of three members be appointed, who, together with a like number to be appointed by the House of Representatives, shall direct the expenditure of all moneys appropriated to purchase books for the Library of Congress.

The resolution was considered and agreed to; and Messrs. WALL, PRESTON, and TAPPAN appointed the committee on the part of the Senate.

Mr. NORVELL presented the petition of Anthony Ten Eyck and other citizens of Detroit, for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. NORVELL gave notice that to-morrow he would ask leave to introduce bills of the following titles:

A bill granting to the State of Michigan a quantity of land to aid said State in the construction of a canal around the Falls of Ste Marie;

A bill supplementary to an act to abolish imprisonment for debt in certain cases;

A bill to create an additional land office in the State of Michigan, and for other purposes;

A bill to authorize the Secretary of the Treasury to procure steam-vessels for the revenue service;

A bill authorizing the erection of certain light-houses and light-boats, and the establishment of certain buoys and beacon lights;

A bill to amend and continue in force the acts to incorporate the inhabitants of the city of Washington.

Mr. BENTON gave notice that at as early a day as the attendance of the Senators would enable him, he would ask leave to introduce a bill for a permanent prospective pre-emption law in favor of the hardy and industrious settlers upon our public lands—the log cabin men. As the session was a short one, he was desirous of taking the earliest opportunity of asking leave to introduce this measure in favor of the tenants of log cabins, and he wished the vote on granting leave to be a test vote on the merits of the proposition.

Mr. FULTON gave notice that to-morrow he would ask leave to introduce the following bills:

A bill in relation to donations of land to certain persons in the State of Arkansas;

A bill to quiet the titles of certain land claimants in the States of Missouri and Arkansas, and for other purposes;

A bill to settle the title to certain tracts of land in the State of Arkansas;

A bill to authorize the inhabitants of township eight north, range thirty-two west, in the State of Arkansas, to enter a section of land in lieu of the sixteenth section in said township, upon condition that the same is surrendered to the United States for military purposes;

A bill authorizing the inhabitants of fractional township ten south, of range one east, in the State of Arkansas, to enter one-half section of land for school purposes;

A bill for the relief of George W. Paschal;

A bill for the relief of James Smith of Arkansas;

A bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of a treaty between the United States and the Choctaw Indians.

A bill allowing drawback upon foreign merchandise exported in the original packages to Chihuahua and Santa Fe, in Mexico.

Mr. CLAY of Alabama gave notice that to-morrow he would ask leave to introduce the following bills:

A bill providing for the reduction and graduation of the price of the public lands;

A bill to relinquish to the State of Alabama the two per cent. fund reserved by the act for her admission into the Union, to be applied to the making of a road or roads leading to said State;

A bill to establish an additional land district in the State of Alabama;

A bill for the relief of William Jones;

A bill supplementary to an act entitled "An act to amend an act for the appointment of commissioners to adjust the claims to reservations of land under the 14th article of the treaty of 1830 with the Choctaw Indians;

A bill for the relief of certain settlers on the public lands, who were deprived of the benefits of the act granting pre-emption rights, which was approved on the 19th of June, 1834;

A bill to grant other lands to the inhabitants of townships deprived of the 16th section by Indian reservations;

A bill to relinquish the reversionary interest of the United States to a certain reservation in the State of Alabama.

Mr. LINN gave notice that to-morrow he would ask leave to introduce the following bills:

A bill for the relief of certain companies of Missouri volunteers;

A bill to continue in force the "Act for the final adjustment of private land claims in Missouri," approved July 19, 1832; and the act supplemental thereto, approved March 2, 1833;

A bill to authorize the issue of a patent to the heirs or legal representatives of Francis Rivard, deceased.

Mr. LUMPKIN gave notice that to-morrow he would ask leave to introduce a bill for the relief of Avery, Saltmarsh and Company.

Mr. PORTER gave notice that to-morrow he would ask leave to introduce a bill supplementary to an act to provide for the adjustment of titles to land in the town of Detroit and Territory of Michigan, and for other purposes.

Mr. PRENTISS gave notice that, to-morrow, he would ask leave to introduce the following bills:

A bill to establish a Board of Commissioners to hear and determine claims against the United States;

A bill for the relief of Lemuel White;

A bill for the relief of David Waller;

A bill for the relief of Margaret Barnes;

A bill for the relief of Ebenezer Swan;

A bill for the relief of Joab Seely.

On motion by Mr. CLAY of Kentucky it was

Resolved, That when the Senate adjourn, it adjourn to meet on Monday next.

Mr. MERRICK gave notice that to-morrow he would ask leave to introduce a bill to authorize the transfer to the State of Maryland of the stock in the Chesapeake and Ohio Canal standing in the name of the United States, upon certain conditions.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, Dec. 10, 1840.

As soon as the journal had been read,

Mr. STANLY, after some remarks in relation to the expense of printing, etc. moved to reconsider the vote by which, on yesterday, the following resolution, offered by Mr. AHERTON, was adopted, for the purpose of submitting an amendment reducing the number of copies:

Resolved, That the Message of the President of the United States be referred to the Committee of the Whole on the state of the Union, and that fifteen thousand copies thereof with the accompanying documents, and five thousand copies thereof without the accompanying documents, be printed for the use of the members of the House.

Mr. AHERTON said that he found, on referring to the journal of 1838-9, that fifteen thousand of the Message with, and five thousand without, the accompanying documents, had been ordered to be printed. In introducing the resolution, he did not know it was a departure from the former usage of the House. Last year a mistake was committed, and there was not a sufficient supply

of the Message, with the accompanying documents, printed.

Mr. TILLINGHAST said the documents were of more importance than the message without the documents, and were sought for as conveying more information. Mr. T. thought that, at the last session, the usual rule was departed from, and a large number of the President's Message was printed without the documents. The reason was asked by his constituents, who were desirous of seeing the documents as well as the message.

Mr. CUSHING said the consideration suggested by the gentleman from North Carolina was a serious one. For his part he could not say what the maximum expenses of the printing would be, nor did he know the character of the documents; and such being the case, he hoped the motion to reconsider would prevail, in order that he and other gentlemen, who were not present when the resolution was adopted, might have an opportunity of giving their views.

Mr. C. demanded the yeas and nays; which, being ordered, were—yeas 89, nays 90.

So the motion was not agreed to.

On motion of Mr. LINCOLN,

Ordered, That the several Standing Committees be now appointed, according to the standing rules and orders of the House.

With a view of affording the SPEAKER time for appointing the Standing Committees, on motion of Mr. BRIGGS, it was

Resolved, That when this House adjourn, it adjourn to meet again on Monday next.

Mr. ADAMS offered the following resolution; which was read for information:

Resolved, That a select committee of five members be appointed, with liberty to send for persons and papers, to ascertain and report to this House whether the printed House document of the last session, No. 185, has been falsified; materially differing from the manuscript document transmitted by the President of the United States; and if so, by whom the said falsification was made.

Mr. A. after an explanation of the nature of the document, (which is a translation from the Spanish of the papers relating to the African negroes of the Amistad, observed that his object in offering the resolution was, first, that justice might be done to the President of the United States, and to the officer employed as translator in the State Department; and, second, that it might, if possible, be ascertained by whom the fraud had been perpetrated, if it should prove to be a fraud, and not a blunder. He then went on to argue that this erroneous translation would have a very important bearing on the case of the negroes in question, whose trial would come on in the Supreme Court in January, inasmuch as the fraudulent translation of the passport would make them out as slaves, whereas the proper translation would show that they were free men.

Mr. A. after reading copious extracts from a pamphlet on the subject by Judge W. Jay, of New York, concluded by expressing a hope that the resolution would be adopted forthwith.

The question was then taken on the adoption of the resolution; and it was agreed to, as follows—ayes 87, noes 46.

On motion of Mr. CRANSTON, it was

Resolved, That all petitions and memorials presented to this House at the last session of Congress, and referred to the several standing committees, on which no report was made, or in relation to which bills were reported which were lost in either House, may be again referred to the same committees, at the pleasure of the members by whom they were respectively presented, on being handed, or a list thereof presented, to the Clerk.

Mr. DUNCAN gave notice that he would, on to-morrow, or some subsequent day of the session, ask leave to introduce a bill to amend the naturalization laws.

Mr. HAND gave notice that to-morrow, (or the earliest opportunity,) he should ask leave to introduce a bill establishing a uniform system of naturalization, and repealing all the present laws on that subject, similar to the one heretofore introduced by him.

Mr. CALVARY MORRIS gave notice that, on to-morrow, or some subsequent day during the pre-

sent session, he would ask leave to introduce a bill to repeal "An act, entitled, 'an act to provide for the collection, safekeeping, transfer, and disbursement of the public revenue,'" approved July 4, 1840.

On motion of Mr. JENIFER,

Resolved, that a Select Committee on the Tobacco Trade be appointed by the SPEAKER.

Mr. TILLINGHAST submitted the following, which lies over one day:

Resolved, That the Secretary of the Treasury report to this House how far, and in what manner, the act passed at the last session, entitled "An act to provide for the collection, safekeeping, transfer, and disbursement of the public revenue," has been carried into execution; whether any buildings, additions to, or alterations in, buildings therein authorized or required, have been commenced; at what cost, or contracts therefor made, or orders therefor given, and the terms and conditions of such contracts and orders; what number of clerks, special agents, and other officers, agents, or servants, have been and now are employed under the provisions of said act, or for aid in carrying the same into effect, and where, and from what times, and at what compensations; whether each and every of the officers who are therein required to give bond have given bond, and the sum, sureties, and time of delivery of each bond; and who, if any, have not given bond; whether, in the collection, or keeping, or transfer, or disbursement of the public revenue, or any portion thereof, since said act has been in force, any bank have been resorted to; and, if so, what bank or banks, to what extent and in what manner, and what propositions have been made, if any, to any bank therefor; and setting forth, also, in what specific manner, whether gold or silver, or notes or certificates, or other and what evidences of deposit or credit, all or any of the revenue has been collected or actually passed from the hands of the person or persons from whom the same was due, to the hands of the officer or officers charged with the immediate collection thereof, since said act has been in force; distinguishing, as nearly as may be, how much has been so collected and paid in each specific matter or medium of payment; also, setting forth how, and in what places or offices, and under what actual and personal custody or keeping, all and any and each portion of the revenue, moneys, and assurances, or evidences of debt or obligation, have been kept during said time; and how, and by what agencies and aid, and what forms and process, and on what terms, conditions, and cost of exchange or transfer, and in what specific matter, whether gold and silver, or notes or certificates, or other and what evidences, all, and any portions thereof, have been in said time disbursed and transferred.

The SPEAKER laid before the House—

1. A communication from the Solicitor of the Treasury, in reply to a resolution adopted by the House of Representatives on the 30th of April, 1840, asking whether there was any failure on the part of the United States in the fulfilment of a contract entered into on the 29th day of July, 1834, by the commissioners on the part of the United States for building a custom-house in the city of New York.

2. The annual report of the Clerk of the House in relation to the contingent fund.

3. A communication from the Navy Department, enclosing statements showing the expenditures on account of the contingent expenses of the offices of the Secretary of the Navy and the Navy Commissioners from the 30th day of September, 1839, to the 30th day of September, 1840, prepared and transmitted in accordance with the provisions of the act of Congress, approved 9th May, 1836.

All of which, on motion of Mr. BRIGGS, were laid upon the table, and ordered to be printed.

The following message was transmitted to the House by the President of the United States:

WASHINGTON, Dec. 7, 1840.

SIR: I herewith transmit a letter from the Secretary of the Navy, in relation to the Navy Pension fund, to which the attention of Congress is invited, and recommend an immediate appropriation of

\$151,352 39 to meet the payment of pensions becoming due on and after the 1st of January, 1841.

M. VAN BUREN.

Hon. R. M. T. HUNTER,

Speaker of House of Representatives.

The Hon. HENRY M. BRECKENRIDGE of Pennsylvania, elected to supply the vacancy occasioned by the resignation of the Hon. RICHARD BIDDLE, appeared, was qualified, and took his seat. On motion of Mr. BRIGGS,

The House adjourned, to meet again on Monday next.

IN SENATE,

MONDAY, December 14, 1840.

Mr. ANDERSON, Mr. PRESTON, Mr. SOUTHARD, and Mr. WILLIAMS, appeared in their places in the Senate this morning.

The PRESIDENT submitted a communication from the Secretary of the Navy, transmitting statements of the expenditures of the contingent fund by the officers of the Navy and the Board of Navy Commissioners;

Also, a communication from the Secretary of State, transmitting statements of the expenditures of the contingent fund of that Department;

Also, a communication from the Secretary of War, transmitting a statement of the expenditures of the contingent fund of that Department;

Also, a communication from the Treasurer of the United States, transmitting copies of his accounts for the first, second, and third quarters of the year 1840;

which were severally laid on the table and ordered to be printed.

The CHAIR also presented a communication from the Secretary of War, transmitting a report from the Ordnance Bureau, relative to the claim of Daniel Pettibone; which was referred to the Committee on Military Affairs.

Mr. WEBSTER presented the petition of Rufus and Chambers Lane, owners of a vessel wrecked while employed in the cod fishery, and asking that a fishing bounty might be allowed them; which was referred to the Committee on Commerce.

Mr. CLAY of Kentucky presented the petition of the Secretary of the Peace Society of New York; which with a memorial presented at the last session, were referred to the Committee on Foreign Relations.

Mr. MERRICK presented the memorial of the several banking institutions of the District, praying for a renewal of their several charters;

Also, the memorial of the Howard Institution of the city of Washington; which were severally referred to the Committee on the District of Columbia.

On motion by Mr. MERRICK, the petition and papers of Eliza Causin, now on file, were referred to the Committee on Revolutionary Claims; the petition and papers of John Carter to the Committee on the District of Columbia; and the petition and papers of James Williams to the Committee on Claims.

On motion by Mr. CALHOUN, the petition and papers of John De Treville, now on file, were referred to the Committee on Revolutionary Claims.

On motion by Mr. ROANE, the petition and papers of the heirs of Everard Meade, and the heirs of Dr. C. Griffin, were referred to the Committee on Revolutionary Claims; and the petition and papers of Joel Parks and of Catharine Parks and of Catharine White, were referred to the Committee on Pensions.

Mr. WRIGHT presented the memorial of citizens of Jefferson county, N. Y. praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. W. also presented the memorial of Hannah F. Perrine, widow of Dr. Henry Perrine; which was referred to the Committee on Agriculture.

Also, the petition of Hannah Lefferts; which was referred to the Committee on Revolutionary Claims.

Mr. WHITE presented the memorial of the

Mount Carmel and New Albany Railroad Company; which was referred to the Committee on Roads and Canals.

Also, the petition of Robert Arheart; which was referred to the Committee on Pensions.

Mr. SMITH of Indiana gave notice that tomorrow he would ask leave to introduce bills of the following titles:

A bill for the relief of the legal representatives of Col. Francis Vigo;

A bill to regulate the land offices in the State of Indiana, and for other purposes;

A bill to authorize the Mount Carmel and New Albany Railroad Company to enter on a credit a quantity of land, to aid the company in the construction of a railroad from New Albany, in the State of Indiana, to Mount Carmel, in the State of Illinois, and for other purposes.

Mr. CLAY of Kentucky presented the following resolution, which was laid on the table, and ordered to be printed:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate statements showing the quantity of land reported by the registers and receivers of the several land offices, in pursuance of the resolution of the Senate of the 25th April, 1838, to have been unsold in their respective districts on the 30th day of June, 1838, after having been offered at the minimum price per acre, discriminating between the several land districts; what proportion of the land so unsold on that day consisted of first rate land, and what was unfit for cultivation, according to the reports of the said officers; what was their estimate of the average value per acre of the said unsold land; and what part of the said land so remaining unsold on the 30th June, 1838, aforesaid, has been since sold, and at what price, discriminating between the amount sold in each of the districts. And the Secretary is further directed to cause parallel columns to be prepared, exhibiting in one connected view the quantity of land unsold on the day aforesaid in each district, the amount since sold, the value as assessed or estimated by the said officers, and the prices at which the lands have since actually sold; and the aggregate value of the land as assessed, and the aggregate amount of the sales made since the 30th June, 1838, in each land district.

Mr. CLAY also presented the following resolution for consideration:

Resolved, That the act entitled "An act to provide for the collection, safekeeping, transfer, and disbursement of the public revenue," ought to be forthwith repealed; and that the Committee on Finance be instructed to report a bill accordingly.

Mr. WRIGHT moved that so much of the President's message as relates to the finances of the country be referred to the Committee on Finance.

Mr. WEBSTER hoped that the resolution might be permitted to lie on the table for a day or two. The part of the message referred to relates to a subject of high importance, and it might be useful at an early period of the session for gentlemen to express their opinions on that important subject. It was his opinion that some notice ought to be taken of it by those who differ from the opinions of the President, and that they should express their opinion at an early day; but a few days he desired for its consideration. Again, another document—the annual report of the Secretary of the Treasury—had but this morning been laid upon the table, and therefore, if the gentleman [Mr. Wright] would consent, he should desire that the resolution should be withdrawn, and renewed again on Wednesday.

Mr. WRIGHT could not see what necessity existed for adopting the suggestion of the honorable Senator from Massachusetts, as the mere reference of the message to a committee of this body could interpose no obstacle to the discussion of any and every part of it. He was but pursuing the usual course; and as he considered it his duty to make and press the motion, he could not consent to withdraw it. But it was in the hands of the Senate, and to the decision of the Senate he should leave it.

Mr. WEBSTER then moved that the motion be postponed until Wednesday next; which was carried—ayes 20, noes 19.

On motion by Mr. WRIGHT, the Annual Report of the Secretary of the Treasury on the finances, was referred to the Committee on Finance.

On motion by Mr. BENTON, so much of the President's message as relates to military affairs was referred to the Committee on Military Affairs.

On motion by Mr. BUCHANAN, so much of the President's Message as relates to foreign affairs was referred to the Committee on Foreign Relations.

On motion by Mr. FULTON, so much of the President's message as relates to the public lands, was referred to the Committee on the Public Lands.

On motion by Mr. WILLIAMS, so much of the President's message as relates to naval affairs, was referred to the Committee on Naval Affairs.

On motion by Mr. NORVELL, so much of the President's message as relates to commerce, was referred to the Committee on Commerce.

On motion by Mr. WALL, so much of the President's message as relates to the judiciary, was referred to the Committee on the Judiciary.

On motion by Mr. SEVIER, so much of the President's message as relates to Indian affairs, was referred to the Committee on Indian Affairs.

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

Agreeably to the notice given when the Senate was last in session, Mr. BENTON rose to ask leave to bring in a bill for the establishment of a permanent prospective pre-emption law in favor of settlers on the public lands, and prefaced his motion for the leave he was about to ask, with some remarks upon the character of the bill he proposed to introduce, the appropriateness of the present time for bringing it forward, the general utility of the pre-emption system, and the public expectation to see it now permanently established. He said that the pre-emption laws heretofore passed were temporary in their duration, and retrospective in their operation: they were only made to include settlers up to a limited day, and to remain in force for a limited period. The latest act of this kind was passed on the 30th day of June last, and only included the settlers to that day. The subsequent settlers received no benefit from that act: they were now without protection from law; and it was unjust and unequal to make any distinction between the settlers before and since that day. All were equally entitled to legislative protection, and so would be all future settlers; and instead of extending this protection from time to time, by temporary and limited laws, it was just and proper to provide for all cases at once, the future as well as the existing cases; by establishing a permanent prospective pre-emption system, to operate regularly and uniformly in all time to come.

This, said Mr. B. has always been the object of the friends of the pre-emption laws; they always looked to a permanent system; and considered the temporary acts which were passed as merely stepping-stones and entering-wedges to the main object. This has been constantly expressed, and sometimes attempted; and the auspicious moment for a successful effort, so long desired, seems now to have arrived. All parties are now in favor of the policy which leads to the permanent pre-emptive system. The summer of 1840, and the Presidential canvass which has just terminated, has produced, or developed, a unanimity of sentiment on this desirable point. The actual President (Mr. Van Buren) has long been in favor of this policy, and has so expressed himself in repeated messages to Congress; the President elect (General Harrison) is represented to be favorable to it also, and has had the benefit of that representation in the late Presidential canvass; the Democracy are the known advocates of pre-emptions, and fought them up, in many hard contested actions, to victory and popularity; the Federalists, long their enemy, have now seen the error of their ways, and have become the foremost supporters of the policy they had opposed. The poor man, and his synonyme, the log-cabin: have become the absorbing objects, and the burning themes, of their love and eloquence. They celebrate them in all forms, and wear the sign of the cabin in every article of dress and furniture. Now the cabin, the poor man, and the pre-emption, go together; and he that

loves one, must love the other. The triple affections go together; and in these affections the Federalists of 1840 have shown themselves to be most deeply immersed. The gentlemen of this party have betaken themselves to the love of log cabins, and all their paraphernalia, with the fury and incontinence of a sudden and romantic affection. They build them with their own hands, and piously dedicate them—they sing, dance, drink, and speak in them—they attend them day and night—they decorate them with appropriate trappings, with gourds, corn skins, buck horns, beaver traps, and whatever else denotes the real cabin of the poor man, and the pre-emptioner—they devote themselves to the service of these rude edifices with a zeal unknown to the degeneracy of modern times. Like Pygmalion, they become madly enamored of the work of their own hands, and deliver up their lives to the enjoyment of its contemplation.

Mr. B. said it would be inexcusable in the friends of the pre-emption system not to take advantage of this favorable conjunction of parties and circumstances, to press the interests of the real inhabitants of the log cabins—the frontier men of the new States and Territories—whose enterprise lays open the wilderness, whose courage protects the infant settlements, and whose labor reflects value upon the national domain. This is the man whose toil demands our protection. He builds a cabin, not in the city, but in the woods; not with music and feasting, and crowded help, but solitary and alone, and with privation of every thing which could give joy to the task. He proceeds upon hope!—upon the hope that the rude tenement which he builds may be his own! that the secluded spot which he has selected may become his! that no heartless speculator may come to rob him of both! In a word, he hopes that a pre-emption law may be passed! Now, said Mr. B. let us help this lonely and meritorious man: let us help him to build his log cabin: let us give courage to his heart, strength to his arm, and comfort to his spirit, by securing to him the pre-emptive right to the soil on which he builds. It is all he asks; and while our great cities—even this metropolis, and all the capitals and commercial emporiums of all the States—still retain the evidences of Federal love for log cabins; while these erections, so lately put up, still retain their unusual position in public squares, and on magnificent streets, side by side with the splendid mansion which no longer disdains its humble companion: while all this still exists, and still salutes our eyes, and while the proud architects of these city cabins are still here, on this floor, to legislate among us, let us extend our regard to the cabin in the woods, and grant to its inhabitant the only favor which he solicits—that of protection from the speculator, in the house which he has built, in the field which he has cleared, and in the soil which he cultivates.

Mr. B. then offered his bill, which was read as follows:

A BILL to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, every head of a family, every widow, and every single man over the age of eighteen years, who shall make a settlement on any of the public lands to which the Indian title has been, or shall be, extinguished, whether the same be surveyed or not, or who may have settled on such land since the 30th day of June, 1840, and who shall inhabit and improve the same, and raise a log cabin thereon, shall be entitled to a pre-emption in the purchase of one quarter section, to be paid for at the minimum price of such land at the time of paying for the same.

SEC. 2. And be it further enacted, That where the improvement and the settlement shall be on different quarter sections, the settler shall make choice of the quarter he will take, provided it can be done without prejudice to the rights of others.

SEC. 3. And be it further enacted, That where the quantity of one hundred and sixty acres cannot be obtained in one entire quarter section, the deficiency

may be made up out of any contiguous vacant ground.

SEC. 4. And be it further enacted, That in the execution of this act, and in making up the quantity of one hundred and sixty acres where the same cannot be had entire, the entries may be made in tracts of eighty acres, or forty acres, or in fractions; and where the fraction shall be more than the quantity required to complete the pre-emption, the excess shall be paid for, and the pre-emptive right shall extend to the whole fraction.

SEC. 5. And be it further enacted, That where two or more persons shall have settled on the same quarter section, the same shall be divided between them, and the deficiency made up to each out of contiguous vacant ground: but no wilful intruder on the known rights of another shall be entitled to any benefit under this section.

SEC. 6. And be it further enacted, All legal reservations of public lands for any purpose whatever shall be exempted from the operation of this act, so that no right of pre-emption shall accrue on any such reserves.

SEC. 7. And be it further enacted, That all questions in relation to pre-emption claims, or between claimants to the same quarter section, shall be settled summarily and definitively by the Register and Receiver of the district, under the instructions of the Commissioner of the General Land Office.

The bill having been read,

Mr. BENTON said as the session was a short one and did not afford time for the courtesy usually extended upon the introduction of bills, he hoped it would be waived in the present instance, and that each Senator would vote upon the question of its second reading in accordance with his opinion of the merits of the bill; and he would ask the yeas and nays upon ordering it to a second reading.

Mr. HUBBARD wished to look into the bill before he was called upon to vote either for or against it, and hoped that the Senator from Missouri would permit it to be postponed until to-morrow and printed; which was agreed to, and the bill ordered to be printed.

Mr. PRENTISS, agreeably to notice, asked and obtained leave to introduce the following bills:

A bill for the relief of Lemuel White;

A bill for the relief of David Waller;

A bill for the relief of Margaret Barnes;

A bill for the relief of Ebenezer Swan; and

A bill for the relief of Joab Seely;

which were severally read twice, and referred to the Committee on Pensions.

Mr. P. also, on leave, introduced a bill to establish a Board of Commissioners to hear and determine claims against the United States; which was referred to the Committee on Claims.

Mr. NORVELL, in pursuance of previous notice, asked and obtained leave to introduce

A bill granting to the State of Michigan a quantity of land to aid said State in the construction of a canal around the Falls of Ste Maria; and

A bill to create an additional land office in the State of Michigan, and for other purposes; which were severally read twice, and referred to the Committee on Public Lands.

A bill to authorize the Secretary of the Treasury to procure steam-vessels for the revenue service; and

A bill authorizing the erection of certain light-houses and light-boats, and the establishment of certain buoys and beacon-lights; which were severally read twice, and referred to the Committee on Commerce; and

A bill supplementary to an act to abolish imprisonment for debt in certain cases; which was read twice, and referred to the Committee on the Judiciary.

Mr. CLAY of Alabama, agreeably to notice, asked and obtained leave to introduce the following bills:

A bill providing for the reduction and graduation of the price of the public lands;

A bill to relinquish to the State of Alabama the two per cent. fund reserved by the act for her admission into the Union, to be applied to the making of a road or roads leading to said State;

A bill to establish an additional land district in the State of Alabama

A bill for the relief of William Jones;

A bill for the relief of certain settlers on the public lands, who were deprived of the benefits of the act granting pre-emption rights, which was approved on the 19th of June, 1834;

A bill to grant other lands to the inhabitants of townships deprived of the 16th section by Indian reservations;

A bill to relinquish the reversionary interest of the United States to a certain reservation in the State of Alabama;

which were severally read twice and referred to the Committee on Public Lands.

Mr. CLAY also, on leave, introduced a bill supplementary to an act entitled "An act to amend an act for the appointment of commissioners to adjust the claims to reservations of land under the 14th article of the treaty of 1830 with the Choctaw Indians; which was read twice and referred to the Committee on Private Land Claims.

Mr. LUMPKIN, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of Avery, Saltmarsh and Company; which was read twice, and referred to the Committee on the Post Office and Post Roads.

Mr. FULTON, in pursuance of previous notice, asked and obtained leave to introduce the following bills:

A bill in relation to donations of land to certain persons in the State of Arkansas;

A bill to quiet the titles of certain land claimants in the States of Missouri and Arkansas, and for other purposes;

A bill to settle the title to certain tracts of land in the State of Arkansas;

A bill to authorize the inhabitants of township eight north, range thirty-two west, in the State of Arkansas, to enter a section of land in lieu of the sixteenth section in said township, upon condition that the same is surrendered to the United States for military purposes;

A bill authorizing the inhabitants of fractional township ten south, of range one east, in the State of Arkansas, to enter one half section of land for school purposes;

A bill for the relief of James Smith of Arkansas;

A bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of a treaty between the United States and the Choctaw Indians;

which were severally read twice, and referred to the Committee on the Public Lands.

Mr. F. also, on leave, introduced a bill allowing drawback upon foreign merchandise exported in the original packages to Chihuahua and Santa Fe, in Mexico; which was read twice, and referred to the Committee on Commerce.

Also, a bill for the relief of George W. Paschal; which was read twice, and referred to the Committee on Claims.

Mr. PORTER, in pursuance of previous notice, asked and obtained leave to introduce a bill supplementary to an act to provide for the adjustment of titles to land in the town of Detroit and Territory of Michigan, and for other purposes; which was read twice, and appropriately referred.

Mr. MERRICK, in pursuance of previous notice, asked and obtained leave to introduce a bill to authorize the transfer to the State of Maryland of the stock in the Chesapeake and Ohio Canal standing in the name of the United States, upon certain conditions; which was read twice, and referred to the Committee on the District of Columbia.

On motion by Mr. WALL, the papers in the cases of Thomas Haskins and Ralph Haskins, of Thomas L. Winthrop, and of William B. Rathbone, were referred to the Committee on the Judiciary.

On motion by Mr. NORVELL, the petition and papers of P. Ord were withdrawn from the files of the Senate.

On motion by Mr. YOUNG, the memorials of the inhabitants of townships 44 and 46 N. range 1 E. of the principal meridian in the State of Illinois in relation to the claim of the Polish exiles, be taken from the files of the Senate and referred to the Committee on the Public Lands.

Mr. BENTON presented the petition of citizens of Missouri, praying for the establishment of a mail

route from Jefferson city to the county seat of Benton in said State; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. WILLIAMS, the petition and papers of Peter H. Queen, now on file, were referred to the Committee on Claims.

Mr. PIERCE gave notice that to-morrow he would ask leave to introduce a bill for the equalization of the pay of the officers of the staff and line of the army.

Mr. TAPPAN gave notice that to-morrow he would ask leave to introduce a bill to limit the tenure of office of the judges of the Federal courts of the United States.

Mr. CALHOUN gave notice that to-morrow he would ask leave to introduce a bill for the relief of the heirs of John De Treville.

Mr. DAVIS submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the laws as to mitigate or wholly abolish the imprisonment of witnesses in criminal cases.

Mr. RUGGLES submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to communicate to the Senate, if not incompatible with the public interests, any correspondence which may have taken place between this Government and that of Great Britain, relative to the Northeastern boundary, not heretofore communicated to the Senate. Also, on like condition, any correspondence had with the Governor of Maine on the same subject, not heretofore communicated.

Mr. YOUNG submitted the following resolutions, which were severally considered and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing by law for the abandonment of Rock Island, in the State of Illinois, as a military post.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing a marine hospital, for the accommodation of sick and disabled boatmen and indigent passengers navigating the Mississippi and Ohio rivers, at the city of Cairo, in the State of Illinois.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of establishing ports of entry and delivery, or ports of delivery, at the cities of Cairo, Alton, and Chicago, in the State of Illinois.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of granting an extension of credit to the State of Illinois on duty bonds already given, or hereafter to be executed, on the importation of railroad iron into that State.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making specific appropriation for the improvement of the Rock river and Des Moines Rapids of the Mississippi river, so as to make said river navigable for steamboats at all seasons of the year, when the navigation is not obstructed by ice.

ELECTION OF CHAPLAIN.

The Senate then proceeded to the election of Chaplain, and the ballots having been counted, the PRESIDENT announced the following as the result:

Whole number of ballots	39
For Rev. Mr. COOKMAN,	25
Rev. Mr. THORNTON,	10
Rev. Mr. SHAW,	4

So Mr. COOKMAN was declared to be duly elected. The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

Monday, December 14, 1840.

The journal being read—

The names of the following gentlemen, appointed by the SPEAKER to constitute the several Standing Committees of the House, were announced:

COMMITTEE OF ELECTIONS.

Mr. Rives,	Mr. Botts,
Fillmore,	Randall,
Medill,	P. F. Thomas, of Md.
Brown of Tenn.	Rariden.
Smith of Conn.	

COMMITTEE OF WAYS AND MEANS.

Mr. J. W. Jones of Va.	Mr. Cooper of Geo.
Evans,	Mason of Ohio,
Vanderpoel,	Saltonstall,
Connor,	Hubbard.
Atherton,	

COMMITTEE ON CLAIMS.

Mr. Russell,	Mr. Gentry,
Dawson,	Hill of N. C.
Banks,	Galbraith,
Giddings,	Mallory.
Williams of N. H.	

COMMITTEE ON COMMERCE.

Mr. Curtis,	Mr. Parris,
Hilken,	Botts,
Burke,	Miller,
Toland,	Winthrop.
Habersham,	

COMMITTEE ON PUBLIC LANDS.

Mr. Morrow,	Mr. Garland,
Lincoln,	Thompson of Miss.
Crary,	Casey,
White of Ky.	Chapman.
Fisher,	

COMMITTEE ON POST OFFICE AND POST ROADS.

Mr. McKay,	Mr. Jos. L. Williams,
Hopkins,	A. G. Brown,
Briggs,	Reynolds,
Marvin,	Thompson of Ky.
Leadbetter,	

COMMITTEE FOR THE DISTRICT OF COLUMBIA.

Mr. Wm. Cost Johnson,	Mr. Graham,
C. H. Williams,	Cranston,
Birnie,	Hawkins,
Clark,	McCarty.
Davee,	

COMMITTEE ON THE JUDICIARY.

Mr. Sergeant,	Mr. Stanly,
Hoffman,	S. H. Butler,
Turney,	Trumbull,
Samuel,	Starkweather.
Barnard,	

COMMITTEE ON REVOLUTIONARY CLAIMS.

Mr. Randolph,	Mr. Ely,
Hal,	Swearingen,
Taliaferro,	James,
Paumeter,	Nathaniel Jones.
Montgomery,	

COMMITTEE ON PUBLIC EXPENDITURES.

Mr. Bond,	Mr. Greene,
Duncan,	McClure,
Croskett,	Baker,
Waterson,	Breckenridge.
McCulloch,	

COMMITTEE ON PRIVATE LAND CLAIMS.

Mr. Calhoun,	Mr. Cross,
Dellet,	Warren,
Wick,	Vroom,
Wm. S. Hastings,	Boardman.
Jackson,	

COMMITTEE ON MANUFACTURES.

Mr. Adams,	Mr. Dromgole,
Nisbet,	Mitchell,
Slade,	Eastman,
Tillinghast,	John Davis of Penn.
Worthington,	

COMMITTEE ON AGRICULTURE.

Mr. Deterry,	Mr. Shaw,
McClellan,	Doig,
Smith of Vermont,	Hook,
Hammond,	Ridgway.

COMMITTEE ON INDIAN AFFAIRS.

Mr. Bell,	Mr. Hunt,
Lewis Williams,	J. W. Davis of Ia.
Alford,	Parrish,
Chinn,	Ryall.
Lucas,	

COMMITTEE ON MILITARY AFFAIRS.

Mr. W. Thompson, jr.	Mr. Monroe,
Miller,	Sumter,
Coles,	G. ggin,
Kemble,	W. O. Butler.
J. W. Allen,	

COMMITTEE ON THE MILITIA.

Mr. Keim,	Mr. Rogers of N. Y.
Carter,	Triplett,
Griffin,	Wagner of N. H.
Wagener of Pa.	Jackson.
Goode,	

COMMITTEE ON NAVAL AFFAIRS.

Mr. Francis Thomas,	Mr. Shepard,
Reed,	Naylor,
Grinnell,	Dickerson,
Anderson,	Montanya.
Proffit,	

COMMITTEE OF FOREIGN AFFAIRS.

Mr. Pickens,	Mr. Everett,
Cushing,	Clifford,
Dromgole,	Leet,
Granger,	Fine.
Hawes,	

COMMITTEE ON THE TERRITORIES.

Mr. Pope,	Mr. Garret Davis of Ky.
Jenifer,	Cooper of Pa.
Campbell of Tenn.	Morgan,
Stuart,	Dana.
Brewster,	

COMMITTEE ON REVOLUTIONARY PENSIONS.

Mr. Taliaferro,	Mr. Brockway,
Carr,	Taylor,
Andrews,	Hand,
Steenrod,	Peck.
Edw'd Davies of Pa.	

COMMITTEE ON INVALID PENSIONS.

Mr. S. Williams of Ky.	Mr. S. W. Morris of Pa.
Morris of Ohio,	Palen,
Chittenden,	Sweeney,
Doan,	Edwards.
Strong,	

COMMITTEE ON ROADS AND CANALS.

Mr. Ogle,	Mr. Blackwell,
Carroll,	Underwood,
Hill of Virginia,	Smith of Maine,
Smith of Virginia,	Crabb.
Rayner,	

COMMITTEE ON PATENTS.

Mr. Fletcher,	Mr. Newhard,
Beatty,	Paynter.
Prentiss,	

ON PUBLIC BUILDINGS AND GROUNDS.

Mr. Pettkin,	Mr. Hastings of Ohio,
Leonard,	Osborne.
Keim,	

ON REVISAL AND UNFINISHED BUSINESS.

Mr. Peck,	Mr. Kille,
Parrish,	Cooper of N. J.
James,	

COMMITTEE ON ACCOUNTS.

Mr. Jos. Johnson of Va.	Mr. Floyd,
C Johnston of N. Y.	Andrews.
Marchand,	

COMMITTEE ON MILEAGE.

Mr. Williams of Ct.	Mr. Henry,
Williams of Mass.	Kempshall.
J. Allen of N. Y.	

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF STATE.

Mr. Underwood,	Mr. Lowell,
Bynum,	Trumbull,
Crabb,	

COMMITTEE ON EXPENDITURES IN THE TREASURY DEPARTMENT.

Mr. Evans,	Mr. Warren,
Atherton,	Jones of N. Y.
Osborne,	

ON EXPENDITURES IN THE WAR DEPARTMENT.

Mr. Doe,	Mr. Holmes,
Chapman,	Cooper of Pa.
Wagner of N. Y.	

ON EXPENDITURES IN THE NAVY DEPARTMENT.

Mr. Saltonstall,	Mr. Green,
Vanderpoel,	Gerry.
Samnton,	

ON EXPENDITURES IN POST OFFICE DEPARTMENT.

Mr. Marvin,	Mr. Davis of Ky.
Eoyd,	Lane.
Lowell,	

ON EXPENDITURES ON THE PUBLIC BUILDINGS.

Mr. Stanly,	Mr. Henry,
Fornance,	Earle.
Gates,	

The SPEAKER also announced the following Select Committees, under resolutions adopted on Thursday last:

ON THE TOBACCO TRADE.

Mr. Jenifer,	Mr. Grinnell,
Coles,	Triplett,
Sergeant,	Parrish,
Dawson,	Miller,
Carroll,	

CONGRESSIONAL GLOBE.

26TH CONG.....2ND SESS.

TUESDAY, DECEMBER 22, 1840.

VOLUME 9.....No. 2.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

Continued from No. 1.

FOR INQUIRY INTO THE ALLEGED FALSIFICATION OF PUBLIC DOCUMENT NO. 185 OF LAST SESSION RELATIVE TO THE AFRICANS TAKEN ON BOARD THE AMISTAD.

Mr. Adams, Mr. Medill,
McKay, Dennis,
Barnard,

Mr. WINTHROP of Massachusetts stated that, on examining the list of yeas and nays on the vote taken, last week, on the motion of Mr. STANLY to reconsider the vote by which the resolution of Mr. ATHERTON, for the printing of the usual number of copies of the President's Annual Message had been adopted, he discovered that his name was omitted.

Mr. JOSEPH L. WILLIAMS stated that he also was present, and voted in the affirmative, when the question on the motion to reconsider was taken, but his name was not recorded.

Whereupon,

Mr. WINTHROP moved that the yeas given by Mr. J. L. WILLIAMS and himself, on Thursday last, on the question of reconsidering the vote for printing certain extra copies of the President's Message, be now entered upon the journal, it appearing that the same was omitted at the time.

Mr. PETRIKIN was inclined to question the propriety of permitting members to have their votes inserted on the journal at so long a time after the decision had been announced. He thought members ought to remain in their places, and listen whether their names had been omitted or not, so as to have the error rectified at the time.

After some debate on the propriety of permitting the votes to be recorded, in which Messrs. STANLY, TILLINGHAST, WISE, LEWIS WILLIAMS, and CUSHING, participated, the motion to insert was agreed to by the following vote: yeas 200, nays 3.

The SPEAKER then stated that the addition just made of two votes in the affirmative, would reverse the decision of Wednesday last, by which the motion of Mr. STANLY to reconsider the resolution of Mr. ATHERTON, was rejected. That resolution was, therefore, reconsidered, and its merits consequently open to debate.

Mr. STANLY then moved to amend the resolution by inserting 15,000 of the President's message without, and 5,000 with, the accompanying documents.

Mr. DUNCAN inquired whether the order to print had been executed.

The SPEAKER replied that it had not.

Mr. TILLINGHAST, by way of compromise, moved further to amend by substituting 5,000 of the message with, and 5,000 without, the accompanying documents.

The question was then taken on the amendment to the amendment, and decided in the negative.

The question being then on the amendment of Mr. STANLY,

Mr. BRIGGS moved to amend the amendment by substituting 10,000 with, and 5,000 without, the documents.

Mr. BEATTY thereupon called for the yeas and nays, which were ordered; and, being taken, were—yeas 110, nays 96, as follows:

YEAS—Messrs. Judson Allen, Anderson, Atherton, Banks, Barnard, Beatty, Beirne, Blackwell, Boyd, Breckenridge, Briggs, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Calloun, Carr, Carroll, Clifford, Coley, Connor, William R. Cooper, Craig, Cranston, Cray, Crockett, Cross, Dana, Davee, Dennis, Dickerson, Dean, Doe, Doig, Duncan, Earl, Eastman, Ely, Everett, Fine, Fisher, Fletcher, Formance, Gaibraith, Garland, Gorry, Hammond, Hand, John Hastings, Hawkins, Hill of Virginia, Hill of North Carolina, Hillen, Hubbard, Jackson, Jamies, Jameson, Nathaniel Jones, John W. Jones, Keim, Kempshall, Kille, Lane, Leet, Leonard, Lowell, Lucas, McCarty, McClellan, McClure, McCalloch, Marchand, Medill, Miller, Mitchell, Montanya, Montgomery, Samuel W. Morris, Ogle, Parmenter, Par-

ris, Paynter, Pope, Prentiss, Reed, Reynolds, Ridgway, Edward Rogers, Ryall, Saltonstall, Samuels, Shaw, Slade, John Smith, Thomas Smith, Strong, Stuart, Jacob Thompson, Tillinghast, Toland, Underwood, Vroom, David D. Wagener, Peter J. Wagner, Watterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—110.

NAYS—Messrs. Adams, Alford, John W. Allen, Andrews, Baker, Bell, Boardman, Boits, Brewster, Brockway, Wm. B. Campbell, Carier, Casey, Chapman, Chinn, Chittenden, Clark, Mark A. Cooper, Crabb, Curtis, Cushing, Edward Davies, John Davis, John W. Davis, Garret Davis, Dawson, Dellet, Edwards, Evans, Fillmore, Floyd, Gates, Gentry, Giddings, Goggin, Goode, Graham, Granger, Green, Habersham, Hall, William S. Hastings, Hawes, Henry, George W. Hopkins, Hunt, Jenifer, Charles Johnston, Joseph Johnson, William Cost Johnson, Cave Johnson, Leadbetter, Lincoln, McKay, Mallory, Marvin, Mason, Monroe, Morgan, Calvary Morris, Newhard, Osborne, Palen, Parrish, Peck, Petrikin, Pickens, Proffit, Randall, Randolph, Rariden, Rayner, Rives, Russell, Shepard, Simonton, Truman Smith, Stanly, Starkweather, Sumpter, Swearingen, Sweeney, Taliaferro, Philip F. Thomas, Waddy Thompson, John B. Thompson, Triplett, Turney, Warren, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Winthrop, and Wise—96.

So the amendment was agreed to.

The question being on agreeing to the amendment of Mr. STANLY as amended, it was decided in the affirmative.

And the question then being on the adoption of the resolution as amended, it was agreed to without a count.

So ten thousand copies of the President's message with, and five thousand copies without, the accompanying documents, were ordered to be printed.

DEATH OF MR. ANDERSON OF KENTUCKY.

Mr. THOMPSON of Kentucky rose and announced to the House that SIMEON H. ANDERSON, his predecessor in this Congress from the Fifth District in Kentucky, had departed this life, at his residence in Garrard county, since the last session. Mr. T. remarked that his death was a public calamity, because the country, in the morning of his life, and as his career of usefulness upon a new theatre had just commenced, had been deprived of one of her most promising sons. In the councils of his native State, he had rendered services to that State, and achieved for himself an enviable reputation; without opposition, and by the undivided suffrage of his district, he had been returned a member for this Congress. His bearing as a gentleman was a true evidence of the moral worth and integrity of purpose that characterized the man. His brief services here had not fully manifested to this body the rich attainments and high order of intellect that, combined with his private virtue, had secured to him not only public confidence at home, but also that respect and attachment which all the better sympathies of social life ever accord to merit and worth. The bar of which he was a member and an ornament, in his native State, regret his untimely death; his district feels the loss. Allied with the best blood of the State, he has left a young family to mourn the sad bereavement of a kind parent and an affectionate husband. Mr. T. presented the following resolutions as a token of condolence to that family, and as the last kind office and tribute of respect we can pay to the memory of one who yet lives in the cherished remembrances and affec-

tions of his friends, his relatives, and of the State of which he was a favorite child, and on whom she rested high and proud hopes of future usefulness and eminence. There is allotted to but few a better and brighter fortune than seemed to await him. The sentiment that "they whom the gods love die young" was a tender delusion of heathen superstition, in this instance, he trusted, but exemplified and adopted by a wise and mysterious dispensation of the Christian's Providence. The malediction, "May you die from home," was an imprecation he had no enemy malevolent enough to utter, and he now reposes as he lived and died, surrounded by his household and friends.

Resolved, That this House with deep regret have heard the announcement of the death of SIMEON H. ANDERSON, of Kentucky, late a member of this Congress.

Resolved, That to testify their regard for the deceased, and as an evidence of the sympathy they feel, and hereby tender to his surviving relatives, they will wear crape on the left arm for thirty days.

Resolved, As a further testimony of respect for the deceased, that when this House adjourn to-day, it adjourn to to-morrow.

DEATH OF MR. RAMSEY, OF PENNSYLVANIA.

Mr. LEET then rose, and addressed the House as follows:

Mr. SPEAKER: In accordance with a practice which has been sanctioned by long usage, I rise to discharge a painful duty; in doing which I feel sure the House will sympathize with me. I rise, sir, to announce the death of WILLIAM STERRETT RAMSEY, who was a distinguished member of the Pennsylvania delegation, and represented the Cumberland district. He died suddenly in October last, in the city of Baltimore, somewhat remote from the bosom of his near relatives, but where, however, there were not wanting friends to show appropriate marks of respect to his memory. His death was not less sudden than melancholy. From early infancy he was afflicted with feeble health, and a weak constitution.

Having been called by the people of his district to serve them in the National Legislature of his native country, and desirous to execute the trust reposed in him, he struggled through the last unusually arduous and exciting session, in the discharge of his duties, in a manner alike honorable to himself, gratifying to his friends, and satisfactory to his constituents. At the close of the session, he found his constitution rapidly yielding to the ravages of a confirmed consumption; and during the recess of Congress, in the youth of his days, with the fairest earthly prospects before him, (could he have lived to realize them,) and at a time when one would think he might be buoyant with hope, he sunk a victim to gloomy melancholy, leaving numerous devoted friends to lament his premature and deplorable death. I have never been able to feel fully the propriety of panegyric on occasions like this—it excites little or no interest where the subject of it is unknown, and cannot reach his ear, nor enhance his character in the esteem of those who knew his goodness, his talents, and his virtues. I may be indulged, however, in simply saying, that Mr. Ramsey, as a man, was liberal and kind; and, as a friend, was true and faithful: he enjoyed the advantages of an accomplished

education received in this country, and he visited some of the most famous places in Europe in the anxious pursuit of knowledge, and for the improvement of his health. Some time after his return from Europe, he was in 1838 elected to the 26th Congress, and in 1840 was again returned by a generous and enlightened constituency to the 27th Congress. But, alas! he is now no more—he died a high minded and honorable man.

Without making further remarks, I ask the House to pay the customary tribute of respect to the memory of a deceased member, by adopting the resolutions which I hold in my hand, and now send to the Chair.

Resolved, That the members of this House will testify their respect for the memory of **WILLIAM STREBETT RAMSEY**, by wearing crape on the left arm for thirty days.

Resolved, That this House do now adjourn.

The above resolutions were then adopted,

And the House adjourned until to-morrow at 12 o'clock.

IN SENATE,

TUESDAY, December 15, 1840.

The **PRESIDENT** submitted a communication from the Secretary of the Treasury, enclosing a communication from **F. R. Hassler**, the superintendent of the coast survey and the construction of weights and measures, showing the progress made therein; which was laid on the table.

Also, a report from the Secretary of the Treasury, in compliance with the act for the relief of insolvent debtors; which was referred to the Committee on the Judiciary.

Mr. HUBBARD presented the petition of **Walter Loomis and Abel Gay**; which was referred to the Committee on Claims.

Also, the petition of General **Joseph M. Hernandez**; which was referred to the Committee on Claims.

Also, the petition of **Gad Humphreys**; which was referred to the Committee on Claims.

Also, the petition of **Philip Weademan**; which was referred to the Committee on Claims.

Also, the petition of **Malachi Hagan**, which was referred to the Committee on Claims.

Also, the petition of the heirs of **John J. Bulow**, deceased; which was referred to the Committee on Claims.

Mr. HUBBARD also offered the following resolution, which was considered and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of granting a pension to **John McNeil** for wounds received during the last war.

Mr. BUCHANAN presented the memorial of **William W. Chew**, Secretary of Legation at **St. Petersburg**; which was referred to the Committee on Foreign Relations.

Mr. ANDERSON presented the petition of **Clements, Bryan and Company**; which was referred to the Committee on Claims.

Mr. WRIGHT presented the memorial of **De Forest Manice**; which was referred to the Committee on Finance.

Mr. PRESTON presented the petition of **Charles Howe**; which was referred to the Committee of Claims.

Mr. FULTON presented the memorial of members of the Legislature of **Arkansas**, praying for the establishment of a mail route in the counties of **Monroe, Francis, and Jackson**; which was referred to the Committee on the Post Office and Post Roads.

Mr. ROANE presented the petition of the Editor of the **Farmer's Register**, praying for the reduction of postage on periodicals; which was referred to the Committee on the Post Office and Post Roads.

Mr. CLAY of **Alabama** presented the petition of citizens of **Madison county, Alabama**, praying for the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Also, the petition of **George Turnley**, of **Cherokee county, Alabama**; which was referred to the Committee on the Public Lands.

Mr. C. also gave notice that, on to-morrow, he would ask leave to introduce a bill for the relief of the **Selma and Tennessee Railroad Company**.

On motion by **Mr. FULTON**, so much of the President's annual message as relates to the Post Office and post roads was referred to the Committee on the Post Office and Post Roads.

On motion by **Mr. PIERCE**, the petitions of **Thankful Reynolds**, of the widow of **John Vance**, of **Hulda Tucker**, of **Samuel Collins**, of **Lucy Eaton**, widow of **John Bennett**, of **John R. Midwinter**, and of **Joseph Bassett**, now on the files of the Senate, were referred to the Committee on Pensions.

On motion by **Mr. WALL**, the petition and papers of **Francis A. Dickens**, now on file, were referred to the Committee on the Judiciary.

Mr. YOUNG presented the petition of inhabitants of the counties of **Lake, Henry, and Boone**, for a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. TALLMADGE presented the petition of the heirs of **Henry Eckford**; which was referred to the Committee on Naval Affairs.

Mr. HUBBARD, from the Committee on Claims, to which was referred

The bill for the relief of **George W. Paschal**; and

The bill to establish a Board of Commissioners to hear and determine claims against the United States;

reported the same without amendment.

Mr. NORVELL, from the Committee on the Public Lands, to which was referred

A bill granting to the State of **Michigan** a quantity of land to aid said State in the construction of a canal around the Falls of **Sie Marie**; and

A bill to create an additional land office in the State of **Michigan**; and for other purposes;

reported the same without amendment.

Mr. CLAY of **Alabama**, from the Committee on the Public Lands, to which were referred

A bill to relinquish to the State of **Alabama** the two per cent. fund reserved by the act for her admission into the Union, to be applied to the making of a road or roads leading to said State;

A bill to establish an additional land district in the State of **Alabama**;

A bill for the relief of **William Jones**;

A bill for the relief of certain settlers on the public lands, who were deprived of the benefits of the act granting pre-emption rights, which was approved on the 19th of June, 1834;

A bill to grant other lands to the inhabitants of townships deprived of the 16th section by Indian reservations; and

A bill to relinquish the reversionary interest of the United States to a certain reservation in the State of **Alabama**;

severally reported the same without amendment.

Mr. FULTON, from the Committee on the Public Lands, to which were referred

A bill in relation to donations of land to certain persons in the State of **Arkansas**;

A bill to quiet the titles of certain land claimants in the States of **Missouri** and **Arkansas**, and for other purposes;

A bill to settle the title to certain tracts of land in the State of **Arkansas**;

A bill to authorize the inhabitants of township eight north, range thirty-two west, in the State of **Arkansas**, to enter a section of land in lieu of the sixteenth section in said township, upon condition that the same is surrendered to the United States for military purposes;

A bill authorizing the inhabitants of fractional township ten south, of range one east, in the State of **Arkansas**, to enter one half section of land for school purposes;

A bill for the relief of **James Smith** of **Arkansas**; and

A bill for the relief of sundry citizens of **Arkansas**, who lost their improvements in consequence of a treaty between the United States and the **Chocctaw Indians**;

severally reported the same without amendment.

Mr. SEVIER gave notice that to-morrow he would ask leave to introduce

A bill for the relief of **Benjamin Murphy**;

A bill for the relief of **Richard T. Banks**;

A bill making appropriations for the removal of the raft in **Red River**;

A bill to authorize the Legislature of the State of **Arkansas** to sell the lands heretofore appropriated for the use of schools in that State; and

A bill to revive the act entitled "An act to enable claimants to lands within the limits of **Missouri** and the Territory of **Arkansas**, to institute proceedings to try the validity of their claims," approved the 26th of May, 1824, and an act amending the same, and extending the provisions of said act to claimants to lands within the States of **Louisiana** and **Mississippi**.

Mr. CLAY of **Alabama**, in pursuance of previous notice, asked and obtained leave to introduce

A bill for the relief of **James Walker**; and

A bill for the relief of the legal representatives of **Colin Bishop**;

which were severally read twice, and referred to the Committee on the Post Office and Roads.

Mr. C. also, on leave, introduced a bill for the relief of **Jubal B. Hancock**; which was referred to the Committee on Indian Affairs.

Mr. DAVIS, in pursuance of previous notice, obtained leave to introduce a bill to refund to **Noah Miller** and others part of the proceeds of the sale of the British sloop **Mary** and cargo, which were captured by them, and libelled and sold for the benefit of the United States; which, with accompanying documents, was referred to the Committee on Commerce.

Mr. DAVIS gave notice that to-morrow he would ask leave to introduce a bill for the relief of the **Plumb Island Bridge Company**.

Mr. CALHOUN, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of the heirs of **John De Treville**, deceased; which was read twice, and referred to the Committee on Revolutionary Claims.

Mr. WILLIAMS, in pursuance of previous notice, asked and obtained leave to introduce a bill to provide for the settlement of the claim of the State of **Maine** for the services of her militia; which was read twice, and referred to the Committee on Military Affairs.

Mr. W. also, on leave, introduced a bill to regulate the pay and emoluments of pursers of the navy; and

A bill to regulate and establish the navy ration; which was severally read twice, and referred to the Committee on Naval Affairs.

Mr. SMITH of **Indiana**, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of the legal representatives of **Col. Francis Vigo**; which was read twice, and referred to the Committee on Revolutionary Claims.

Also, a bill to regulate the land offices in the State of **Indiana**, and for other purposes; which was read twice, and referred to the Committee on the Public Lands.

Also, a bill to authorize the **Mount Carmel and New Albany Railroad Company** to enter on a credit a quantity of land, to aid the company in the construction of a railroad from **New Albany**, in the State of **Indiana**, to **Mount Carmel**, in the State of **Illinois**, and for other purposes; which was read twice, and referred to the Committee on Roads and Canals.

Mr. NORVELL, in pursuance of previous notice, asked and obtained leave to introduce a bill authorizing the President of the United States to cause certain surveys to be made; which was read twice, and referred to the Committee on the Public Lands.

Mr. TAPPAN, in pursuance of previous notice, asked and obtained leave to introduce a joint resolution, proposing an amendment to the Constitution of the United States, so as to limit the term of office of the judges of the supreme and inferior courts thereof.

Mr. ANDERSON gave notice that to-morrow he would ask leave to introduce a bill to amend an act entitled "An act to authorize the State of **Tennessee** to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," passed the 18th day of April, 1836.

Mr. HUBBARD, in pursuance of previous notice, asked and obtained leave to introduce a bill for the settlement of the claims of New Hampshire against the United States; which was read twice, and referred to the Committee on Military Affairs.

Mr. HENDERSON, in pursuance of previous notice, asked and obtained leave to introduce a bill to confirm the survey and location of claims for lands in the State of Mississippi, east of Pearl river and south of the 31st degree of north latitude; which was read twice, and referred to the Committee on the Public Lands.

Mr. MERRICK, in pursuance of previous notice, asked and obtained leave to introduce

A bill for the legal representatives of William Sanford, deceased;

A bill for the relief of the legal representatives of Robert White; and

A bill for the relief of the heirs or legal representatives of Joseph Morris, deceased; which were severally read twice, and referred to the Committee on Revolutionary Claims.

Mr. MERRICK gave notice that to-morrow he would ask leave to introduce a bill for the relief of the heirs of Francis Newman.

On motion by Mr. RUGGLES, the documents in relation to the better security of the lives of passengers on board of steam vessels, now on file, were referred to the Committee on Commerce.

Mr. FULTON, in pursuance of previous notice, asked and obtained leave to introduce a bill making appropriations for the completion of certain roads in the State of Arkansas; which was read twice, and referred to the Committee on Military Affairs.

Mr. F. gave notice that, to-morrow, he would ask leave to introduce a bill to perfect the titles to lands south of the Arkansas river, held under the New Madrid locations, and pre-emption rights under the act of 1814; and

A bill for the relief of William A. Dixon.

The following resolution, submitted yesterday by Mr. CLAY of Kentucky, was taken up for consideration, viz:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate statements showing the quantity of land reported by the registers and receivers of the several land offices, in pursuance of the resolution of the Senate of the 25th April, 1828, to have been unsold in their respective districts on the 30th day of June, 1828, after having been offered at the minimum price per acre, discriminating between the several land districts; what proportion of the land so unsold on that day consisted of first rate land, and what was unfit for cultivation, according to the reports of the said officers; what was their estimate of the average value per acre of the said unsold land; and what part of the said land so remaining unsold on the 30th June, 1828, aforesaid, has been since sold, and at what price, discriminating between the amount sold in each of the districts. And the Secretary is further directed to cause parallel columns to be prepared, exhibiting in one connected view the quantity of land unsold on the day aforesaid in each district, the amount since sold, the value as assessed or estimated by the said officers, and the prices at which the lands have since actually sold; and the aggregate value of the land as assessed, and the aggregate amount of the sales made since the 30th June, 1828, in each land district.

Mr. CLAY of Alabama offered the following amendments:

Resolved further, That said Secretary cause to be exhibited in the report aforesaid, such alterations as may have been made in the several land districts embraced by said reports made pursuant to the said resolution of the Senate of the 25th of April, 1828—showing in what instances, and to what extent, said districts have been enlarged or diminished since the said 30th day of June, 1828; and also what new lands, then embraced by said several districts, have since been sold.

Resolved further, That said Secretary cause to be communicated statements showing in separate columns the quantity of public land which has been offered for sale at public auction, and has remained unsold at the minimum price, in each State and Territory for a period of five years, and less than

ten years; the quantity so offered and remaining unsold for ten years and less than fifteen years; the quantity so offered and remaining unsold for fifteen years and less than twenty years; the quantity so offered and remaining unsold for more than twenty and less than thirty years; and the quantity which has been so offered and has remained unsold for more than thirty years: showing the aggregate at the foot of each column, and the general aggregate of all the lands which have been offered, and have remained unsold for five years and upwards, up to the latest returns.

The amendments were agreed to; and the resolution, as amended, was adopted.

REPEAL OF THE INDEPENDENT TREASURY LAW.

The following resolution, submitted yesterday by Mr. CLAY of Kentucky, was taken up for consideration, viz:

Resolved, That the act entitled "An act to provide for the collection, safekeeping, transfer, and disbursement of the public revenue," ought to be forthwith repealed; and that the Committee on Finance be instructed to report a bill accordingly.

Mr. CLAY said it was no part of his purpose, in offering his resolution, to invite or partake in an argument on any question that might arise out of the great measure to which the resolution relates. It was, then, no purpose on his part to enter into any argument. He would as lief argue to a convicted criminal, with a rope round his neck, and the cart about to leave his body, to prove to him that his conviction was according to law and justice, as to prove that this Sub-Treasury measure ought to be abandoned. He had brought forward the resolution in the shape in which he had presented it to the Senate, because he thought it was his duty so to do. The ordinary course of legislation—the usual practice, he was aware, in repealing existing laws—was to move a resolution of instruction, addressed to a committee, and directing an inquiry into the expediency of the measure, or to ask leave to introduce a bill to repeal the measure which it was wished to get rid of. But there were occasions when that ordinary form, he presumed, might, and ought to be dispensed with. If they looked for examples to the only period which bears any analogy to that which exists at this moment—he meant the period of 1800, when Jefferson came into power, but under circumstances far different, and in a contest more equal and of doubtful issue than that which has brought the present men into power—if they looked back to that period, and saw the alien law, not limited and temporal, but of permanent duration—could they not suppose that it would have been idle and ridiculous to move a resolution of inquiry as to the expediency of repealing that most odious measure? But respecting this Sub-Treasury, about which they had had about three years and three months' argument—a period longer than the last war with Great Britain, and half as great as the war of the Revolution—under these circumstances, discussion of the measure would seem to be unnecessary and misplaced; it was sufficient for him to say that the nation wills the repeal of the measure—the nation decrees the repeal of the measure—the nation commands the repeal of the measure—and the representatives of nineteen States were sent there instructed to repeal it. They might dispute about what was or was not involved in the issue of the late Presidential contest; they might contend that that contest affirmed this or that principle or measure, and they might dispute about it: he knew it was the practice of gentlemen to whom it was his misfortune to be opposed in that Senate, after elections, to contend that this election sanctions this or puts down that measure, and that election demonstrates that the people are in favor of this and opposed to that measure, whether Sub-Treasury or a United States Bank, and there might be a controversy about the matter; but on one point it was impossible there could be diversity of opinion, either here or elsewhere; and that is, that this nation, by one of the most tremendous majorities ever given in our nation's annals, whatever else it may have decided, has decided against this Sub-Treasury measure. And when the nation speaks—when the nation wills—when the nation commands, what is to be

done? There was no necessity to go through the form of referring to a committee to inquire into the expediency of doing what the public sentiment required. What Senator would stand there in his place and say he opposed himself to the will of the nation?

He, for one, had hoped that the President of the United States, in the message which he had communicated at the commencement of the session, with a magnanimity which would have becoming, would have announced the fact of this will of the nation, and recommended a conformity to it. Let him not be misunderstood. He would not ask the President—no, he had too much personal respect for him; he had too much regard for human nature, to ask the President to come here and say to Congress, "I have been wrong all this time; the measure which I have urged upon you for adoption is one that was founded in error." No; it would be unmanly; he (Mr. CLAY) could not expect it at his hands; but he did expect the President would have said what the fact was; that he would have admitted that the nation had decided against his favorite measure; and that he would have recommended submission to the will of the nation; but least of all did he expect a recommendation and improvement; and that the Secretary of the Treasury should concur in the recommendation of amendment and improvement of a measure against which the nation had decided, which both the Executive and the Secretary knew. But if they disregard the will of the nation prior to the 4th of March next, they knew well that it would not endure longer than a Congress could convene, and a new President could act on the measure.

But a word as to the effect of a repeal of this measure. What is the effect of the operation of the present Sub-Treasury system? It was said to be very successful. This was announced in the message, and repeated in the report of the Secretary of the Treasury. He should, however, have been pleased if those documents had gone into details respecting the operation of this measure, showing how it had altered the business and the relations of the country, and the receipts and disbursements of the revenue. But so far, it was said it had satisfied all their expectations, and was in successful operation. Now he (Mr. CLAY) thanked God he was far removed from any one of the Receivers General—may he wished he was farther removed; but he should be glad to know where had been its successful operation. Perhaps the Senator from New Hampshire [Mr. HUBBARD] might communicate the information. He should be glad to learn how it had successfully operated, from that illustrious Senator who had ably and eloquently defended the Secretary of the Treasury on all occasions; and he must say that it was a most ungrateful return for those services to treat him as he had been treated at a recent election for United States Senator for the State of New Hampshire. He should be glad, however, to learn from him [Mr. HUBBARD] and from the gentleman who was at the head of the Committee on Finance, in detail, what had been the operation of this Sub-Treasury system—how it was acting—how it was working—how it was varying the financial and commercial and manufacturing affairs of the country. He would tell them what he understood it to be, though he was separated from many of these Receivers General. He understood that there was not the slightest difference prevailing now, from what, before the 4th of July last, was the system in operation. He understood that now, as then, the notes of all the specie paying banks were received by the collector and transmitted to the Receivers General. He understood the process was this: A merchant of New York has a large sum to pay—say \$100; well, he gives a check to a specie paying bank—he pays no money, but the check is endorsed specie—and he gives another check with no endorsement whatever; both are carried to the bank, and are carried to the credit—true, not of the Government—but of the Receiver General in his private account, as a private transaction. Well, they all knew, whatever might be endorsed on the check for \$100 or \$300, that they were both cash paper,

convertible into specie, and this was the usage prior to the 4th of July last; and the paper of no bank which did not pay specie was received by the collector of the public revenue, but the paper of banks paying specie was. It is now received, and it was so received before the 4th of July, taking New York as an example for illustration. The revenue, when collected by the collector, was paid into the bank to the account of Jesse Hoyt—to his private account, over which the Government had no control—and now he passed it over to Paul or Saul Allen, who had also an account with the bank, over which the Government had no control or direction. Well, then, the whole revenue of the United States, amounting to nineteen millions, according to the estimates of the current and the next year, but thirteen millions as actually received during the present year—the whole revenue of the United States, at some time or other, passed through the hands and was kept in the custody of private individuals who stood credited for the amount on the books of some bank or banks to which they had resort. Well then, if he were not mistaken, it was very clear the operation of the system so far, had been exceedingly limited, and in the event of a repeal, which was proposed in that resolution, the result would be that the administration of the Treasury Department will revert back to the state of things prior to the 4th of July, or rather it will continue the same state of things which yet existed, without interfering with the financial affairs of the Government. He hoped for another result, should he succeed in obtaining a concurrence with his resolution—he hoped that an account would be opened, as in olden times, as in safe times, and in times of regular administration of the Government, with the Treasurer of the United States. But he contended that, whatever inconveniences could result from a repeal of the measure, that was no consideration for them. Their duty was marked out by the public opinion, and, for one, he was disposed to obey its instruction which, to nineteen States of this Union, had been given.

He would not enter further into a discussion of the subject; he would content himself with those observations, and he was not disposed to urge others to a general expression of opinion; but if they could doubt—if they wanted further time to consider whether they were acting here as trustees of a great community, or were giving a mere expression of their own opinions—if, indeed, they wanted time for any purpose, he should be the last to deny a request so reasonable as that.

Mr. WRIGHT said he came from one of the nineteen States alluded to by the Senator from Kentucky, and he was happy to say to that Senator that he rejoiced to find it was the disposition of the party about to come into power to make precisely the issue tendered by this resolution. He thanked that Senator, therefore—as he would have done yesterday when the resolution was presented, had it been proper—for preventing that proposition to them. He could say to that Senator, that for one—and perhaps he could say it with more propriety than any other member of that body—he did not desire further to discuss that measure either before the Senate or the country; he could only say, that when the Senate was called upon to act upon the proposition, he was desirous that it should be with an understanding of what it is, and that the Senate might be as full as may be, consistent with the attendance of members in the city. To-day he did not desire to act upon it, for one Senator now in town, was sick and not able to be in his place; and another left town after the last adjournment of the Senate prior to yesterday, with the confident expectation of returning last evening, who had not yet resumed his seat; but if there was a disposition in the Senate to act upon the resolution, and make an expression which would not mislead the public mind, he should desire that expression to be made now, and upon this resolution. It would be a work of supererogation, in a short session like this, to pass the resolution, and instruct a committee to report a bill for the proposed repeal, without any expectation that the bill would meet the approbation of the Senate. Hence he wished that all the members in attend-

ance might be present when the vote should be taken. But he could not excuse himself if he allowed the opportunity to pass without some slight reference to the remarks of the Senator by whom the resolution had been introduced. That Senator had become deeply impressed with the result of the late election; and on the point whether it was or was not a full and free and fair expression of the popular will, he (Mr. WRIGHT) did not stand there to express an opinion. He would merely call to the honorable Senator's mind that they had just passed through the first election under this Government, when principles on the part of the dominant party were not declared, when measures were not avowed, and when men stood before the country, not to proclaim to the people their principles and measures, but to apologize for saying nothing in reference to their measures or the policy which they proposed to adopt. That being the case, the Senate would pardon him for calling their attention to the fact, that he, and other Senators who had sat there with him from 1832 and 1833 to the present time, had seen election after election, when it was the fashion of candidates and of parties to avow their principles, and had heard the honorable Senator, with an ingenuity which cannot be surpassed, parry the issue his (Mr. WRIGHT's) friends had made, and contend, almost with success, that nothing was prejudged by the popular voice in those popular elections. Take the very measure which it was now proposed to repeal, and what was the judgment of the people, and what was the public expression at the Congressional elections of 1838 and 1839? Then, if ever, a distinct issue or proposition was presented to the people of this country. That was the issue that was pending during the war of more than three years' duration, of which the honorable Senator had spoken—that was the only point in controversy; and what was the result? There was a popular branch of the National Legislature unfavorable to this measure in 1837 and 1838, and was returned in its place in 1838 and 1839, favorable to it; and it was adopted in pursuance of a pronouncement of the will of the people of this country, pending the controversy as to the measure itself. That popular mind may have changed—it may be different now; but if it be, and if the pronouncement of the popular opinion has been against the Independent Treasury, of what measure, as a substitute, has it been in favor? Has the pronouncement of the late election declared the popular voice of the country to be in favor of a National Bank? Will the Senator contend that it was so, and will his party assume it? Or has it declared in favor of the policy of another political party, and a return to the system of State bank deposits? Would the honorable Senator admit that? He (Mr. WRIGHT) did not say the honorable Senator would admit either or both; but he had a right to ask the question.

But the Senator says the result of the late election has been a triumphant pronouncement against this measure. How is it ascertained? By what declaration of policy or principle on the part of that party which has become predominant? Why, he should suppose—and he made the remark without intending disrespect any where—if the result of the late election could be claimed as proving any thing, it was to prove that they were to take down the splendid edifice in which he then stood, and erect a log cabin in its place—that instead of the rich draperies and valuable pictures before them, they were to hang around their chamber coon skins, cat skins, and other trophies of the chase. But the Senator does not claim such to be our duties, resulting from the late expression of the popular will. No, such is not, and has not been, the result of the pronouncement of the will of the freemen of this country; and yet, could they not prove such conclusions with double force and double testimony over that which the honorable Senator seeks now to establish—the condemnation of the Sub-Treasury measure? And yet they were called upon to be silent, to submit, and to obey this foregone decree. Against the popular pronouncement made at the late elections, he should not intentionally utter one word—the decision of the people he

should respect; for they were yet, thank God; the highest tribunal known to our country and her institutions. When the powers which that election has brought into existence shall constitutionally take their places, he should be one of those who, whether as a private citizen or in the high position in which he then stood, would be found ready to render a constitutional submission; but he was not ready to admit that, in rendering its verdict, the popular voice had pronounced its decision against this measure; or if it had, that it had decided in favor of any other measure in its place. What, then, was the argument of the gentleman in favor of this precipitate repeal? Was it that the measure was doing mischief to the country, and was working evil to the people? He (Mr. WRIGHT) did not understand him to say so. It was that it was not carried out in its terms and spirit—that the law was not observed, but that it was violated by the officers appointed under it. Well, the honorable Senator might be right, for he (Mr. WRIGHT) had not that acquaintance with banking institutions which would enable him to pronounce on the fact. If that were so, however, did it follow that the law must be repealed, because the law was not observed? And should they expect from the honorable Senator that mode of getting rid of a salutary law which was not executed? Should not, rather, an inquiry be instituted to ascertain whether the officers did discharge their duty? He knew not what the fact might be any where, but he confessed it would have pleased him better if the honorable gentleman had consented to take Philadelphia, instead of New York, as an example; and he knew the New York banks were specie paying banks; and he knew it was the constructive duty of the Receiver General to receive three-fourths of the revenue there in the notes of specie paying banks; but does the Philadelphia Receiver General take checks upon non-specie paying banks? And if the Receiver General of New York, instead of compelling the merchants to bring specie to his vaults, takes a certified check that is payable in specie, and presents it for payment himself, is the law violated, or is the community injured? What, then, is the argument? Why, that there had been but little salutary influence from the practical operation of this law, and therefore it was better to repeal it. Repeal it for what? To take the revenues out of the reach of Congress, and place them again where they had virtually been since the suspension of the banks in 1837, until the passage of the law—in the hands of the Executive? Will it be better to put them exclusively in Executive hands, or to keep them within the power and provisions of a law, even if it does not suit the Senator, until a better system can be devised? What is the course of wisdom, and what has been the popular voice in the matter? But he was going further than he had intended, and therefore he should suspend further remark. He did not desire to foreclose the debate by a motion to postpone now, but when the Senate came to act upon this resolution, he desired that the decision should be the sense of the Senate, and of as full a Senate as the attendance of members of the Senate in the city would permit. For the present he would only ask that the vote be taken by ayes and noes.

Mr. CLAY was not particularly desirous to press this measure until Senators were on the floor, and he should have great pleasure to concur in any reasonable suggestion of the Senator from New York. But while he was up, he would ask the gentleman from New York, who charged upon the party which had obtained the predominance, that they had no known principles, whether that gentleman desired to know his (Mr. CLAY's) principles, or the principles of the friends with whom he was associated? Did he desire to know their opinions with respect to this Sub-Treasury measure? Why, had they not been battling, with the whole country coming to their aid, against this identical measure? Had the Senator any difficulty in guessing that the party coming into power, when it assumed the reins of government, would put aside this measure? The Senator told them that at one time an apparent popular expression in favor of the measure, in 1838 and 1839—that a popular majori-

ty sanctioned the measure—and that it was finally carried in the popular branch of Congress. He hoped the honorable Senator would relieve him from the necessity of looking into the New Jersey affair. He need not enter into the consideration of the composition of the majority in the other House when the Sub-Treasury was passed; but who amongst them, who had attended to the progress of events during the election of 1840, could doubt that the public opinion was against it? The honorable Senator had called upon them to declare what would be their measures after this Sub-Treasury was destroyed? Whether it would be a Bank of the United States, or whether it would be a system in connection with the local banks? Why, sufficient for the day is the evil thereof; they had now nothing but the Sub-Treasury to handle, and that was sufficient for them. Let them remove that out of the way, and then those coming into power would bring forward their measures, and then it would be time for the distinguished Senator from New York to be heard.

The Senator from New York said, the party coming in were coming without principles, and they would be at liberty to adopt any measure they pleased. But did not the gentleman know that the party coming in were opposed to the Sub-Treasury? Did he not know that they were in favor of a sound and safe regulation of the currency, as far as it can be done consistently with the Constitution of the United States? Did he not know that they were for economy, and against the extravagance of the downfallen Administration? Did he not know they were for retrenchment, and that they were opposed to the extent and alarming magnitude, and fearful usurpation and abuse of Executive power? And therefore, the gentleman could not reprove them for a want of principle. After some other remarks, he said he found he was precipitated into the discussion beyond what he had intended; but in reference to the observations of the Senator from New York, he said he saw no necessity for much delay.

Mr. CALHOUN said he had supposed that the party about to come into power would have been content with their decisive victory, and that the business of the session would be allowed to go on quietly, without calling up any of the exciting topics that entered into the late canvass, or anticipating the measures belonging properly to the coming administration. The country has just passed through one of the most agitating canvasses it ever has, and it is time it should have repose; and he, for one, had determined, if it should not, it would not be his fault. Without adverting to the past, he had made up his mind to wait and form no opinion till General Harrison had assumed his high and responsible office, and developed the principles and policy on which he intended to administer the Government, in an official and responsible form. If he should, in good faith, by practice as well as profession, adopt the course which the Senator from Kentucky [Mr. CLAY] has assured us he would; if his administration shall be one of retrenchment and economy, deep and thorough, for they are both much needed; if it shall be opposed to a national debt, funded or unfunded; if against the improper extension of Executive power, and shall be opposed to the use of its patronage as the means of rewarding mere partisan service; and if, finally, as intimated in the canvass by the distinguished Senator from Massachusetts, [Mr. WEBSTER,] it should be conducted on the good old but much derided doctrines of Jefferson, it should not only have his approbation, but his cordial and cheerful support, notwithstanding his objections to the means by which his election was secured. But he would rather have these declarations officially from General Harrison himself, than from the honorable Senator, however high his authority might be considered. I (said Mr. C.) never have played, and never intend to play, the game of in and out in politics. It is unsuited to the nature of our Government, and unbecoming those invested with the high and sacred trust of administering it. His course was immovably made up. He would give the coming Administration his support in all measures which his judgment approved, and opposition to all which it

disapproved; and, if he was found in systematic opposition, it would be because of systematic departure from the principles and policy which he believed to be essential to the prosperity and liberty of the Union.

With these views, he could not, with the Senator from New York, regard with pleasure the introduction of this resolution. On the contrary, he regarded it with regret, because it was calculated to keep up the excitement of the late canvass, and prevent the repose which naturally follows the deep agitation through which the country has just passed, and which is necessary to that calm review, without which it is impossible to correct past errors, and turn them to profitable account in future. Let the people have an interval of eight or nine months, from the end of this session to the commencement of the next, to think over calmly and deliberately the past, and the course that ought to be taken hereafter, and much profit will result to the country. Viewed in this light, he not only regretted the introduction of the resolution, but the ground on which the Senator puts the repeal of the measure contemplated. He assumes the ground that the people had decided against the Sub-Treasury in the late election. He (Mr. CALHOUN) doubted the fact. The election decided nothing but that General Harrison should be elected President for the next term; and he entered his solemn protest against the attempt to make any other inference the basis of our official action; and in doing so, he but took the ground taken by the Senator and those with whom he acted, when it was attempted to construe in a similar manner a former election to have decided against the renewal of the charter of the United States Bank, and in favor of certain measures to which he was opposed. He (Mr. CALHOUN) regarded every attempt at such inference to be dangerous and unconstitutional. No one had a higher regard for the voice of the people than he had; but he could only recognise it in his official acts, when pronounced through its proper organ, and on the subject, and to the extent only, which the Constitution made it binding. Thus thinking, he bowed in obedience to their voice, uttered in the late election; that General Harrison should be the next President, but to that extent only could he here, in his place as Senator, recognise it.

It is not only against the genius of our system to extend it farther, but idle to attempt to extend it to the measure the Senator has. Who is there that does not know that in the late canvass the great issue—who should be President—depended on a thousand others, direct and indirect, of which the Sub-Treasury was but one? Who does not remember that the imputed extravagance of the Administration, the report of one of the Secretaries on the militia question, Hooe's case, and innumerable other objections, were made to the present incumbent, as well as countless numbers urged in favor of his opponents, in addition to his objection to the Sub-Treasury? They must all have been supposed to influence the result, or surely they would not have been so zealously and incessantly urged by those who advocated the claims of the successful candidate. How, then, can gentlemen now turn round, and tell us that there was but a single question at issue, and that question the Sub-Treasury?

But he, Mr. C. desired to speak with perfect candor. Though he by no means considered it certain, yet there was reason to fear that a majority of the community was opposed to that highly important measure. If such should turn out to be the fact, he would regret it profoundly; but are gentlemen certain that there is a majority in favor of any alternative measure that can be presented, and that there is not a majority in its favor, against any such alternative? That is the point. Let me tell gentlemen, when they come to the real question—not only whether the Sub-Treasury shall be repealed, but what shall be substituted, they will not find so easy a victory as they expect. That is the question which you must meet, and it will be in vain to attempt to elude it. As to one of the only two possible alternatives—he referred to the repudiated and condemned pet bank system—which the gentleman had so justly denounced so far back

as 1834, on the question of the removal of the deposits, as the most fallacious, rickety, and corrupt system which could be adopted, which they prophesied, and truly prophesied, would explode and blow up its authors, he took it for granted that there was no danger of that being imposed on the country by the coming administration. He trusted that would not be the result of all the late agitation, and the decided victory they had achieved.

As to the other alternative—a National Bank—he would not go into that now. It will be time enough, after General Harrison comes in, and recommends it to our adoption, if, with his constitutional objections, he ever should. But come when that time might, if it ever should, he should stand up and resist it every faculty, and all the energy with which nature had bestowed on him; for, as he lived, he believed the day on which a National Bank shall be established, with a capital of fifty or a hundred millions, and twenty years' duration, and with power and privileges sufficient to control the currency and business of the country, would be the end of our liberty, and would as effectually create a sovereign power, as if General Harrison were elected President for life, with the right of succession in his descendants, and even more so.

To either of these, the much abused Sub-Treasury will be found to be the only alternative. Condemned and vilified as it was, the country, if it desired to preserve its free institutions, must come to it; nor was it less for the advantage of the banks themselves, than the country, that it should. Yes, for the banks; he knew what he said; he weighed every word. He regarded those the greatest enemies, in reality, to the banks, however kind their intention, who would force them again into a union with the Government, against the deep conviction of the injustice, impolicy and unconstitutionality of such union, of a powerful and determined party, not much inferior in numbers than their opponents, if tested even by the late election; for, however strong the vote of the electoral college, the popular vote in favor of General Harrison did not much exceed one hundred thousand out of upwards of two millions of votes. If, against the fixed opinion of this powerful and resolute party, the coming Administration should force a reunion between bank and Government, they would, at the same time, force them into the political arena of party conflict, which could not fail to overthrow the whole system in its convulsive movements. He warned the banks, and those interested in them, against the fatal tendency of their indiscreet friends, who would, under such circumstances, force the reunion. He was no enemy to the existing banks, while he had no confidence in the system as it existed in this country and Great Britain. He believed that banks of issue and circulation were founded on a mistake, and must run down, by their own inherent defects, against every effort to stay their descent, and had long thought so; but he made no war on them, and never had. They were running down of themselves, according to his impression, too fast for the good of the country, and his policy was to retard, and not accelerate their descent. He acted on the same principle in 1834, when the deposits were removed; and in obedience to it, urged a course, which, if it had been adopted, would have saved the country and banks from the disasters which have since followed. On the same principle he acted at the extra session in 1837, and had ever since, in advocating the separation of the Government from the banks, as the only means of extricating them from politics, and leaving them quietly to be reformed or run out, under the action of an enlightened and calm public opinion. He was, and ever had been, averse to all sudden and forced measures in reference to the currency, even as applied to our system, as bad as he believed it to be.

In addition to the supposed condemnation of the Sub-Treasury by the people at the late election, the Senator urged another reason for its repeal, that it would make no practical change. He says that the practice under the existing law is, in reality, the same as it was before its passage, and would be after the repeal. If so, why,

then, this haste to repeal it? Why agitate the country, so anxiously seeking repose, on a subject acknowledged by him to be wholly immaterial? Why not allow the measure to go on quietly until he and his party come into power, and then they could act deliberately on the subject, and not only repeal a measure they consider so obnoxious, but also present their substitute, so as to afford the community a fair opportunity of deciding between them? But be the practice under it what it may, the difference between the two states of things, that which now exists and that which would if the measure proposed by this resolution should be adopted, is far, very far, from being so immaterial as the Senator seems to suppose. The Sub-Treasury, as established by law, be it wise or not, is, at all events, legal and constitutional. No one can deny that; but should the Senator's resolution succeed, and the act be repealed, he would restore the state of things which he, and those with whom he has acted, have contended, for these three years, to be illegal and unconstitutional, and which placed the control over the public money wholly under the discretion of the Executive! Is that nothing?

As to the practice, if it be such as the Senator supposes, he (Mr. CALHOUN) held it directly contrary to law, and that the officer who had dared to practise it, deserved punishment and expulsion from office. If the Senator desired to pursue the subject, and would move a resolution to ascertain the facts, it should have his support. He would be the last to protect any officer, high or low, in the violation of law.

He had said more than he intended when he rose, but would not take his seat without again entreating the gentlemen on the other side not to force on a controversy at this time. The people of the United States had elected General Harrison, whether by proper or improper means, was not a question for him. He acquiesced in the decision, and wished to see the excitement, which accompanied the contest, subside. He was prepared to give his administration a fair trial, as he would any other constitutionally elected by the people. He should watch it with a vigilant eye, but with no disposition to oppose, unless his measures should force him into opposition, in defence of what he believed to be the welfare and liberty of the country.

Mr. ANDERSON said that, occupying the position which he did, after what had fallen from the honorable Senator from Kentucky, he felt it to be his duty to express his entire dissent from the views which had been urged upon the Senate in support of the proposition now under consideration. He said that he regretted exceedingly that the Senator had deemed it proper to bring up anew the exciting questions which had so recently agitated the country. In this he concurred with the honorable Senator from South Carolina, and believed that the public mind needed repose, at least for a short period; and he could not but express his astonishment that any attempt should now be made which would necessarily pass in review the events of the last canvass. Sir, said he, I do not express this regret because of the position which I may be supposed to hold in relation to that question, and coming, as I do, from a State which has cast its suffrage for General Harrison. A more suitable time will arrive, when this whole subject would properly come under the administrative action of the President elect; but now it must bring up a discussion of events utterly unprofitable to the public welfare, and about which a wide difference of opinion has surely obtained, if I understand rightly the true ground upon which the gentleman has based his proposition to repeal the Independent Treasury act. The gentleman said that the recent election of General Harrison was an implied instruction to Senators coming from the nineteen States which had supported him, to repeal that measure. Sir, I deny that this inference is just; and a strong objection to the resolution proposed by the honorable gentleman is, that it is not supported by such an issue in the late canvass as to make it conclusive. I deny that the Independent Treasury was the inducing cause to the success of General Harrison. It was not the exclusive issue. Following, sir, the example set by older Senators of both parties, I

mingled among the people in this contest, and knew that other questions had a much more powerful effect—questions which were made to go home to their hopes and their fears—and that they did not consider this as the great issue upon which they were to decide. The extraordinary pressure of the times, some peculiar circumstances, and the military services of General Harrison, advancing in the lead of the mass of questions, had a most powerful agency in producing the result! Who, sir, can forget that his military pretensions were urged, with great ardor and eloquence upon this floor by the gentleman from South Carolina, who usually sits opposite to me—and by the gentleman from Kentucky, who sits to my right on the other side of the house. And can we fail to advert to the very fountain from which sprang all their success—their convention at Harrisburg? There they solemnly resolved that they would make no formal declaration of their opinions—no, sir, none. The thing was to be left to the individual skill and judgment of their partisans; and now, after the close of the contest, the first step to be taken is an absolute demand, upon this floor, that Congress shall declare, in effect, that such was the issue made and decided before the people. The very avowal of the Senator from Kentucky, when pressed by the Senator from New York upon the subject of the United States Bank, as the antagonist measure to the Independent Treasury, that “sufficient for the day is the evil thereof,” is mysterious, but equivalent to the declaration that the Independent Treasury was the great exclusive issue before the people. I utterly deny this inference. There were numerous issues, and a combination of causes, which it is unnecessary to repeat.

I trust that I would be among the last men deliberately to attempt, in a representative capacity, to disobey the instructions of my constituents. But, sir, no instructions, such as insisted upon, have been made; and the honorable gentleman will find, when he submits the true issue of a United States Bank as the antagonist of the Independent Treasury, the decision of the people will in all probability be against the former. Then, and not till then, shall we have the true issue, and the true result.

Mr. HUBBARD rose and said: Mr. President—I cannot deny, when I read the resolution in the morning's paper, which had been offered on yesterday by the Senator from Kentucky, that I was somewhat surprised. I little anticipated any such movement during this short session of Congress. I had supposed that the repeal of the Independent Treasury act would be attempted under the next Administration, but I had not even imagined that it would then be urged without presenting some substitute; and I must confess that I did not look for such a proposition from any quarter during the continuance of the present Administration. It is, however, before us; and it presents a distinct question. The resolution proposes to instruct the Committee on Finance to report a bill providing for the immediate repeal of the Sub-Treasury act; it is presented to the same Senate; it proposes to bring the subject before the very Congress which, but a few months past, enacted this very measure. Sir, I could not have believed that any member of this body would urge upon the Senate the repeal of this measure which had been adopted after so much debate, after so much reflection, and after so much consideration. But, I again say, that the proposition has been presented; let us now meet it manfully, and with a determination to review the whole ground. I cannot say, with the Senator from South Carolina, that I regret that this proposition has been brought forward. I can say that I did not anticipate it. I can assure the Senator from Kentucky, before us as it is, it cannot silently be disposed of. It must, and I trust it will, be debated, and fully debated. Let the whole ground which has heretofore been occupied in argument, be re-examined; and let it be made to appear, if it can be, that our positions are untenable, and that our arguments are fallacious, and that the measure itself ought to be abandoned. If all that can be shown, then, for one, I shall be prepared to vote for its repeal; but until that can be done, I will sustain the measure, essentially connected, as I believe it to be, with the best

interests of the country, with what little ability I possess. What are the reasons, Mr. President, which have induced the honorable Senator from Kentucky to offer his resolution? He says that the result of the late election is an expression of the deliberate judgment of the American people in relation to this measure. That they have spoken, in language too plain to be misunderstood, their utter condemnation of this Sub-Treasury system. That they have demanded at our hands its immediate repeal. Sir, I utterly deny the fact, and I stand here saying that no man has the right to make any such deductions from the result of the recent Presidential election. The declaration is unwarranted, in my judgment, from the facts known to have existed during that canvass. What right has the Senator to say that any such issue was made up before the American people? Where is the evidence of it? Who ever heard from the party newspapers of the day, that the new dynasty intended a repeal of the Sub-Treasury, and that an appeal was ever made to the people, urging upon them the propriety of changing the present Administration, so as effectually to put down “this bill of abominations,” as they were pleased to call it. Others may have seen such avowals, but if they existed, they wholly escaped my observation. No declaration was made by the great Convention at Harrisburg against this Sub-Treasury policy, which had been in operation for years before. No such manifesto has been published since by any convention opposed to the present Administration. This was not the issue made up before the American people.

It may have been intended—it was certainly not avowed—and until this resolution was offered, who has ever heard that it was the purpose of the Opposition to bring about a repeal of the Sub-Treasury, without, at the same time, presenting some other measure in its stead?

Mr. President, I well recollect that soon after the Convention at Harrisburg, and just before the spring elections in Virginia, a document was sent forth under the authority of an executive committee. And was the Administration assailed in that document for its Independent Treasury operations? No, sir; the Administration was attacked for its alleged wastefulness, its profligacy and corruption, in relation to the public expenditures. It was attacked for attempting to palm upon the country a standing army of two hundred thousand militia. It was the expenses of the Administration, and Mr. Poinsett's militia report, which constituted the grounds of attack in the document to which I have referred; and they constituted the great burden of the Opposition song in my country, from the close of the late session of Congress, until the day of election. Had the direct proposition been submitted to the American people, “Will you continue the Independent Treasury system as it is, or will you go back to the State bank deposit system as it was in 1836?” what think you, sir, would have been their decision? For one, I entertain no doubt, if the people could have been left to the exercise of their sober judgment, that they would have returned a clear verdict in favor of this great measure of the present Administration. And just so would it have been had the question been a Bank of the United States or a continuance of the present system. But no such issue was made, and of consequence, no such decision has been given as has been alleged. No such inference can fairly be drawn from the result of the late election.

The Senator from Kentucky says, unless the repeal of this act now takes place, that, as soon as a Congress can be assembled after the 4th of March next, they will not fail to accomplish the work. Be it so. I rejoice at this distinct declaration of the Senator. I did not believe that it would even be attempted without going further. The declaration of hostility to this great measure has gone forth, and I rejoice at it; and time will show whether the Senator from Kentucky is right in his calculations as to the state of popular opinion—of public sentiment with reference to this measure. In my own State, I know full well that it is held in high commendation; and if it be true, as alleged, that the result of the late elections is to be regard-

ad as a test of the popularity of this measure, the Senator himself will, and must admit, that the people of New Hampshire have expressed a most undoubted opinion in its favor, for the majority in that State, friendly to this Administration, is one hundred per cent. greater now than it was at the last contested election in 1838.

I cannot doubt, no member of this Senate, no citizen of this country, has a right to doubt, that the Independent Treasury act which passed at the last session of Congress, and which is now the law of the land, and in successful operation, is to be made the subject of attack by the next administration. This purpose is avowed distinctly by the Senator from Kentucky. And although we are without any official promulgation of this intent from him who has been elected to preside over this nation, yet it comes to us in no questionable shape. It is avowed by the very man whom the President-elect has recently declared (if I read the journals of the times correctly) is more worthy of the place than himself. It is, therefore, fair to infer that the Senator speaks like one having authority. I shall not be here; but able and efficient friends will be ready to take care of this great measure. Let all prepare for the contest. Then, and not till then, will this battle be fought with any prospect of success. The present movement cannot succeed, in my judgment.

The Senator from Kentucky says that there is no practical difference in the management of our fiscal concerns under the sub-Treasury system, and under that system which existed anterior to the coming in of this Administration. It may be so; but, if the fact be as stated, those charged with the execution of the law are greatly in fault, and should be held answerable for any departure from the line of their official duty. But, sir, I greatly mistake the sequel of the times—I greatly misjudge the indications of popular feeling, if there is not an increasing sentiment favorable to this Sub-Treasury policy. And if the new Administration design nothing more than the repeal of this measure, their anticipated security in the confidence and support of the community will fail them. The Senator has appealed to me for information as to the manner of executing this Treasury scheme. Mr. President, I may not live quite as remote from one of these Receivers General as the Senator himself, and, unlike him, I have no wish to live more remote. One thing I believe as much as I believe in my existence—that he who is charged with the execution of this act at Boston does not disregard its provisions in practice. I know him well; and, knowing him as I do, I should be slow to believe that the Receiver General at that point fails to carry into full effect the letter of the Independent Treasury act. If he does, sir, I can assure the Senator from Kentucky the fact is unknown to me. The known fidelity of that officer is a sure guarantee that his whole duty will be performed.

The Senator from Kentucky has seen fit to allude to a recent election in my own State—why, or wherefore, I cannot tell. Its connection with the question before us I do not readily discover. What it has to do with the adoption of his resolution I am unable to see. But, sir, if the Senator has adverted to that occurrence—to the result of that election—in the belief that it has led to any interruption of the friendly relations which have hitherto existed between the distinguished individual who now presides over the fiscal department of our Government and myself, he is entirely mistaken. He has spoken of my readiness on all occasions to defend that officer and his measures—and he has been pleased to add that I have defended him “with great ability and with great eloquence.” Sir, it has been my fortune, since I have been a member of this Senate, to hear attacks frequently made upon the Secretary of the Treasury by the Senator and his friends. Against those attacks I have defended him, and successfully defended him; but my success was to be attributed to the merit of the defence, and not to any particular ability of his defender. It is true that, for a long time, there has been kept up an unreserved intimacy between that officer and myself; and a more faithful, intelligent, and industrious officer, has not been connected with the Government during its continu-

ance. The administration of the department over which he has so long and so ably presided in the worst of times; the difficulties and discouragement which he has experienced in the performance of his official duties, and which he has so triumphantly overcome; the present state and condition of that Department, show to the world that the attacks which have been so gratuitously made upon that officer, are without foundation. It is true, sir, that an election has recently been made by the Legislature of our native State, and that election has resulted in elevating to the office of United States Senator the individual to whom I have referred. The people of my State had given a triumphant vote in favor of Mr. Van Buren's administration. That administration had been defeated by the decision of the American people. No man had been more devoted to, or identified with, the Administration, than the individual now at the head of the Treasury Department. No man in the country is better prepared to defend the measures and to carry out the policy of that Administration than the Secretary himself. And from the avowal which has been made on this floor this day, it must be matter of gratulation and pride to the people of my own State and of the country, that he will be here ready to meet the Senator from Kentucky, face to face, in defending his favorite measure against the assaults of its enemies. Sir, I have no cause to complain, neither of the successful candidate nor of my own people. I know full well the considerations which induced the result—considerations honorable to my own State and satisfactory to myself. And if I should never discover any other evidence of the ingratitude of the Secretary, or of the defection of my own people, I should not be disturbed by any private griefs. The Senator will find it somewhat difficult to satisfy my mind that I have been defeated by my friends, and that the result of that election has tended, in the slightest degree, to lessen me in the estimation of the people of my native State.

Mr. ALLEN then moved to amend the resolution, by striking out all after the word “resolved,” and insert the following:

“That the financial policy established at the origin of this Government, by the first acts of its legislation, and especially by the 30th section of the ‘Act to regulate the collection of duties, &c.’ approved by President Washington, July 31st, 1789, and by the 4th section of the ‘Act to establish the Treasury Department, &c.’ approved by President Washington, September 21, 1789, was in strict conformity to the fundamental principles of the Constitution.

“Resolved, That, by a long series of subsequent acts tending to the great detriment of the public welfare, that policy had been departed from, and was, by the ‘Act to provide for the collection, safe-keeping, transfer, and disbursement of the public revenue,’ approved by President Van Buren, July 4, 1840, fully restored, and ought to be adhered to; and therefore

“Resolved, That the Government ought to collect no more taxes from the people, either directly or indirectly, than are absolutely necessary to an economical administration of its affairs.

“Resolved, That the taxes paid by the people ought not to be lent out by the Government to individuals or to corporations.

“Resolved, That the taxes so paid by the people ought not to be placed by the Government in the custody of agents who are not made by the Constitution and the laws responsible to the people.

“Resolved, That in the transaction of its own affairs, the Government ought to receive and to tender in payment as money, nothing but that which is made a legal tender by the Constitution.”

On motion by Mr. WEBSTER, the resolution was laid on the table, and the substitute was ordered to be printed.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 15, 1840.

After the journal had been read,

Mr. JONES, from the Committee of Ways and Means, on leave introduced a bill making an appropriation in part for the support of Government

for the year 1841; which was read twice and referred to a Committee of the Whole on the state of the Union.

On motion of Mr. JONES, the House then resolved itself into a Committee of the Whole on the state of the Union, Mr. BAIGES in the Chair, and took up the above bill.

Mr. CUSHING said he had occasion, a few days ago, to accompany a friend—a messenger from one of the electoral colleges—to the Treasury Department, who went there to settle his accounts, as provided for under a regulation of Congress. His friend was informed by the First Auditor that no payment could be made until an appropriation should be made by Congress. Mr. C. would inquire whether now would not be the time to make an amendment to the bill for this object.

Mr. J. W. JONES said he had had no interview with the Secretary of the Treasury on the subject. He could not see why any portion of the amount could be appropriated to that object; the subjects mentioned in the bill being wholly distinct.

Mr. CUSHING then moved to amend the bill by adding thereto an additional section providing for the payment of the messengers who may convey to the seat of Government the electoral votes given in the several States for President and Vice President of the United States.

Mr. J. W. JONES suggested to the gentleman from Massachusetts whether it would not be proper to have the amount specified in the detailed statements furnished by the Secretary of the Treasury, at \$12,000, in place of \$20,000, to pay the expenses of bringing to the seat of Government the votes for President and Vice President of the United States.

Mr. CUSHING acquiesced in the suggestion.

The question then being on the amendment to the bill, it was agreed to, without a count.

Mr. JONES, in reply to an objection made by Mr. STANLY to the item of \$100,000 for stationery, remarked that the committee, in filling up the blank with the sum in question, had not inserted the whole amount estimated by the Clerk of the House, which was \$150,000. They therefore imagined there would be no difficulty, at this period of the session, in obtaining an appropriation of \$100,000 for that object, being but one-half the amount appropriated at the last session of Congress, and more especially as the contingent fund of the House was now entirely exhausted.

On motion of Mr. J. the committee then rose, and reported the bill, as amended, to the House.

The amendment was then concurred in, and the bill, as amended, read a third time, and passed.

Mr. BRIGGS called the attention of the House to an error he had discovered in document No. 3, being the annual estimate of the Secretary of the Treasury of the Treasury. He was desirous that the error should be corrected before the copies ordered by the House should be printed.

After some debate, of a desultory character, as to whether the error originated in the Treasury Department or with the printer, the Clerk was directed to have the proper correction made.

Mr. PETRIKIN, at his request, was excused from acting as a member of the Committee on Public Buildings and Grounds.

Mr. HAND, in pursuance of notice given on Thursday last, asked and obtained leave to introduce a bill to establish a uniform rule of naturalization, and to repeal all acts heretofore passed on that subject; which was read twice.

Mr. H. then moved that the bill be referred to the Committee of the Whole, and printed.

And the question being first on the reference,

Mr. BARNARD demanded the yeas and nays; which were ordered, and, being taken, were, yeas 96, nays 99.

YEAS—Messrs. Judson Allen, Anderson, Ather-ton, Banks, Beirne, Blackwell, Brewster, Aaron V. Brown, Albert G. Brown, Carr, Casey, Chapman, Clifford, Connor, Mark A. Cooper, William R. Cooper, Craig, Crary, Cross, Dana, Davee, John Davis, Dickerson, Doan, Doig, Duncan, Earl, Eastman, Ely, Fine, Fisher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, John Hastings, Micajah T. Hawkins, John Hill of N. C. Hook, David Hubbard, Jackson, Joseph Johnson,

Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Leadbetter, Leet, Leonard, Lowell, Lucas, McClellan, McCulloch, Mallory, Marchand, Medill, Montanya, Montgomery, Samuel W. Morris, Newhard, Parmenter, Parris, Paynter, Petrikin, Pickens, Prentiss, Reynolds, Rives, Edward Rogers, Ryall, Samuels, Shaw, Albert Smith, John Smith, Thomas Smith, Starkweather, Strong, Sumter, Swearingen, Sweney, Taylor, Philip F. Thomas, Turney, Vanderpoel, Vroom, David D. Wagener, Waterson, Weller, Wick, Jared W. Williams, Henry Williams, and Worthington—96.

YEAS—Messrs. Adams, Alford, John W. Allen, Andrews, Baker, Barnard, Bell, Boardman, Briggs, Brockway, Sampson H. Butler, William O. Butler, Calhoun, William B. Campbell, Carroll, Carter, Chinn, Chittenden, Clark, James Cooper, Crabb, Cranston, Crockett, Curtis, Cushing, John W. Davis, Garret Davis, Dawson, Dennis, Dellet, Edward, Evans, Everett, Fillmore, Fletcher, Garland, Gentry, Giddings, Goggin, Goode, Graham, Granger, Grinnell, Habersham, Hall, William S. Hastings, Hawes, Henry, Hoffman, Hopkins, Hiram P. Hunt, Francis James, Charles Johnston, Kempshall, Lane, Lincoln, McCarty, McClure, McKay, Marvin, Mason, Mitchell, Monroe, Morrow, Naylor, Nisbet, Ogle, Osborne, Palen, Peck, Pope, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Shepard, Simonton, Slade, Truman Smith, Stanly, Stuart, Taliaferro, Waddy Thompson, John B. Thompson, Tillinghast, Toland, Trumbull, Underwood, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Winthrop, and Wise—99.

So the motion was disagreed to.

Mr. EVERETT then moved a reference to the Committee on the Judiciary, as the more appropriate committee for so important a subject.

Mr. BEATTY was also of opinion that a bill affecting the interests of so great a portion of the community, ought to be referred to the Judiciary Committee.

The question being then put, it was decided in the affirmative, and the bill so referred.

The question then being taken on the motion to print, it was agreed to.

On motion of Mr. FILLMORE, it was

Resolved, That the Secretary of War be directed to report to this House what machines, tools, or implements, if any, belonging to the United States, or used in the construction or repair of the harbors or piers, or other public works on the great Northern or Western lakes, or the waters connected therewith, have been sold since the first day of January, 1840; and the cost of such machines, implements, and tools, respectively, and the price for which they were respectively sold, and the authority by which such sales were made.

On motion of Mr. PARRIS, the House then proceeded to execute the order of Tuesday last for the election of Chaplain.

Mr. PARRIS nominated the Rev. THOS. C. BRAXTON.

Mr. CRAIG nominated the Rev. L. R. REESE.

Mr. HAND nominated the Rev. JOSHUA BATES.

Mr. BARNARD nominated the Rev. J. N. DANFORTH.

Mr. WILLIAMS of Connecticut nominated the Rev. PETER H. SHAW.

Mr. N. JONES nominated the Rev. O. B. BROWN.

Messrs. PARRIS, CRAIG, and HAND, were appointed tellers.

Whole number of votes given, 186

Necessary to a choice, 94

Mr. BRAXTON received, 76

BATES " 61

REESE " 30

DANFORTH " 14

SHAW " 4

BROWN " 1

There being no choice,

Mr. BARNARD withdrew the name of Mr. DANFORTH.

Mr. MONROE moved that the rule be suspended, and that the House vote by ballot.

But objection being made,

Mr. M. withdrew his motion.

The House again proceeded to vote for the election of a Chaplain:

Whole number of votes given 170

Necessary to a choice 86

Mr. BRAXTON received 101

BATES " 53

REESE " 16

Mr. BRAXTON having received a majority of all the votes given, was declared duly elected.

Mr. DUNCAN gave notice that he would, on to-morrow, or some subsequent day of the session, introduce a bill fixing upon a particular day for choosing electors for President and Vice President throughout the several States in the Union, and also upon a day for holding elections for members of the House of Representatives of the United States.

On motion of Mr. REED, the President's message relative to the Navy Pension fund, (submitted several days since) was referred to the Committee on Naval Affairs.

Mr. CROCKETT gave notice that he would, on to-morrow, or on some subsequent day, when it should be order, ask leave of the House to introduce a bill to amend an act entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," passed 18th April, 1806.

The SPEAKER laid before the House the following communications:

1. From the Treasury Department, transmitting copies of the Treasurer's accounts for the first, second, and third quarters of the year 1839.

2. From the Treasury Department, transmitting a statement of the accounts which have remained unsettled, or on which balances appear to have been due more than three years prior to the 30th September, 1840, on the books of the Fourth Auditor of the Treasury.

3. From the War Department, in compliance with the resolution adopted by the House on the 7th of July, in the following words: "Resolved, That the Secretary of War report to this House, on the first day of the next session of Congress, the amount of expenditure in suppressing Indian hostilities in Florida, showing distinctly the various items of expenditure."

4. From the Treasury Department, in obedience to the 8th section of the act entitled "An act for the relief of certain insolvent debtors of the United States," approved 2d March, 1831.

5. From the War Department, transmitting statements of the expenditures of the contingent fund of the War Department, and offices and bureaus attached thereto, during the fiscal year ending the 30th of September last.

6. From the Treasury Department, transmitting a report made by Professor Hassler, superintendent of the coast survey, and of the work for the fabrication of standard weights and measures, showing the progress made during the present year in those works respectively.

7. From the Treasury Department, transmitting the statement of expenditures for contingencies of that Department, and the several offices attached thereto, for the year ending September last.

All of which communications were severally laid upon the table, and ordered to be printed.

8. An account of the receipts and expenditures of the United States for the year 1839.

Mr. RUSSELL offered the following resolution: **Resolved**, That the Committee on Claims be authorized to employ a clerk at the rate of \$4 for each day's service, under the appointment of the committee.

Mr. WM. COST JOHNSON proposed to amend the resolution by adding the following:

"And that the Committee for the District of Columbia be also allowed a clerk, when said committee may think one necessary, at the same price per diem."

The question was then taken upon the amendment, and lost.

The question then recurred upon the resolution.

Mr. CAVE JOHNSON called for the yeas and nays; which were ordered, and resulted—yeas 80, nays 65.

YEAS—Messrs. Adams, Alford, John W. Allen, Andrews, Banks, Bell, Boardman, Brockway, William O. Butler, Calhoun, Carroll, Chinn, Chittenden, James Cooper, Mark A. Cooper, Cranston, Crockett, Cushing, Dana, Davee, John W. Davis, Garrett Davis, Dawson, Dellet, Doig, Everett, Fillmore, Fisher, Galbraith, Giddings, Goode, Granger, Grinnell, Habersham, Hall, Hand, Wm. S. Hastings, Henry, Hill of Virginia, Hill of North Carolina, Hunt, Charles Johnston, Joseph Johnson, Wm. Cost Johnson, Kemble, Kempshall, Leonard, Lincoln, McCarty, McClure, Mallory, Monroe, Morgan, Nisbet, Osborne, Randall, Jos. F. Randolph, Reed, Ridgway, Russell, Saltonstall, Shepard, Simonton, Slade, Albert Smith, Truman Smith, Stanly, Stuart, Taliaferro, John B. Thompson, Tillinghast, Toland, Trumbull, John White, Jared W. Williams, Thomas W. Williams, Joseph L. Williams, Christopher H. Williams, Winthrop, and Wise—80.

NAYS—Messrs. Anderson, Baker, Beatty, Beirne, Blackwell, Aaron V. Brown, Sampson H. Butler, Carr, Casey, Chapman, Clifford, Connor, Crabb, Craig, John Davis, Dean, Duncan, Earl, Eastman, Ely, Fine, Garland, Gerry, Griffin, Hawkins, Hillen, Hopkins, Jackson, Jameson, Cave Johnson, Keim, Kille, Lane, Leadbetter, McClellan, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Newhard, Parmenter, Paynter, Petrikin, Pickens, Prentiss, Reynolds, Rives, Edward Rogers, Shaw, John Smith, Strong, Sumter, Taylor, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, Vroom, D. D. Wagener, Waterson, Weller, Henry Williams, and Lewis Williams—65.

So the resolution was adopted.

On motion of Mr. EVERETT,

Resolved, That the Postmaster General be directed to lay before the House a list of all curtailments in the transportation of the mail, made since the adjournment of Congress, with the date when such curtailments were made, and the time when they took effect; and the amount of the reduction of the compensation on each.

On motion of Mr. TILLINGHAST,

Resolved by the House of Representatives, (the Senate concurring,) That a Joint Committee be appointed, to consist of three members of the House, and such a number of the Senate as may be by the Senate be appointed, to direct the expenditure of money appropriated to the Library of Congress.

On motion of Mr. FILLMORE, it was

Resolved, That the Committee of Elections be directed to prepare and report to this House a bill prescribing the notice to be given by the claimant, in case of a contested election, and regulating the manner of taking testimony therein, and authenticating the same.

Mr. ADAMS offered the following resolution:

Resolved, That the President of the United States be requested to cause to be communicated to this House, so far as may be compatible with the public interest, copies of all documents in the Department of State, showing the origin of any political relations between the United States and the empire of China—the first appointment of a consul to reside at or near Canton—whether such consul, or any other subsequently appointed, has ever been received or recognised in that capacity, and the present relations between the Government of the United States and that of the Celestial Empire.

This resolution was read; but, before any question had been put thereon,

On motion of Mr. C. JOHNSON,

The House adjourned.

IN SENATE.

WEDNESDAY, December 16, 1840.

The Hon. R. M. JOHNSON, President of the Senate, Mr. MOUTON, and Mr. PHELPS, appeared in their places this morning.

The PRESIDENT submitted a communication from the Secretary of War, transmitting the report of a board of officers appointed in accordance with a resolution of the Senate for the examination of Colt's fire-arms; which was laid on the table, and ordered to be printed.

Mr. WRIGHT asked the indulgence of the Senate so far as to enable him to make a motion pre-

vious to the presentation of petitions. An appropriation bill was received from the House yesterday, containing, among other items, an appropriation for the payment of the special messengers that are daily arriving with the votes of the electoral colleges of the respective States. He hoped that the bill would be now taken up with a view to its reference.

The proposition was agreed to, and the bill making appropriations in part for the support of the Government for the year 1841 was taken up, read a first and second time, and referred to the Committee on Finance.

On motion by Mr. ROANE, the petition and papers of Richard Harris, now on file, were referred to the Committee on Claims.

Mr. KING presented a joint memorial of the General Assembly of the State of Alabama, asking for the establishment of an additional land district in that State in the section acquired from the Cherokees; which was read, and laid upon the table.

Mr. K. also presented the petition of a number of citizens of Alabama, praying permission to enter a section of land for school purposes, in lieu of one which is covered by an Indian reservation; which was referred to the Committee on the Public Lands.

Mr. CLAY of Alabama presented additional documents in relation to the claim of Colin Bishop; which was referred to the Committee on the Post Office and Post Roads.

Mr. YOUNG presented the petition of a number of the citizens of Cook, Dupage, and Kane counties; and the petition of a number of the citizens of Lake, McHenry, and Winnebago counties, in the State of Illinois, praying for the establishment of mail routes; which were referred to the Committee on the Post Office and Post Roads.

Mr. MERRICK presented the petition of Richard Patten; which was referred to the Committee on Naval Affairs.

Mr. SMITH of Indiana presented the petition of Zadock Smith; which was referred to the Committee on Claims.

On motion by Mr. LINN, the documents now on file in relation to the claim of the heirs of Madame De Lusser; and the petition and papers of Albin Michel, were referred to the Committee on Private Land Claims.

On motion by Mr. WHITE, the petition and papers of Hannah Lightfoot was referred to the Committee on Pensions.

On motion by Mr. ROANE, the petition of Richard Harris, now on file, were referred to the Committee on Claims.

Mr. YOUNG gave notice that, to-morrow, he would ask leave to introduce

A bill to authorize the issuing of a patent to Joseph Compo;

A bill for the relief of Joseph Compo; and

A bill for the relief of Francis Laventure, Ebenezer Childs, and Linus Thompson.

Mr. SEVIER, in pursuance of previous notice, asked and obtained leave to introduce

A bill to authorize the Legislature of the State of Arkansas to sell the lands heretofore appropriated for the use of schools in that State; which was read twice, and referred to the Committee on the Public Lands;

A bill for the relief of Benjamin Murphy; and

A bill for the relief of Richard T. Banks; which were severally read twice, and referred to the Committee on Indian Affairs;

A bill to revive the act entitled "An act to enable claimants to lands within the limits of Missouri and the Territory of Arkansas to institute proceedings to try the validity of their claims," approved the 26th of May, 1824, and an act amending the same, and extending the provisions of said act to claimants to lands within the States of Louisiana and Mississippi; which was read twice, and referred to the Committee on Private Land Claims; and

A bill making appropriations for the removal of the raft in Red River; which was read twice, and referred to the Committee on Commerce.

Mr. ANDERSON, in pursuance of previous notice, asked and obtained leave to introduce a bill to amend an act entitled "An act to authorize the State of Tennessee to issue grants and perfect titles

to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," passed the 18th day of April, 1806; which was read twice, and referred to the Committee on the Public Lands.

Mr. MERRICK, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of the heirs of Francis Newman; which was read twice, and referred to the Committee on the Judiciary.

Mr. KING gave notice that to-morrow he would ask leave to introduce a bill for the relief of the corporate authorities of the city of Mobile; and

A bill for the benefit of certain railroads therein named.

Mr. FULTON, in pursuance of previous notice, asked and obtained leave to introduce a bill to perfect the titles to lands south of the Arkansas river, held under the New Madrid locations, and pre-emption rights under the act of 1814; which was read twice, and referred to the Committee on the Public Lands; and

A bill for the relief of William A. Dixon.

Mr. RUGGLES, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of Charles M. Keller and Henry Stone; which was read twice, and referred to the Committee on the Post Office and Post Roads.

Mr. TALLMADGE, by unanimous consent, introduced a joint resolution proposing an amendment to the Constitution of the United States, limiting the President of the United States to one term; which was read, and ordered to a second reading.

Mr. CLAY of Alabama, in pursuance of previous notice, asked and obtained leave to introduce a bill for the benefit of the Selma and Tennessee Railroad Company; which was read twice, and referred to the Committee on Roads and Canals.

Mr. PRENTISS, in pursuance of previous notice, asked and obtained leave to introduce a bill authorizing the payment of invalid pensions in certain cases; which was read twice, and referred to the Committee on Pensions.

Mr. WRIGHT, from the Committee on Finance, to which was referred the bill making appropriations in part for the support of Government for the year 1841, reported the same without amendment.

At Mr. W's suggestion, the bill was, by unanimous consent, read a second and third time, and passed.

Mr. SMITH of Indiana, from the Committee on Roads and Canals, to which was referred a bill to authorize the Mount Carmel and New Albany Railroad Company to enter on a credit a quantity of land, to aid the company in the construction of a railroad from New Albany, in the State of Indiana, to Mount Carmel, in the State of Illinois, and for other purposes, reported the same without amendment.

Mr. LINN, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of certain companies of Missouri volunteers; which was read twice, and referred to the Committee on Military Affairs.

Mr. L. gave notice that to-morrow he would ask leave to introduce bills of the following titles:

A bill for the relief of Gregoire Lappy, or his legal representatives;

A bill for the relief of the heirs of Miguel Eslava;

A bill for the relief of Sebastian Butcher;

A bill for the relief of Thomas P. Lopes;

A bill for the relief of Joseph Bogy;

A bill confirming the claim of the heirs of Joseph Thompson, sr. deceased, to a certain tract of land in Missouri;

A bill for the relief of the representatives of Pierre Bonhomme;

A bill for the relief of Joshua Kennedy, assignee of Cornelius McCurtin; and

A bill to confirm to George Tucker, his heirs or assigns, a certain tract of land in Alabama.

Mr. STURGEON, from the Committee on Revolutionary Claims, to which was referred the petition upon the subject, reported a bill for the relief of the representatives of John H. Stone, deceased; which was read, and ordered to a second reading.

Mr. WALL, from the Committee on the Judi-

ciary, to which was referred a bill supplementary to an act to provide for the adjustment of titles to land in the town of Detroit and Territory of Michigan, and for other purposes, reported the same with an amendment.

Mr. W. also, from the same committee, reported A bill for the relief of William P. Rathbone;

A bill to amend an act entitled "An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes;" and

A bill to prevent the counterfeiting of any foreign copper, gold, silver, or other coin, and to prevent the bringing into the United States, or uttering, any counterfeit foreign copper, gold, silver, or other coin; which were severally read, and ordered to a second reading.

Mr. PORTER, on leave, introduced a bill for the relief of certain companies of Michigan militia, which was read twice, and referred to the Committee on Military Affairs.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred

A bill to regulate the pay of pursers in the navy; and

A bill to establish the navy ration; severally reported the same without amendment.

Mr. MERRICK submitted the following for consideration:

Resolved, That the Secretary of the Treasury be requested to communicate to the Senate a statement showing the quantity of public land sold in each year since the year 1828, which had been in market subject to private entry for the respective periods of five, ten, fifteen, twenty, twenty-five and thirty, or more years; the amounts for which the same has been sold; and also showing in parallel columns the quantity of public lands sold in each of said years, which had not been subject to private entry for five or more years, and the amount received for the same. Also, a report showing the total quantity of public land ceded to each of the respective States within which they lie, for colleges, academies, schools, or other purposes, distinguishing between the quantities of public land so ceded for each particular purpose.

Mr. CLAY of Alabama submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of extending the time for completing the census in those States or Districts in which the same has been prevented by the prevalence of disease, or other uncontrollable causes.

Mr. HUBBARD submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on Claims be instructed to inquire into the expediency of allowing to James H. Reife compensation for his services in removing intruders from the military reservation attached to Fort Leavenworth.

Mr. BENTON submitted the following resolution, which was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to cause to be prepared and communicated to the Senate, tables of the rates of exchange, foreign and domestic, and of the prices of bank notes and of specie, on or near the first day in each month, at New York and Philadelphia, during the year 1838, 1839, and 1840; and that he accompany the same with a synopsis of the rates of exchange, foreign and domestic, and the prices of bank notes and specie, at New York and Philadelphia, in previous years, so far as the last can be done from the materials now in the Treasury Department.

Mr. LINN submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of extending the time, either specially or generally, for receiving the census returns for the fifth census of the United States.

Mr. WALL submitted the following resolutions, which were considered and agreed to,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the removal of certain ob-

structions in the navigation of the river Passaic, and of Newark bay, in the State of New Jersey.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the removal of the obstructions in the navigation of the sound or kill Van Kull, and in the Raritan, or Prince's bay, between the port of Perth Amboy, in the State of New Jersey, and the port of New York, in the State of New York, mentioned in the report of Captains Kearney, John D. Sloat, and M. C. Perry, to the Secretary of the Navy, dated December 9, 1837.

FINANCES OF THE COUNTRY.

The resolution submitted by Mr. WRIGHT on Monday last, to refer so much of the President's message as relates to the finances of the country to the Committee on Finance, which had been postponed on the motion of Mr. WEBSTER, coming up for consideration,

Mr. WEBSTER, pursuant to his intimation on Monday, when the reference of so much of the President's message as relates to the finances of the country to the Finance Committee was postponed until Wednesday, rose to state his views on that subject. He said, though he was induced to make some remarks on the President's message, especially at this early period of the session, he had no wish to bring on a prolonged and angry or exciting discussion on topics which the message contained; but, as the message of the President, which had been laid before them, contained an elaborate and plausible defence of the whole course of the Administration on the subject of the finances and the currency of the country—as it dealt with the topics of banks and banking excesses, of trade and commerce and speculation, with State debts, and the dangers to be apprehended from that source, and the Sub-Treasury, or the Independent Treasury, as it was sometimes called, he wished to make a few observations. But he proposed, on the present occasion, to deal with some of these topics. So far as they may be supposed to affect the merits and character of the Administration, they had, as he understood it, been passed upon by the country, and he had now no disposition to reargue them, or any of them; nor did he wish to enter into an inquiry as to what might be supposed to be approved or disapproved by the result of the election which they had so recently witnessed, for his purpose, especially on the present occasion; it was enough for him that it was the disposition of the country to change the Administration. All he proposed to do was to make some remarks on that part of the message respecting the finances of the country, and to speak of the present state of things in regard to that important branch of the public service with no recurrence to the past, with no speculation for the future; yet he supposed a proper forecast, a proper disposition to provide for what is before us, in all questions in relation to the revenue and finances of the country, connected itself with all inquiries and observations of that sort. Now, with this view, he wished to make a few remarks upon the message, and it seemed necessary to premise them with a few preliminary observations; but they should be very short.

Now it appeared to him that an unfounded impression, an erroneous sentiment, both as to matters of opinion and of fact, might be communicated to the people by the message before them. In this point of view he wished to make a remark on what it contained, or on part of what it contained. On the eighth page of the message, which represents that the great distinctive principles or differences characterizing public men in this country, is that some have had a constant objection, from the foundation of our Government, to make and maintain a public debt, and that others had had a contrary object. Now this was an unfounded imputation on those who in past time had administered the Government of this country. He says:

"I have deemed this brief summary of our fiscal affairs necessary to the due performance of a duty specially enjoined upon me by the Constitution. It will serve, also, to illustrate more fully the principles by which I have been guided in reference to two contested points in our public policy, which were earliest in their development, and have been

more important in their consequences, than any that have arisen under our complicated and difficult, yet admirable, system of Government: I allude to a national debt, and a national bank. It was in these that the political contests by which the country has been agitated ever since the adoption of the Constitution, in a great measure, originated; and there is too much reason to apprehend that the conflicting interests and opposing principles thus marshalled, will continue, as heretofore, to produce similar, if not aggravated, consequences."

About a National Bank he (Mr. W.) would say nothing at present, but there they were officially told that what had been, and what was likely to be, the great contested question in this country, was whether there shall or shall not be a national debt. Now he submitted to the good sense and candor of that body, whether any party ever did exist; or does now exist, to whom it could be fairly imputed as an object *per se*, as a thing desirable, to create a national debt. Since the Declaration of our Independence, in all time past, what was our history? The first national debt was contracted in Holland during the war, by John Adams. Did any man doubt the propriety of that, in the then circumstances of the country? Was there any Senator that doubted the propriety of obtaining that loan? Then, again, there was the debt contracted for the pay due to the Revolutionary army after our Government was established, by the Continental Congress: there were also the debts contracted during the progress of the war, by the States, for carrying on the war; and provision was made to pay these debts, because they were debts contracted in the progress of the Revolution. Could any man oppose that, or say there was any thing unreasonable or improvident in obtaining loans to enable the Government to carry on the late war with Great Britain? Now contrast one party with another in the history of our Government, and he could not but think it singularly unfortunate that so much of what looks like imputation should be contained in this message which comes from the head of an Administration, which Administration, so far as he knew, was the first that ever existed under this Government, that had begun a national debt in a time of profound peace.

But to proceed to the actual state of the finances of the country. The message, though it does not call the obligations of the country a permanent debt, while speaking in earnest terms against the commencement of a public debt, does admit outstanding Treasury notes, bearing interest, to the amount of four and a half millions of dollars; and he thought, connected with this, there were other important and leading truths, very useful to be considered by those who would judge wisely, and who would look to the future providently in regard to the finances of the country. And the first truth, in point of importance, he thought, was that, for some years past, the expenditures of the Government had greatly exceeded the income of the Government. He was not then about to argue the question whether the expenditures of the Government had been extravagant or not; whether they had been reasonable or unreasonable. He looked at the subject in a financial point of view, and he there stated that their experience of the result of the administration of the Government and the action of Congress for the last four years, showed that the expenditure of the Government exceeded, at the rate of at least seven millions of dollars a year, the income of the Government; and this might be easily demonstrated. They knew that from the commencement of January, 1837, there was in the Treasury, reserved by the deposit act, six millions of dollars. The intention was to reserve five millions, but the Secretary of the Treasury made his computation somewhat in advance—he, therefore, did not ascertain exactly what would be in, and it turned out that there was something about six millions of dollars in the Treasury about the 1st of January, 1837. Then events occurred which led Congress, in September of 1837, to pass a law to repeal or qualify the law of June, called the deposit act, to retain or bring back to the Treasury the fourth instalment of the deposits to the States, amounting to nine millions of dollars. They also

found, by a communication now before them, that the amount of stock belonging to the United States in the Bank of the United States, and for which bonds were given to the Treasury by the President of the Bank of the United States of Pennsylvania, and which bonds have been since paid, was eight millions of dollars, which from that source had been received into the Treasury. Now these were pre-existing funds, some of which had accrued to Government since January, 1837; and they might add the sums he had already mentioned, as being now outstanding on Treasury notes bearing interest, and thus make an aggregate of twenty-seven and a half millions of dollars expended in the course of these three and a half or four years, excepting, of course, what may remain in the Treasury at the end of that term. That, then, was nearly at the rate of eight millions of dollars per annum expended beyond the income; and what a condition of things was that. Suppose it should go on by the succeeding Administration, or suppose it should have continued to go on by the present, if it had remained in power; did not every body see a great and vast debt immediately before them? But is this all—is this all? He was inclined to think that in one respect it was not all; he was inclined to think that the Treasury had not duly distinguished, in one important branch of its administration, what may be called Treasury funds, or United States funds proper, and trust fund set apart by treaties by precise treaty stipulations, for the benefit of certain Indian tribes. He thought the Treasury had taken to its own account, as an income of Government, what did properly belong to another account; what did properly belong to a trust fund, which Government had stipulated by treaties to invest in stock, sometimes under its own guarantee, for the benefit of Indian tribes. This made it necessary to look a little into the trust fund provided for the Indians by certain treaties, for at least there were several of them. He should recur to one or two of the most important, and simply state how matters stand by the evidence contained in documents communicated to Congress. Now, by recurring to official reports from the Departments to Congress, they found there was invested in State stocks, for various tribes, from the year 1833 to the year 1837, by the War Department, the sum of \$1,820,763 16. Now he did not complain of this investment. He observed that there a premium paid on these stocks of \$47,441 76; but he observed that Indiana, Kentucky, and New York stocks were purchased at a discount of half per cent. Alabama and Arkansas stocks were purchased at par; Missouri stock was purchased at 3 44-100 premium; Maryland stock at from 3 to 15½ premium; and Michigan stock at 8 per cent. premium. Now, he supposed it was very probable that the difference in these rates might arise from the difference in the rate of interest, for some of them were at 5 per cent. and some at six. He saw that New York were at five, and he believed Maryland were at six.

They found, also, that there was invested in State stocks up to April 11th, 1838, for the Chickasaws, by the Treasury Department, the sum of \$1,994,141 03. The premium paid for these stocks was \$34,537 51. The United States received from this tribe from the sales of their lands, to 1st January, 1838, \$2,498,000 06; stock and premium \$2,028,678 54; leaving uninvested \$369,321 52, which, Mr. Woodbury says, "has become mixed up in the general fund" of the United States. It may be, for he thought he had somewhere heard that \$94,000 more had been invested. He believed the treaties with the Indians stipulated that the proceeds of their lands, of whatsoever amount, should be invested in permanent stock, bearing interest of not less than 5 per cent. and to be perpetually held for the use of the Indians. Now it appeared that instead of keeping a separate account of this trust fund, the proceeds of these sales were all passed in the general receipts and accounts of the Treasury; and that expended in the purchase of stock, for the purpose of this investment, was charged on the other side of the account. This is a matter of account, and of book-keeping, which may or may not be thought correct; he should have supposed that it would have been

more just and proper to have kept a separate account of that trust fund, as every man who is a trustee, if he means to administer his trust accurately and properly, would do; but he supposed that was not a matter of paramount importance—it was a matter of accounts, and of book-keeping; but if these things be, as he gathered from these documents, there was this sum of between \$300,000 and 400,000 not invested, which remained under the stipulations to be invested. And then as to the rate at which these sums or stocks were purchased by the Treasury Department. Alabama bonds purchased the 31st of March, 1836, were purchased at a premium of four and a half per cent.; other Alabama bonds purchased immediately afterwards, in the language of the Secretary's report, purchased at a premium of four per cent.; others the 7th of May, 1836, at three and a half per cent. premium; others purchased on the 29th of March, 1837, at one per cent. discount; Tennessee bonds were purchased at par; Ohio bonds at above eleven per cent. advance; part of the Maryland bonds at three per cent. discount, and part at above fourteen per cent. advance. He did not see the time stated at which this last purchase of Maryland bonds was made. This was made by the Treasury Department, but then as to the others—

Mr. WRIGHT inquired what documents the honorable Senator alluded to.

Mr. WEBSTER replied, Document 2, of 1839, and Document 4, of 1836. He then resumed: It would seem, then, that by the several treaties, the dates of which he found in the documents, and all he believed in 1837 and 1838, they had stipulated to invest the money promised to be paid for land, in stocks—permanent stocks bearing interest, and some of them under their own guarantee. Here, then, the United States stood indebted to these Indian tribes the whole amount which they promised to give for the land of the Indians, which they had ceded to the United States and passed over under our land law, and a large portion of which he supposed had been disposed of—at any rate they had obtained the land and promised these tribes the sums contracted with them, and which they had promised to invest in permanent stock, but which they had not done; and instead of making appropriations at any time heretofore to buy this stock, the Treasury Department had contented itself with making such an appropriation as would defray the annual accruing interest that the United States was debtor to the tribes. Now the value for \$2,580,100 had actually been furnished, and this was a debt to all intents and purposes and was to be added to whatever else of debt existed against the Government. He did not mean to say it was a debt that was to be paid to-morrow or the next day, but it was a debt which the Government was bound to provide for in some reasonable time: it was a debt contracted in 1837 and '38, and Government was at this moment under the obligation to raise money and buy the stock and hold it for the use of the Indians. Large quantities of the lands of eight tribes have been sold, and the money has been carried to the Treasury, and audited as national income to the United States, instead of being invested for the use of the tribes, leaving this heavy charge still to be borne by the Treasury. The balance of the proceeds of the sales of the lands of the Winnebagoes alone, amounts, as he understood the accounts, to \$1,100,000. No part of this has been invested; the Treasury credits it as so much money received on general account, and leaves the means of raising the money to fulfil the treaty by buying the stocks, to the next Administration. Now, if this be so, there is another sum of \$300,000, also, as he believed, due to the Scow of the Mississippi, under the treaty of September, 1837, which has not been invested, according to the stipulation of the treaty. And, if this too be so, the result of all this is, that, to the outstanding debt on account of Treasury notes in the first place, must be added this Indian debt, a proper provision for which ought, in all fairness, and in good faith, to be made in a reasonable time. And that there were other debts outstanding which must soon be provided for, he supposed nobody would doubt. There was the debt on account of public works and other contracts; there were unpaid expenses

growing out of the operations of the army in Florida, and Indian depredations on the Southern and Southwestern frontier, and he supposed that nobody doubted that these were to be provided for; and also other great amounts of unliquidated debts and claims, on account of which they might expect large demands. He understood, then, that there was a debt existing over this country in various shapes, some for borrowed money, some of which had grown out of stipulations by treaty, and some unliquidated demands growing out of a great variety of sources, amounting to a great amount, all of which was to be provided for. Now he agreed with all that was said in the message, of the great impolicy in a time of peace of commencing a public debt; but it did seem to him extraordinary and inappropriate to admonish others in that strain against commencing a public debt with these facts presented to their view, because he supposed nobody would act on that as a point of principle, but of expediency; and there was no difference as to the form of the existing debt, whether it assumed the shape of stock for a term of a few years, or Treasury notes renewable or expected to be renewed from time to time as they became due; or if there was a difference on the point of expediency, then he differed much from those who acted on the present system, as to which was the most expedient; for the Treasury note system was not the cheapest system to borrow money. Now this existence of a debt was as old as the Administration itself; this Treasury note debt began when the Administration began. From the first session, called in September, and from the date of the first bill authorizing the issue of Treasury notes, in September, 1837, down to the present time, there has been no moment when the Government has not been in debt for borrowed money; and if he understood either the message or the report of the Secretary to the Treasury, it is not now expected that this debt can be paid, if then, earlier than March, 1842; because, if he understood the recommendation of the Secretary of the Treasury—whatever soft words be used—the sum and substance of it was, there must be a new issue of Treasury notes, to enable the Government to be free from embarrassment this time next year. Now he must confess that he thought the scope and tendency of the remarks in the message, in this particular, go to produce an erroneous impression in the public mind. Here were a series of strong observations run out throughout many pages against a public debt—against the commencement of a public debt; and reasons were given to show that when a national debt was once commenced, its inevitable tendency was to increase in magnitude. All this might be very true of the debt already begun and existing now, and under such circumstances of the country as may induce the fear that it may soon be a large one. But what was to be the result of this impression? They knew there were large outstanding items to be charged—they knew there were these sums, which they would be called upon to pay under the Indian stipulations; and there were others which would not be brought together, and presented in the aggregate as a charge on the Government, for some months to come. Was it intended then to forestall public opinion, and out of what will appear, when collected and summed up hereafter, to be a large public debt, composed of charges for which the existing Government is liable, to make it stand as a public debt to the account of the Government posterior to the 4th of March, 1841? He hoped there was no such intention; he did not impute such intention; but he said the scope and tendency, the general drift of the message was that way. But so far as he was concerned, he should take special and good care to prevent such a result. He should recommend, undoubtedly, that a new set of books be opened—that there should be what merchants call a "reset"—that what had been contracted and stipulated, and what had been collected—what had been received and expended to March, 1841, should stand against each other; and after that period that the balance, if favorable, should be called the sum accumulated by the providence of the Administration, and should be passed to its credit; but if the result were otherwise, and there were a debt, then, in all

fairness, the Administration should still stand on its merits, and the debt should be denominated the debt of 1841, whether it stood in Treasury notes, or in any other shape, making it the duty of Government to provide for it.

In one or two other respects he thought the message was calculated to produce quite an erroneous impression. It would be found stated on the fifth page, in as mitigating a phrase as can be,—or, perhaps, he should say mitigated,—that this outstanding debt of four and a half millions of dollars is not yet due. Why, they all knew that; but then again it is said that this four and a half millions, after all, does not amount to so much, by twenty-three millions, as the United States have in deposit with the States. Now he asked the Senate, and if he could he would ask the President himself, whether he meant to recommend Congress to withdraw that deposit from the States, or part of it, to meet this outstanding debt, and as a fund out of which he meant to recommend the discharge of any charge on the Treasury? He (Mr. WEBSTER) found no recommendation of such a course; why then the connection? The four and a half millions, says the President, is less, by twenty-three millions, than the sum which the United States have in deposit with the States. There is nothing in that remark, unless he meant to refer to that as a fund out of which the four and a half millions were to be paid. Why put them together unless he means the deposits as a fund out of which the four and a half millions are to be paid; and if he means to intimate that, does he recommend it? The Secretary of the Treasury, too, treats this sum in deposit with the States in the same way; he speaks of it as money in the Treasury. Look at his report, and at the tables in his report. Why, he makes out a statement which includes the 28,000,000 in deposit to the States. Now, what can be the use of that form in the Treasury accounts? When an officer of a Department of the Government makes out his accounts, and presents a statement of the condition of the Treasury, and the means of the Treasury, he (Mr. WEBSTER) supposed he would confine himself to a statement of the sums already in the Treasury, or likely to accrue to the Treasury under existing laws. But this sum of twenty-eight millions, which had passed to the States under the law of 1836, no more could go to the Treasury than any other sum in the hands of the States. He (the Secretary of the Treasury) knew it could not—he knew an act of Congress was as necessary to produce that fund as to produce direct taxes, or the receipts of the custom-house. This was not under the power of the Treasury to use it for its own purposes, than as directed by law. What was the purpose, then—for purpose he presumed there must be—in presenting this twenty-three millions as a fund of the Treasury, as though the Treasury Department could exercise power over it? For what purpose was this sum mentioned in a statement, made to ascertain what the Government owes, and the means of payment, or part payment? Was this referred to as a means of payment, unless it was meant to say that Congress may pass a law for its recall? Until that was done, it was well known that it was no more available to the Treasury than were new duties at the custom-house before a law was passed for their collection; and it could not be made to defray any charge on the Government, until Congress exercised this power. He did hope—he had desired for years to see, and he hoped he one day should see, a mode of stating these Treasury accounts, giving the plain facts and statements, and leaving much less to guesses about the future, and much less—he would not say attempts to conceal and mystify—but of forms and phrases, the result of which was to mystify.

Again: though the Secretary pretty clearly intimates that there must be a present or immediate resort to Treasury notes, the result of his deliberations is, that if Congress wish to avoid the necessity of either a resort to the custom-house or of new loans, he has a remedy in reserve; and that is to reduce the expenditures of the Government below the estimates—below his own estimates! Why this was pretty much like a case which happened last year, when they were told that the estimates

had been reduced to the lowest possible scale, and yet that they had kept within that scale.

But there was another remark on the sixth page of the message, which he thought deserved a passing notice. The President says, to accomplish the great object of keeping the expenditures within the income, two things are indispensable: "First, that the action of the Federal Government be kept within the boundaries prescribed by its founders." Well, now he supposed that this duty of keeping the action of the Federal Government within the bounds of the Constitution, was an absolute duty; not of terms and circumstances, and conditions, but always peremptory—always mandatory. What was the inference to be drawn? If they wished to keep down the expenditures, and the Treasury was low—if they wished then to keep within the Constitution, what if it were full? Would they transcend the Constitution? There was no one limit to their duty in this respect, whether the Treasury were full or empty, they were not to be tempted to exceed the bounds if the Treasury were full—they were not to be deterred from coming up to it by an empty Treasury.

Again, there was another important omission, as it struck him, in the message, to which he wished to call attention. The President says that, in addition to a decrease in the revenue, "two and a half millions of duties have been relinquished by two biennial reductions under the act of 1833." Be it so; but did the President—did they not all know that there was before them, within a year, a much greater relinquishment—if that was the proper phrase—of duties, and, within a year and a half, a still greater, and last? Did they not see, therefore, from the existence of the debt already contracted, in some form or another, against the Government, and from these certain reductions of duties—if the law should remain unaltered, and nothing should be done about it—did they not see that a case was before the country which would require all the wisdom of Congress, and some effort, to enable it to discharge a good deal of its obligations? But he saw no recommendation of any increase of duties on articles of luxury, such as silks and wines, nor any proposition in any other way made to provide for these demands on the Treasury now before them, and some of them near at hand. Here, then, the result of the whole is, that the President's experience for the four years of his administration has shown him that the revenues of the Government are not adequate to its expenditures—his experience has shown him the necessity of expending seven millions a year beyond the income; that the country is running right into the jaws of debt, and that there is no prospect of increasing the revenue whatever, no means of reduction pointed out, and yet the message contains an earnest, an ardent, and a general admonition not to create a public debt. Now he (Mr. WEBSTER) knew not, of course, what was expected to be done to meet the contingencies which must arise, as the Secretary says, in the first quarter of the next year, but he supposed the suggestion would be followed, authorizing the emission of Treasury notes. He (Mr. WEBSTER) would much have preferred, himself, that other provision should have been made; especially, as he had often said to the Senate, that a tax should be laid on French silks and French wines; but, if no hint of this sort were done, the time was coming when provision must be made from another source. He hoped these liabilities would be provided for fairly and fully during this session of Congress; he, for one, should deprecate, as very inconvenient and expensive, the being driven to an extra session of Congress, and he hoped those having the power at this time would make such reasonable provision as that that necessity would be obviated.

Mr. WRIGHT said there was a single topic touched by the Senator from Massachusetts, and but one, on which he desired further information before he attempted the reply which his remarks called for. If it was perfectly agreeable to the Senator, therefore, he wished that the further consideration of the subject might be postponed until to-morrow. If, however, it was the pleasure of the Senate to take the vote to-day, he would proceed with his remarks.

Mr. WEBSTER and the Senate generally acquiesced in the postponement.

On motion of Mr. CALHOUN,
The Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, December 16, 1840.

After the journal had been read,

Mr. ADAMS asked the consent of the House to permit him to call up for consideration the following resolution, submitted by him on last evening, and on which, owing to a simultaneous motion to adjourn, no action was had:

Resolved, That the President of the United States be requested to cause to be communicated to this House, so far as may be compatible with the public interest, copies of all documents in the Department of State, showing the origin of any political relations between the United States and the empire of China—the first appointment of a consul to reside at or near Canton—whether such consul, or any other subsequently appointed, has ever been received or recognised in that capacity, and the present relations between the Government of the United States and that of the Celestial Empire.

Objection being made, the resolution was not considered.

Petitions and memorials were then presented by Messrs. EVANS, RANDALL, PARRIS, and CLIFFORD, of Maine.

Messrs. EASTMAN and ATHERTON, of New Hampshire.

[Mr. ATHERTON presented the petition of Richard Perry for a pension; referred to Committee on Invalid Pensions.]

Messrs. WINTHROP, PARMENTER, LINCOLN, ADAMS, CUSHING, and BAKER, of Massachusetts.

Messrs. TILLINGHAST and CRANSTON, of Rhode Island.

Messrs. SMITH, BOARDMAN, and TRUMBULL, of Connecticut.

Mr. SMITH, of Vermont.

[Mr. SMITH presented the petition of Dr. Hall; referred to Committee of Claims: the petition of T. W. Gebbs and others for an alteration of mail route; referred to the Committee on the Post Office and Post Roads: the petition of A. B. Haswell in behalf of himself and others, heirs of Anthony Haswell, praying that the fine and costs which was paid by him after conviction on an indictment under the sedition law, be paid to them; referred to the Committee on the Judiciary.]

Messrs. FILLMORE, CURTIS, GRANGER, BARNARD, ELY, HOFFMAN, WAGNER, BREWSTER, MALLORY, RUSSELL, GRINNELL, MONROE, PRENTISS, PECK, and STRONG, of New York.

[Mr. PRENTISS presented the petition of Rufus Henry, of the city of New York, who was an Artificer in the service during the late war with Great Britain, praying to be placed on the list of invalid pensioners. Of Ruth Taylor, widow of Samuel Taylor, a Revolutionary pensioner, and Dorothy Wolibur, widow of Abraham Wolibur, a Revolutionary pensioner, praying the benefits of the act of July, 1838.]

[Mr. P. J. WAGNER presented the petition of William J. Siltwell, praying for a pension for inventing in 1796 the "centre board" or "slip keel," now in common use in river and coasting vessels: referred to the Committee on Commerce.]

[Mr. STRONG presented the petition of sundry inhabitants of the county of Wayne, in the State of New York, for an appropriation for the improvement of the harbor at Pulteneyville on Lake Ontario; which was referred to the Committee on Commerce.]

[On motion of Mr. STRONG, the petition of Ebenezer P. Perce, for half pay as a soldier, from December, 1783, to May 1818, now on file, was referred to the Committee on Invalid Pensions.]

Messrs. MARCHAND, PAYNTER, HOOK, BEATTY, HENRY, and WAGENER, of Pennsylvania.

Messrs. JOHNSON, DENNIS, and CARROLL, of Maryland.

Messrs. HOPKINS, TALIAFERRO, RIVES, and HUNTER, of Virginia.

[Mr. HOPKINS presented the petition of sundry citizens of Albemarle county, Va. praying for the establishment of a post route from Charlottesville to Harrisonburg; the petition of citizens of Nelson county, praying for the establishment of a post route from Mount Hovel to Staunton, in Augusta; memorial of A. Sammons, of Tennessee, praying Congress for relief as one of the securities of a defaulting postmaster; memorial of Asa and Jabez L. White, of Connecticut, praying to be released from their contract for carrying the United States mail; memorial of J. F. Caldwell, of Virginia, praying for relief under sundry contracts with the Post Office Department for the transportation of the United States mail; memorial of Edmund Ruffin, of Virginia, for equalizing the postage on newspapers, etc.: all referred to the Committee on the Post Office and Post Roads.]

Messrs. DAWSON and COOPER, of Georgia.

Messrs. ANDREWS, GREEN, and J. B. THOMPSON, of Kentucky.

Messrs. J. L. WILLIAMS, W. B. CAMPBELL, and C. H. WILLIAMS, of Tennessee.

Mr. GOODE, of Ohio.

Messrs. RARIDEN, WICK, and DAVIS, of Indiana.

[Mr. DAVIS presented the petitions of C. de la Hailandiere, John Johnson, Sarah Leslie, James McCutcheon, Hannah Preble, John Wilson, and John M. Wilson; all of which were severally referred to the appropriate committees.]

Messrs. CASEY and REYNOLDS, of Illinois.

[Mr. REYNOLDS presented the petition of sundry citizens of Jackson county, Illinois, stating that a considerable quantity of low land in said county is inundated annually with the waters from the Mississippi and other streams, so that said land is entirely useless to the United States Government and the citizens. The water remaining stagnant, causes much sickness in the neighborhood. Much of said land has been in market for upwards of one fourth of a century. The petitioners pray a grant of said land to a company, to enable said company to reclaim the same, and thereby to render the neighborhood healthy. Said petition was referred to the Committee on the Public Lands.]

[Mr. CASEY presented the petition of Jeremiah Fields of Illinois, praying the correction of an erroneous land entry; which, on his motion, was referred to the Committee on the Public Lands. Also, the petition of John H. Murphy and Thos. McKibbin of Vermillion county, Illinois, praying relief in case of a mail contract: referred to the Committee on Post Offices and Post Roads.]

Mr. THOMPSON of Mississippi asked leave to offer a resolution directing the Committee on the Judiciary to inquire into the expediency of reporting a bill prohibiting the admission of the evidence of colored persons on trial by court martials.

Objection being made, the resolution was not received.

Messrs. CRABBE, CHAPMAN, and DELLET, of Alabama.

Mr. MILLER, of Missouri.

Mr. CROSS, of Arkansas.

Mr. DOTY, of Wisconsin.

The several States having now been called,

The SPEAKER stated that the next business in order was the resolution of the gentleman from Massachusetts, [Mr. ADAMS] calling for information in respect to our

COMMERCIAL RELATIONS WITH CHINA.

The resolution having been again read, (see above,)

Mr. ADAMS, after some remarks showing the importance of ascertaining what are the true political and commercial relations between this Government and China, observed it was highly desirable in the present critical state of affairs with the latter country, that we should know whether our Consul had been recognised by it or not. He wished to know the exact footing on which we stand. Mr. A. in advertent to some documents presented at the last session, said he believed it appeared from one of them, that when our Consul was about to present a memorial from American citizens at Canton, he was directed by the authorities to place the name of the Emperor of China two inches higher than the name of the President of

the United States. This he thought was the true ground of war now raging between Great Britain and China—this placing the name "two inches higher"—this boasted superiority above every nation on earth.

But, continued Mr. A. I hope to see the day when this boasted claim to superiority shall cease, and that at least the name of the President of the United States shall be written on a *parallel line* with that of the head of the Celestial Empire. Mr. A. said that in offering the resolution he was actuated by no motive but a desire for information as to what was passing between the United States and China at this time, and whether any officer, representing the interests of this country, had been recognised by that power.

Mr. CUSHING was glad that his colleague had introduced the resolution calling for information on so important a subject. He thought, however, that information not less valuable might be obtained from the files of the Navy Department, and hoped an amendment would be accepted to embrace that Department. He therefore proposed to amend the resolution by adding "State or other Departments."

This amendment was accepted by Mr. ADAMS, and the resolution, as amended, was then adopted.

Mr. DAVIS of Indiana moved to reconsider the vote by which, on yesterday, the bill introduced by Mr. HAND, for establishing a uniform rule of naturalization, was referred to the Judiciary Committee.

At the suggestion of several members, Mr. D. consented that the motion should lie over until tomorrow.

Mr. LINCOLN submitted the following resolutions, which were agreed to:

Resolved, That the Secretary of the Treasury be directed to report to this House, what "subordinate custom-house officers have been dispensed with within the period of two years" past, to which he refers in his late report on the state of the finances; and what had been the rate of compensation previously paid to these officers for their services. And, also, what additional number of custom-house officers have been appointed, or employed, within the same period, in the several collection districts in the United States, and at what rates of compensation, with the dates of their appointment and employment, respectively. Also, in what cases, and to what extent, "the compensation of officers and light-house keepers has been reduced." And, also, in what cases (if any) the compensation to any officers in his Department employed in the collection of the customs, or otherwise, has been increased. And that he present the required information in such *tabular form* as to exhibit the comparative number of officers, and the amount of their compensation in each collection district, at the commencement and close of the said period of two years next preceding the date of the said annual report on the finances, and also the relative cost of collecting the revenue from customs to the amount of revenue collected each of the last two years, compared with the cost of collection and the amount collected annually since the 4th day of March, 1825. And that he also inform this House what officers "now employed in the collection of duties, whose further services, it has been believed, could be safely dispensed with, in consequence of the reduction of late years at the different places where they are stationed, may be discontinued, whose offices cannot be dispensed with without new legislation."

Resolved, That the Secretary of the Treasury be directed to inform this House under what superintendence the custom houses in New York and Boston, respectively, are being constructed; the number and names of the commissioners employed to superintend the construction of said custom-houses; the time they have been so employed; and the compensation paid to each.

Mr. DELLET submitted the following resolution, which was agreed to:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of extending the time for completing the census in those States or districts where the same has been pre-

vented by sickness, or other causes which the officers having that duty in charge could not control.

Mr. DELLET gave notice of his intention either to-morrow, or on some subsequent day of the session, to ask leave to introduce

A bill to relinquish to Alabama the two per cent. fund reserved by the act of her admission into the Union, to be applied to the making of a road or roads leading to the State;

A bill for the relief of the Selma and Tennessee Railroad Company; and

A bill making appropriations for completing the improvements of the harbor of Mobile.

Mr. PETRIKIN submitted the following resolution, which was agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of reducing the fees and emoluments of district attorneys of the United States, or of directing such fees and emoluments beyond a limited amount to be paid into the Treasury.

Mr. CLIFFORD, on leave, introduced a bill to provide for the settlement of the claim of the State of Maine for the services of her militia; which was read twice, and referred to the Committee on Military Affairs.

Mr. COOPER of Georgia submitted the following resolution, which was agreed to:

Resolved, That the Secretary of War communicate to this House, at as early a day as may be convenient to the Department, a list of the reservations under the Creek treaty of March, 1832, which remain unsold, together with the valuations thereof, made under the authority of Governor Carroll, former agent, and the names of the persons making such valuations, the time at which the same were made, and the remarks of said valuations in each case.

Resolved, That the Secretary of War report to this House what progress has been made in the settlement of the conflicting claims for Creek reservations betwixt J. C. Watson and Co. and other claimants; at which time a special commission was appointed to adjudicate the same; who is the person appointed; whether he has received his per diem pay; and at what rate since his appointment, and at what time his duties under said commission will probably be brought to a close.

Mr. CUSHING submitted the following, which was agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of making further provision by law for the trial of crimes in the district courts of the United States. Also, further provision for the institution of civil and admiralty powers in said courts.

Mr. TILLINGHAST called up for consideration the following resolution, submitted by him on the 10th inst.

Resolved, That the Secretary of the Treasury report to this House how far, and in what manner, the act passed at the last session, entitled "An act to provide for the collection, safekeeping, transfer, and disbursement of the public revenue," has been carried into execution; whether any buildings, additions to, or alterations in, buildings therein authorized or required, have been commenced; at what cost, or contracts therefor made, or orders therefor given, and the terms and conditions of such contracts and orders; what number of clerks, special agents, and other officers, agents, or servants, have been and now are employed under the provisions of said act, or for aid in carrying the same into effect, and where, and from what times, and at what compensations; whether each and every of the officers who are therein required to give bond have given bond, and the sum, sureties, and time of delivery of each bond; and who, if any, have not given bond; whether, in the collection, or keeping, or transfer, or disbursement of the public revenue, or any portion thereof, since said act has been in force, any bank has been resorted to; and, if so, what bank or banks, to what extent, and in what manner, and what propositions have been made, if any, to any bank therefor; and setting forth, also, in what specific manner, whether gold or silver, or notes or certificates, or other and what evidences of deposit or credit, all or any of the revenue has been

collected or actually passed from the hands of the person or persons from whom the same was due, to the hands of the officer or officers charged with the immediate collection thereof, since said act has been in force, distinguishing, as nearly as may be, how much has been so collected and paid in each specific matter or medium of payment; also, setting forth how, and in what places or offices, and under what actual and personal custody or keeping, all and any and each portion of the revenue, moneys, and assurances, or evidences of debt or obligation, have been kept during said time; and how and by what agencies and aid, and what forms and process, and on what terms, conditions, and cost of exchange or transfer, and in what specific matter, whether gold and silver, or notes or certificates, or other and what evidences, all, and any portions thereof, have been in said time disbursed and transferred.

Mr. VANDERPOEL saw no benefit which could possibly be derived from the adoption of the resolution. All the effect it would have would be to furnish the clerks in the Treasury Department with employment for the whole winter. Without meaning any disrespect to the gentleman, he (Mr. V.) considered the resolution was offered in the inquisitorial spirit of a true Yankee, and was just what might have been expected from such a quarter. The whole was supererogatory, and he did not believe the information, if obtained, would have the least influence on the gentleman in the vote he might give. He would repeat, that the information sought was unnecessary, and imposing a superfluous labor on the Department, and if it was now pressed, he would feel bound to vote against it.

Mr. TILLINGHAST advocated the resolution and contended that the information sought for was highly desirable. In the course of his remarks, Mr. T. alluded to the resolution recently introduced for the repeal of the Independent Treasury law, on which question, he urged, the recent elections of the whole body of Whigs had turned.

Mr. DUNCAN denied that the Whig elections had turned upon that principle. The law in question had not been made the issue. No pledge had been given by the Whigs, from their candidate for the Presidency downwards, for it was well known throughout the country that when interrogated as to his principles, he refused to give any answer whatever.

Mr. MORGAN thought the issue had been made at least in the district of Cincinnati, where the people had elected one Pendleton in the place of that gentleman.

Mr. DUNCAN said he denied it. It was not so, and he could maintain it.

The question being on the adoption of the resolution,

Mr. GALBRAITH moved to lay it on the table.

Mr. TOLAND moved a call of the House.

Mr. GALBRAITH then withdrew his motion.

Mr. BEATTY renewed it.

Mr. TOLAND persisted in his motion for a call of the House; and, on the question being put, there was no quorum.

On motion of Mr. HOPKINS,

The House then adjourned.

IN SENATE.

THURSDAY, December 17, 1840.

THE PRESIDENT submitted a report from the Secretary of the Senate, in compliance with the provisions of the act of May 9, 1836, of the expenditures made from the contingent fund of the Senate for the year ending December 7, 1840; which was laid upon the table, and ordered to be printed.

Mr. HUBBARD presented a document in relation to the claim of Loomis and Gay; which was referred to the Committee on Claims.

Mr. YOUNG presented the memorial of Gurdon S. Hubbard and others; which was referred to the Committee on Indian Affairs.

On motion by Mr. KNIGHT, the petition of a number of merchants and navigators of Providence, Rhode Island, now on file, was referred to the Committee on Commerce.

Mr. CLAY of Alabama presented the petition

of E. P. Skinner; which was referred to the Committee on Claims.

On motion by Mr. CRITTENDEN, the petition and papers now on file of Francis A. Harrison, were referred to the Committee on the Post Office and Post Roads.

Mr. LINN, in pursuance of previous notice, asked and obtained leave to introduce the following bills;

A bill to continue in force the "Act for the final adjustment of private land claims in Missouri," approved July 19, 1832; and the act supplemental thereto, approved March 2, 1833;

A bill to authorize the issue of a patent to the heirs or legal representatives of Francis Rivard, deceased;

A bill for the relief of Gregeire Sarpy, or his legal representatives;

A bill for the relief of the heirs of Miguel Esalava;

A bill for the relief of Sebastian Butcher;

A bill for the relief of Thomas P. Copes;

A bill for the relief of Joseph Bogy;

A bill confirming the claim of the heirs of Joseph Thompson, sr. deceased, to a certain tract of land in Missouri;

A bill for the relief of the representatives of Pierre Bonhomme;

A bill for the relief of Joshua Kennedy, assignee of Cornelius McCurtin; and

A bill to confirm to George Tucker, his heirs or assignees, a certain tract of land in Alabama.

These bills were severally read twice, and referred to the Committee on Private Land Claims.

Mr. DAVIS, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of the Plumb Island Bridge and Turnpike Company; which was read twice, and referred to the Committee on Commerce.

Mr. DAVIS gave notice that to-morrow he would ask leave to introduce the following bills:

A bill for the relief of Joshua E. Nourse;

A bill to increase the compensation of certain officers of the revenue service; and

A bill for the relief of Thomas L. Winthrop and others, directors of an association called the New England Mississippi Land Company.

Mr. PRESTON presented the memorial of the executors of De Thomas Cooper, praying that a certain sum of money exacted as a fine under the sedition law may be refunded.

Mr. P. gave notice that to-morrow he would ask leave to bring in a bill for the relief of the legal representatives of Thomas Cooper, deceased, and

A bill for the relief of Col. George Creghan.

Mr. LINN gave notice that to-morrow he would ask leave to introduce a bill to establish a new land district in the State of Missouri.

Mr. PRENTISS, from the Committee on Pensions, to which was referred

A bill authorizing the payment of invalid pensions in certain cases;

A bill for the relief of L-muel White;

A bill for the relief of Margaret Barnes; and

A bill for the relief of David Waller; reported the same without amendment.

Mr. P. also gave notice that to-morrow he would ask leave to introduce a bill for the relief of John McLoud.

Mr. WHITE, from the Committee on Pensions, to which the petition on the subject had been referred, reported a bill for the relief of Hannah Lighthouse; which was read, and ordered to a second reading.

Mr. W. in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of Mary Pretyman; which was read twice, and referred to the Committee on Pensions.

Mr. PIERCE, from the Committee on Pensions, to which was referred petitions on the subject, reported

A bill for the relief of Samuel Collins; and

A bill for the relief of Joseph Bassett; which were severally read, and ordered to a second reading.

Mr. P. gave notice that to-morrow he would ask leave to introduce the following bills:

A bill for the relief of John S. Billings;

A bill for the relief of Samuel Crapin;

A bill for the relief of Mary Neal, widow of Samuel Neal;

A bill for the relief of Tyler Spafford;

A bill for the relief of Samuel Allen;

A bill for the relief of Mary Snow, widow of Jonas Snow;

A bill for the relief of Margaret Jamison, widow of Samuel Jamison;

A bill for the relief of William Rand; and

A bill for the relief of John McClanahan.

Mr. P. in pursuance of previous notice, asked and obtained leave to introduce "a bill for the organization of a company of Sappers, Miners, and Pontoniers."

Mr. MERRICK, from the Committee on the District of Columbia, to which was referred memorials on the subject, reported a bill for the extension of the charters of the Banks of the District; which was read, and ordered to a second reading.

Mr. KING, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of the corporate authorities of the city of Mobile; which was read twice, and referred to the Committee on Military Affairs.

Mr. MOUTON gave notice that to-morrow he would ask leave to introduce the following bills:

A bill for the relief of George de Passau of Louisiana;

A bill for the relief of Charles Morgan of Louisiana;

A bill for the relief of Charles Morgan of Louisiana;

A bill to confirm claim to lands in the District between the Rio Hondo and Sabiac rivers;

A bill to confirm certain land claims in the Ouachita land district, in the State of Louisiana;

A bill confirming certain land claims in Louisiana;

A bill for the relief of Jean Baptiste Grainger;

A bill for the relief of the heirs of Madame De Lusser, and their legal representatives;

A bill for the relief of Juan Belgar;

A bill for the relief of the legal heirs and representatives of William Conway;

A bill for the relief of Pierre Babin;

A bill to confirm certain land claims in the Greenburg Land District, State of Louisiana;

A bill for the relief of John Compton, assignee of Ganigues Flanjac;

A bill for the relief of Jean Baptist Comeau;

A bill confirming the claim of John Baptiste Lecompte to a tract of land in Louisiana; and

A bill for the relief of the legal representatives of Therese Malette, widow of Gaspard Pheole.

Mr. NORVELL, in pursuance of previous notice, asked and obtained leave to introduce

A bill to authorize the issuing of a patent to Joseph Campau for a tract of land in Michigan; and

A bill for the relief of Joseph Campau; which were severally read twice, and referred to the Committee on Private Land Claims.

Mr. N. also, on leave, introduced

A bill for the relief of Francis Laventure, Ebenezer Childs, and Linus Thompson; which was read twice, and referred to the Committee on Public Lands.

Mr. N. gave notice that to-morrow he would ask leave to introduce a bill for the improvement of certain harbors on the lakes.

Mr. YOUNG gave notice that to-morrow he would ask leave to introduce a bill for the relief of Isabella Hill, widow, and John Hill, Elizabeth Hill, and Samuel Hill, children and minor heirs at law of Samuel Hill, deceased.

Mr. FULTON gave notice that to-morrow he would ask leave to introduce a bill to authorize the Legislature of the State of Arkansas to sell the lands heretofore appropriated for the use of schools in that State.

Mr. WHITE submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of War be directed to inform the Senate whether instructions have lately been given by that Department to the superintendents of harbors and rivers for the construction and improvement of which appropriations have been heretofore made, and which are yet un-

finished; and to the superintendents of the Cumberland road for the sale of machinery, implements and materials used in the construction of said works; and by what authority such sales were ordered; together with a comparative statement of the aggregate cost of the same, and of the proceeds of the sales; and whether such sales were made in contemplation of an abandonment of the further improvement of said works.

Mr. FULTON submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the erection of a marine hospital at the town of Napoleon, on the Mississippi river.

Mr. YOUNG submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of providing by law for additional compensation to the registers and receivers of the several land offices of the United States in cases where their annual compensation, including the per cent. allowed on the sales of the public lands, shall not in the whole amount to the sum of one thousand dollars.

The bill for the establishment of a permanent prospective pre-emption law, was taken up, and the call for the yeas and nays on ordering it to a second reading being withdrawn, it was read a second time, and referred to the Committee on Public Lands.

FINANCES OF THE COUNTRY.

The resolution submitted by Mr. WRIGHT on Monday last, to refer so much of the President's message as relates to the finances of the country to the Committee on Finance, which had been postponed on the motion of Mr. WEBSTER, coming up for consideration,

Mr. WRIGHT said the honorable Senator from Massachusetts (Mr. WEBSTER,) had felt it to be his duty to open this discussion upon the message of the President, pending a simple motion to refer the portions of it to which he had alluded, to the appropriate Committee of the Senate, under the apprehension expressed by him that the publication and distribution of the statements and views of the President might produce erroneous impressions upon the minds of the people of the country. A similar apprehension entertained by Mr. WRIGHT as to the remarks of the Senator, moved him to make this reply to that gentleman. A belief that his remarks were calculated to give erroneous impressions as to the message, and the fiscal condition of the country at the present time, made it his duty to notice some of the positions and arguments of the honorable Senator, and to correct, as far as he might be able, the errors of fact and conclusion, which seemed to him to have been committed. This he intended to do as briefly as possible; and in the discussion he should endeavor to imitate the courtesy which had so clearly distinguished the language and manner of the honorable Senator.

The Senator first referred to page eight of the message, where the President speaks of a National Debt and a National Bank. The Senator did not, at that time, consider it within his object to make any remarks in reference to the President's observations as to a Bank; but it was to the views expressed in the message on the subject of a national debt to which his attention was directed, and to which his attention was directed with that point and force which always characterize the Senator's mind, and he might perhaps say, on this occasion, the ingenuity which sometimes characterizes his arguments. He had asked if the President supposed, or if any body supposed, that there was a party in this country friendly to a national debt, *per se*. He (Mr. WRIGHT) did not believe that position met the President's remarks at all, for he did not understand the President as offering his views and urging his reasons against the contraction and perpetuation of a national debt on the ground that it was a debt to be contracted for the single and sole love of the debt for itself. He understood the President as taking other and higher ground, and as endeavoring to impress upon his countrymen, on the occasion which called forth

that message, the evils of debt under any circumstances, however, under whatever circumstances, and for whatever consideration contracted, and attempting to convince them that it should be avoided at all times and upon all occasions, and for all considerations, when the safety and honor of the nation will permit. Such he understood to be the drift and purport of the message upon this very important topic. Yet he (Mr. W.) was prepared to go farther than the President had gone, and say what he had not said. He would say, not that there is a political party in this country in favor of a national debt, *per se*; but that there are interests in this country so in favor of a national debt—interests which ever had, do now, and ever will favor the existence and perpetuation of a national debt, *per se*, for itself, for the advantages they derive from it. He believed those interests existed in every civilized country—he believed they were ever active—and he believed they constituted an influence, against which it was one of the prominent objects of the President to warn Congress and the country. What are those interests which naturally favor a national debt, *per se*; a national debt for itself, and for the benefit to be derived from its existence? Retired capitalists, men who have withdrawn from business, with a capital which they wish to preserve for themselves and their families, constitute one such interest. Such persons naturally desire a permanent and safe investment for their money; and it is most rational that they should vastly prefer their country as their debtors, if it be of good standing and credit, to any other. Look at England. What supports and perpetuates the aristocracy of wealth there but the British national debt? It rests upon the debt, and could not be sustained without it, and the indebtedness of the country is its strength and power. Mr. W. said he spoke not of this interest, as now existing in this country, in censure; it was as natural as existence itself; it must grow up in every prosperous community; will ever exist in some form, and can only be curbed and controlled by a people and Government free from debt.

But was there not another interest, and an important one in every commercial community, which was benefited by, and therefore was in favor of the existence of a national debt for itself? He spoke of that great interest connected with foreign commerce, and desirous of a medium of convenient remittance between its own and foreign countries. Why, he had seen frequently the utility of a national debt pressed upon the country for this cause; and quite recently articles had appeared in the public newspapers—and articles written with great ability—stating that since the extinguishment of our debt, fluctuations in our paper system had been more frequent and more deleterious, and contending that the existence of a national debt, and its influence on commercial transactions, were necessary to give that system stability. But a year ago, a proposition was deliberately put forth of that character, recommending that this country should create a debt, not singly to furnish these commercial accommodations, but urging that these would be necessary incidental benefits, while other great objects, valuable in the mind of the writer, were supposed to warrant the contraction of the proposed debt of hundreds of millions. These were not all.

There was a third interest, which embraced that class of enterprising, acute persons, who seek a living, and their fortunes, by dealing in stocks—the class of brokers. They, as a class of men, must be attached to a national debt *per se*, for nothing could be more desirable in the stock market than an abundance of national stocks and securities, and that abundance of customers, seeking investments and a market, which a full supply of superior stocks would never fail to present to that department of trade. Such securities, too, must have a tendency to keep the prices of stocks more stable, and thus render the profits of the broker more certain, and his calling more safe, if not more lucrative.

A further interest, having the same natural tendency, was the money incorporations of the country, authorized to deal in stocks and exchange, or

practically so dealing, with or without authority. These institutions, more naturally than the brokers, must favor the existence of a national debt, *per se*, inasmuch as the profits of their business would be equally involved, while their own stability would be much more essentially promoted. He did not enumerate this interest with any political reference. It was an existing interest in our country, and in every commercial country in the world; and it would, most likely, continue to exist, so long as trade and commerce existed. Properly restrained, it was a healthful interest to trade and commerce, while, without restraint, it was a fearful interest. It was always active, and at times powerful beyond the careless estimate of a confiding people. Yet it was an interest which a people free from debt need not fear, but from which any people loaded with debt, public or private, had every thing to apprehend. It was a corporate interest, representing no feeling to which human beings are susceptible, and destitute, from its nature, of all human sympathies.

There was still another interest which should be, in his judgment, in favor of a national debt *per se*. He referred to the men and interests in the country which favored the establishment and preservation of a National Bank as an institution to regulate our currency and credit. He did not speak of this interest as that of a political party in the country, or as connected with any existing political party. His object was to follow the course of argument of the honorable Senator from Massachusetts, and take a financial view of the topics under discussion; and he believed in his heart that every man who desired the establishment and perpetuation of a National Bank in the United States, should desire, as the only safe and secure foundation for such an institution, a permanent national debt. In his opinion, that was the only safe corner stone, the only secure defence, for a National Bank in this country. It was not his object, upon the present occasion, to question the patriotism, or purity of purpose, of any friend of a National Bank. He would not, if he could avoid it, make this discussion political, much less partisan.

He had looked at our own history, and found that a national debt had been the apology, and, as he thought, the controlling cause, of our two former National Banks; and he believed further, that the existence and continuance of the debt had given to both the most of the permanency and stability which they had manifested to the country, as money institutions controlling our currency and credit.

He had also referred himself to the pecuniary institutions of England, and became equally satisfied that the National Bank there could not sustain itself for an hour, with its conceded power over the paper system of that commercial country, if disconnected from the British national debt. The capital of the bank consists of the debt, and the country is its debtor for the credit it commands. How, then, is the country to get rid of the bank but by the payment of the debt, and how can the debtor, though the proudest Government in the world, control the creditor, while these embarrassing relations exist? It cannot be done, and hence the Bank of England must be as enduring as the debt of England.

So here. So every where. When a Government is in debt, and requires a permanent credit beyond its means of payment, it may require a Government bank to manage and regulate its fiscal affairs; to extend credit when its necessities require, and so regulate private business as to make that extension safe and profitable to itself.

He must then repeat, that, in his judgment, every man and every interest, in this country, favorable to a National Bank should be also favorable to a national debt, as the only safe foundation upon which such a superstructure can be erected with any reasonable promise of permanency.

He must conclude, therefore, that there were in this country interests, strong, powerful, and active interests, in favor of a national debt *per se*; that these interests have favored, do now favor, and will continue to favor the contraction and perpetuation of a national debt for the advantages which they may derive from it, and that the Presi-

dent was wise in warning his countrymen against their influence in this direction. Other interests might be added to the enumeration, but these were sufficient to elucidate the argument, and show the danger to be constantly apprehended.

The honorable Senator, if Mr. Wright had understood him correctly, admitted that the views of the President, as expressed in his message, upon the subject of a national debt, were correct and sound, but seemed to question his right to give them to his countrymen, because, as he contended, they were contrary to the practice of the Administration, and of the President as its head.

To prove this position, he asserts that the present is the first Administration, under our institutions, which has begun a national debt in time of peace. The assertion is true; and yet is it a presentation of the point intended to be discussed? Is it calculated to do justice to the President, or to his administration? Why did not the Senator tell us that the administration of General Jackson was the first, under our institutions, which ever paid a national debt? It would have been as true; and yet the assertion, presented in this way, would have been calculated to do injustice to every Administration preceding that of General Jackson. The fact is that no Administration, prior to that of Mr. Van Buren, had ever existed, under our Constitution, which could begin a national debt, because every preceding Administration had found a national debt in existence. Such a debt was contracted during the war of the Revolution, before our present Government was formed, and was first finally extinguished during the administration of General Jackson; and yet he believed he was safe in saying that every Administration had borrowed money, and thus added to the existing debt, and had made payments towards its extinguishment. While, therefore, it was true that no Administration, prior to that of Mr. Van Buren, had begun a debt, either in a time of peace or war, and that no Administration, prior to that of General Jackson, had paid off and extinguished our national debt, it was also true that all Administrations, as well in peace as war, had borrowed money, contracted debts, and paid debts. The simple assertion of the Senator, then, that Mr. Van Buren's was the first Administration which had begun a debt in time of peace, did not, in his judgment—and he pronounced the opinion with deference—present fairly to the country the President, or his administration.

It might be proper here to remark, that if the subsequent positions of the Senator were sound, no debt had been begun under Mr. Van Buren's administration, because a national debt had not ceased to exist. That which had been created as our national debt in our laws and in our fiscal accounts, was extinguished during the administration of General Jackson; but if the items of Indian and other claims referred to by the Senator, are to be set down as items of national debt, then has our national debt never been paid, and the administration of Mr. Van Buren cannot have "begun" such a debt.

The true and fair question is, however, why and under what circumstances has any portion of debt been contracted under this Administration?

It would not be necessary for him, Mr. W. said, to spend much time in answering this inquiry, as most of the Senators present were members of the body in 1837, and would retain personal recollections of the whole matter. All would remember that Congress was convened extraordinarily, for the single purpose of supplying the Treasury and enabling it to preserve the public faith and honor; that this call was not made at a time of scarcity or want in the public funds; but when our revenues were most abundant, when we had millions on deposit with the banks, and millions due from them; that their inability to pay the drafts of the Treasurer, in conformity with the laws of Congress, created the want and compelled the call of Congress; and that the same inability of the banks compelled us, by the admission of all, to borrow money upon the credit of the people to keep the National Treasury in operation.

This new debt was not, then, contracted, or, in the language of the Senator, "began," because the extravagance of the Administration had expended

our substance. No, but because our trustees—because those with whom the money of the people had been placed for safe keeping, could not pay upon demand according to our laws—because our millions upon millions were without our control, in the keeping of banking institutions, and the credit of the people was resorted to to sustain the faith and honor of the country. What was the extent of the power then conferred upon the Administration to contract a debt? If his recollection served him, it was \$10,000,000. And what were our dues from the banks alone? If he was not mistaken, some thirteen or fourteen million of dollars; and beyond that, one of the prominent and worthy objects of the loan was to extend indulgence upon duty bonds to the merchants of the country, who were equally distressed with the public treasury from the revulsions of the time. Under such circumstances it was that the present Administration "began a debt in time of peace."

The next position of the honorable Senator is that the administration of Mr. Van Buren has expended much more money annually than the accruing revenue. That he (Mr. Wright) believed to be true; but he did not propose to follow the Senator at all in the data given to prove the position; he would say what he was sure would not be controverted, that the Administration had expended, year by year, just so much and no more money than Congress had appropriated and ordered to be expended—that every year the appropriations of Congress had exceeded by millions the estimates of expenditure presented to it by the Executive Departments—and that it was a matter for Congress to provide the means to meet the expenditures itself directed. But it would not have been unjust to that Administration if the honorable Senator had said, in passing, that during every year of its existence, the mass of the public expenditures had been materially and rapidly reduced. The expenditures of 1838 were shown by the President's message and the Secretary's report, the two documents to which the Senator had referred in this discussion, to be less than of 1837. Those of 1839 were some six millions less; those for 1840 had been from two to three millions less than those for 1839, and the estimates for 1841 were materially less than those for any preceding year. This, then, was both sides of the book—it was the present Administration as it is, in reference to expenditure. During its term, those expenditures had been undergoing a rapid reduction, from the commencement of its four years to the present hour. This was a just and entire view of the matter.

The next position taken by the honorable Senator was the most material one in his argument, and without which Mr. W. might not have felt himself called upon to make this reply. The Senator did not even assert his point; but, in a manner most courteous, expressed his opinion that the President had made a variety of mistakes and omissions in his statement of the present national debt, as given in his message; that the country is, in fact, more in debt than the President and Secretary of the Treasury have represented it to be; and that, without his correction of these mistakes, these excesses of debt might be charged over to the coming Administration, and the present might retire under appearances more favorable than the facts would warrant.

To examine these opinions and apprehensions of the honorable Senator, and to try them by the facts, should now be his aim and effort, and was the purpose which had principally induced him to appear before the Senate upon the present occasion.

It was admitted that the President had referred to the balance of outstanding Treasury notes truly. He had stated that the amount undecreed did not exceed four and a half millions of dollars, but the complaint was that he had represented that as the whole debt of the country at the present time, and as the amount which would constitute the whole debt at the time when he should hand over the administration of its affairs to his successor. Now, how had the Senator sought to show that the President had been mistaken? By referring to what was called the trust funds; and principally, and he believed entirely, to those portions of those funds which appertain to the Indians. In reference to the

Indian trust funds, he said not that the fact was so, but that, on examination, he was inclined to believe that portions of them had been actually expended for the ordinary uses of the Treasury, and were now a debt resting upon the country; that the moneys stipulated by Indian treaties to be invested had not been all invested, but that some hundreds of thousands of dollars of those moneys had been paid out and expended, and were now a debt against the Treasury. He (Mr. Wright) had taken as much pains to obtain information upon these points as the time which had elapsed since the Senator's remarks were made would permit; and as he designed to state the facts fairly, plainly, and truly, as far as he was able, and as the various Indian treaties varied in their provisions as to the trusts constituted under them, and conferred upon the United States, he would be compelled to speak of certain treaties and certain trusts separately, each by itself, to make himself understood, and to enable others to understand the facts. He would refer, then, in the first place, to the treaty with the Chickasaw Indians, as that treaty was peculiar, and the trust constituted and assumed was novel in our dealings with the Indian tribes. In this case, the United States had become the voluntary trustee of the Chickasaws, and had stipulated to sell their lands as the public domain of the United States; sold, to deduct simply the expenses of the treaty, of the survey and sale of the lands, and such other expenses as might be incurred for account of the Indians, not including any commissions or other compensation to the trustee, and to account to them for all the moneys which shall remain unexpended. In other words, the treaty binds the United States to sell the lands of these Indians to the best advantage, to account to them for the whole proceeds, and to manage such of their cash funds as shall remain in the hands of the Government, without charge for trouble or responsibility.

Upon inquiry at the Treasury Department, he learned that a law of Congress had placed the principal part of the money to be received under this treaty in charge of the head of that department, for the purpose of investment; that small portions belonging to Chickasaw orphans and to certain members of the tribe denominated "incompetent Chickasaws," remained in charge of the Secretary of War; that of the money in charge of the Secretary of the Treasury, all has been invested, over and above the portion consumed in expenses in conformity with the treaty, which there has been time to invest since the receipt; that the money is mostly paid in at the Pontiac land office, in the State of Mississippi, and some time is required to get the returns of sales, and to bring the money into the Treasury; that there may be now from \$20,000 to \$30,000 of these funds in the land offices, *in transitu*, and in the Treasury, but that no portions of them have been expended for the general uses of the Treasury, and that investments are invariably made as soon as the sum accumulated is sufficient to authorize a negotiation for stocks. The honorable Senator will see, therefore, that his conjecture that some three or four hundred thousand dollars of these funds had been expended is mistaken, and that no addition to the public debt is to be sought in this quarter.

Whether or not there were small sums arising under this treaty in the care of the War Department, and not yet invested, he did not know, as time had not allowed him to call upon the head of that Department for the information. Still he supposed this information immaterial for this argument, as money in the charge of the War Department could not be in the Treasury, and therefore could not be reached by a warrant upon the Treasury, or expended in the ordinary calls upon it.

It was proper here to remark further that the only Indian money in the charge of the Secretary of the Treasury for investment is the portion of the Chickasaw fund before pointed out. All those moneys, arising under other treaties, are, by the treaties, committed to the charge of the Secretary of War, and Congress has not yet transferred their custody to the Treasury.

Investments of Indian moneys, to large amounts, had been made both under the direction of the Sec-

retary of War and the Secretary of the Treasury, and accounts of the transactions had been laid before Congress. The honorable Senator had referred to them, and had spoken of the prices in some cases paid for stocks, in a manner to give the impression that he suspected the investments had not been prudently and cautiously made. Mr. Wright believed all the investments had been confined to stocks of the States, a description of security which he felt sure that Senator would not willingly depreciate or disparage, and if he would refer to the dates of the respective investments, and to the prices current of the stocks in the principal markets of the country, at the several periods, little ground would be discovered for complaint upon this point.

He would now pass to another class of references made by the honorable Senator, and where, in the opinion of Mr. Wright, he approximated more nearly to the discovery of a debt, technically speaking, which is not noticed by the President. He alluded to the Senator's reference to several Indian treaties in a group, viz:

One with the Ottawas and Chippewas,	\$200,000
" Osages,	69,120
" Delawares,	46,080
" Sioux of Mississippi,	300,000
" Sacs and Foxes of Mississippi,	200,000
" Sacs and Foxes of Missouri,	157,400
" Winnebagoes,	1,100,000
" Creeks,	350,000
" Saways,	157,500

\$2,580,100

These treaties severally stipulate that the sums above named shall be invested by the United States for the benefit of the several tribes of Indians named, and he believed it to be true that, as yet, none of the sums had been invested, but that Congress had preferred to appropriate annually the interest upon them, as a part of the current annual expenses of the country. All of the treaties except one, that with the Delawares, had been concluded since the commencement of the year 1837, and his information was that, in all the cases, very few sales of the lands, ceded by the respective treaties, had yet been made; not enough, in many cases, to cover the expenses of the treaties, and in none sufficient to bring into the Treasury any considerable portion of the capital required to be invested.

Another reason exists for the non-investment of these sums, which has its foundation in the Constitution of the country. It is that Congress has neither provided nor appropriated the money required to make the investment; and without an appropriation by law, neither the Secretary of the Treasury, nor the President, can take money from the Treasury for these or any other purposes. The treaties create the liability against the United States for the \$2,580,100, but it is not a debt within the law, and cannot be noticed as such by the fiscal officer, until Congress recognise it, and provide for it by the proper constitutional appropriation. The treaties are the acts of the President and Senate, the treaty making power of the country, but Congress and the President, the law making power, can alone pay money even under a treaty. If then every acre of the land ceded by the Indians, and purchased by and for the benefit of the United States under these several treaties, were to be sold to-morrow, and the money paid into the Treasury, neither the Secretary of War, nor the Secretary of the Treasury, nor any other person, could legally, or constitutionally, invest one dollar of it, or pay it out under any provision of the treaties, until Congress shall have appropriated it by law, and directed its application. In these cases, as he had before said, the lands had not been sold, the money had not come into the Treasury, and Congress had preferred rather to appropriate the annual interest, than to borrow the money in advance, for the single purpose of funding it.

He cheerfully admitted that the amount was a debt, as far as the treaty-making power could impose a debt upon the country; but it was not a liability upon the Treasury, within the laws of Congress, and could not, therefore, be recognised as a debt by the Secretary of the Treasury, in presenting the state of the Treasury, its means and liabilities, to Congress. The Government was bound to pay

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the interest upon these sums to the Indians, or forfeit its faith, pledged through the treaty-making power, or it was bound to invest the principle so that the Indians might receive the interest from other debtors. Congress had exercised its option, and preferred to appropriate the interest simply, and wait the sale of the lands to realize the capital to be invested.

[Here Mr. WEBSTER inquired, "Where did Congress get the option?"]

Mr. WRIGHT asked, does it not follow, from the very nature of the transactions between the parties? The Indians sell and convey their lands to the United States, and surrender the title and possession together, upon the faith of treaty stipulations. In consideration of the lands sold, the United States agree to hold certain portions of the purchase money, and invest them for the Indians. The United States alone are trustee, and the receipt by the Indians of the annual interest upon the sums to be invested is a good compliance with the contract to them. Would it not be a perfect technical compliance, if the Government were, by way of investment, to issue to the Indians its own stocks? And can it be material, so long as the United States choose to remain the debtors, whether this form be gone through with, or the treaty be left as the evidence of liability, and Congress annually appropriate the interest on the money as it would upon the stocks? It seemed to him that the inquiry of the Senator raised a distinction without a difference of interest on either side, and questioned the right of Congress to its option in a case where the option could not but exist from the nature of the transactions. The most the Indians can claim is the liability of the United States for the interest and principal of their money. That they have by the solemnity of treaty stipulations, while the money is not invested. When it shall be, they may have securities of a less desirable character, but in conformity with their contract. The only question, then, which could influence Congress, in its option, was the interest of this Government and the convenience of its Treasury.

Could it be wise for Congress, in the fulfilment of treaties of this character, and with such parties, and at a time when there was not a surplus of money in the Treasury, to have directed loans upon the credit of the people for the payment of debts, the payment of which was not a matter of feeling or interest with the creditor, and for the eventual payment of which an ample fund had been provided by the terms of the contract which made the debt? Could loans have been made at a rate of interest less than that stipulated to be paid to the Indians? That will not be pretended.

Where, then, is the cause of complaint, or of fault? It is simply in the assumption that here is a debt not mentioned by the President, and still a debt against the public Treasury and the people of the country.

Is this so, in the sense in which the complaint has been preferred by the honorable Senator against the message of the President? Mr. WRIGHT had admitted that there was a liability to pay, and an ample fund in the lands ceded by the Indian treaties to make the payment, and had attempted to show that Congress had acted wisely in appropriating the interest upon the money merely, until the sale of the lands should bring into the Treasury interest and principal, and thus enable the investment to be made without the contraction of a permanent debt.

Was there any thing in all this new or singular, or peculiar to this Administration? How long had this Government been making treaties with the Indians for the purchase of their land, and contracting obligations with them? And if these are items of the public debt, why not their annuities for the purchase of the same lands, which are of a large amount? They are debts in the nature of investments, but they are never reported as part of the public debt of the country. Neither are to be

found in any report heretofore made from the financial department of the Government, under any Administration which has ever existed, as items of our public debt. They are not so by the law, and they have never been so treated in practice. He had in his possession a document which he had obtained for another purpose, and which contained a schedule of the entire Indian treaties up to last year. He should think—for he had not taken the trouble to count them—that there were several hundreds, and on casting his eye over them this morning, he found they commenced, at the latest, as early as 1790, and had been made constantly, if not strictly annually, up to this time.

The practice of stipulating to invest sums of capital, though not new in the administration of our Indian affairs, had greatly increased within the last few years. He had had occasion to become personally acquainted with an old case. He referred to the deposit, by the Seneca Indians of New York, of the sum of \$100,000 with the United States, being part of the consideration money for their possessory title to their reservations under the stipulation on the part of this Government, as he was informed and believes, that they should receive six per cent. interest upon their capital so loaned. He spoke from recollection, and would not be confident, but his impression was that the contract was entered into in 1806. He could further inform the Senator, that, during the administration of John Quincy Adams, this money had been invested in the three per cent. stocks of the United States, then outstanding, and that Congress, while he was a member of the other branch, as he now recollected and believed, appropriated the other \$3,000, or about that sum, to make up to the Indians the interest to which they were entitled. This was an old case, and he spoke from memory in regard to it; but from it the honorable Senator could see that, if we were now to go back to the commencement of our Indian relations and bring up a new account of public debt, we should be compelled to look far behind the time of Mr. Van Buren, as well as to begin an entire new calculation of debt. If the honorable Senator would look for the investment of this Seneca fund of \$100,000, he thought he would look in vain, and yet it had never appeared in any statement from the Treasury, as an item of our public debt. An estimate for the interest would be found in every annual estimate of expenditure since the redemption of the Government stock in which the last investment was made, but the capital was not mentioned, because it had not been reappropriated for a different investment. Still the Senator would not be disposed to charge this \$100,000 to the present Administration, as a debt contracted by it, and to be unjustly palmed off upon its successors.

Yet this was but a fair sample of the policy of going back into these Indian relations to find an existing debt, not disclosed, against the present Administration. If we adopt the idea, we must go back, not to 1806, but to 1790, and bring up the account through all the Administrations which have existed under our Constitution, and then solve the question, whether that Administration is to be most censured for contracting debt, which has succeeded in extinguishing most Indian title to the public domain of the country, or whether the debts so contracted have been and are considered as resting upon a sure fund for their redemption in the lands purchased, while the treaties are, in every other respect, beneficial to the country, to its population and prosperity, and to its Treasury.

He believed the last and the present Administrations had extinguished more Indian titles, and brought more of the public lands into the market, and within the reach of settlement, than any other two, if not more than all preceding Administrations; and, as a necessary consequence, the amounts of purchase money paid, and agreed to be paid, in the shape of annuities, investments, and otherwise, would be greater than under previous Administrations. But what had hitherto been the estimate

placed by the country upon such policy successfully prosecuted? Had we been in the habit of setting down these purchases of Indian lands as bad and losing bargains? As imposing burdens upon the Treasury, and debts upon the country? Or as improving the public revenues, and strengthening the Treasury, while they enriched the country? Had it ever been supposed that the lands purchased were not much more than sufficient to pay the debts contracted?

If, however, this movement was the indication of a change of policy by the coming Administration in regard to the lands; if the fund thus provided to pay these debts is to be separated from the debts; if the lands, or their proceeds, are to be given away, and the liabilities incurred under the Indian treaties are to be left unpaid upon the hands of this Government, then indeed the amounts due to the Indians, as well in annuities as investments, or otherwise, may justly be counted as debts, as permanent, enduring debts, only to be paid by taxation upon the people. He would tell the Senator, however, that that Administration, and that party, which shall adopt this new policy, and give away the lands without discharging these obligations incurred for their purchase, will be the Administration and the party which will charge these sums upon the people as debts, and which must bear the responsibility of the act.

The honorable Senator proposes to have a new set of books opened, to protect the next Administration from the debts and liabilities incurred by this; to establish what he calls "a rest" between them. Mr. WRIGHT would go with him to do this; but he should insist that the accounts be fairly stated, and the books fairly kept; that when the Senator had charged the administration of Mr. Van Buren with the debts due to the Indians, he should credit it with the lands which formed the consideration for the debts. In this way, the account would present the whole truth, and he did not fear the responsibility of balancing the book so kept.

He was aware that one most expensive treaty had been made, not by this, but the last Administration, without profit to this Government. He referred to the last treaty with the Cherokees, for the extinguishment of their title to their lands. These lands were principally in the State of Georgia, and the Indian title was extinguished for the benefit of that State, and not of the National Treasury. Yet this treaty was but a late fulfilment of an obligation resting upon this Government in favor of that State, and almost as old as the Government itself; an obligation entered into to acquire its title to a large portion of the public domain, and upon which, therefore, the moneys paid and payable under that treaty are justly chargeable, and from the proceeds of which they should be reimbursed to the public Treasury.

Still, this treaty being included, the proceeds of the public lands would clear all former Administrations, as well as the present, from any responsibility for debts contracted under Indian treaties. Let the new set of books, then, show both sides of the account, and contain a full and fair statement of the whole matter, and we shall not hear that this or any other Administration has run the country in debt by the extinguishment of the Indian title to our immense public domain. Let the proceeds of the lands stand against the moneys paid and the liabilities incurred, and see if there have been bad and unprofitable and losing bargains.

Is this to be charged at this day, and from that quarter? How long is it since we heard a very different account of these Indian contracts? Since he had been honored with a seat here, the charge had been made in this chamber, and repeated much more loudly and widely out of it, that our Indian policy was a swindling policy; that we were purchasing their lands for a song, and driving them to the ends of the earth for a resting place. Then, the charge was that we were making cruel bargains with the ignorant savages, the poor Indians! Now, it is that this Administration has been loading the

country with debt by making these same bargains. It will not do, said Mr. W.; it is too soon to make this short turn, and wholly change the character of the complaints growing out of our Indian relations. The facts will not sustain the last position. The bargains, as a whole, have been profitable, vastly profitable, to the public treasury, and the lands yet unsold constitute a fund a hundred fold more than sufficient to discharge every remaining liability. So much for this mode of showing the President in error in his statement of our public debt.

The honorable Senator proceeded to enumerate other heads, under which he did not assert, but expressed his suspicion that there were existing debts. He did not attempt to enumerate items of debt, and it was impossible for Mr. WRIGHT to conjecture what the items were, or for what the debts were suspected to have been contracted. The heads enumerated were, debts for the public works, debts for the Florida war, debts for Indian depredations at the north, and debts for other things.

Well, now as to the debts for public works; there might be such, but he (Mr. WRIGHT) did not know what they were—he did not know that there were any. He was sure it could not be possible that the Senator intended simply to inform us that there were public works commenced which it was the interest of the country to prosecute, and that money was to be appropriated for them. And if there was a debt for public works, other than such a prospective obligation, he was ignorant of it. If that description of account was to be opened, he would abandon the discussion with the single remark that the honorable Senator would be fortunate if he found the new Administration clear of obligations of that character, either at its commencement or its close.

What was the debt growing out of the Florida war? He (Mr. WRIGHT) was ignorant of it, unless it consisted of claims for losses sustained by citizens in consequence of that war; and did any man suppose that the President of the United States, or the Secretary of the Treasury, was authorized to present those claims to the country as a part of its public debt? Are they so, in fact? They have been presented year after year, and session after session, to the Congress of the United States, and a Congress has not yet been found to recognise a dollar of them. And were the executive officers, in the face of this action of Congress, to declare them public debts, to state their amount, and call upon Congress for provision for their payment? The slightest reflection would convince the Senator that such was a very uncertain and dangerous way to make up an amount of debt. It would be nothing short of Executive usurpation of a fearful character.

Then the debts for Indian depredations at the North—as, if he understood the Senator correctly, this was one of his heads of enumeration—he knew nothing of them—he knew not what or where they were?

But there were "debts for other things;" yet; why did not the honorable Senator bring in the five millions for French spoils previous to the year 1800? That was as much a debt as the others. It was a claim not recognised by Congress. The honorable Senator believed it was a debt; he (Mr. WRIGHT) did not. Why not call up the pension list? That is a debt which we must pay until the gallant old soldiers are no more. It was just as properly presented as the Indian annuities. Why not present the claims of the heirs of the late Robert Fulton? Many supposed that a just debt. The Mead claim? Many thought similarly of that. In short, why not present the ten thousand claims which their Secretary told him would, in a day or two, be inventoried, under a resolution of the Senate of the last session? There are ten thousand claims on the files of the two Houses of Congress, and are they debts, to be charged to the administration of Mr. Van Buren? Was this to be done before Congress had recognised their justice, or made them debts at all? He hoped not, and he believed not.

Again, the honorable Senator said, if he (Mr. WRIGHT) understood him aright, that the Secretary of the Treasury had authorized the assumption that this Administration was to throw a balance of debt on the next, by the a ion that he did not antici-

pate the payment of the outstanding Treasury notes previous to March, 1842.

Mr. WEBSTER observed that he was not conscious of having stated that.

Mr. WRIGHT did not wish to misrepresent the Senator, but he had so understood him, and so read his remarks, published in the *Intelligencer* of this morning. He would, however, refer to the 7th page of the annual report of the Secretary of the Treasury for the present year, now upon our tables, to prove that such was not his anticipation, but that he expected the revenues of 1841 would meet the expenses of that year, redeem the whole outstanding balance of four and a half millions of Treasury notes, and leave in the Treasury, in money, on the 1st of January, 1842, the sum of \$824,273:

The statement of the Secretary is as follows:

"More details concerning the estimates of the next year will be proper, and will illustrate the correctness of some of the preceding results.

It may be stated, from the best data in possession of this Department, that the receipts, under the existing laws, will probably be as follows:

From customs	-	-	\$19,000,000
From lands	-	-	3,500,000
From miscellaneous	-	-	80,000
Add the expected balance in the Treasury, available on the 1st of January next	-	-	1,580,855

The aggregate of ordinary means for the next year would then be 24,160,855

There will be nothing more, either of principal or interest, due from banks, which is likely to be made available, except about 223,000

A power will exist, under the act of 31st March, 1840, to issue Treasury notes till a year from its passage expires, but not to make the whole emission outstanding at any one time exceed five millions of dollars.

This will furnish additional means, equal to the computed amount which can be issued at the close of the present year, being about 342,618

Hence, there may be added, from these several sources, so much as to make the whole means for the next year 24,723,473

On the other hand, the expenditures for 1841, for ordinary purposes, if Congress make no reduction in the appropriations requested by the different departments, are estimated at 19,250,000

This would leave a balance in the Treasury, at the close of the year, equal to 5,473,473

But certain payments must also be made on account of the funded and unfunded debt, unless Congress authorize contracts to be formed for extending the time of their payment. Thus, there will be required, On account of the funded debt, chiefly for the cities of this District \$149,200 For the redemption of Treasury notes, if all the others be issued which can be under the present law; as then the amount returned within A. D. 1841 will probably not exceed 4,500,060

\$4,649,200

Estimated balance in the Treasury at the close of the next year, after all payments whatever \$824,273"

It was not then supposed by the Secretary, that this debt of four and a half millions was to be thrown over to 1842. He expressly anticipated its payment in 1841. He would now pass very briefly to other topics.

The honorable Senator complained that the President, in his message, and the Secretary, in

his report, had made reference to the money on deposit with the States, and called, with earnestness, to know whether the President, or the Secretary, had recommended the withdrawal of that money, or any part of it. He (Mr. WRIGHT) found no such recommendation, and for the best of all reasons, in his judgment—there was no necessity for it; the revenue of the year 1841 was expected to be equal to the expenditures of 1841, including the redemption of four and a half millions of Treasury notes. The deposit with the States was referred to as an item of property, belonging to this Government, but was not mentioned as in the power of the Secretary of the Treasury, or of the President. It was in the hands of Congress, an accumulation of former years, when taxation was heavier than at the present time, and was referred to, to show that there was no cause for increased taxation upon the people; that the Government, as such, was possessed of means to discharge every existing liability, and to present a balance of some seventeen or eighteen millions, for the future disposition of the National Legislature. This certainly could be no just cause of complaint. The President and the Secretary had been in the exercise of most responsible trusts. They were about to surrender them to others, who would seem more directly to represent the public will and choice. It was their duty to present a true and full account of the public property and the public interests, as they supposed them to exist, and surely a reference to an interest of some twenty-eight millions of safely invested money could not be considered singular or censurable.

The honorable Senator had seen fit further to complain that the President had not recommended a modification of the tariff and an increase of taxation. Why should he have done so? The calculations and representations of the responsible officer, charged with that duty, showed that more revenue was not required for the contemplated service of the coming year. Why then should the President have recommended measures for an increase of revenue?

If there had been a just anticipation of a deficiency of means to meet the wants of the Treasury, it would have been incumbent upon him, as it would upon the Secretary, to have pointed out the mode, and recommended the measures, to supply that deficiency. Such did not appear to be their anticipations, and their communications to Congress had been made to conform to their sense of their public duties. It might have been very uncharitable in him, but when the Senator was indulging in his remarks upon this point, he could not but feel that the gentlemen were impressed with the exceedingly difficult question, the many knotty points, which the adjustment of the tariff is likely to present to the coming Administration; and that it was the manifest interest of the now dominant party in the country that poor defeated Mr. Van Buren should come in and make an effort to settle it in advance. It could not fail to be seen that portions of that triumphant party would complain of any thing which any man could recommend upon this subject, and the Senator might kindly suppose that complaints could not now harm the President.

So far from reciprocating these feelings, Mr. W. rejoiced that it had not been found necessary for the present President to touch this vexed question. And he could not be mistaken in supposing that it would have been indecorous in him, after the tremendous defeat he had experienced at the late elections, to have reached after disputed topics, with a view to their final and permanent adjustment by himself or his friends. He was taking leave of his responsible position, and Mr. W. rejoiced to believe he was doing, what he believed it was alone proper for him to do, confining himself strictly to the discharge of those duties which his short remaining official term required at his hands. In reference to the adjustment of the tariff he had done as he should have done—he had left the whole matter to those who are to come after him, and who should be, as they claim to be, the more immediate and acceptable representatives of the popular will, and he (Mr. W.) did not speak untruly when he said his most ardent wish was that

they might be able to adjust that difficult question happily for the country, and satisfactorily to every interest involved.

A single word more, and he would close. The honorable Senator concluded with a remark which manifested a disposition to say that the friends of this Administration were, or were to be made, responsible for the necessity of an extra session of Congress, if a convention of the new Congress should be ordered by the new President. Now he (Mr. WRIGHT) was one of those who should do every thing in his power to obviate any such necessity; and to accomplish that object with the greatest certainty, he should use his utmost endeavors to keep the appropriations of this session within the anticipated means of the year 1841. He believed the estimates supplied all the necessary wants, and he intended to adhere to them strictly. Having done so, he should cheerfully leave it to those who have been placed in power by a triumphant expression of the popular voice, to call a Congress when they pleased, and to recommend such measures as they pleased.

Mr. WRIGHT having concluded,

Mr. WEBSTER said he should detain the Senate but a short time in answer to some of the honorable member's remarks, as he had really not met the argument of Mr. W. yesterday. To begin with the subject of Indian treaties. The honorable member had said that the fund arising from the sale of the Chickasaw lands had all been invested to within some forty or fifty thousand dollars. Mr. W. had founded what he had said in relation to this fund on the returns furnished to the Senate; and, according to that document, the balance uninvested amounted to \$360,000; but he had added that he had heard that \$90,000 had been invested since the date of the returns. Mr. W. had made no complaint of the mode in which this fund had been invested, so far as it had been invested; and, if the whole of it had been invested, so much the better. But in regard to the two and a half millions of the fund belonging to the Winnebagoes and other tribes, and which, according to the treaty, was to be invested for the benefit of those tribes, Mr. W. asked of the Senate whether Mr. WRIGHT had fairly met the force of the argument he had advanced, (if it had any force to be met?) Mr. W. had not complained of the treaty, nor had he charged the Administration with any extravagance or want of providence in entering into it—that was not the point; the point was, that this amount constituted a debt, for the payment of which it was incumbent on the Government to provide; and that, as such, it ought to be kept before the view of Congress. The honorable member admitted that it was a debt, but contended that it was not to be reckoned in as a portion of the public national debt. If, by this, the honorable member meant to say that this amount formed no part of the debt arising from borrowed money, unquestionably he was right; but still it was a national debt; the nation owed this money; and it entered necessarily, as one important item or element, into a statement of the financial condition of the Government. The honorable member had asked, if this were so, why such a statement ought not, in like manner, to include the Indian annuities? They were included, in effect. Did not the annual report from the Department state the amount of those annuities as part of the expenditures for which Congress was to provide? Are they not always in the estimates? So the member asked why the pensions were not to be included? The same answer might be made. The amount of that expenditure also was annually laid before Congress, and it was provided for as other demands on the Government. Mr. W. had not complained of this amount of two and a half millions of Indian debt; he himself had never opposed these treaties; all he had contended for was, that, as an amount to be provided for, it was as much a part of the public debt as if it had consisted of borrowed money; it was a demand which Congress was bound to meet. In any general view, therefore, of the liabilities of the Government, was there one element of those liabilities which could with more truth and justice be inserted than this?

Mr. W. had said that he commended the argu-

ment of the President in opposition to a national debt; and he should be quite unwilling to have it supposed that any thing he said could be wrested (he did not charge that it had been intentionally so wrested) to favor the idea of a public debt at all. But he must still insist that the language employed by the President on the 8th page of his message did refer to past political contests in this country, and did hold out the idea that, from the beginning of the Government, in the political contests which had agitated the country, there had been some men or some parties who were in favor of the creation and manufacture of a public debt, as part of their policy; and this he (Mr. W.) had denied. The idea in the message was not that there were certain great interests in the country which were always, from the nature of things, in favor of such a debt, on account of the advantages derivable from it to themselves, as the honorable member has argued to-day. If the President had stated this, as it had now been stated in the speech of the honorable member, nobody could have taken any exception to it. But that was not the point. The point of objection was, that the message charged this fondness for a national debt upon some one of the parties who had engaged in the past political strifes of the country, and had represented it as a broad and general ground of distinction between parties; that one was the advocate of a national debt as of itself a good, and the other the opponent of the existence of a debt. This he regarded as an imputation wholly unfounded, and it was on this ground that he had objected to that portion of the Executive communication. No facts in our history warranted the allegation. It was mere assumption.

Mr. W. proceeded to say that he had, when before up, omitted one important item in stating the amount of expenditures under the existing Administration beyond the accruing revenue, which ought to be brought to the public view. If he (Mr. W.) was in error, the honorable member would put him right. In March, 1836, a law had passed postponing the payment of certain revenue bonds in consequence of the great fire at New York, for three, four, and five years. The great mass of these had fallen due, and had been received into the Treasury since the present Administration had come into power. The total amount was about six millions of dollars. This being so, then the whole amount of expenditure, over and above the accruing revenue, would amount to thirty-four millions, or thereabouts, and would thus give an annual excess of expenditures over receipts of eight and a half millions a year; and he insisted, again, that, looking at the matter in a purely financial view—looking at the comparative proportion of liabilities and of means to discharge them, when the President found an excess of the former continuing for four years, at the rate of eight and a half millions per annum, and did not particularize any one branch of expenditure in which a considerable practical deduction could be made, (unless so far as it might take place in the pension list by the gradual decease of the pensioners;) and when he proposed no new measure as a means of replenishing the exhausted Treasury, the question for Congress and for the nation to consider was, whether this was a course safe to be pursued in relation to our fiscal concerns? Was it wise, provident, and statesmanlike?

There was one point in which (Mr. W. said) the honorable member from New York had entirely misapprehended him. He (Mr. WRIGHT) had said that Mr. W. appeared to desire to avoid as a critical and delicate subject, the question of the tariff; or, rather, had complained that this Administration had not taken it up. Now he (Mr. W.) had not said a word about the tariff, further than to state that another great reduction was immediately approaching in the rate of duties, of which the message took no notice whatever, while it did not fail to refer to two other reductions which had heretofore taken place. What he (Mr. W.) had said on the subject of imposing new duties for revenue, had reference solely to silks and wines. This had been a delicate point with him at no time. He had for a long period been always desirous to lay such a duty on silks and wines; and it did appear to him the strangest thing imaginable—the strangest phase

of the existing system of revenue—that we should import so many millions of dollars' worth of silks and wines entirely free of duty, at the very time when the Government had been compelled, by temporary loans, to keep itself in constant debt for four years past. So far from considering this as a matter of any delicacy, had the Senate the constitutional power of originating revenue bills, the very first thing he should move, in his place, would be to lay a tax on both these articles of luxury.

Were Mr. W. to draw an inference from the speech of the honorable member, it would be that it rather seemed to be his own opinion, and certainly seemed also to be that of the President, that it would be wiser to withdraw the whole or a part of the money deposited with the States than to lay taxes on silks and wines. In this opinion Mr. W. did not at all concur. If the question were between such a withdrawal and the imposition of such a tax, he should without hesitation say, lay the tax, and leave the money with the States where it was. He was greatly mistaken if such a preference did not meet the public approbation. He was for taxing this enormous amount of twenty or thirty millions of foreign products imported in a single year, and all consumed in the country, and consumed, as articles of luxury, by the rich alone, and leaving the deposits in possession of the States with whom they had been placed.

Mr. W. said he believed he had now noticed so much of the honorable Senator's speech as required a reply; and he would resume his seat with again repeating that it had been no part of his purpose to ascribe either extravagance or the opposite virtue to the Administration in the purchase of Indian lands, or other transactions. That was not his object, or his point. He only wished to present a true financial view of the condition of our affairs, and to show that our national debt was much greater and more serious than a hasty reader of the President's message might be led, from its perusal, to conclude; and, however warmly it admonished the country against a national debt, yet these admonitions were all uttered at a moment when a national debt had already been begun, and begun in time of peace.

Mr. W. having resumed his seat,

Mr. WRIGHT said he rose to make a very few explanations, and would detain the Senate but a few minutes.

He thought the Senator in error as to his additional six millions of means which had been expended during the term of the present Administration, arising from deferred merchants' bonds. He spoke from recollection, and would not be confident, but the only general suspension of bonds which he recollected, took place under the act of Congress of the 16th of October, 1837, passed at the extra session of that year, and that was a suspension for but nine months, and could only have operated upon bonds falling due in that year.

In reference to the Senator's remark as to the President's anticipation of a further diminution of the expenses of the Government, he preferred that the President should speak for himself. The Senator said that he assigned no other cause for the expectation than the diminution of the pension roll by death. What the President did say was:

"Causes are in operation which will, it is believed, justify a still further reduction, without injury to any important national interest. The expenses of sustaining the troops employed in Florida have been gradually and greatly reduced, through the persevering efforts of the War Department; and a reasonable hope may be entertained that the necessity for military operations in that quarter will soon cease. The removal of the Indians from within our settled borders is nearly completed. The pension list, one of the heaviest charges upon the Treasury, is rapidly diminishing by death. The most costly of our public buildings are either finished or nearly so; and we may, I think, safely promise ourselves a continued exemption from border difficulties."

His principal object in rising at this time, was to make a correction of an error into which the Senator had fallen in his first remarks, in reference to the manner of keeping the accounts of the trust funds at the Treasury Department. He had in-

tended to make the correction before; but not having noted it on his brief, it had been forgotten. He was expressly authorized to say that separate and distinct accounts of all trust funds were kept at the Department, with all the accuracy and care which characterized the keeping of any accounts there. The books containing these accounts were regularly brought up, and the statement of any such account could be regularly and accurately made from them but the state of these accounts was not, as matter of course, communicated to Congress with the Secretary's financial report. Such communications were always made when called for, and not otherwise. The Senator would see, therefore, that his idea—that these accounts, and the moneys in the Treasury to their credit, had become intermingled with the general affairs of the Treasury, so that it was difficult to tell how the trust funds did actually stand—was a mistaken one. There was no confusion upon the subject at the Department.

After a few remarks from Mr. WEBSTER—

Mr. WRIGHT said he wished to add a single remark which he had omitted when last up. The Senator complained that the sums which were stipulated, by the Indian treaties, to be invested for the Indians, did not appear in the annual estimates of the Secretary of the Treasury. He said the Indian annuities were annually estimated for, and therefore were made to appear to Congress yearly as claims which must be paid. Mr. WRIGHT thought it was a perfect answer to the suggestion to say that the interest upon the sums stipulated to be invested, and not invested, was annually estimated for, as the Senator would find by examining the estimates for the Indian Department, and this estimate showed the liability as fully as an estimate of the principal would do. The estimate is for the annual interest upon a sum named and stipulated by treaty to be invested. Is it possible to specify the liability more distinctly or plainly? Are our liabilities for the annuities more fully exhibited in the estimates? He could not see that they were.

Another single remark would content him. The Senator seemed to suppose it doubtful, from the message of the President, and the remarks of himself, whether they did not both favor a recall of the moneys on deposit with the States, rather than the impositions of duties upon "wines and silks." Of the opinion of the President upon this subject, he could say nothing, because the President had expressed no opinion; and for himself, he could say that he had neither given, nor intended to give, any opinion upon this point. He would not certainly favor a recall of the money deposited with the States, until the Treasury wanted money, and when that state of facts should be shown, and he should be asked for a vote, either to recall those moneys, or to impose a duty upon wines and silks, he should not be found unprepared, or reluctant, to make the decision.

The question was then taken on the motion of Mr. WRIGHT; which was agreed to.

And the Senate adjourned until Monday next.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 17, 1840.

The Hon. JOHN MOORE, member elect from the State of Louisiana, in the place of RICHARD GARLAND, resigned, was duly qualified, and took his seat.

NATURALIZATION LAWS.

The SPEAKER announced the first business in order to be the bill introduced by Mr. HAND, on Thursday last, to establish a uniform rule of naturalization, and to repeal the laws now in existence on that subject.

Mr. STANLEY called for the reading of the bill. The SPEAKER remarked that the bill was at the printer's, and, if there were no objection, it might be passed over for the present.

The SPEAKER then, in accordance with the rule, resumed the call on the States and Territories for petitions and memorials, commencing with the Territory of Iowa.

Petitions and memorials were then presented by Mr. CARR of Indiana.

Messrs. J. W. ALLEN, DUNCAN, and TAYLOR, of Ohio.

Mr. CARTER of Tennessee.

Messrs. GARLAND and GOGGIN of Virginia.

[Mr. GOGGIN of Virginia presented the petition of Dr. Wm. B. Vaughn, of Bedford county, relating to his newly invented self-moving locomotive engine, applicable to railroads, asking the aid of Congress.]

Mr. KIEM of Pennsylvania.

[Mr. KIEM of Pennsylvania presented the petition of Conrad Hertz, a soldier of the Revolution, asking an addition to his pension; referred to the Committee on Revolutionary Pensions: seven petitions of similar tenor from nearly five hundred citizens of Berks county, Pennsylvania, praying the establishment of a mail route in said county; referred to the Committee on the Post Office and Post Roads.]

Messrs. BREWSTER, CLARK, HOFFMAN, FLOYD, GATES, and MONROE, of New York.

[Mr. FLOYD presented the petition of citizens of Oneida county, for the establishment of a post route from Clinton to Rome.]

Messrs. SALTONSTALL and PARMENTER, of Massachusetts.

[Mr. PARMENTER presented petitions of Esther Carter, for Revolutionary claims; Sarah T. Pratt, for pension; Anna Swinnerton, for pension; Francis Bush and others of Chelemford, Massachusetts, in favor of a general bankrupt law; Jonathan Morse and others of Methuen, for the same object; all of which were referred to the appropriate committees.]

Mr. MILLER, of Missouri.

[Mr. MILLER, of Missouri, presented a petition signed by R. Hopkins, John P. Pool, and others, asking the establishment of a post road from Springfield, in Green county; by Robert Patterson, in said county; by Isham P. Pools and Henry F. Ormsbey, in Pulaski county; thence to the town of Caledonia, in Washington county, in said State. Referred to the Committee on the Post Office and Post Roads.]

The SPEAKER then resumed the call on the States for reports, and there being none,

The following resolution, offered by Mr. TILLINGHAST on the 10th of December, and partially considered on yesterday, was then taken in order:

Resolved, That the Secretary of the Treasury report to this House how far, and in what manner, the act passed at the last session, entitled "An act to provide for the collection, safekeeping, transfer, and disbursement of the public revenue," has been carried into execution; whether any buildings, additions to, or alterations in, buildings therein authorized or required, have been commenced; at what cost, or contracts therefor made, or orders therefor given, and the terms and conditions of such contracts and orders; what number of clerks, special agents, and other officers, agents or servants, have been and now are employed under the provisions of said act, or for aid in carrying the same into effect, and where, and from what times, and at what compensations; whether each and every of the officers who are therein required to give bond have given bond, and the sum, sureties, and time of delivery of each bond; and who, if any, have not given bond; whether, in the collection, or keeping, or transfer, or disbursement of the public revenue, or any portion thereof, since said act has been in force, any bank has been resorted to; and, if so, what bank or banks, to what extent, and in what manner, and what propositions have been made, if any, to any bank therefor; and setting forth, also, in what specific manner, whether gold or silver, or notes or certificates, or other and what evidences of deposit or credit, all or any of the revenue has been collected or actually passed from the hands of the person or persons from whom the same was due, to the hands of the officer or officers charged with the immediate collection thereof, since said act has been in force, distinguishing, as nearly as may be, how much has been so collected and paid in each specific matter or medium of payment; also, setting forth how, and in what places or offices, and under what actual and personal custody or keeping, all and any and each portion of the revenue, moneys, and assurances, or evidences of debt or obligation, have been kept during said time; and how and by what agencies and aid, and what

forms and process, and on what terms, conditions, and cost of exchange or transfer, and in what specific matter, whether gold or silver, or notes or certificates, or other and what evidences, all, and any portions thereof, have been in said time disbursed and transferred?

The question pending was on the motion of Mr. BEATTY to lay the resolution on the table.

Mr. TILLINGHAST demanded the yeas and nays.

The motion to lay on the table was then withdrawn.

The question then recurring on the adoption of the resolution, it was decided in the affirmative.

Mr. RANDOLPH offered the following resolution:

Resolved, That the CLERK of this House pay to John B. Ayerigg, John P. B. Maxwell, William Halsead, Charles C. Stratton, and Thomas Jones Yorke, the same compensation per diem and mileage that is allowed to members of Congress, computing the per diem from the commencement of the last session until the 16th day of July last.

After some remarks from Mr. VANDERPOEL as to whether a joint resolution was not the proper form,

Mr. TURNEY moved a reference of the resolution to the Committee of Claims.

Mr. VANDERPOEL wished the motion of reference to the Committee of Claims might prevail. He hoped that course would be taken, as in case should be compelled to vote now, he must state his reasons for voting against the resolution.

Mr. HOFFMAN hoped the resolution would be adopted forthwith. He contended that the money ought to be paid promptly; otherwise, in cases of contested election which might hereafter occur, the candidates would be afraid to proceed to the seat of Government.

Mr. RANDOLPH demanded the previous question, which was seconded, and thereby cut off the motion of reference.

The main question on the resolution was then ordered.

The question then recurring on its adoption,

Mr. VANDERPOEL demanded the yeas and nays; which were ordered, and about to be taken, when

Mr. VANDERPOEL moved to lay the resolution on the table, and on the motion demanded the yeas and nays; which being ordered, resulted—yeas 52, nays 127, as follows:

YEAS—Messrs. Judson Allen, Anderson, Atherton, Banks, Beatty, Blackwell, Boyd, Aaron V. Brown, Albert G. Brown, Carr, Catey, Chapman, Clifford, Coles, Connor, Cray, Cross, Davee, John Davis, Doan, Doig, Earl, Eastman, Ely, Fine, Floyd, Fornance, Gerry, Griffin, Hammond, Hill of North Carolina, Jackson, Jameson, Cave Johnson, Nathaniel Jones, Leadbetter, Lowell, Lucas, McClellan, McCulloch, McKay, Medill, Newhard, Parrish, Parris, Petrikin, Reynolds, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thos. Smith, Starkweather, Strong, Sweney, Philip P. Thomas, Turney, Vanderpoel, David D. Wagener, Waterson, and Jared W. Williams—52.

NAYS—Messrs. Adams, Alford, John W. Allen, Andrews, Baker, Barnard, Bell, Boardman, Bond, Botts, Breckenridge, Briggs, Brockway, Sampson H. Butler, William O. Butler, Calhoun, William B. Campbell, Carroll, Carter, Clark, J. Cooper, Mark A. Cooper, Crabb, Craig, Cranston, Crockett, Curtis, Cushing, Dana, E. Davies, John W. Davis, G. Davis, Dawson, Deberry, Dennis, Dellet, Doe, Edwards, Evans, Everett, Fillmore, Fisher, Galbraith, Gates, Gentry, Giddings, Goggin, Goode, Granger, Green, Grinnell, Habersham, Hall, William S. Hastings, Hawes, Hawkins, Henry, Hill of Virginia, Hillen, Hoffman, Hook, Hunt, James, Charles Johnston, John W. Jones, Keim, Kempshall, Lane, Leet, Leonard, Lincoln, McCarty, McClure, Marchand, Marvin, Mason, Mitchell, Monroe, Montanya, Montgomery, Moore, Morgan, Morrow, Naylor, Nisbet, Ogle, Osborne, Palen, Parmenter, Paynter, Peck, Pickens, Proffit, Randall, Randolph, Kariden, Rayner, Reed, Ridgway, Edward Rogers, Russell, Saltonstall, Simonton, Slade, Truman Smith, Stanly, Stuart, Sumter, Swearingen, Tallaferro, Jacob Thompson,

John B. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Winthrop, and Wise—127.

So the motion to lay on the table was negatived.

The question then recurring on the adoption of the resolution, the yeas and nays were ordered, and the Clerk proceeded in the call of the roll until he came to name of

Mr. WISE, who asked the House to excuse him from voting, on the ground that neither he nor the House had yet heard the evidence on which the individuals whose names appeared in the resolution had been refused their seats.

The SPEAKER said the gentleman was not in order, as the request could be received only by general consent.

Mr. WISE then gave notice that he would refuse to vote until he had heard the testimony by which the claimants to the seats were rejected.

The CLERK then proceeded in the call of the roll; after which,

Mr. LEADBETTER wished also to be excused from voting, on the ground that the appropriation of money in this matter was unconstitutional. Mr. L. however, subsequently withdrew his request.

The result of the vote was then announced, as follows—yeas 118, nays 67.

YEAS—Messrs. Adams, Alford, John W. Allen, Andrews, Baker, Barnard, Bell, Boardman, Bond, Botts, Breckenridge, Briggs, Brockway, Sampson H. Butler, William O. Butler, Calhoun, William B. Campbell, Carroll, Carter, Clark, James Cooper, Mark A. Cooper, Crabb, Craig, Cranston, Crockett, Curtis, Cushing, Edward Davies, John W. Davis, Garret Davis, Dawson, Deberry, Dennis, Deller, Doe, Edwards, Evans, Everett, Fillmore, Galbraith, Gates, Gentry, Giddings, Goggin, Goode, Graham, Granger, Green, Grinnell, Habersham, Hall, William S. Hastings, Hawes, Hawkins, Henry, Hill of Virginia, Hoffman, James, Charles Johnston, Kempshall, Lane, Leonard, Lincoln, McCarty, McClure, Mallory, Marchand, Marvin, Mason, Mitchell, Monroe, Montgomery, Moore, Morgan, Calvary Morris, Morrow, Naylor, Nisbet, Ogle, Osborne, Palen, Parmenter, Peck, Pope, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Edward Rogers, Russell, Saltonstall, Simonton, Slade, Truman Smith, Stanly, Stuart, Sumter, Sweney, Jacob Thompson, John B. Thompson, Tillinghast, Toland, Triplett, Trumbull, Peter J. Wagner, Warren, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Winthrop—118.

NAYS—Messrs. Judson Allen, Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Aaron V. Brown, Carr, Casey, Chapman, Clifford, Coles, Connor, Cray, Dana, Davee, John Davis, Doan, Earl, Eastman, Ely, Fine, Fisher, Floyd, Fornance, Garland, Gerry, Griffin, Hand, Hill of North Carolina, Hook, Hopkins, Jackson, Jameson, Cave Johnson, Nathaniel Jones, Keim, Kemble, Lowell, Lucas, McClellan, McKay, Medill, Miller, Parrish, Parris, Paynter, Petrik, Prentiss, Reynolds, Rives, Samuels, Shaw, Shepard, Albert Smith, Thomas Smith, Starkweather, Strong, Philip F. Thomas, Turney, Underwood, Vanderpoel, Waterson, and Jared W. Williams—67.

So the resolution was adopted.

Mr. ADAMS rose to ask the consent of the House to give the use of the hall to the "National Institution for the promotion of the Arts and Sciences," formed last year in this city. The Secretary of War was its *ex officio* presiding officer, and he had been requested by the society to deliver an address before them on the 4th of January next. Mr. A. hoped therefore that the use of the hall would be given on the evening in question, for that purpose. He then made a motion to that effect.

Mr. PICKENS rose to object to the use of the hall being granted for any such purpose. He had embraced the present opportunity of giving his views on the subject, because he had no substantial objection to the object proposed by the gentleman from Massachusetts. In his opinion, the hall ought to be used for no other

purpose than that for which it was designed. He even objected to the use of the hall being given for preaching, in the manner in which it had been sometimes conducted. If the privilege were given to one society, it might, on the same principle, be extended to other societies of conflicting views. Besides, if the request of the gentleman from Massachusetts should be granted in this instance, it would be establishing a precedent in which the use of the hall could be claimed by societies, the principles of which were at war with the peace and safety of the Union.

He fully concurred in the views presented by the citizens of this District on the subject, and trusted the request would not be granted.

After some remarks from Mr. STANLY,

Mr. ADAMS adverted to the fact that the use of the hall had, time after time, been granted to various societies, and hoped that in the present case the rule would not be departed from. But the gentleman from South Carolina had carried his objection still further, and wished to abolish preaching in the House. That, however, was not now the question, but if it should be brought up, Mr. A. would give his reasons why the practice of preaching ought to be continued. Mr. A. then made some humorous allusions to the "societies" of which, said he, the gentleman from South Carolina appears to have so much horror.

The question being on the motion to grant leave, Mr. PICKENS demanded the yeas and nays.

Mr. WISE said he would not have said a word if the yeas and nays had not been called for. He should be glad to allow the use of the hall to any society that was decent and not dangerous to the country. Mr. W. said this was the people's House for all proper purposes, but whenever any improper society should ask for the use of it, he would be among the first to refuse it. In the present instance, he hoped the request would be complied with.

Mr. DAWSON observed that it was known he had been a uniform opposer of motions to grant the use of the hall for such purposes. If the use of the building were granted to the National Institute, every other society in the country would be entitled to the same privilege; and if they should apply, on what ground could they be refused? He was for restricting the use of the hall to the legislative business of the country. The building was erected for that and no other purpose. There were 247 members on the floor, who fully occupied it, whereas, in case the lecture should be delivered, perhaps 1,500 persons would wish to be present. He thought, therefore, in point of convenience only, the churches and other buildings in the city would be far preferable. He hoped the application would be rejected.

Mr. CRAIG did not think the House would be bound to grant the use of the hall to any society, merely because it had extended the privilege to some of a proper character.

Mr. COOPER agreed with the gentleman from Virginia that this was the House of the people; but the people, in exercising it, had decided to what purpose it was to be devoted, viz: as a hall of legislation. He therefore considered they had no authority to grant the request now made, and should vote against it.

Mr. THOMPSON of Mississippi desired to know at whose expense the lights were furnished, when the use of the hall was granted for such purposes. If the expense did not exceed a single cent, it involved the same principle as if it were a thousand dollars.

Mr. WISE thought if the Secretary of War gave light to the House by his lecture, it was no more than fair that the House should in return furnish light to him and his hearers. His maxim was, "light for light."

The question on the motion was then taken by yeas and nays, and resulted as follows—yeas 88, nays 84.

YEAS—Messrs. Adams, John W. Allen, Barnard, Beatty, Bell, Boardman, Bond, Botts, Breckenridge, Briggs, Brockway, Carr, Carter, Casey, Clark, James Cooper, William R. Cooper, Craig, Crockett, Cushing, Edward Davies, Deberry, Dennis, Deller, Duncan, Evans, Everett, Fillmore, Fletcher, Galbraith, Garland, Gentry, Giddings,

Goggin, Goode, Graham, Granger, Green, Grinnell, Hand, William S. Hastings, Henry, Hoffman, Hook, Hunt, Jackson, James, Keim, Kemble, Kempshall, Kille, Leet, Lincoln, McClure, Marvin, Mason, Miller, Montanya, Calvary Morris, Morrow, Ogle, Parmenter, Paynter, Peck, Proffit, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Simonton, Albert Smith, Truman Smith, Stanly, Starkweather, Stuart, Sweney, Taliaferro, Tillinghast, Toland, Trumbull, Peter J. Wagner, John White, Lewis Williams, Winthrop, and Wise—88.

NAYS—Messrs. Judson Allen, Andrews, Atherton, Banks, Baker, Beirne, Blackwell, Boyd, Aaron V. Brown, Sampson H. Butler, Wm. O. Butler, Calhoun, Carroll, Chapman, Clifford, Coles, Connor, Mark A. Cooper, Crabb, Cranston, Cray, Dana, John W. Davis, Garret Davis, Dawson, Dickerson, Doe, Earl, Eastman, Fisher, Floyd, Gates, Griffin, Habersham, Hammond, Hawes, Hawkins, Hill of North Carolina, Hopkins, Jameson, Charles Johnston, Cave Johnson, Nathaniel Jones, Lane, Leadbetter, Lowell, Lucas, McClellan, McCulloch, McKay, Marchand, Medill, Montgomery, Morgan, Samuel W. Morris, Nisbet, Osborne, Palen, Parrish, Parris, Petrik, Pickens, Reynolds, Samuels, Shaw, Shepard, Strong, Sumter, Swearingen, Philip F. Thomas, Waddy Thompson, Jacob Thompson, John B. Thompson, Triplett, Turney, Underwood, Vanderpoel, Waterson, Wick, Jared W. Williams, Thomas W. Williams, Joseph L. Williams, and Christopher H. Williams—84.

So leave was granted.

Mr. BOTTS, on leave, submitted the following resolution:

Resolved, That the Clerk of this House be instructed to report by what authority the sum of \$1,180 50 was paid to Charles J. Ingersoll, esq. for his expenses in taking testimony, etc. in the contested election with Charles Naylor, esq. pending the last session of Congress, and out of what fund such amount was paid, as reported in document No. 7 to this House.

Mr. MEDILL moved to amend, by including the expenses in the cases of Messrs. Ayer and his colleagues from New Jersey, and also Mr. Naylor.

Mr. BOTTS accepted Mr. MEDILL's proposition.

At the suggestion of Mr. MCKAY, the resolution was further modified by substituting the Committee of Accounts for the Clerk.

After some conversation as to the details of the resolution,

Mr. BOTTS withdrew his acceptance of the modifications proposed, and adhered to the resolution as originally proposed.

Mr. MEDILL wished to have some information in relation to the witnesses who were examined on the part of Mr. NAYLOR.

Mr. NAYLOR replied that the bills in favor of his witnesses were not paid. They were passed by the Committee on Accounts, and the money tendered to him by the Clerk but believing such a payment would be illegal, it was refused.

After some further conversation of a desultory character, the amendment of Mr. MEDILL was withdrawn.

The question was then taken on the resolution of Mr. BOTTS, and it was agreed to.

IMPRISONMENT FOR DEBT.

Mr. MONROE gave notice of a bill to abolish imprisonment for debt in certain cases.

Mr. BREWSTER gave notice of a bill making appropriations for the improvement of certain harbors on the Northern and Northwestern Lakes.

Mr. BARNARD moved the following resolution, which was read and laid on the table one day, under the rule, and ordered to be printed:

Resolved, That the Secretary of the Treasury do make to this House a report to the following effect, viz:

1. A statement showing the aggregate revenue which accrued to the Government from customs, from lands, and under the head of what is usually denominated "miscellaneous," in the years 1837, 1838, 1839, and 1840, estimating for the last quarter of the latter year; and showing also the aggregate

gate expenditures during the same years, estimating for the last quarter of 1840, excluding all payments on account of the redemption of Treasury notes, and also all payments on account of trust funds, except so far as such funds have failed to produce the full amount of interest or annuity actually paid on account of them. The statement to show the general balance between such revenue and expenditures for the whole period.

2. A statement showing the sources from which money has been derived to the Treasury, within the four years above mentioned, and the amount from each source, with the aggregate; estimating for amounts received or receivable in the last quarter of 1840. This statement to include the sum actually received in the Treasury after setting apart the original amount for deposit with the States under the deposit act of 1836; the amount of the fourth instalment of deposit money under that act which was finally retained in the Treasury; the amount of trust or indemnity funds (if any) received and not invested; the amount of Treasury notes which will be outstanding on the 1st of January, 1841, with the interest accrued on them; the amount received on old duty bonds, the payment of which had been postponed; the amount received on bonds for the sale of the stock of the United States in the late Bank of the United States; and the amount received from various banks which suspended in 1837. This statement to show how much, if any, of these moneys remain, or will be in the Treasury on the 1st day of January, 1841.

3. A statement (as far as the same is known, or can be readily ascertained) showing in what cases, if any, and to what extent and pecuniary amount, public works have been or will be carried on, or services rendered in behalf of the Government, under appropriations of the present year, or of past years, during the year 1840, (except under the Post Office Department,) in regard to which any special agreement or understanding whatever exists that the payment therefor should not be called for, and should not be made in the year 1840, or until after the 4th day of March, 1841.

4. A statement showing what will be the probable amount out of the new and permanent appropriations, as exhibited in the estimates of the Secretary of the 7th and 8th December instant, for the year 1841, which will remain unexpended or uncalled for at the close of the year 1841.

5. A statement showing the amounts which will be required to purchase stock, or make investments, for or in behalf of Indians or Indian tribes, pursuant to any treaty or other stipulation other than such as may have been estimated for by the Secretary in his report of the 7th December instant.

6. A statement showing more particularly than appears from his report of the 7th December instant, how much the expenses of 1841 will fall below those of 1840, on account of each of the following particulars, namely: because "the pensions have diminished by deaths;" because "fewer Indians remain to be removed;" because "several expensive public buildings have been mostly finished;" and because "hostilities with the Seminoles must be nearer to a close."

7. A statement showing the amount of claims now pending in the Department, growing out of the Florida war, or relations with Indians, or otherwise, whether such claims have been considered or passed upon or not, with the probable or proximate amount, in the aggregate, of such claims which will become a charge upon the Treasury, as nearly as the Secretary is able to ascertain or to judge thereof, with the means he has, or can readily command.

Mr. HUNT of New York offered the following:

Joint resolution proposing an amendment to the Constitution of the United States, and limiting the term of office of the President of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two thirds of both Houses deeming it necessary,) That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which

article, when ratified by three-fourths of the said Legislature, to be valid, to all intents and purposes, as part of the said Constitution, viz:

"The President of the United States shall hold his office but for one term of four years, and shall be ineligible thereafter."

Referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

On motion of Mr. MARCHAND, it was

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of placing the name of Samuel Neely on the list of invalid pensioners, and that the accompanying papers be referred to said committee.

On motion of Mr. TOLAND, it was

Resolved, That Secretary of the Treasury be directed to communicate to this House any report or other official communication made to him since the 1st of May last by the collector of the port of Philadelphia, or any other person, in relation to the condition of the custom-house building at said port.

On motion of Mr. HENRY, it was

Resolved, That the Committee on Public Lands be, and they are hereby, instructed to inquire into the expediency of making immediate provision for issuing land scrip to States for military bounty land warrants in all cases where warrants are outstanding for services in the late or Revolutionary war, or to make such other provision as the committee may deem most expedient.

On motion of Mr. HAMMOND, it was

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of permitting Abbot Green and George Schnable, of Pennsylvania, to apply the money they have deposited with the Treasurer of the United States for the purpose of paying for lands which they might purchase from the United States at private entry, in payment for lands which they may hereafter purchase at public sales.

Mr. WM. COST JOHNSON inquired if the select committee appointed last session on the subject of a national foundry was considered as so far in existence as to be authorized to submit their report at this session.

Mr. JOHNSON made a statement of circumstances which took place at the last session, which induced him to believe the committee was continued over to the present session.

The SPEAKER answered that the committee was discharged by the adjournment of the last session, and could not now report.

Mr. JOHNSON then moved that the committee be revived; which was ordered by the House.

Mr. BOTTS moved the following:

1. *Resolved*, That the Secretary of the Treasury be directed to report to this House the amount of Treasury notes and drafts that have been issued and drawn since the 1st of January, 1840, with the respective dates at which such notes and drafts have been issued and drawn; together with the names of the persons to whom or in whose favor and for whose benefit such drafts have been drawn, and the service, consideration, or object for which they have been drawn.

2. *Resolved*, That he be directed to report at what time or times, and what amount of Treasury notes, if any, have been deposited with any of the banks, and, if any, which of such banks, and at what time; what amount, and what description of funds, if any, were received from the banks in which such deposits were made; and whether said money was left in deposit in said banks, or transferred to the Independent or Sub-Treasury as directed by law, and at what time the interest commenced on the notes thus deposited.

The SPEAKER was about to put the question on these resolutions, when it was objected to, because they should lie on the table one day for consideration.

Mr. BOTTS moved to suspend the rules for the purpose of considering the resolutions at this time, and called for the yeas and nays; which were ordered. They were taken, and resulted—for the suspension 80; against it, 60, as follows:

YEAS—Messrs. Adams, Andrews, Bell, Boardman, Bond, Botts, Briggs, Brockway, Calhoun, Wm. B. Campbell, Carter, Casey, Clark, James

Cooper, Crabb, Cranston, Crockett, Curtis, Cushing, Edward Davies, Garret Davis, Dawson, Deberry, Doe, Everett, Fillmore, Fisher, Garland, Gates, Giddings, Goggin, Goode, Graham, Granger, Grinnell, Habersham, Wm. S. Hastings, Henry, Hill of Virginia, James, Charles Johnston, Wm. Cest Johnson, Lane, Lincoln, Lucas, Marvin, Mason, Morgan, Calvary Morris, Morrow, Ogle, Palen, Peck, Pope, Profit, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Simonton, Slade, Truman Smith, Stuart, Sumter, Taliaferro, Tillinghast, Toland, Triplett, Trumbull, Underwood, P. J. Wagner, John White, L. Williams, C. H. Williams, Winthrop, and Wise—80.

NAYS—Messrs. Atherton, Linn Banks, Beatty, Beirce, Aaron V. Brown, Albert G. Brown, Wm. O. Butler, Carr, Connor, Mark A. Cooper, Craig, Crary, John W. Davis, Doig, Duncan, Earl, Floyd, Griffin, Hand, Hawkins, Hillen, Jackson, Jameson, Nathaniel Jones, Keim, Kille, Leet, Leonard, Lowell, McClellan, McClure, McCulloch, McKay, Marchand, Medill, Montanya, Parrish, Parmenter, Paynter, Petrikon, Prentiss, Reynolds, Ryall, Samuels, Shaw, Shepard, Starkweather, Strong, Swearingen, Sweney, Philip F. Thomas, John B. Thompson, Turner, Vanderpoel, Vroom, Waterson, Weller, Wick, Jared W. Williams, and Henry Williams—60.

Two-thirds not voting in the affirmative, the rules were not suspended.

On motion of Mr. GARLAND of Virginia, it was

Ordered, That the bill and accompanying report in relation to illegal and fraudulent sales of the public lands in the mining districts of Wisconsin, be printed.

On motion of Mr. GRAHAM, it was

Resolved, That the Committee of Claims be instructed to inquire into the expediency of paying Wm. Cunningham, of North Carolina, for services rendered to the United States as wagon-master, when the Government was preparing to remove the Cherokee Indians.

On motion of Mr. STANLY, it was

Resolved, That the Secretary of the Treasury be directed to send to this House a copy of the correspondence between him and the Treasurer of the United States, and between the Treasurer and any of his clerks, relative to the actual operation of the Sub-Treasury bill, as it passed the Senate of the United States.

On motion of Mr. STANLY, it was

Resolved, That the Postmaster General be directed to place such books and papers in his Department as are not wanted for immediate use, in the fire-proof vaults of the Treasury building.

This resolution was read, and disagreed to.

SALARY OF CHAPLAINS.

Mr. COOPER of Georgia, under the notice heretofore given, asked leave to introduce a bill to repeal the laws now in force fixing the salary of the Chaplain.

Some objection being made to granting leave to introduce the bill, it was read throughout to the House.

Mr. REED called for the yeas and nays; which were ordered, and, being taken, the vote stood: For granting leave, 21, against it, 140, as follows:

YEAS—Messrs. Boyd, Aaron V. Brown, Carr, Mark A. Cooper, John Davis, John W. Davis, Dawson, Edwards, Griffin, Hill of North Carolina, Hubbard, James, Jameson, Jenifer, Nathaniel Jones, McKay, Mitchell, Montgomery, Petrikon, Sumter, and Turney—21.

NAYS—Messrs. Adams, John W. Allen, Anderson, Atherton, Banks, Baker, Barnard, Beatty, Beirce, Black, Blackwell, Boardman, Bond, Brewster, Briggs, Brockway, Albert G. Brown, Calhoun, Carroll, Carter, Casey, Chapman, Clark, Clifford, Connor, James Cooper, Crabb, Craig, Cranston, Crary, Crockett, Dana, Thomas Devee, Edward Davies, Garret Davis, Deberry, Dennis, Dickerson, Dellet, Doe, Doig, Earl, Eastman, Evans, Everett, Fillmore, Fine, Fisher, Floyd, Garland, Gates, Gery, Giddings, Goggin, Goode, Graham, Granger, Green, Hammond, Hand, William S. Hastings, Hawes, Hawkins, Henry, Hill of Virginia, Hillen, Hoffman, Hopkins, Hunt, Jackson, Charles John-

ston, Wm. Cost Johnson, Cave Johnson, John W. Jones, Keim, Kemble, Kille, Lane, Lee, Leonard, Lincoln, Lowell, Lucas, McCarty, McClure, Merchand, Marvin, Mason, Montanya, Naylor, Nisbet, Osborne, Palen, Parmenter, Parris, Paynter, Peck, Pope, Pratt, Randall, Randolph, Rariden, Reed, Reynolds, Ridgway, Edward Rogers, Russell, Ryall, Samuels, Shaw, Simonon, Slade, John Smith, Truman Smith, Stanly, Starkweather, Strong, Stuart, Taha'ero, Taylor, Philip F. Thomas, Wadly Thompson, Jacob Thompson, Tillinshast, Triplitt, Trumbull, Underwood, Vanderpoel, Vroom, David D. Wagener, Peter J. Wagner, John White, Jared W. Williams, Thos. W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Winthrop, and Wise—140.

Winthrop, and Wise—140.

Winthrop, and Wise—140.

No leave was refused.
Mr. COOPER then asked leave to introduce a resolution directing an inquiry into the expediency of repealing the law now in force fixing the salary of the Chaplains to Congress.

The resolution was read, and

Mr. C. explained the object of the inquiry he proposed.

Objection was made to granting leave, and so the matter rests.

Mr. DAWSON moved the following:

Resolved, That the Secretary of War be, and he is hereby, requested to communicate to this House the number of claims which have been presented to that Department for horses, &c. lost in the several campaigns in Florida against the Seminole Indians; how many have been allowed and paid; and the reasons why the others have not been paid. And that the Secretary of War be also requested to recommend such amendments to the laws regulating such claims as he may deem necessary to secure to the soldiers a remuneration for the losses thus sustained in the service of the country.

This resolution, under the rules, was laid over one day.

Mr. DAWSON asked the unanimous consent of the House to consider it at this time, which was refused.

Mr. TURNEY then moved to suspend the rules, but two-thirds not voting therefor, the rules were not suspended.

On motion of Mr. DAVIS, it was

Resolved, That the President inform this House what appropriations of money at the last session of Congress were expended by him; designating to what particular objects such appropriations were made, and the specified sums suspended; and what sums continued to be so suspended at the commencement of the present session, and their objects respectively.

Mr. WELLER moved an adjournment, which was not carried.

Mr. ANDREWS moved a resolution proposing the following amendment to the rules:

"All the States and Territories shall be called for resolutions on each alternate Monday during each session; and, if necessary to secure this object on said days, all resolutions which shall give rise to debate shall lie over for one day, and on the next subsequent day appropriated to resolutions; and after all the States and Territories shall have been called through, the resolutions so lying over shall come up in the order in which they were respectively offered."

Mr. A. moved to suspend the rule to consider the resolution at this time; which motion to suspend was not carried, and the resolution was laid over.

Mr. CROCKETT, under the notice given by him some days ago, asked and obtained leave to introduce a bill to amend an act to authorize the State of Tennessee to issue grants and perfect titles to the lands therein described, and to settle the claims to the vacant and unappropriated lands within the same; which was twice read, and referred to the Committee on Public Lands.

On motion of Mr. CAVE JOHNSON, it was

Resolved, That the Committee of Claims be instructed to inquire into the expediency of paying John G. Bibb for a horse and other property lost in the Florida war.

On motion of Mr. JOSEPH L. WILLIAMS, it was

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing a direct continuous mail route from Ashville, North Carolina, to Tuscaloosa, Alabama, via the counties of Cocke, Sevier, Blount, Monroe, McMinn, and Bradley, Tennessee; the counties of Cass and Murray, Georgia; and the counties of Benton and St. Clair, Alabama.

On motion of Mr. GOODE, it was

Resolved, That the Secretary of the Treasury be required to report to this House whether any, and, if any, what, part of the surplus, or additional sections, or parts of sections, (lying along and adjoining the alternate sections on the Miami Canal, in the State of Ohio, and withheld from sale at the same time, the said alternate sections being within them,) has been sold since the first day of January, A. D. 1836; also, that he state to whom said lands have been sold, at what land office, at what time, at what price, and whether the patents have been issued for the said lands, and, if not, whether it is the intention of said Department to issue said patents, and whether said sales were in pursuance of the order of said Department or not; and that he furnish copies of all instructions, given by the different Commissioners of the General Land Office from time to time, relating to the withholding from sale of lands on the route of the said Miami Canal, and on the Anglaize river, in the State of Ohio, as alternate sections on said canal; and all the correspondence of said Department with the officers of the land office where said lands may have been sold, and the correspondence of the said Department with all others on the subject of said additional sections, or the sale thereof; and that he also furnish this House with a copy of the order or rule of the Department of the 1st day of January, 1833, relative to the manner in which lands are allowed to be entered which have been subject to private entry, but withheld from sale from any cause.

On motion of Mr. PROFFER, it was

Resolved, That the Secretary of War be directed to lay before this House, as early a day as possible, copies of all correspondence between the Department and Superintendents of the Cumberland Road in Ohio, Indiana, and Illinois, during the year 1840. Also, copies of all correspondence during the same time between the Department and the Superintendent of public works on the lake border of Ohio, Indiana, Michigan, Illinois, and Wisconsin. Also, copies of correspondence and orders to suspend operations on the public works and sell the public property and machinery, if such has been given.

CUMBERLAND ROAD.

Mr. RARIDEN moved the following:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of setting apart three hundred thousand dollars per annum of the proceeds of the public lands for the continuation of the Cumberland Road in Ohio to its western termination, to be constructed in a continuous line from East to West, and of distributing the residue of the said proceeds among the several States upon the principle of what is called Mr. Clay's land bill, taking the census of 1840 as the basis of the distribution.

Mr. HUBBARD moved to lay the resolution on the table.

On this motion the yeas and nays were ordered; but before taking,

A motion to adjourn was made and prevailed.

HOUSE OF REPRESENTATIVES,

FRIDAY, DEC. 18, 1840.

After the journal had been read,

Mr. JONES, from the Committee on Ways and Means, on leave, introduced a bill making appropriation for the payment of Revolutionary and other pensioners of the United States for the year 1841.

The bill was read a first and second time, when Mr. J. moved that it be referred to a Committee of the Whole on the state of the Union.

Mr. ADAMS desired to know whether, in that bill, any provision had been made for the payment of navy pensioners.

Mr. JONES replied that there had not, as that

subject had been referred to the Committee on Naval Affairs.

Mr. ADAMS said that as payment to the naval pensioners would have to be made on the first of January, he hoped the Committee on Naval Affairs would make a speedy report.

Mr. REED observed that since the subject had been referred to the committee, its chairman had not been present.

Mr. ADAMS hoped the committee would not wait for the chairman. There was but a short period intervening between now and the time when the money would be due. Besides, there was a special recommendation submitted to the House by the President on the subject. He trusted, therefore, that speedy action would be had, and that the faith of the nation pledged to these pensioners would not be endangered by the fact that the chairman of the Committee on Naval Affairs was absent from his post.

The question on the reference of the bill to the Committee of the Whole on the state of the Union was then taken and decided in the affirmative. So the bill was referred, and, with the accompanying documents, ordered to be printed.

On motion of Mr. JONES, the Committee on Ways and Means were authorized to employ a clerk at the rate of \$4 per day.

Mr. DAVIS of Kentucky gave notice that he would, at some future day, ask leave to introduce a bill to limit the compensation and emoluments of district attorneys, marshals, clerks, collectors of ports, and other officers of the United States; and to regulate the fee bill and costs to be taxed in suits in the United States courts.

Mr. EVANS, on leave, presented a petition numerously signed by citizens of Portland, Maine, on the subject of the colonial trade; which was referred to the Committee on Foreign Affairs.

Mr. WM. COST JOHNSON moved that when the House adjourned, it adjourn to Monday next. Mr. J. observed that some time would be required to repair and replace the seats, which had been damaged by the fall of the chandelier. He hoped, therefore, that the motion would be concurred in.

The question being taken, it was decided in the affirmative.

Mr. JOHNSON then moved that the House do adjourn; which motion was also agreed to.

And the House adjourned to Monday next.

IN SENATE,

MONDAY, DECEMBER 21, 1841.

Mr. NICHOLAS, Mr. SMITH of Connecticut, and Mr. WALKER, appeared in their places this morning.

Mr. SMITH of Indiana presented a document in relation to the claims of the representatives of Col. Francis Vigo; which was referred to the Committee on Revolutionary Claims.

Mr. WHITE presented the petition of William Folk; which was referred to the Committee on Claims.

On motion by Mr. WILLIAMS, the petition and papers of Jacob Pennell, now on file, were referred to the Committee on Commerce; and the petition and papers of Richard B. Mason were referred to the Committee on Naval Affairs.

Mr. SEVIER presented the petition of Jerry Hinnant; which was referred to the Committee on Finance.

Mr. WALKER presented the memorial of the President and Directors of the Grand Gulf Railroad Company, praying for a remission of duties on certain railroad iron imported; which was referred to the Committee on Finance.

On motion by Mr. W. the petition and papers of John Hutchins and others, now on file, were referred to the Committee on the Public Lands.

On motion by Mr. PIERCE, the petition and papers of Catharine Haywood, and of Catharine Howard, were taken from the files and referred to the Committee on Pensions.

Mr. P. also moved that John Bauer have leave to withdraw his petition and papers; which was agreed to.

On motion by Mr. TAPPAN, the petition and papers of Daniel Steenrod, now on file, were referred to the Committee on Claims.

Mr. WRIGHT presented a petition of a large number of citizens of New York, praying the passage of uniform laws on the subject of bankruptcy; which was referred to the Committee on the Judiciary.

Mr. LINN presented an additional document in relation to the claim of the Missouri volunteers; which was referred to the Committee on Military Affairs.

Mr. ANDERSON, in pursuance of previous notice, asked and obtained leave to introduce a bill to authorize the Legislature of the State of Arkansas to sell the lands heretofore appropriated for the use of schools in that State; which was read twice, and referred to the Committee on the Public Lands.

Mr. CLAY of Alabama, from the Committee on the Public Lands, to which was referred the resolution to inquire into the propriety of additional compensation to registers and receivers in certain cases, made an unfavorable report thereon; and the committee were discharged from its further consideration.

Mr. C. also, from the same committee, to which was referred the bill to amend an act entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," passed the 18th day of April, 1806, which was read twice, and referred to the Committee on the Public Lands, reported the same without amendment.

Mr. C. also, from the same committee, to which was referred a bill to grant other lands to the inhabitants of townships deprived of the 16th section by Indian reservations, asked to be discharged from its further consideration, as there was a general bill on the subject already on the calendar.

Mr. C. also, from the same committee, to which was referred the bill for the establishment of a permanent prospective pre-emption law, reported the same without amendment, and asked that it might be made the order of the day for Monday next; which was agreed to.

Mr. SEVIER, from the Committee on Indian Affairs, to which was referred

A bill for the relief of Benjamin Murphy; and
A bill for the relief of Richard T. Banks;
severally reported the same without amendment.

Mr. HUBBARD, from the Committee on Claims, to which was referred the petition of James Williams, asked to be discharged from its further consideration, and that it be referred to the Committee on the Judiciary; which was agreed to.

Mr. H. from the same committee, asked to be discharged from the further consideration of the petition of Charles Howe; which was agreed to.

Mr. H. also, from the same committee, to which various memorials had been referred, reported the following bills:

A bill for the relief of Joseph M. Hernandez;
A bill for the relief of Gad Humphreys;
A bill for the relief of Malachi Hagan;
A bill for the relief of John J. Bulow;
A bill for the relief of Clemens, Bryan, and Company; and
A bill for the relief of John Moore.

These bills were severally read, and ordered to a second reading.

Mr. WRIGHT, from the Committee on Finance, to which was referred the bill for the relief of Joab Seely, reported the same without amendment.

Mr. W. from the same committee, to which was referred the bill for the reduction and graduation of the price of the public lands, reported the same with an amendment; which was ordered to be printed.

Mr. LINN gave notice that to-morrow he would ask leave to introduce a bill for the relief of the heirs of Nathaniel Pryer.

Mr. PRENTISS, on leave, introduced a bill for the relief of John McLeod; which was read twice, and referred to the Committee on Pensions.

On motion by Mr. MERRICK, the petition and papers of Abraham White, and of Mary Brush, were referred to the Committee on Claims.

Mr. M. from the Committee on the District of Columbia, reported a bill for the relief of the Howard Institution of the city of Washington; and

A bill for the relief of John Carter; which were severally read, and ordered to a second reading.

Mr. KING, from the Committee on Commerce, to which was referred the bill making appropriations for the removal of the raft in Red river, reported the same without amendment, and asked that it might be made the order of the day for Thursday next; which was agreed to.

Mr. K. also, from the same committee, to which was referred the bill authorizing the Secretary of the Treasury to procure steam vessels for the revenue service, reported the same without amendment.

Mr. K. also, from the same committee, to which was referred

The bill allowing drawback upon foreign merchandise exported in the original packages to Chihuahua and Santa Fe, in Mexico;

The bill for the relief of the Piomb Island Bridge Company; and

The bill for the relief of Noah Miller and others; severally reported the same without amendment.

Mr. CALHOUN gave notice that to-morrow he would ask leave to introduce a bill to cede the public lands to the States in which they lie, upon certain conditions.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the bill to make new provisions respecting navy pensions, and making further provisions in relation to navy pensioners reported the same without amendment, and asked that it might be made the special order of the day for Wednesday next; which was agreed to.

Mr. FULTON gave notice that to-morrow he would ask leave to introduce a bill for the relief of Henry Wilson.

Mr. DAVIS, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of Thomas L. Winthrop and others, directors of an association called the New England Mississippi Land Company; which was read, and ordered to a second reading.

Also, a bill for the relief of Joshua E. Nourse; which was read twice, and referred to the Committee on Military Affairs.

Also, a bill to increase the compensation of certain officers of the revenue cutters while serving in the navy of the United States; which was read twice, and referred to the Committee on Commerce.

Mr. WALL, from the Committee on the Judiciary, to which the subject had been referred, reported a bill to extend the time for taking the sixth census; which was read, and ordered to a second reading.

Mr. NORVELL, in pursuance of previous notice, asked and obtained leave to introduce a bill for the improvement of certain harbors on the Northern and Northwestern lakes; which was read twice, and referred to the Committee on Commerce.

Mr. FULTON presented the petitions of John Jordan, Frederick Seigle, William Ramsey, John H. Platt, and Moses Elder, which were severally referred to the Committee on Revolutionary Claims.

Mr. CLAY of Alabama presented the petition of James McCrory; which was referred to the Committee on Revolutionary Claims.

On motion by Mr. HUBBARD, the petition and papers of Isaac Bronson were withdrawn from the files of the Senate, and referred to the Committee on Revolutionary Claims.

On motion by Mr. H. the petition and papers of Moses and Harriet Strong, and of Hugh Stewart, were withdrawn from the files of the Senate.

On motion by Mr. TAPPAN, the bill reviving and extending the charters of the banking institutions of the District was taken up, and Mr. T. moved an amendment thereto; which was ordered to be printed.

Mr. T. said this bill proposed to revive the charters of a number of banks in the District of Columbia, which charters were not then before them. He understood the charters were alike, and therefore he moved the printing of the charter of the Bank of the Metropolis only, with the various amendments thereto, for the use of the Senate.

Mr. KING could not see the necessity of printing the charter, as it had been already printed, and the Senator could see it at the Clerk's table. He hoped, therefore, the honorable Senator would withdraw his proposition.

Mr. TAPPAN said he had not been able to find the charters in any of the documents printed for the use of the Senate; but if the Senator from Alabama had a copy, and would lend it to him, he would be satisfied; for otherwise he knew not where to procure one.

The question was then taken on the printing, and agreed to.

On motion by Mr. CRITTENDEN, the petitions of John Piper and Anthony Gale, now on file, were referred to the Committee on Pensions.

Mr. MOUTON, in pursuance of previous notice, asked and obtained leave to introduce the following bills:

A bill for the relief of George de Passau of Louisiana;

A bill for the relief of Charles Morgan of Louisiana;

A bill for the relief of Charles Morgan of Louisiana;

A bill to confirm claim to lands in the district between the Rio Hondo and Sabine rivers;

A bill to confirm certain land claims in the Ouachita land district, in the State of Louisiana;

A bill confirming certain land claims in Louisiana;

A bill for the relief of Jean Baptiste Grainger;

A bill for the relief of the heirs of Madame De Lusser, and their legal representatives;

A bill for the relief of Juan Belgar;

A bill for the relief of the legal heirs and representatives of William Conway;

A bill for the relief of Pierre Babin;

A bill to confirm certain land claims in the Greenburg Land District, State of Louisiana;

A bill for the relief of John Compton, assignee of Ganigues Flaujac;

A bill for the relief of Jean Baptist Comeau;

A bill confirming the claim of John Baptiste Lecompte to a tract of land in Louisiana; and

A bill for the relief of the legal representatives of Therese Malette, widow of Gaspard Phiole.

These bills were severally read twice, and referred to the Committee on Private Land Claims.

Mr. WALKER submitted the following resolution; which was considered and agreed to:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of granting further time for payment to the deposit banks in the city of Natchez, in the State of Mississippi.

Mr. PORTER submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of the Treasury be instructed to inform the Senate what sales of public lands have been made in the State of Michigan, north of the line dividing townships twelve and thirteen north, and west of the line dividing ranges two and three, west of the principal meridian.

Mr. LINN submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of the Treasury be requested to send to the Senate all the documents and papers relating to the reports of the different boards of commissioners acting under the act for the final adjustment of claims to lands in the State of Louisiana, approved February 6, 1835.

Mr. NORVELL submitted the following resolution for consideration:

Resolved, That the Secretary cause the chandelier suspended in the Senate chamber to be removed as soon as it can conveniently be done.

The resolution submitted some days since calling on the President for information relative to the Northeastern boundary, was taken up; and on motion by Mr. BUCHANAN, referred to the Committee on Foreign Affairs.

Mr. PRESTON, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of the legal representatives of Thomas Cooper, deceased; which was read twice, and referred to the Committee on the Judiciary.

Mr. P. also, on leave, introduced a bill for the relief of Gen. John E. Wool and Gen. George Croghan; which was read twice, and referred to the Committee on Military Affairs.

On motion of Mr. KING, the Senate proceeded to the consideration of the bill supplementary to an act to abolish imprisonment for debt in certain cases.

Mr. KING said, that he had received a letter from an unfortunate debtor in New York in relation to the subject-matter of this bill. The laws of New York, prior to the last session of her Legislature, had recognised a distinction between resident and non-resident debtors. The resident debtors were exempted from imprisonment for debt in certain cases. The non-resident debtors were still subject to it. At the last session of the Legislature of New York, the discrimination was repealed, and both classes of debtors placed on the same footing. But the act of Congress of 1839, to abolish imprisonment for debt in certain cases, having passed before the act passed by New York last winter, was not applicable to non-residents of that State. The provisions of the present bill would extend the benefit of the law of 1839 to that class of debtors. He trusted that no objection would be made to its passage at once.

Mr. WALL begged leave to return his thanks to his honorable friend from Alabama, for bringing this bill before the Senate at this time; and he hoped that his motion would be unanimously sustained. He fully concurred with him in the propriety, and he might add the justice and necessity of the immediate action of the Senate. He believed that there would be but one opinion among Senators upon the merits of the bill. The original bill was intended to conform the practice of the courts of the United States, in respect to the imprisonment of the body, to that of the several States in which they sit. The construction which that law had received in those courts, confined its remedial operation to the case; where a State had abolished imprisonment for debt previous to the passage of the law. This defect in the law was presented to the notice of the Senate, at the last session by his honorable friend from Michigan, [Mr. NORVELL,] who introduced the present bill. It received the sanction of the Judiciary Committee, and passed this body unanimously, and was sent to the House of Representatives early during the last session, where it remained unacted on at their adjournment. As soon as the committees of the Senate were organized at the present session, the same bill was, on the motion of the same Senator, referred to the Committee on the Judiciary, which, at the earliest moment practicable, reported it to the Senate, and recommended its passage. He had been induced to make these remarks in the hope that this bill might attract the attention of those elsewhere, who could prevent it from remaining among the unfinished business of the present session.

Mr. NORVELL said that, in addition to the reasons assigned by the honorable Senator from Alabama [Mr. KING] in favor of the immediate passage of this supplemental bill, he would observe, that in one or two States, besides New York, certainly in one other, laws had been passed abolishing imprisonment for debt within their respective limits, subsequently to the passage of the act to which the present bill was a supplement. The citizens of those States were, therefore, by the construction of the Federal courts, excluded from the benefit of the act of Congress of 1839, conforming the laws of the United States, in reference to non-imprisonment for debt, to the laws of the several States in force at the time of its passage. His honorable friend from New Jersey [Mr. WALL] had done him the justice to ascribe to him the credit, if it were any, of first calling the attention of the Senate to the defects of the act of 1839, and of proposing the remedy which the present bill presented. He was glad that the Senator from Alabama had thus early moved the consideration of a bill so humane in its objects, and concluded by the expression of a hope that the Senate would immediately pass it and send it to the other House.

The bill was accordingly taken up, and considered as in committee of the whole, and ordered to be engrossed for a third reading.

ORDERS OF THE DAY.

The joint resolution proposing to amend the Constitution of the United States to limit the tenure of the judges of the federal courts was taken up, and, on motion of Mr. TAPPAN, made the order of the day for the first Monday in January.

The bill to establish a Board of Commissioners

to hear and determine claims against the United States was taken up and made the special order for Monday next.

The bill granting to the State of Michigan a quantity of land to aid said State in the construction of a canal around the Falls of St. Marie was taken up and made the special order for Tuesday next.

The bill to create an additional land office in the State of Michigan, and for other purposes, being taken up,

Mr. NORVELL explained the necessity of its passage, and hoped it would be acted on without delay.

Mr. PRESTON wished a postponement of the bill until the Senator's colleague [Mr. PORTER] was in his seat, and also to enable the Senate to acquire the information requisite to act understandingly on the subject.

Mr. NORVELL said that all the information necessary was already before the Senate, and presumed that his colleague could have no objection to immediate action on the bill. If, however, he [Mr. PORTER] wished its postponement, Mr. N. would not press the matter at present.

Mr. PORTER (who had just come in) expressing a wish that the bill might be passed over, it was accordingly done.

The bill for the relief of George W. Paschall;

The bill to relinquish to the State of Alabama the two per cent. fund reserved by the act for her admission into the Union, to be applied to the making of a road or roads leading to said State;

The bill to establish an additional land district in State of Alabama;

The bill for the relief of William Jones;

The bill for the relief of certain settlers on the public lands, who were deprived of the benefits of the act granting pre-emption rights, which was approved on the 19th of June, 1834;

The bill to grant other lands to the inhabitants of townships deprived of the 16th section by Indian reservations;

The bill to relinquish the reversionary interest of the United States to a certain reservation in the State of Alabama;

The bill in relation to donations of land to certain persons in the State of Arkansas;

The bill to quiet the titles of certain land claimants in the States of Missouri and Arkansas, and for other purposes;

The bill to settle the title to certain tracts of land in the State of Arkansas;

The bill to authorize the inhabitants of township eight north, range thirty two west, in the State of Arkansas, to enter a section of land in lieu of the sixteenth section in said township, upon condition that the same be surrendered to the United States for military purposes;

The bill authorizing the inhabitants of fractional township ten south, of range one east, in the State of Arkansas, to enter one half section of land for school purposes;

The bill for the relief of James Smith of Arkansas; and

The bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of a treaty between the United States and the Choctaw Indians; were severally considered as in committee of the whole, and were ordered to be engrossed for a third reading.

The Senate then went into Executive business; and afterwards

Adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, December 21, 1840.

The SPEAKER laid before the House the following communications, viz:

1. From the Secretary of the Treasury, transmitting a statement of the funds of the Chickasaw Indians, as required by the act of 20th April, 1836.

On motion of Mr. BELL, referred to the Committee on Indian Affairs, and ordered to be printed.

2. From the Commissioner of the Public Buildings, transmitting copies of all the contracts made

in his office from the 1st December, 1839, to the 14th December, 1840.

On motion of Mr. LINCOLN, referred to the Committee on the Public Buildings, and ordered to be printed.

3. From the Secretary of the Territory of Wisconsin, transmitting two copies of the laws of said Territory, passed at the last two sessions of the Legislature thereof.

On motion of Mr. BRIGGS, referred to the Committee on the Territories.

4. From the Clerk of the House, as follows:

Hon R. M. T. HUNTER,

Speaker of the House of Representatives:

SIR: In pursuance of the following resolution of the House, dated December 17, 1840: "Resolved, That the Clerk of this House be instructed to report by what authority the sum of eleven hundred and eighty dollars and fifty cents was paid to CHARLES JARED INGERSOLL, esq. for his expenses in taking testimony, &c. in the contested election with CHARLES NAYLOR, esq. pending at the last session of Congress; and out of what fund such amount was paid, as reported in document No. 7 to this House," I beg leave to report that, on the 20th July last, a paper was handed the accounting Clerk of this office, containing a list of the witnesses in the contested case of NAYLOR and INGERSOLL, together with the number of days such witnesses had been in attendance. On the face of this paper is an order signed "J. JOHNSON, Chairman of Accounts," "that the witnesses above named be paid two dollars per diem."

In virtue of this order I paid Mr. INGERSOLL \$1,128 for 564 days, at \$2 per day, for the purpose of paying the said witnesses. At the beginning of the session Mr. INGERSOLL returned the receipts of the individuals paid, and \$11 50 in money, stating that that amount had been overpaid. In casting up the receipts I find them to amount to

\$1,116 50

Add the amount returned by Mr. INGERSOLL

11 50

Making - \$1,128 00

The amount paid to Mr. INGERSOLL. All of which is respectfully submitted.

HUGH A. GARLAND.

NATURALIZATION LAWS.

Mr. DAVIS of Indiana, in pursuance of notice, moved a reconsideration of the vote by which the bill introduced by Mr. HANN for establishing a uniform rule of naturalization, had been referred to the Judiciary Committee.

The question being on the reconsideration, Mr. DAVIS moved the previous question; which was ordered.

A member from North Carolina moved a call of the House.

The SPEAKER informed him that after the previous question had been ordered, it was too late to move for a call of the House.

The main question on the motion to reconsider was then ordered, and taken by yeas and nays, as follows:

YEAS—Messrs. Judson Allen, Anderson, Banks, Beauty, Beirne, Blackwell, Boyd, Brewster, Albert G. Brown, Carr, Clifford, Connor, M. A. Cooper, William R. Cooper, Craig, Cray, Cross, Dana, Davee, John Davis, John W. Davis, Dickerson, Doan, Doig, Earl, Eastman, Ely, Fine, Floyd, Fornance, Galbraith, Gerry, Hand, John Hastings, Hawkins, Hill of North Carolina, Hock, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Leadbetter, Leet, Leonard, Lowell, Lucas, McClellan, McClure, McCulloch, Mallory, Marchand, Medill, Miller, Montana, Montgomery, Samuel W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Prentiss, Reynolds, Edward Rogers, Ryall, Samuels, Shaw, Albert Smith, Thomas Smith, Strong, Sumter, Swearingen, Sweney, Taylor, Jacob Thompson, Turney, Vanderpoel, Vroom, David D. Wagener, Watterson, Weller, Wick, J. W. Williams, and Henry Williams—90.

NAYS—Messrs. Alford, John W. Allen, Andrews, Bell, Boardman, Bond, Botts, Breckenridge, Briggs, Sampson H. Butler, Calhoun, Wm. B. Campbell, Carroll, Carter, Casey, Chittenden,

Clark, Coles, James Cooper, Crabb, Cranston, Crockett, Edward Davies, Dawson, Deberry, Dellet, Doe, Evans, Everett, Garland, Gates, Gentry, Giddings, Goggin, Goode, Granger, Griffin, Grinnell, Hall, William S. Hastings, Hawes, Henry, Hill of Virginia, Hoffman, Hunt, James, Jenifer, Charles Johnston, William Cost Johnson, Kempshall, Lane, Lincoln, Marvin, Mason, Mitchell, Monroe, Moore, Morgan, Calvary Morris, Naylor, Nisbet, Osborne, Peck, Randall, Randolph, Rariden, Rayner, Reed, Ridgway, Russell, Saitonstall, Shepard, Simonton, Slade, Stanly, Stuart, Taliaferro, Waddy Thompson, John B. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, John White, T. W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Winthrop, and Wise—93.

So the House refused to reconsider.

Mr. BOTTS, after some brief preliminary remarks, asked leave to submit the following resolution:

Resolved, That the Committee on Accounts be instructed to report to this House by what authority, and at what time, and on whose application it was ordered and paid, they directed the Clerk of this House to pay the sum of \$1,123 to Charles J. Ingersoll, as compensation to witnesses, &c. examined in the contested election between the said Charles J. Ingersoll and Charles Naylor.

Mr. MEDILL said he was not in his place when the report was made, being absent on a special committee. He hoped, therefore, that the gentleman from Virginia would withdraw his resolution for the present to permit him to make a motion in relation to it.

Mr. BOTTS desired first to ascertain the subject intended to be embraced by the motion.

Mr. MEDILL said that in case the resolution should be withdrawn, he intended to submit a motion recommitting the report of the Clerk, and directing him to report.

"By what authority, on what vouchers, and through whom, he paid to E. Bulkley the sum of \$500; to Bayre Newcombs the sum of \$416; and to George Lowrey the sum of \$104, for services rendered by them in taking depositions in the case of the contested election between Messrs. Ingersoll and Naylor, as reported in Document No. 7; by what authority, and on what vouchers, he sent to Mr. Naylor money to pay his witnesses in the said contest, and which that gentleman says he returned; whether the said vouchers give the names and time of attendance of the said witnesses, in whose hand writing it was filed, and what has become of the same."

Mr. M. said his reason for making the motion would be found in the report of the Clerk in relation to the contingent expenses. He was not aware that Mr. INGERSOLL was any more interested in the payment of those expenses than Mr. NAYLOR. A certain sum had been paid to the commissioner at Philadelphia, also to the door keeper, &c. Now he could not see that the commissioner was the commissioner of Mr. INGERSOLL any more than of Mr. NAYLOR, or that the expenses incurred for door keeper, &c. applied to one of these contestants any more than the other. And yet the gentleman (Mr. NAYLOR) had stated that he never touched a dollar of the money. It appeared that a specific sum of money had been sent to that gentleman for the payment of his witnesses. Now, how could the Clerk have ascertained the exact amount of money for the payment of these witnesses, unless a statement of the amount had been first forwarded to the office of the Clerk of the House of Representatives. He (Mr. M.) understood that such was the fact, and that it was in the hand writing of the gentleman himself. What motive, also, had influenced that gentleman in returning a portion of the money and not the whole, he was unable to say. He hoped the report would be recommitted, as, if the House was to have a statement of the expenses, it ought to be full and complete.

Mr. NAYLOR explained that in his remarks, the other day, he was merely answering a question put to him as to whether his witnesses had been paid or not. His answer on that occasion was that they had not, but that he had offered to pay

them himself, believing they had no right to receive it from the Committee on Accounts. He had never undertaken to deny that expenses had been incurred for commissioner, door keeper, &c. In relation to the accounts appearing in his hand writing, Mr. N. was understood to say that his witnesses had refused to receive their compensation from him, urging that, as they had been summoned by Congress, they had a right to be paid by Congress. Under such circumstances, he could do no less than to certify to the number of days his witnesses had been engaged. Mr. N. said that when the chairman of the Committee on Accounts had intimated to him, at the last session, that Mr. INGERSOLL'S money for the payment of witnesses had been allowed, he expressed his astonishment, and declared it to be an outrage and illegal. Inasmuch, therefore, as he had never denied that expenses had been incurred, during the investigation of the case, in which both contestants were included, he did see why he should be subjected to rebuke.

Mr. BRIGGS suggested to the gentleman from Virginia a modification of his resolution as follows:

Resolved, That all the papers in relation to money paid for witnesses, and the expense of taking testimony in the case of NAYLOR and INGERSOLL, be referred to the Committee on Public Expenditures, with directions to inquire how much money has been paid in said case, to whom, for what, and by what authority said money was paid; also, further to inquire whether there is any existing law authorizing money to be paid in said case.

Mr. BOTTS was desirous that this subject should be probed to the bottom, as it was evident there was fault somewhere. But with regard to the proposition of the gentleman from Ohio, [Mr. MEDILL,] he must decline it, inasmuch as the Clerk, in the report, had stated the fact that the money was paid under the authority of the Committee on Accounts. And in relation to the proposition of the gentleman from Massachusetts, [Mr. BRIGGS,] he must also decline it, for the reason that he wished to afford to the Committee on Accounts an opportunity of defending themselves if they chose. He thought it would be unjust to discuss the matter without affording the committee such an opportunity.

The question then being on the resolution,

Mr. BRIGGS moved to amend by adding the words previously suggested.

Mr. UNDERWOOD had seen the origin of difficulties like these, and four or five years ago he had predicted what had now taken place. In the cases of Graham and Newland of North Carolina, he believed the precedent was established of paying both the contestants for a seat. It was also carried out in the case of Moore and Leitcher, against which he (Mr. UNDERWOOD) had voted, as he had also done in the case of his New Jersey friends the other day. Now, in his opinion, this practice of paying the expenses in contested elections, of both the contestants, was establishing a precedent by which the ten thousand witnesses who might be examined before justices of the peace in contested elections, would have to be paid from one end of the country to the other. He was in favor of the proposition of the gentleman from Massachusetts to refer the whole subject to a committee, but it did not go quite far enough. He thought the committee ought to be directed to inquire as to the legality of paying contestants to seats here.

Mr. JOSEPH JOHNSON would not have troubled the House with a single word on the subject, had not reference been made to the Committee on Accounts. But the gentleman from Pennsylvania [Mr. NAYLOR] had directed his eye towards him, and referred to conversation which the gentleman alleged had taken place between them previous to the adjournment of the last Congress. Mr. J. then proceeded to state that he had not the most distant recollection of ever having heard any thing from that gentleman of the character he said had taken place; all he knew in relation to the matter was from the accounts presented to the committee by the gentleman from Pennsylvania. The committee, on a reference to the rule, agreed to pass the accounts without reference to party or other con-

siderations; and the accounts of both gentlemen were passed.

In passing the resolution, he believed the committee had followed the invariable rule in such cases; and when the proper time came, they would be ready to go into the matter.

Mr. NAYLOR was perfectly sure that the conversation in question took place with a member of the Committee on Accounts, and that he had expressed his opinion in regard to the illegality of the payment to Mr. Ingersoll's witnesses; but he perhaps was in error in saying it was the gentleman from Virginia [Mr. JOHNSON] to whom he had made the remarks; he believed he might have been mistaken in that respect.

After some brief remarks from Messrs. BOTTS and ANDREWS,

Mr. WISE said he was sorry that this great contest between the two gentlemen from Pennsylvania, had at last dwindled down to a mere little shabby matter of accounts. He hoped no foreign issue would be involved in the inquiry. For his part, he argued that they ought not to pay for two seats in the House, as a seat was not worth double price. The principle of paying double price was established long before the case of Graham and Newland; and if we mean to follow the example, it would have the effect of offering a bounty to contest the seats. He had risen, however, to call the attention of the House to one point, viz: what right had they to make either Mr. NAYLOR or Mr. INGERSOLL a trustee for the payment of these witnesses? Where was the authority for making those gentlemen the trustees for A, B, or C? He would like to have the inquiry go further, and require the gentlemen to go into an account with Government, and show that they had paid these witnesses; for if they had not, the parties could recover the amount from Government in any court of justice. He hoped the matter would be investigated, as, if the Committee on Accounts had paid away money wrongfully, they would be allowed an opportunity of accounting for it. He hoped this would lead to some rule or law on the subject.

Mr. JOSEPH JOHNSON begged leave to say that, as a member of the Committee on Accounts, he believed they had not paid away money either negligently or unlawfully. The payment had been made in strict conformity with the 131st rule of the House, as follows:

"The rule for paying witnesses summoned to appear before this House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel, in going from or coming to the place of examination, the sum of ten cents each way," &c.

Mr. WISE wished to inquire if that rule authorized the payment of the money.

Mr. J. JOHNSON would inform the gentleman that he must propound the question elsewhere. The committee passed the accounts as presented, in accordance with the rule, and the receipts were now on file.

Mr. BOTTS desired to know if that rule authorized the Committee on Accounts to pay any thing without the order of the House.

Mr. J. JOHNSON, in reply, read the 97th rule of the House, viz:

"It shall be the duty of the Committee on Accounts to superintend and control the expenditures of the contingent fund of the House of Representatives, and to audit and settle all accounts which may be charged thereon, &c."

Here, said Mr. J. is the authority, and the committee will with great pleasure report on all the facts as far as they can. They have acted in conformity with the practice of the House ever since we have had a Government. Mr. J. concluded by observing that these objections were all a mere matter of smoke, without the least shadow of substance.

Mr. SMITH of Maine wished to know if this were not petition day.

Mr. CUSHING wished to say a few words.

Mr. SMITH. "O, there has been enough said; let us have the previous question."

Mr. CUSHING said he should be very brief in what he had to say.

Mr. SMITH. Well, I will allow the gentleman five minutes, if he will promise to move the previous question at the end of that time.

Mr. CUSHING promised, and proceeded to argue that the gentleman from Kentucky, [Mr. UNDERWOOD,] was wrong in stating that the case of Newland and Graham was the first case of contested election where payment had been made. The first case was that of Elisha Potter, Senator from Rhode Island, in 1834. An act was passed by the Senate for the payment of the money, and it was concurred in by the House.

Mr. UNDERWOOD said the case of Newland and Graham was the first case where money had been taken from the contingent fund of the House.

Mr. CUSHING said that was a mere matter of argument; the question was, the fact of payment, and that was settled so far as precedent was concerned. As regarded the question of principle, the right of contest was the right, not of a member himself, but of his constituents. It was not right for the House to shut out his constituents. It was in that view of the matter that he voted in the case of Newland and Graham, Moore and Letcher, the Mississippi case, and also in another case at the present session. Mr. C. then moved the previous question.

Mr. BOTTS consented to modify his resolution as follows:

Resolved, That the Committee on Accounts be instructed to report by what authority they authorized the Clerk of this House to pay the sum of \$2160 50 to Charles J. Ingersoll and others, for taking testimony and for other expenses incurred in the contested election.

Mr. BRIGGS then withdrew his amendment.

The call for the previous question was then seconded, and the main question on the resolution ordered and decided in the affirmative. So the resolution was adopted.

Mr. MEDILL then moved to recommit the report of the Clerk with the instructions previously noticed; which motion was agreed to, and the report recommitted accordingly.

PRESENTATION OF PETITIONS.

The States and Territories were then called, and petitions were presented by

Messrs. SMITH and CLIFFORD, of Maine.

[Mr. SMITH asked and obtained leave to introduce a bill entitled "A bill in addition to an act to regulate the pay of the navy of the United States," approved March 3, 1835: referred to the Committee on Naval Affairs.]

Mr. J. W. WILLIAMS, of New Hampshire.

[Mr. WILLIAMS presented the petition of John Hicks, to be placed on the list of invalid pensions.]

Messrs. H. WILLIAMS, SALTONSTALL, ADAMS, LINCOLN, and CUSHING, of Massachusetts.

Mr. TILLINGHAST, of Rhode Island.

[Mr. TILLINGHAST presented the petition of David Melvill, of Newport, Rhode Island, administrator of Benjamin Fry, deceased, for certain allowances to be credited to said Fry. Also, presented anew the petition of Lieut. Stephen Cornell, of the revenue cutter service, for pay as lieutenant in the United States naval service while serving in that capacity in Florida; which was pending at the last session, and was again referred to the Committee on Naval Affairs.]

Messrs. WILLIAMS, BOARDMAN, OSBORNE, and SMITH, of Connecticut.

[Mr. WILLIAMS presented the petition of Betsy Beebe, asking that the same relief may be extended to her which is provided in every case of the widows of those who have been wounded in the service of the country. Also, the petition of Daniel Penharlow, praying that his name may be placed on the pension roll for wounds received while in the service of the United States during the late war.]

Messrs. SLADE, EVERETT, and SMITH, of Vermont.

Messrs. ALLEN, DANA, KEMPSHALL, CURTIS, GRANGER, BARNARD, GRINNELL, HUNT, CHITTENDEN, MARVIN, RUSSELL, STRONG, HAND, MONROE, HOFFMAN, and GATES, of New York.

[On motion of Mr. HAND, the petition of the

heirs of Mary Addonis and accompanying paper were referred to the Committee on Revolutionary Pensions. Also, the petition and papers of Amable Mority to the Committee on Revolutionary Claims. Also, petition and papers of Joseph S. Thomas, to the Committee of Claims. Also, petitions and papers in cases of the children of Mary Addonis and children of Joseph Plumb, were re-committed to the Committee on Revolutionary Pensions. Also, the petitions and papers of John Wilson were referred to the Committee on Invalid Pensions. Also referred additional papers in case of Levi M. Roberts.]

[Mr. HUNT presented a memorial from citizens of West Troy and Watervliet, Albany county, New York, asking the passage of a bankrupt law; referred to the Committee on the Judiciary.]

[Mr. STRONG presented a petition of sundry citizens of Seville county, New York, praying the passage of a general bankrupt law; referred to the Committee on the Judiciary.]

[Mr. KEMPSHALL presented the petition of Henry O. Rilly and 167 other citizens of Monroe county, New York, praying for the enactment of a general bankrupt law.]

[Mr. CURTIS laid before the House a communication from the Fifth Auditor to the Chairman of the Committee on Commerce, in relation to light-houses.]

Also, a communication from the Secretary of the Treasury, in relation to the purchase of a small piece of land to complete the site of the custom-house in New York.

Mr. C. presented the memorial of Samuel B. Gaston, of New York, and many other inhabitants of that city, praying for the passage of a bankrupt law.]

[Mr. GRANGER presented the petition of citizens of Ontario county, in the State of New York, in favor of a general bankrupt law.]

[Mr. CHITTENDEN presented the petitions of inhabitants of Jefferson county, for a post route from Carthage to Adams; and from inhabitants of Jefferson county, for a ship canal around the Falls of Niagara.]

Mr. BARNARD presented the petitions of citizens of the State of New York, complaining of improper and extra-judicial conduct of Augustus Conkling, one of the judges of the United States for the District of New York.

[Mr. B. said that this, like all other cases of a similar description, was of great delicacy; and, at his request, the petitions were read, and referred to the Committee on the Judiciary.]

Messrs. WAGENER, LEET, GALBRAITH, TOLAND, NAYLOR, McCLURE, and DAVIES, of Pennsylvania.

[Mr. TOLAND said, that in the absence of his colleague from the city, [Mr. SERGEANT] to whom the duty had been assigned, he had been requested to lay before the House the proceedings of numerous persons interested in claims for French spoils prior to 1800, held at the Exchange, in Philadelphia, on the 24th of November last. Mr. T. expressed a strong desire that this Congress would not rise without passing a law for the relief of those claimants, the justice of whose claims had been so generally admitted, and which had been so cruelly and unjustly delayed.]

The proceedings were ordered to be printed.

Mr. TOLAND also presented the petition of Margaret C. Meade, widow and executrix of Richard W. Meade, praying for the adjustment of the claims of her deceased husband.]

Messrs. JOHNSON and JENIFER, of Maryland.

Messrs. JOHNSON, WISE, and HUNTER, of Virginia.

Mr. MONTGOMERY, of North Carolina.

Mr. GRIFFIN, of South Carolina.

Mr. DAWSON, of Georgia.

Messrs. TRIPLETT, BUTLER, UNDERWOOD, POPE, BOYD, and DAVIS, of Kentucky.

[Mr. TRIPLETT presented the memorial of a meeting of Tobacco Planters of Daviess county, Kentucky. Also, the petition of sundry citizens of Daviess county interested in the cultivation of tobacco.]

Messrs. CAMPBELL, BROWN, and GENTRY, of Tennessee.

Messrs. DOAN, GIDDINGS, and GOODE, of Ohio.

Mr. MOORE, of Louisiana.

Messrs. RARIDEN, LANE, and CARR, of Indiana.

[Mr. CARR presented the petition of John Hogg of Indiana, praying a pension; also, the petition of Michael Seas, praying his name may be reinstated on the pension roll: referred to the Committee on Revolutionary Pensions.]

[Mr. RARIDEN presented the petition of the citizens of Lagrange and Noble counties, in the State of Indiana, for a post route from Bronson's Prairie, on the Chicago road, in Michigan, via Barnsides Mills, Union Mills, Prentiss's and Coeran's Mills, to the post office at Kindlesville.]

On motion of Mr. RARIDEN, all the petitions for new mail routes presented by him at the last session, and not acted upon, were recommitted to the Committee on the Post Office and Post Roads.]

Messrs. BROWN and THOMPSON, of Mississippi.

Messrs. STEWART and REYNOLDS, of Illinois.

[Mr. REYNOLDS presented the petition of Mr. Dudley W. Duncan of William county, Illinois, praying a change of entry of land, a mistake having been made in the first purchase: referred to the Committee on the Public Lands.]

[Mr. STUART presented the following petitions: Of John B. Fulkert, praying a pension for the services of his father in the war of the Revolution.]

Of sundry citizens of Illinois, praying the establishment of a daily mail from Terre Haute to Peoria, and a tri-weekly mail from that place to Rock Island.

Of Latter Day Saints, commonly known as Mormons, for the redress of certain grievances committed against them in the State of Missouri.]

STEAMBOAT DISASTERS.

Mr. UNDERWOOD presented five petitions, to wit: From Henrietta Hope and 56 others, ladies of Baltimore; from Emily G. Fulton and 67 others, ladies of Baltimore; from John Coates and 62 others, of Chillicothe, Ohio; from Seth Lockwood and 130 others, of New York; and from Capt. Geo. Guyther and 158 others, passengers on board the steamboat Columbia, praying Congress to act upon the bills reported to the select committee at the last session to prevent steamboat disasters.

Mr. U. said that after the bills to guard against steamboat disasters had been reported by himself during the last session, he had requested Mr. Raub and Dr. Vantyne to ascertain the number of steamboat disasters which had occurred within the last ten years, their nature, and the destruction of life and property on board; from which document it appears (as Mr. U. informed the House) that the whole number of disasters which Dr. V. had been able to obtain information concerning was 185; that the number of lives lost was 1,733; the number of wounded was 379; of these, there were killed by explosions, collisions, and fires, on the Mississippi and its tributaries, 991, and wounded 260; on sea and tide-water, deaths from the same causes 368, wounded 94; on the lakes, deaths from the same causes 85, wounded 4.

Mr. U. said that the information, as far as it went, was no doubt accurate; but it did not embrace, as the letter showed upon its face, the extent of the mischief. It was, however, an important document, and he hoped the House would print it. For himself, he felt under obligations to its author for the diligence and talent manifested in its preparation.

A select committee was raised, on the motion of Mr. U. to whom the five petitions, the letter of Dr. Vantyne, and the report and bills of the select committee at the last session on the subject of steamboat disasters, were referred, and the letter of Dr. Vantyne was ordered to be printed.

Whilst petitions were being presented—

Mr. BREWSTER, in pursuance of notice heretofore given, asked leave to introduce a bill for the improvement of certain harbors.

Objection was made to granting leave to introduce this bill.

And, on the question of leave, Mr. FILLMORE called for the yeas and nays; which were ordered.

It was then suggested that leave could not be given while petitions were being presented, to introduce a bill; and as there was considerable opposition to the introduction of the bill at this time—

Mr. BREWSTER withdrew his application until the States should be called for resolutions, when it would be in order to make the motion.

During the presentation of petitions, the following notices for leave to introduce bills were given, viz:

By Mr. MONTGOMERY: Of a bill to change the mode of disposing of the public lands.

By Mr. STANLY: Of a bill to provide for the payment of the fourth instalment to the States as soon as the public debt is paid, and to release the States from all obligation to return the three instalments already paid.

By Mr. THOMPSON, of Mississippi: Of a bill to revive the acts of 1837, '38, for appointing commissioners to adjust certain claims under the 14th article of the Choctaw treaty of 1830.

By Mr. CROSS, of Arkansas: Of a bill making an appropriation to complete the removal of the raft of Red river, and for other purposes.

Also, of a bill to confer upon the District Court of the United States for the State of Arkansas, Circuit Court jurisdiction in certain cases.

By Mr. BARNARD: Of a bill for a uniform system of bankruptcy.

Also, of a bill making an appropriation for the improvement of the navigation of the Hudson river.

By Mr. LANE: Of a bill to confirm to the State of Indiana the lands selected by said State for the continuation of that portion of the Wabash and Erie Canal that lies between the mouth of the Tippecanoe river and Terre Haute, and for other purposes.

IMPRISONMENT FOR DEBT.

Mr. MONROE, under the notice heretofore given, obtained leave to introduce a bill entitled "An act to abolish imprisonment for debt in certain cases;" which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. M. remarked that the subject was one of much importance, and he hoped the House would take speedy action upon it for the benefit of the South.

Mr. CRABBE denied that the bill was more for the benefit of the South than the North.

Mr. MONROE said he had as much respect for the South as any body; and that he held a letter in his hand stating the fact that some of the citizens from the gentleman's district were now confined in the New York jail.

Mr. DAVIS of Kentucky, under the notice heretofore given, obtained leave to introduce a bill to regulate the forms and modes of proceeding in the courts of the United State, to regulate the fee bills, and to limit the emoluments of certain officers; which was read, and referred to the Committee on the Judiciary.

Mr. DELLET, under notice heretofore given, obtained leave to introduce a bill to complete the improvements in the harbor of Mobile; which was referred to the Committee on Commerce.

On motion of Mr. WILLAMS of Connecticut, Resolved, That the papers on file, relating to the petition of Eunice Clark, praying to be allowed the arrearages of pension of which her late husband was deprived by being wrongfully stricken from the pension roll, be now referred to the Committee on Revolutionary Pensions.

On motion of Mr. GRINNELL, Resolved, That the Committee on Commerce be directed to inquire into the expediency and practicability of erecting a light-house on Southeast point of Coreysfort reef, on the coast of Florida.

On motion of Mr. E. DAVIES, Resolved, That the Postmaster General hereby is required to inform this House whether Ralph Jackson is a contractor for carrying the mail in the State of Illinois; who are his sureties, or who is responsible to the Department for any failure on his part to fulfil his contract.

On motion of Mr. GATES,

Resolved, That the Committee on Revolutionary Pensions be directed to inquire into the propriety of increasing the pension of widow Lydia Hoord.

On motion of Mr. TRUMAN SMITH of Connecticut,

Resolved, That the Committee on Revolutionary Pensions be directed to inquire into the expediency of granting to Ebenezer Johnson a pension for services rendered by him during the war of the Revolution.

On motion of Mr. GALBRAITH,

Resolved, That the Committee on Revolutionary Pensions inquire into the expediency of extending the act of Congress of the 7th of July, 1838, entitled "An act granting half pay and pensions to certain widows," for another period of five years; and, also, into the expediency of extending the provisions of the act of 7th June, 1832, entitled "An act supplementary to the act for the relief of certain remaining officers and soldiers of the Revolution," so as to grant pensions to those who served at any time previous to the treaty of Fort Grenville, in August, 1795; and that said committee report by bill or otherwise.

On motion of Mr. SMITH of Maine,

Resolved, That the Committee on Revolutionary Pensions be directed to inquire into the propriety of placing the name of Joseph Veazie upon the roll of Revolutionary pensioners.

On motion of Mr. EVERETT,

Resolved, That the Committee on Invalid Pensions be instructed to inquire into the expediency of granting a pension to Beriot Wright, a soldier in the late war with Great Britain, and that his papers on file be referred therewith.

On motion of Mr. SMITH of Connecticut,

Resolved, That the Committee on Revolutionary Pensions be directed to inquire into the expediency of granting to Jemima Briscoe, widow of Elisha Briscoe, an increase of the pension allowed to her by the Pension Office, for the services of her husband during the war of the Revolution, in conformity to evidence now on file in said office.

On motion of Mr. FILLMORE,

Resolved, That the President of the United States be requested to communicate to this House, (if not in his opinion incompatible with the public interest,) all the correspondence between this Government and that of Great Britain, or the officers and agents of either, or the officers and agents of this Government with the President or any of its Departments, which has not heretofore been communicated to this House, on the subject of the outrage of burning the Caroline on the Niagara frontier; and whether there is any prospect of compensation being made to the owner of said boat for the loss thereof; and also whether any communications have been made to this Government in regard to the arrest and imprisonment of — McLeod, by the authorities of the State of New York, for being concerned in said outrage; and if so, that he communicate a copy thereof to this House.

On motion of Mr. SMITH of Maine,

Resolved, That the Committee on Invalid Pensions be directed to inquire into the expediency of placing upon the roll of invalid pensions the name of Daniel Cuore, of Portland, Me.

On motion of Mr. GRINNELL,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of entering into negotiations with the British Government, for the purpose of erecting a light-house on the Little Isaacs, and of placing such buoys on the Bahama banks, as may diminish the danger of this difficult navigation.

Mr. FILLMORE submitted the following resolution, which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, (two-thirds of both Houses deeming it necessary,) That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which article, when ratified by three-fourths of the said Legislatures, to be valid, to all intents and purposes, as part of the said Constitution:

"The six years' term of service prescribed in the Constitution for United States Senators, and the two years' term for which members of the House of Representatives are to be chosen, shall commence on the first day of December instead of the fourth day of March.

"Those Senators and Representatives who shall be in office when this amendment shall be adopted as a part of the Constitution, shall hold their offices respectively until the first day of December next after the fourth day of March when their offices would expire had this amendment not been made."

On motion of Mr. BRIGGS,
The House then adjourned.

IN SENATE.

TUESDAY, December 22, 1840.

Mr. PIERCE presented the memorial of Daniel Pettibone; which was laid on the table, and ordered to be printed.

On motion by Mr. PIERCE, the petitions and papers of Samuel Jamison, John S. Billings, Samuel Crapin, John McClanahan, the widow of Samuel Allen, the widow of Jonas Snow, and of Mary Neal, now on the files of the Senate, were referred to the Committee on Pensions.

Mr. BUCHANAN presented a letter from a number of citizens of Philadelphia, who are largely interested in the Agricultural Bank of Natchez, praying for an extension of time for the payment of the debts due to the Government; which was referred to the Committee on Finance.

Mr. HENDERSON gave notice that to-morrow he would ask leave to introduce a joint resolution to authorize the Secretary of the Treasury to extend further indulgence to the late deposit banks.

Mr. DIXON presented a document in relation to the claim of Edward Wade; which was referred to the Committee on Revolutionary Claims.

Mr. CLAY of Alabama submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of making a just allowance to Stokes and Pardon, mail contractors on the route from Tuscaloosa to Courtland, Alabama, for the period between the first of March and the first of June, 1839, during which one third of their compensation has been withheld.

Mr. C. also presented documents in relation to the claim above alluded to, which were referred to the same committee.

Mr. MANGUM presented the petition of a number of mechanics engaged on the arsenal in North Carolina; which was referred to the Committee on Military Affairs.

Mr. BUCHANAN presented a copy of the proceedings of a meeting in Philadelphia, numerously attended, and which asked for the favorable action of Congress in relation to the claim for French spoils prior to 1800; which was laid on the table, and ordered to be printed.

Mr. LINN, in pursuance of previous notice, asked and obtained leave to introduce a bill for creating a new land district in the State of Missouri, and for changing the boundaries of the Southwest and Western land district in said State; which was read twice, and referred to the Committee on the Public Lands.

Mr. HENDERSON, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of certain railroad companies therein named; which was read twice, and referred to the Committee on Finance.

On motion by Mr. HUBBARD, the petition of Francis Gehon, and the petition of James M. Morgan, now on file, were referred to the Committee on Claims.

Mr. BENTON presented the petition of Thomas Clark; which was referred to the Committee on Claims.

On motion by Mr. DAVIS, the documents in relation to the claim of the Nantucket Steamboat Company, now on file, were referred to the Committee on the Post Office and Post Roads.

Mr. STURGEON presented the memorial of Henry Simpson; which was referred to the Committee on Claims.

On motion by Mr. S. the petition of John C. Reynolds, now on file, was referred to the Committee on Indian Affairs.

Mr. CALHOUN, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of the representatives of Captain John Williams, late of North Carolina; which was twice read, and referred to the Committee on Revolutionary Claims.

Mr. C. also, on leave, introduced a bill to cede the public lands within the limits of the new States on certain conditions therein named; which was read twice, and referred to the Committee on Public Lands.

THE CHARTER OF THE CITY OF WASHINGTON.

Mr. NORVELL, pursuant to notice, asked and obtained leave to introduce a bill to amend and continue in force an act for the incorporation of the city of Washington. The bill was read twice, and Mr. N. moved its reference to a select committee.

Mr. MERRICK objected to such a reference. True, a bill of a similar character had been so referred the last session of Congress, to which he had consented, because, at that late period of the session, he did not think it possible that the Committee on the District of Columbia could give it such attention as it required to mature it; but now, at the commencement of a session, he hoped this bill would be referred to the appropriate committee—that on the District of Columbia.

Mr. NORVELL, after some remarks on the constitution of the present Committee on the District of Columbia, said his wish was to place the bill in the hands of a committee that would be favorable to its objects. It was his misfortune, at the last session, in reporting this bill from the select committee to which it had been referred, to have overlooked an omission of the copying clerk, which had since been made the foundation of an accusation against him and other Senators who composed that committee. He desired, therefore, the reference of this bill to a select committee, that he might have an opportunity to set himself right on that point.

Mr. MERRICK said the Senator from Michigan would have ample opportunity to set himself right, and to explain this omission in the bill of last session, whenever the bill came up for discussion before this body. He did not know how that Senator could undertake to assume that the Committee on the District of Columbia was hostile to a new charter, for there had been no evidence to justify the assumption. The committee of the last session—and the committee of this session was composed of nearly the same members—if he recollected right, were in favor of a remodification of the charter, but there was not time to enable them to obtain the necessary information on which to report a bill; and he hoped now there was to be no party organization in reference to the charter for this part of the District of Columbia. It was true that the present standing committee consisted exclusively of Whigs, which was a proof that the gentleman who appointed them had confidence in those appointed, that they would do their duty fairly and faithfully; and he knew of no reason now why there should be such a gratuitous assumption that the committee was hostile to the measure, and that therefore it should not have its appropriate reference. He would act on every question on its merits, and he would not inquire to what party the memorialists might belong.

Mr. NORVELL had no intention to prolong the discussion. In reference to the remarks of the Senator from Maryland, that he should disregard party influence, and did not look at party distinctions, he (Mr. NORVELL) was not solicitous to proclaim sentiments of that character. It was well known there were certain principles on which parties in this country were divided, and it was not for him to admit that he had no party bias: he had a decided party bias, and whenever questions were presented to him in which the distinctive party principles were involved, it would govern his action. If it had not been so—if it had not been that there were party distinctions—he and the honorable gentleman from Maryland might not have occupied their present positions. He asked for the ayes and noes on the question of reference.

Mr. CLAY of Alabama hoped the gentleman

from Michigan would be gratified, when certain facts were known, which had intervened between this and the last session: he thought it was due to that gentleman that a select committee should be appointed. It was manifestly the leading motive of the friends of the bill at the last session to extend the right of suffrage to many who had before been deprived of it: the bill was ordered to be engrossed; but, in the copying, one or two clauses had been accidentally omitted, and the omission was only discovered when it was too late to rectify the error, unless by unanimous consent, which was not obtained, as a gentleman on the other side objected. Under these circumstances he (Mr. CLAY) moved to lay the bill on the table with an intimation that at the present session it would be brought up again. But what use had been made of this? Why it had been published through this Union, that he and his friends had attempted to introduce into a bill respecting the District of Columbia, the principle of Abolition. Yes, the false and slanderous charge had been copied into every dirty party sheet, and in his State especially, it had been imputed to him—falsely and slanderously imputed to him—and not only to him, but the same accusation had been made generally against his colleague and the friends of universal suffrage who voted with him. He hoped that this bill would be committed to a special committee, not only because it was according to an established parliamentary principle that a bill should be referred to a committee, a majority of which, at least, was favorable to its principle, but that at all events he and his friends might be permitted to do themselves justice, in view of the accusations of those who had so foully slandered them.

Mr. MERRICK disclaimed any hostility to the extension of the right of suffrage; and if any accusation had been made against the gentleman from Alabama and his friend from Michigan of any intention to do any thing to affect the peculiar interests of the South, it was unjust, and without foundation; and he (Mr. MERRICK) gave the gentlemen his testimony that they were free from any just ground of imputation. He then argued against the reference to a select committee, and denied that it was the practice to refer bills to committees that were known to be favorable to their principle, on the petition of the memorialists. He was of opinion that this bill should go the usual standing committee for this District, for there were many matters to be regulated with which they, from their position, were the most likely to be acquainted; there were many matters that would enter into the consideration of this bill, which ought not to be overlooked in framing a new charter; it was very important that there should be a redistribution of the representative power among the wards of the city according to the population of the different parts of the city, and there were a great many other subjects properly appertaining to the committee of this District, and therefore he hoped the select committee would not be appointed.

Mr. PRESTON opposed the special reference, and argued that the bill ought to be referred to the standing committee for the District. He thought the question of an extension of the right of suffrage was one of great importance, and one that required the profoundest consideration. In his own State he had expressed his opinion that it was a great want of policy to restrict the right of suffrage, except as to color: in a slaveholding State, where one-half the working classes were struck out, it seemed to him to be an odious distinction among the whites, and he desired to disfranchise no one. In this principle he acquiesced—his principle he advocated, but he had yet, as a Senator, to be convinced whether his South Carolina doctrine was applicable to the District of Columbia. He would ask the people here what they desire, and look to what extent it would affect their institutions, their habits, their prejudices, and their dispositions; he preferred therefore that this matter should go to the Committee on the District of Columbia.

Mr. SOUTHWARD also advocated the reference of the bill to the Committee on the District of Columbia. On the abstract question of human rights, his opinions could not be mistaken; but they must

recollect they were legislating for this District, which was without representation; and they should look a little further. They must consider who it was here that had a right to vote, and what was their residence here, what was their interest here, and how it would affect the great institutions of the South; and a hundred other questions they must ask themselves, before they decided on a measure of this importance. The Senator might get a special committee, that would arrive at a conclusion with wonderful rapidity; but he assured him that if it were referred to the Committee on the District of Columbia, that committee would reflect and examine, and then decide according to their best judgments respecting the interests to be affected.

Mr. HUBBARD said, it occurred to him it was unnecessary to discuss the merits of the bill which the committee appointed at the last session reported. That subject was not now before them, but it might be well for the Senate to consider what was the precise question which they had to determine. He had a perfect recollection of the whole history of this affair, and he would undertake to relate it. It was in consequence of certain resolutions and memorials presented to this House in the month of February, 1840, by the Senators from Ohio, in relation to this very matter, which were referred to the Committee on the District of Columbia—a committee which was constituted nearly as at present—and on which, as late as the 5th of June, no report had been made; that other memorials were presented by the Senator from Michigan, and a special committee was appointed, of which the Senator from Michigan [Mr. NORVELL] was the chairman. Now he [Mr. HUBBARD] as the chairman of the Committee on Claims would be glad to be relieved from the consideration of many claims, by their reference to a select committee; and he believed the Senator from Kentucky, [Mr. CRITTENDEN], and the Senator from Maryland, [Mr. MERRICK], assented to, if they did not recommend, the appointment of a select committee on this subject. The very reason why a bill should be kept before a standing committee which had it in its care, would induce him to desire that this bill should again go to a select committee, which had had it in its consideration. He thought it was not too much to ask for this. The select committee, of which the Senator from Michigan was the head, had had the memorial, on which this bill was based, in their care; they had made a report thereon, and he did think the subject should be kept where it was last session.

Mr. MERRICK replied.

Mr. KING had listened attentively to the remarks of the Senators, and he was surprised to find so much importance attached to the reference of this bill to either a select or a standing committee. They had heard of party and party legislation for this District, which had no political influence or power; but when he appointed the standing committee for this District it was certainly with no manifestation of party feeling, for the members of the committee were all of the political party adverse to that to which he belonged. In the appointment of that committee he never thought of party, and he believed there was not a Senator in that chamber that would believe it to be either right or proper to legislate for the District on party principles. But the members of the Select Committee who had charge of this subject at the last session, had been held up to public indignation because a mistake had been made by a clerk in copying the bill, and they had been charged with the promotion of this as a political game for a political purpose; but it was a base accusation, and it came from a base source. Every gentleman that knew him, well knew that no consideration could induce him to depart from the course he believed to be the correct one from any political consideration; and yet they had been thus arraigned for political purposes; and his friend [Mr. NORVELL] had been censured for reporting a charter which it was asserted contained provisions deleterious in themselves, in consequence of the accidental omissions which had been mentioned.

Now he cared but little whether this bill was referred to the Committee on the District of Columbia or to a select committee. If he alone were to decide, he would say, let it go to the Committee on

the District of Columbia—it was their business to examine and guard the interests of the District, and he had no doubt they would do the duty which they owed to their country, which they owed to themselves, and which they owed particularly to the District. He would be perfectly satisfied that the charter should be left to them; but his friends, who had been subject to censure, however, thought they owed it to themselves to have this subject again brought under their control, that they might present it in the shape which they had intended it should have originally assumed. There was another reason why there should be no delay. The charter of the city had already expired, and memorials had been presented urging its renewal, and the extension of the right of suffrage; and he hoped such a charter would be granted as would be beneficial to the District, giving its inhabitants all the rights that properly belonged to them. The great political contest of the country was over, and there was no object in attributing to Senators principles which they did not hold; and if the standing committee would take it up at an early day, and promptly act upon the bill, he hoped his friend [Mr. NORVELL] would withdraw his proposition. He hoped they should not make any thing like a party contest on a subject into which it ought not to enter.

Mr. NORVELL said, in explanation of his own course on this bill, that about five hundred citizens of this District, many of whom did not possess the right of suffrage, had petitioned Congress for the enactment of a new charter, which petitions were referred to the Committee on the District; but as several months had elapsed without those memorials being acted upon, a committee of citizens waited upon him, and requested that he would present another memorial, and move its reference to a select committee; and in pursuance of that and repeated requests subsequently, he had made the proposition which he submitted at the last session, and not because he desired to take upon himself the labor of such a committee, and of examining the subject so fully as would be necessary to enable him to prepare and perfect the measure; for he had enough to do on two other important committees of which he was a member. He repeated, he acted in pursuance of the desire of those whom the committee was appointed to represent, most of whom were divested of the right of suffrage; and in doing so, had he done any thing but justice to those citizens? He was also desirous to say that he was unwilling to allow the statement to remain uncontradicted, that he was, or ever had been, hostile to the interests of any class of citizens of the city of Washington or of the South; so far from being hostile to the District, he had taken his seat but for a very few days, the first session he sat there, before he expressed his desire to give these people a Representative, or a Delegate, similar to the Territories, on the avowed principle that it was necessary to induce the two Houses to pay proper attention to their interests. And at the same time, he seconded, to the extent of his ability, resolutions respecting the peculiar interests of the South, and going the full length with the Southern gentlemen, in regard to the disposition which they had thought proper to make of the applications to the Senate to interfere with those interests. Having been particularly acquainted for thirty years with a large portion of the people of this District, he had not supposed that now he should be charged with hostility to their interests. But what was the fact? Why, sir, in a formal and ably written communication, which had been sent to the people of the United States, in the shape of an appeal from the people of this District, an attack had been made on the select committee, of which he had the honor to be the chairman. In this document, it was alleged that this subject was not introduced into the Senate until after the municipal election in June last, and it was in consequence of the result of that election that it had been introduced. Now, was that the fact? Was it not introduced early in the session, and had it not been before the committee four months previous to the municipal election? Again, it was alleged that the omissions were intentional

omissions, and that the select committee and the majority of that body had aimed a vital blow at the most serious and essential interests of this part of the country. Under these circumstances it was that he felt it to be his peculiar duty to propose the recommitment of this bill to the select committee. Senators over the way seemed to think that only one description of citizens in this city possessed any rights. Admitting the class opposed to the extension of the elective franchise to be here the majority, had the minority no rights? Were they to be treated as slaves, to have no voice in the affairs of the city, and their complaints to be disregarded? He hoped not.

Mr. CLAY of Alabama hoped his friend from Michigan would now withdraw his motion of reference to a select committee.

Mr. NORVELL consented, and then the bill was referred to the standing Committee on the District of Columbia.

Mr. NORVELL presented the memorial of citizens of Georgetown, asking for an amendment of their charter so as to extend the elective franchise.

Mr. MERRICK, in pursuance of previous notice, asked and obtained leave to introduce a bill authorizing the granting letters testamentary and of administration to aliens in the District of Columbia; which was read twice, and referred to the Committee on the District of Columbia.

Mr. HUBBARD, from the Committee on Claims, which memorials on the subject had been referred, reported

A bill for the relief of Philip Weademan; and

A bill for the relief of Walter Loomis and Abel Gay; which were respectively read, and ordered to a second reading.

Mr. LINN, from the Committee on Private Land Claims, to which were referred

A bill to continue in force the "Act for the final adjustment of private land claims in Missouri," approved July 19, 1832; and the act supplemental thereto, approved March 2, 1833;

A bill to authorize the issue of a patent to the heirs or legal representatives of Francis Rivard, deceased;

A bill for the relief of Gregoire Sarpy, or his legal representatives;

A bill for the relief of the heirs of Miguel Estlaza;

A bill for the relief of Sebastian Butcher;

A bill for the relief of Thomas P. Copes,

A bill for the relief of Joseph Eogy;

A bill confirming the claim of the heirs of Joseph Thompson, sr. deceased, to a certain tract of land in Missouri;

A bill for the relief of the representatives of Pierre Bonhomme;

A bill for the relief of Joshua Kennedy, assignee of Cornelius McCurtin; and

A bill to confirm to George Tucker, his heirs or assignees, a certain tract of land in Alabama; reported the same without amendment, and with a recommendation that they do pass.

Mr. FULTON, from the Committee on the Public Lands, to which had been referred a bill to authorize the Legislature of the State of Arkansas to sell the lands heretofore appropriated for the use of schools in that State, reported the same without amendment, and in favor of its passage.

Mr. F. in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of Henry Wilson; which was read twice, and referred to the Committee on Public Lands.

Mr. PIERCE, in pursuance of previous notice, asked and obtained leave to introduce a bill to equalize the pay of the army and for other purposes; which was read twice, and referred to the Committee on Military Affairs.

Mr. PRENTISS, in pursuance of previous notice, asked and obtained leave to introduce a bill in addition to the act to promote the progress of the useful arts; which was read twice, and referred to the Committee on Patents and the Patent Office.

Mr. LINN gave notice that to-morrow he would ask leave to introduce a bill for the relief of Adam Stewart.

Mr. ANDERSON gave notice that to-morrow he would ask leave to introduce a bill to provide for

the allowance of invalid pensions to certain Cherokee warriors under the 14th article of the treaty of 1835.

Mr. NORVELL, from the Committee on Public Lands, to which was referred a bill for the relief of Francis Laventure, Ebenezer Childs, and Linus Thompson, reported the same without amendment.

Mr. KING gave notice that to-morrow he would ask leave to introduce a bill for the relief of the legal representatives of Aaron Vail, deceased, late consul at L'Orient.

BILLS PASSED.

The following engrossed bills were then taken up on their third reading, read a third time, and passed:

The bill amendatory of the act abolishing imprisonment for debt.

The bill for the relief of George W. Paschall.

The bill to relinquish to the State of Alabama the two per cent. fund reserved by the act for her admission into the Union, to be applied to the making of a road or roads leading to said State.

The bill to establish an additional land district in the State of Alabama.

The bill for the relief of William Jones.

The bill for the relief of certain settlers on the public lands, who were deprived of the benefits of the act granting pre-emption rights, which was approved on the 19th of June, 1834.

The bill to grant other lands to the inhabitants of townships deprived of the 16th section by Indian reservations.

The bill to relinquish the reversionary interest of the United States to a certain reservation in the State of Alabama.

The bill in relation to donations of land to certain persons in the State of Arkansas.

The bill to quiet the titles of certain land claimants in the States of Missouri and Arkansas, and for other purposes.

The bill to settle the title to certain tracts of land in the State of Arkansas.

The bill to authorize the inhabitants of township eight north, range thirty-two west, in the State of Arkansas, to enter a section of land in lieu of the sixteenth section in said township, upon condition that the same be surrendered to the United States for military purposes.

The bill authorizing the inhabitants of fractional township ten south, of range one east, in the State of Arkansas, to enter one half section of land for school purposes.

The bill for the relief of James Smith of Arkansas.

The bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of a treaty between the United States and the Choctaw Indians.

Mr. PORTER submitted the following resolution, which was considered and agreed to:

Resolved, That the President of the United States be requested to transmit to the Senate any information in his possession relative to the survey directed by the act of the 12th of June, 1833, entitled "An act to ascertain and designate the boundary line between the State of Michigan and Territory of Wisconsin."

Mr. RUGGLES submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of interdicting by law the allowance of salvage to the officers and crews of revenue cutters and of public armed vessels employed by the Government in affording relief to merchant vessels during the inclement seasons or at other times.

The resolution submitted yesterday by Mr. NORVELL, in relation to the removal of the chandelier, was taken up, and after some remarks from Mr. N. and Mr. TAPPAN, was laid on the table.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, Dec. 22, 1840.

The SPEAKER laid before the House the following communications, viz:

1. From the Secretary of the Navy, in answer to a resolution of the House of the 11th of May last,

communicating a statement of the officers of the navy on leave or furlough, including passed midshipmen; showing the cause of their absence, the time of its expiration, &c.

On motion of Mr. BRIGGS, laid upon the table, and ordered to be printed.

2. From the Secretary of War, transmitting a report of the Commissioner of Pensions, containing information relative to pensioners, applying for a pension, or an increase of pension, required to be laid annually before Congress by the act of May 29, 1830.

On motion of Mr. FILLMORE, laid upon the table, and ordered to be printed.

3. From the Clerk of the House, as follows:

HON. R. M. T. HUSTER,

Speaker of the House of Representatives U. S.:

SIR: In obedience to the further order of the House, passed December 21, 1840, "that said report be recommitteed to the Clerk, with instructions further to report by what authority, on what vouchers, and through whom, he paid to C. Bulkley the sum of \$500; to Bayse Newcomb the sum of \$416; and to George Lowrey the sum of \$104, for services rendered by them in taking depositions in the case of the contested election between Messrs. Ingersoll and Naylor, as reported in Document No. 7; by what authority, and on what vouchers, he sent to Mr. Naylor money to pay his witnesses in the said contest, and which that gentleman says he returned; whether the said vouchers give the names and time of attendance of the said witnesses, in whose handwriting it was filed, and what has become of the same," I beg leave to report that the account presented by C. Bulkley for services as clerk, &c. amounted to \$869 50. On the face of this account was an order, signed by the Chairman of Accounts, to pay \$500 to said Bulkley. The account presented by Bayse Newcomb for services as commissioner, &c. amounted to \$520. By a similar order written on the face of the paper, I was directed to pay \$416.

The account of George Lowrey, as door-keeper, amounting to \$104—not being reduced by the committee—was directed to be paid by a verbal order. In like manner the sum allowed for payment of witnesses in behalf of Mr. Naylor, amounting to \$780, was also directed to be paid by a verbal order, which is the usual mode practised by the committees when accounts are clear and undisputed.

The vouchers give the names and times of attendance of the witnesses; but having no acquaintance with the handwriting in which they are drawn, I herewith communicate the original papers (Nos. 366 and 356) for the use of the House.

The various sums above mentioned, together with one other of \$104, for Peter Lewis, were enclosed in separate drafts to the Hon. Charles Naylor, Philadelphia, to be paid out to the respective claimants, as will appear from the letter of the accounting clerk, herewith communicated and marked A.

In Mr. Naylor's answer to this letter, he returned \$780 76, the sum allowed for witnesses, and also the draft for \$104 in favor of Peter Lewis, stating that he did not feel authorized to receive and pay out the same, as will more fully appear from his letter, a copy of which is herewith communicated, and marked B.

The sum of \$11 50, returned by Mr. Ingersoll, as stated in my former report, and \$824 76, returned by Mr. Naylor, have been credited to the contingent fund of this House.

All of which is respectfully submitted.

HUGH A. GARLAND,
Clerk House of Reps. U. S.

Mr. FLOYD moved a reference of the report to the Committee on Accounts.

Mr. SMITH of Connecticut objected to any such reference, and moved a reference to the Committee on Public Expenditures.

After some brief remarks from Mr. FLOYD in defence of his motion, the question of reference to the Committee on Accounts being first in order, was put, and decided in the affirmative.

Petitions were then presented by—

Mr. CROSS, of Arkansas.

Messrs. CRABB and DELLET, of Alabama.

Mr. UNDERWOOD, of Kentucky.

Mr. DEBERRY, of North Carolina.

Mr. RIVES, of Virginia.

Mr. DENNIS, of Maryland.

MESSRS. BREWSTER, HOFFMAN, CURTIS, VANDERPOEL, LEONARD, GRINNELL, and WAGNER, of New York.

[Mr. WAGNER presented the petition of Daniel Cady, and two hundred and fifty-two others, inhabitants of Fulton county, New York, praying for a law to establish a uniform system of bankruptcy.]

Mr. REED, of Massachusetts.

The SPEAKER then announced reports from committees to be in order.

Mr. CASEY, from the Committee on Public Lands, reported a bill for the relief of the owners of bounty land warrants granted for military services in the army of the United States in the late war between the United States and Great Britain; which was committed to the Committee of the Whole, and ordered to be printed.

Mr. LINCOLN, from the same committee, reported a bill granting a right of pre-emption to certain lots in the town of Perrysburg, in the State of Ohio; which was committed to the Committee of the Whole, and ordered to be printed.

Mr. W. C. JOHNSON, from the Committee for the District of Columbia, reported a bill to revive and continue the corporate existence of the banks in the District of Columbia; which was referred to the Committee of the Whole, and ordered to be printed.

Mr. HALL, from the Committee on Revolutionary Claims, made an adverse report on the petition of Vincent Vass, praying for bounty lands.

Mr. TALIAFERRO, from the same committee, reported a bill to authorize the payment of seven years' half pay, due on account of the death of Lieut. Jonathan Dye, an officer in the Virginia continental line, and who was killed in the battle of Brandywine; which was referred to the Committee of the Whole, and ordered to be printed.

Mr. FRANCIS THOMAS, from the Committee on Naval Affairs, reported a bill entitled "An act concerning navy pensions and half pay;" which was referred to the Committee of the Whole, and ordered to be printed.

Mr. TALIAFERRO, from the Committee on Revolutionary Pensions, reported a bill for the relief of James Deatley; which was referred to the Committee of the Whole, and ordered to be printed.

Mr. ANDREWS, from the same committee, reported a bill for the relief of Daniel Starry; which was committed to the Committee of the Whole, and ordered to be printed.

Mr. HAND, from the same committee, made an unfavorable report on the petition of John Grigsby for a pension.

On motion of STANLY,

Resolved, That the report made by the Committee on Expenditures on the Public Buildings, relating to the branch mint at Charlotte, North Carolina, be printed.

Mr. RIVES of Virginia moved that the report of the Committee of Elections, on the subject of the contested election case of Messrs. NAYLOR and INGERSOLL, made at the last session, be now taken up. It was not his intention to enter into a debate on the subject at that time, but his object in calling it up was that the House might fix upon some time when it would be convenient to go into the merits of the case.

Mr. CRABB objected.

Mr. RIVES said, the motion being a privileged one, he had a right to make it. He was, however, surprised at the objection of the gentleman from Alabama, inasmuch as he had stated most distinctly that he had no intention of debating the subject at that time.

Mr. FILLMORE hoped that when the subject was taken up, it would not be done until it was convenient for the parties interested to address the House on the subject. He did not know when it would be convenient for them to attend. Moreover, the sitting member was not in his seat.

Mr. RIVES said he had seen the sitting member that morning previous to his making the motion, and he presumed there would be no difficulty, so

far as that member was concerned, as to fixing a time.

Mr. RIVES observed that the sitting number was now in his seat, so that the objection of the gentleman from New York no longer existed. The day for an examination of the case could therefore be now fixed, and if agreeable, he would propose that it would be the order of the day for tomorrow. But if that would not suit the sitting member, he hoped the gentleman would say what day would be convenient.

Mr. NAYLOR had no objection to any course the House might think proper to take on the subject. He was willing to leave the matter in the hands of the House.

After some further remarks from Mr. FILLMORE in favor of a postponement of the subject until after the holidays,

Mr. RIVES modified his motion so as to make the report the order of the day for the first Tuesday in January.

The motion, as modified, was then agreed to.

CUMBERLAND ROAD.

Resolutions then being in order,

The SPEAKER stated that the following resolution offered by Mr. RARIDEN, on Thursday last, would come up first:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of setting apart three hundred thousand dollars per annum of the proceeds of the public lands for the continuation of the Cumberland Road in Ohio to its western termination, to be constructed in a continuous line from East to West, and of distributing the residue of the said proceeds among the several States upon the principle of what is called Mr. Clay's land bill, taking the census of 1840 as the basis of the distribution.

The question pending was the motion of Mr. HUBBARD to lay the resolution on the table, and on which the yeas and nays had been ordered.

The yeas and nays were then taken, and resulted as follows:

YEAS.—Messrs. Alford, Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Burke, Sampson, H. Butler, William O. Butler, Wm. B. Campbell, Carroll, Clifford, Coles, Connor, M. A. Cooper, Wm. R. Cooper, Crabb, Craig, Crary, Davee, Edward Davies, John Davis, Dawson, Deberry, Dickerson, Dellet, Doan, Doig, Duncan, Earl, Eastman, Ey, Fine, Fisher, Fletcher, Floyd, Galbraith, Garland, Gerry, Goggin, Griffin, Habersham, Hand, Hawes, Hawkins, Hill of Virginia, Hill of North Carolina, Hellen, Hopkins, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Lewis, Lowell, McCarty, McClellan, McClure, McCulloch, McKay, Mallory, Marchand, Medill, Miller, Montanya, Samuel W. Morris, Newhard, Nisbet, Parmenter, Paynter, Pickens, Prentiss, Rayner, Rives, Edward Rogers, Ryall, Shaw, Shepard, John Smith, Starkweather, Strong, Sumner, Sweney, Taliaferro, Taylor, F. Thomas, Waddy Thompson, Jacob Thompson, Turney, Vanderpoel, Vroom, David D. Wagener, Warren, Watterson, Jared W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, and Wise—105.

NAYS.—Messrs. Adams, Andrews, Barnard, Boardman, Bond, Botts, Breckenridge, Briggs, Brockway, Calhoun, Carr, Carter, Casey, Clark, Cranston, Crockett, Curtis, Cushing, Dana, John W. Davis, Garret Davis, Dennis, Doe, Everett, Fillmore, Gentry, Giddings, Goode, Granger, Green, Hammond, William S. Hastings, John Hastings, Henry, Hunt, James, Charles Johnston, William Cost Johnson, Kempshall, Lane, Leonard, Lincoln, Marvin, Mason, Mitchell, Monroe, Moore, Morgan, Calvary Morris, Morrow, Naylor, Ogle, Osborne, Palen, Parrish, Peck, Pope, Proffit, Randall, Rariden, Reed, Reynolds, Ridgway, Saltonstall, Simonton, Slade, Truman Smith, Thomas Smith, Stanly, Stuart, Swearingen, Tillinghast, Triplett, Trumbull, Peter J. Wagner, John White, Wick, T. W. Williams, and Winthrop—81.

So the resolution was laid on the table.

Mr. PROFFIT asked leave to submit the following resolution:

Resolved, That the Committee of Ways and

Means be instructed to inquire into the expediency of reporting a bill providing for the expenditure of \$150,000 in each of the States of Ohio, Indiana, and Illinois, during the year 1841, on the Cumberland road.

Mr. P. then, in a very animated manner, foretold the direful consequences which he had alleged would ensue, in case the House should not make the appropriation. He declared that the eight States of the Northwestern Territory would unite, and in their indignation would make their way into the hall to obtain their rights, by force. He could not conceive why the people of that part of the Union should be treated so. The South got appropriations for its Dismal Swamps and every thing else; so also did the North; but as for his people, and those of the other Northwestern States, they could obtain nothing. Why, said he, are the people of the West to be thus trampled upon? Mr. P. also discoursed on the grievances of the Western people arising from other causes. He then touched upon nullification, the tariff question, etc. and concluded by giving the House a solemn warning, that in case the resolution should be rejected, the people of the Northwest would rise in their might, when their indignation would be an all-consuming blaze, without a particle of smoke, which should destroy all that was not right.

Mr. WM. COST JOHNSON, in the course of some very humorous remarks in reply to the member from Indiana, suggested to him that the true and only reason why the Cumberland road had not been completed, was that it had been begun at the wrong end. The right end was in Maryland, between Rockville and Fredericktown; and until the road should be commenced in that quarter, the gentleman, with all the people of the West at his heels, would never be able to obtain an appropriation. Mr. J. concluded by asking the gentleman to accept a modification of the resolution, appropriating \$80,000 for that portion of the Cumberland road in the State of Maryland between Rockville and the Monocacy.

Mr. PROFFIT, after a brief rejoinder, accepted the modification.

Mr. HUBBARD was afraid the gentleman from Indiana was going the wrong way to work in order to obtain money for his State. Mr. H. said that so far as his own district was concerned, he was sure that nothing could be obtained by threats. If the gentleman and his people wanted money, let them open a trade with the Southwest, when, if they made fair bargains, there would be no objection to taking their pork and whiskey for produce. True, in his opinion, would be a far more effectual mode than bringing on a great army to enter the hall for the purpose of obtaining what they wanted by force. He would repeat, let the gentleman's constituents open a trade, and, so far as his district was concerned, he was sure they would be ready to swap with them.

The question being on the resolution as modified, Mr. HUBBARD moved to lay it on the table; on which motion the yeas and nays were demanded and ordered:

Mr. HUBBARD then withdrew his motion.

Mr. WISE renewed it.

Mr. PROFFIT demanded the yeas and nays; which were ordered, and being taken, were as follows:

YEAS—Messrs. Alford, Judson Allen, Atherton, Banks, Beatty, Beirne, Blackwell, Boits, Boyd, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, William B. Campbell, Carroll, Carter, Clifford, Coles, Connor, Mark A. Cooper, William R. Cooper, Crabb, Craig, Davies, John Davis, Dawson, Deberry, Dellet, Doig, Earl, Eastman, Fine, Fisher, Floyd, Gailard, Gerry, Goggin, Griffin, Habersham, Hawes, Hawkins, Hill of Virginia, Hill of North Carolina, Hopkins, Hubbard, Jackson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Lewis, Lowell, McCarty, McClellan, McClure, McCulloch, McKay, Marchand, Miller, Montanya, Samuel W. Morris, Nisbet, Parmenter, Parris, Pickens, Prentiss, Rayner, Rives, Edward Rodgers, Ryall, Shaw, Shepard, John Smith, Stanly, Strong, Sumner, Tallafiero, Waddy Thompson, Jacob Thompson,

Turney, Vanderpoel, Vroom, David D. Wagener, Warren, Watterson, Jared W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, and Wise—94.

NAYS—Messrs. Adams, John W. Allen, Andrews, Baker, Barnard, Boardman, Band, Brewster, Briggs, Brockway, Calhoun, Carr, Casey, Chittenden, Clark, Cranston, Crockett, Cress, Curtis, Cushing, Dana, John W. Davis, Garret Davis, Dennis, Doan, Doe, Duncan, Edwards, Everett, Fillmore, Galbraith, Gentry, Giddings, Goode, Granger, Green, Hammond, William S. Hastings, John Hastings, Henry, Hook, Hunt, James, Jameson, Jenifer, Charles Johnston, William Cost Johnson, Kempshall, Lane, Lincoln, Marvin, Mason, Medill, Mitchell, Monroe, Morgan, Calvary Morris, Morrow, Naylor, Newhard, Ogle, Osborne, Palen, Parrish, Paynter, Peck, Pope, Proffit, Randall, Rariden, Reynolds, Ridgway, Russell, Sallionstall, Simonton, Truman Smith, Thomas Smith, Stuart, Swearingen, Sweney, Taylor, John B. Thompson, Tillinghast, Toland, Triplett, Trumbull, Peter J. Wagner, Weller, John White, Wick, Thomas W. Williams, and Winthrop—92.

So the resolution was laid on the table.

The resolution offered on the 17th instant by Mr. CHRISTOPHER MORGAN, calling upon the Post Master General to furnish a statement of the amount expended by the Department for the services of special agents, was taken up and agreed to.

The resolution of Mr. BOTTS, calling for information in relation to Treasury notes and drafts, was also taken up and agreed to.

The resolution of Mr. DAWSON, calling for information relative to the loss of horses in the Florida war, was next taken up, and with a modification by Mr. J. W. DAVIS, so as to include the Back Hawk war, agreed to.

Mr. BARNARD then called up the resolution offered by him, requiring information relative to the aggregate revenue accruing from customs, land, &c. &c.; and the question being on the adoption of the same,

Mr. BARNARD, with a view of addressing the House upon it on to-morrow, moved an adjournment, which was carried.

And the House adjourned.

IN SENATE,

WEDNESDAY, December 23, 1840.

Mr. LINN presented the petition of Nathan Ranney; which was referred to the Committee on Commerce.

Mr. BENTON presented the petition of John Ward and others; which was referred to the Committee on Finance.

Mr. HUBBARD presented the petition of Dr. Samuel White; which was referred to the Committee on Pensions.

Mr. ROANE presented the petition of Sarah Buzzard; which was referred to the Committee on Revolutionary Claims.

Mr. HUBBARD, from the Committee on Claims, to which memorials on the subject had been referred, reported the following bills:

- A bill for the relief of Daniel Steenrod;
- A bill for the relief of James M. Morgan;
- A bill for the relief of Francis Gehoe;
- A bill for the relief of James H. Relfe.

These bills were severally read, and ordered to a second reading.

Mr. H. from the same committee, to which was referred the memorial of the administrator of George Simpson, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

Mr. BENTON gave notice that to-morrow he would ask leave to introduce a bill to lay a tax on bank notes and other paper intended for circulation in the District of Columbia.

Mr. ANDERSON, in pursuance of previous notice, asked and obtained leave to introduce a bill to provide for the allowance of invalid pensions to certain Cherokee warriors under the 14th article of the treaty of 1835; which was read twice, and referred to the Committee on Pensions.

Mr. ROANE, in pursuance of previous notice,

asked and obtained leave to introduce a bill to authorize the payment of equitable commissions to the agents or attorneys of persons in whose favor awards have been made under three several treaties between the United States and certain foreign powers, which awards have been retained in the Treasury in payment of debts due to the United States; which was read twice, and referred to the Committee on Finance.

Mr. LINN, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of the legal representatives of Nathaniel Pryor, deceased; which was referred to the Committee on Indian Affairs.

On motion by Mr. CLAY of Alabama, the petition and papers of George Whitman, now on file, were referred to the Committee on the Judiciary.

Mr. PHELPS, from the Committee on Indian Affairs, to which was referred the bill for the relief of Jubal B. Hancock, reported the same with an amendment.

Mr. HENDERSON, in pursuance of previous notice, asked and obtained leave to introduce a joint resolution for the relief of the sufferers at Natchez by the tornado of May 7, 1840; which was read twice, and referred to the Committee on Finance.

Mr. PRENTISS, from the Committee on Patents, to which was referred the bill in addition to the act to promote the progress of the useful arts, reported the same without amendment.

Mr. STURGEON, from the Committee on Revolutionary Claims, to which was referred a memorial on the subject, reported a bill for the relief of Charles M. Keller and Henry Stone; which was read, and ordered to a second reading.

Mr. ANDERSON, in pursuance of previous notice, asked and obtained leave to introduce a bill to provide for the allowance of invalid pensions to certain Cherokee warriors under the 14th article of the treaty of 1835; which was read twice, and referred to the Committee on Pensions.

Mr. KING, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of the legal representatives of Aaron Vail, deceased, late consul at L'Orient; which was read twice, and, with an accompanying document, referred to the Committee on Commerce.

Mr. CLAY of Alabama gave notice that to-morrow he would ask leave to introduce

A bill to amend an act entitled "An act to grant certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba and Black Warrior rivers," approved May 23, 1828, and the several acts supplementary and amendatory thereto.

A bill making additional appropriation for completing the improvements in Mobile harbor; and

A bill providing for the payment of certain claims of the State of Alabama.

Mr. NICHOLAS gave notice that to-morrow he would ask leave to introduce a bill to authorize the Legislature of Louisiana to sell the lands heretofore appropriated for the use of schools within that State.

On motion by Mr. MERRICK, the petitions of Jacob Graham and John Pritchett, now on file, were referred to the Committee on Naval Affairs, and the petition of Caspar Weaver was referred to the Committee on the District of Columbia.

Mr. LUMPKIN gave notice that to-morrow he would ask leave to introduce a bill for the relief of J. M. Strader.

Mr. WALKER submitted the following resolution, which was considered and agreed to:

Resolved, That the Secretary of State be directed to communicate to the Senate the returns of the census of this year, so far as received into his office, giving only the aggregate of the population in each State or Territory, designating the number of whites, of free persons of color, and all other persons, in three separate columns, and stating how far the returns are incomplete in any State or Territory.

ORDERS OF THE DAY.

A bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of a treaty between the United States and the

CONGRESSIONAL GLOBE.

26TH CONG.....2ND SESS.

FRIDAY, JANUARY 1, 1841.

VOLUME 9.....No. 4.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

Continued from No. 3.

Chocctaw Indians; A bill to amend an act entitled "An act more effectually to provide for the punishment of certain crimes against the United States and for other purposes;

A bill to prevent the counterfeiting any foreign copper, gold, silver, or other coin, and to prevent the bringing into the United States, or uttering any counterfeit foreign copper, gold, silver, or other coin;

were considered as in committee of the whole, and ordered to be engrossed for a third reading.

PURSUERS IN THE NAVY.

The bill establishing the pay and emoluments of pursers in the navy being taken up,

Mr. WILLIAMS explained the provisions of this bill. He said it was introduced at the last session, and passed the Senate, but was left with the unfinished business of the other House, and was now again introduced, with the intention to fix and determine the compensation to pursers. As now established, their compensation was forty dollars a month, together with certain privileges and perquisites, which were deemed to be extravagant. One great source of profit to pursers was on articles furnished to sailors—whose wages were scarcely sufficient to induce men to enter the service—which amounted to eight or ten dollars per man. Now as there were from one thousand to twelve hundred persons in a seventy-four, and the purser received from each person from eight to ten dollars on articles furnished, which came out of the wages of the poor sailor, this compensation was deemed extravagant, and it was the wish of Government that it should be abolished, in justice to the sailor, and a reasonable and proper compensation substituted; and with this object, this bill had been introduced. Besides this bill, there had been others of a similar character prepared during previous sessions, but this differed from them in this respect; they proposed a compensation to the purser something less than was proposed by this measure: this matter of difference, however, had been determined upon for the purpose of securing to the service the best men, by giving them a fair compensation, and as some equivalent for the loss of the perquisites of which this bill would deprive them, which amounted to the exorbitant sum of 25 per cent. on necessities, and 50 per cent. on what were called luxuries, in which were included tea and coffee and sugar. Of the rate of remuneration, he further observed that it was necessary to pay with some liberality the pursers of our navy, inasmuch as they were exposed to risks by losses on the property entrusted to them, for the security of which they were compelled to give bonds, on entering the service, to the amount of \$25,000. They were bound to account critically to the Department for the property in their care, and Senators would recollect that during a single cruise, it not unfrequently happened that property of the value of half a million of dollars passed through their hands. It was important, therefore, that Government should give such compensation as would secure the services of faithful and responsible and efficient men, while at the same time something was done to relieve the sailors from the oppressive exactions to which they were subjected, which was certainly a great evil, both to the service and to the country. This present bill was intended to effect, but it would call for a greater sum than heretofore from the Treasury.

Mr. HUBBARD did not intend then to say any thing in opposition to the bill; but it proposed to fix the salaries of the pursers, and to pay them from the Treasury, thereby effecting an entire change in the system, they having been hitherto paid in part by certain perquisites. If it went into operation it would impose a very severe tax on the Treasury; and therefore, especially as the Senate was not fully attended, he hoped it would be laid

on the table. Whether the salaries were, or were not right, he did not intend to discuss; but he hoped the Senate would not, during this session, undertake to pass a bill effecting such a change, and especially as it would impose so severe a tax on the Treasury, which it was so little able to bear; he, therefore, moved to lay it on the table, and they could take it up on some future day, if the Senator from Maine desired it.

Mr. WILLIAMS had no objection to a postponement, but he objected to the summary disposition of it, which the Senator from New Hampshire suggested.

Mr. HUBBARD said he would call it up again on a future day, if the Senator desired it; but on mature reflection he hoped the Senator would not make such a request.

Mr. BUCHANAN hoped so too. There were some provisions in this bill—which, however, he had not been able to examine carefully—to which he had insurmountable objections; he objected to the Government becoming a merchant, and going into the market to buy articles, for the purpose of selling them out again to the sailors. He was opposed to such jobbing; and he believed much of which complaint was made could be got rid of, by compelling the pursers to exhibit their invoices and allowing them a moderate per centage of profit on the cost of the articles. He hoped the bill would be laid upon the table, and never called up again.

Mr. WILLIAMS defended the bill, and said that, under its provisions, Government could no more occupy the position of a merchant than at present; and this he illustrated by details of the prevailing practice. After a few other observations, the bill, by consent, was laid on the table for the present.

NAVY PENSIONS.

The bill to make new provisions respecting navy pensions, and making further provisions in relation to navy pensioners, being taken up,

Mr. WILLIAMS explained the necessity for the passage of this bill.

Mr. CALHOUN inquired whether he understood correctly that it was proposed to charge the naval pensions on the Treasury, and that the old fund created by deductions from seamen's wages was to cease.

Mr. WILLIAMS said the fund which had hitherto supplied the pensions of seamen was created by the sale of prizes taken by our ships of war, and that system was adopted as early as the year 1800. But in 1815 further appropriations were requisite, and an addition was made thereto; but the contributions from seamen's wages were appropriated to the defrayal of hospital charges. The pensions were extended from time to time, first from the original objects for which they were intended to the widows of officers killed in active service, or who had died of wounds received in service, and then to the widows of seamen who died under similar circumstances. These additions went on, and increased until pensions were given to the widows and children of officers and seamen dying in the service, whether wounded or not. The fund, however, was equal to the claims made upon it up to 1837; but in March of that year, Congress passed a law extending the pensions to widows back to the time of the decease of their husbands, and many went so far back as forty years; one instance he mentioned. He said in the year 1800, a sailing master, who had originally gone out as a sailor, was taken from the merchant service, and in the course of two or three weeks after, the ship into which he was taken was lost. The widow of that man has now established her claim to a pension since the last session of Congress—the law being imperative, and the Secretary of the Navy having no discretionary power—and she has taken from the Treasury ten thousand dollars for arrearages of pensions since the year 1800. And, again, there were officers in the highest command in the navy, who have had pensions for disabilities

received thirty or forty years ago; there were men now commanding vessels in the navy, and receiving their full pay, who, in addition, are in the receipt of pensions of twenty dollars per month from the pension fund for total disability. All these charges have exhausted the fund, and it was necessary to make provision for the pensions due on the 1st of January.

Mr. CALHOUN inquired whether these enormous pensions were to be taken from the Treasury.

Mr. WILLIAMS said this bill was intended to cut off all pensions except for disabilities and for the widows and children of officers and men killed or dying of wounds received in the line of their duty.

Mr. CALHOUN asked what was the amount of the pension list.

Mr. WILLIAMS replied that the whole of the pensions now amounted to \$120,000, but he believed by this bill it would be from \$31,000 to \$40,000. This bill would not repeal the old law relating to the creation of the fund, for it would be necessary, if we should have another war; but, by its provisions, pensions hereafter would not be given but for disabilities, and for five years to the widows and children under sixteen of persons killed in battle or dying of wounds received in the discharge of their duty; and it cut off all the pensions now established—such as pensions to the widows and children of men dying a natural death, though they belong to the navy. It also provides that the pensions to be given should only commence from the time the proof was completely established to the claim; and that no person employed by Government, and receiving pay for his services in such employment, should be entitled to a pension.

Mr. WRIGHT hoped this bill would not progress further at the present time. It was a bill of great importance, and required the most serious attention of the Senate; and as it was of the same class as the bill just disposed of, he moved that it be laid on the table. He was anxious to go as far as he could go to restrain improvident legislation; and on this subject there appeared to him to have been much improvident legislation. If they were to put the pensions on a new basis, and make them chargeable to the Treasury, he hoped it would be on some day set apart for the purpose, when they could come prepared to go into the discussion of the whole of these pension lists.

After a few words from Mr. WILLIAMS and Mr. WRIGHT, the bill was made the special order for the first Monday in January.

PENSION TO HANNAH LEIGHTON.

The bill granting a pension to Hannah Leighton being taken up.

Mr. PIERCE stated the object of this bill, and the claims of the applicant on the bounty of the Government.

Mr. WRIGHT said this was a case which appealed rather to their sympathies than to any established principle. He awarded to the Committee on Pensions, from whom it came, his thanks, and he said they deserved the thanks of the country, for their faithfulness and attention to their duties, and therefore it gave him pain to oppose them on this occasion; but he considered this bill was establishing a precedent for the extension of the pension list that would be fearful and dangerous, and therefore he could not allow it to pass in silence.

Mr. PIERCE said this subject was discussed at some length at the last session, and it would be recollected that the applicant for this pension was the widow of the first officer who fell in the war of the Revolution; and under the peculiar circumstances of the case, the committee had recommended the granting of this pension, though differing from the usual principle—that of actual service for six months—the husband of this poor woman having fallen in the first engagement.

Mr. KING recollected the case well, and he said it had been pressed on Congress, because it was a

strong case, and one that appealed to their sympathies to depart from the fixed rule of Congress; but if they departed from that rule in one case, where were they to stop? He had before felt compelled to oppose it, and should do so again, from a sense of what he conceived to be right.

Mr. CALHOUN said the statements made this day respecting the naval pensions, afforded them a striking lesson how they created new precedents. Plunder, and not pension, was the proper word to apply to many of the sums claimed as navy pensions; and in this class, if they once went beyond the rigid rule of justice, they would open the way to a similar squandering of the public money. He was of opinion that the last man that fell in the Revolution was equally meritorious with the first; and he regretted that the committee had brought forward this proposition, while he awarded to them the praise to which the faithful discharge of their duties had entitled them. He hoped that the Senate would not yield to their feelings of humanity, but adhere to a strict rule of justice; and that he might have an opportunity to record his vote, he called for the yeas and nays.

Mr. PIERCE said, as this bill had been fully debated at the last session, and passed by a large majority on yeas and noes, he had hoped it would have not been deemed necessary to have called for them now. The force of the remark of the Senator from South Carolina, [Mr. CALHOUN,] that they ought to adhere to a line of rigid justice, he did not comprehend. What had Congress done from time to time? Why, they had extended the pension law, as would be well remembered, to include the widows of such Revolutionary soldiers as were married prior to the expiration of their last term of service. In 1833 it was extended to the widows of such soldiers as married prior to 1794, and now it was known almost to every one in that chamber, that it included the cases of the widows of soldiers who had seen no service, if their names had been enrolled for six months. In his judgment, if the rule of rigid justice had been adhered to, pensions would have been given to the widows of all those who fell upon the field of battle during the Revolution, rather than to those who entered the army near the close of the war, and who had not seen more than six months' service, and who, consequently, had not been acquainted with the sufferings and the deprivations of those who participated in the conflict from the beginning. Who could say that rigid justice would not afford relief to this poor widow sooner than to those to whom it was granted under the law of 1836 and 1838? She was in indigent circumstances: the case was a strong one, and appealed to their justice, to their feelings of humanity, and he hoped the small sum proposed to be given to her by the bill would not be withheld.

Mr. CALHOUN said he considered the pension list no more than a great system of charity, and he maintained that the pension to men for six months' service was an imposition, and to assume the name of pension was a fraud on the public. It went under the name of charity, but its true name was plunder.

Mr. CRITFENDEN said he had been laboring under the impression that this bill had passed through both Houses of Congress at the last session, but he found he was mistaken. It was vain to tell him that this case was the same as every other case—it was vain to tell him that this could be tortured into a precedent which could be abused. It was a case that stood by itself—it was different morally, socially, and in every other point, as this was an application in favor of the widow of the first man that fell in the Revolution, when there was no regularly organized Government. That man, stirred by his own patriotism, without a country, he might almost say, went forward to make and create, and then to defend that country. Should he then be told that this case would not be distinguished both in the hearts and reasons of men, from the case of others under an organized Government? Such a statement would not reach his understanding, nor his feelings. He hoped this bill would be passed, and that this nation would not longer remain under the reproach of refusing a piece of bread to maintain this poor widow of a

Revolutionary officer, who received his death wound under such circumstances. He, too, would call for the yeas and noes, that he might record his vote; and if there were abuses, let those that commit them take the responsibility.

Mr. CALHOUN said this happened to be the first case, and the Senator had said it was distinguished from the last. Now it would be recollected that the last case—the man killed by the last gun that was fired in the war of independence, was the gallant Col. John Laurens, who was then acting as a volunteer, and who had rendered important diplomatic services to his country while in Europe; and he believed his family was now in a helpless condition. Now he asked if the case of the last man was not as strong as the case of the first? Was not the case of the man who went gallantly through from the beginning to the end of the contest, and who bore the brunt of the battle, as good as that of the man who fell at the onset? And if they were to go over the cases between those extremes, they would find a thousand instances not much less strong, and all, it would be admitted, making a strong appeal to their feelings. But the Senator said this could not be drawn into a precedent. Did he forget the naval pensions, of which they had this day heard? If this bill were passed, at a future day others would come in, and this case would be appealed to, to show that at such a time, and by such a vote, the Senate had given a pension to the widow of an officer who fell in the Revolution, and Congress would naturally give to all who fell under similar circumstances. He was glad the yeas and noes had been called, for he wished to record his vote; the public had been plundered long enough, and he hoped the system would be brought to a termination.

Mr. WEBSTER said, as there were some Senators present who were not here last year, he would relate the circumstances of this case, but he should neither adorn nor illustrate it. All readers of our history know that on the evening of the 18th of April, 1775, the British army left Boston to proceed to Concord, where the colonial stores were collected, to seize those stores. That was the commencement of the war. On the morning of the 19th, this intelligence had been communicated to a considerable distance by the use of torches, tar barrels, and other signals, and before noon of the 19th April, Isaac Davis, an interesting young man, of between eighteen and nineteen years of age, the husband of the applicant, who was then the captain of a militia company, was on his way to protect the Colonial stores. Before the British troops could arrive at Concord, they sent forward a party to take possession of two bridges on the Concord river, which were situated three or four miles apart; and, at an early hour, this intention was known for many miles round, and Isaac Davis, with his company, were soon under arms and on their march. They arrived at Concord by a road that led to the lower of these bridges, and there, on the right and on the left, were seen other collections of the militia of Massachusetts; but there was no organization amongst them. Davis, with his company, however, kept on his course, according to his own sense of propriety; before he reached the bridge, admonitory shouts were given to the militia not to approach, and as the admonition was disregarded, the British fired and several men fell. Davis then pressed forward, and as he approached the bridge the British again fired, and he fell; but in the contest that ensued the British were driven back to Boston. His widow, after his death, was married to another person, and acquired the name of Leighton. She was now ninety years of age, was poor and penniless, and her case presented two questions for the consideration of the Senate—whether, on the one hand, the passage of this bill for the relief of this poor old woman would be a plundering of the Government—

Mr. CALHOUN hoped the Senator from Massachusetts did not intend to convey the impression that he had so characterized it.

Mr. WEBSTER did not say the Senator from South Carolina had so characterized it, but he had said that many of the pensions granted for alleged

services during the late war were a plundering of the Government.

Mr. CALHOUN said there were some exceptions.

Mr. WEBSTER hoped there were many exceptions. Now what was the danger of this case becoming a precedent? Were there many such cases? Could there be another such a case? There could not be precisely such another case; and yet, as the Senator from New Hampshire [Mr. PIERCE] had said, they had acknowledged the claim of the widows of men who had served but six months, and who consequently furnished a less strong case than this. He thought it a strong case; there was no case like it. He had received communications from as honorable and as high-minded men as were in Massachusetts, requesting him to interest himself in the case of this poor woman; and he hoped something would now be done for her by Congress.

Mr. WRIGHT hoped he might be indulged in a few remarks on the subject then before the Senate; and he owed it to himself to say, however much less sensible he might appear to be to the sympathies of the human heart than other Senators who had preceded him, it was with great embarrassment and pain that he opposed a case of this kind; and were it not that he saw in it the introduction into their legislation of a principle of fearful extent, he should not be heard in opposition; but under that consciousness he had opposed it before, and he felt bound to do so again. But he begged permission to say a few words in explanation. He did not question at all the right of the present Committee on Pensions to introduce a new principle into the pension system; he had no doubt that this case had appealed to the strongest feelings of their hearts, and that they had been induced by their sympathies to present it to the Senate; but he desired to say that it was presented here on a principle new to him in the pension system. What had been the basis assumed as the basis of pensions hitherto? Length of service. Upon what principle was the law of 1818 based? If his memory served him right, it was service in the regular army, and for at least nine months. Upon what hypothesis were pensions based then? He could not say positively, for he was not in the Congress at that time, but he had always supposed on the hypothesis that the time of a man had been consumed in the service of his country, and that he had never been remunerated for that service, or that he had been paid in continental paper which was worth nothing; and at that late day, that was the manner in which it was proposed to compensate him for the early service of his life in the perils of that war. That he supposed to be the predication of the pension act of 1818. They passed on then, so far as his memory served him, without any important addition to that act until the year 1828, and then they passed a very important law pensioning a certain class of officers of the Revolution. And on what ground? Why, they had been patriotic enough to peril their lives in the service of their country. Yes; and he (Mr. WRIGHT) was acting at the time that law was passed—it was a commutation of a promise held out to them by the old Congress, which had either not been fulfilled or not equivalently fulfilled; on that he knew the action of Congress was based, or of the other branch of it, of which he was a member when the law of 1828 was passed. In 1832 again, a much more broad and comprehensive pension act was passed, but he (Mr. WRIGHT) was not then a member of Congress. But what was its peculiar characteristic? First to shorten the term of service from nine to six months, and to comprehend the militia, as well as the regular army. These, according to his recollection, were the features of that law—a term of service, sacrifices, and loss of time, which had not been compensated for, was the predication of that law. Well, then, so far, pensions were confined to persons who had performed service, and they had not then departed from that principle either in favor of widows or heirs. In 1836, another pension law was passed, and a most significant and important law it was. He was a member of this body at the time, and he felt it to be a just reproach up-

on himself when he said, that when that law was passed, he was not fully aware of the extent of its provisions—he then was derelict of his duty; but what was the principles of that law? It retained, to his understanding, the same predication; it extended pensions to the widows of officers and soldiers of the Revolution, who were the wives of such officers and soldiers at the time when they performed service—to widows who had themselves sustained sacrifices, and injuries produced in their families, by the taking away the head of the family into the military service of the country. So far, then, though they had gone a step beyond the individuals who had performed the service, they had retained the broad basis on which the pension system was founded. It was in 1836 that that law was passed; and in 1838 they passed another most essential measure, as they had seen in its operation on the Treasury, for he thought he was not mistaken when he said it had taken four millions of dollars from the Treasury, or had added that much to the expenses of the Government. These laws were passed when they had an overflowing Treasury, impelling them on to an overflowing expenditure. This, then, was a brief review of what he understood to be the general pension laws which had been passed; he knew, as the honorable chairman of the committee said, that particular laws had passed, but he asked if this proposed law did not contain a principle entirely new? From the fact stated by the Senator from Massachusetts, the time was nothing, at the most but twenty-four hours, but it was the service of the life of a gallant and patriotic officer. But he was not the first man that fell, for the Senator from Massachusetts told them that five or six freemen of this country fell before the weapon was aimed at the life of this officer. Could they, then, pension his widow, and not the widows of those other men? Could they make such a distinction? Yes, and the next day, and the next, the patriots of that period rushed to the battle field; and should they say that the widow of the man who fell on the first day of that contest should have a pension for her life, and that the widows of those who served in that patriotic struggle for a longer period, and then fell, should have no compensation? Could men make this distinction? Could their sympathies induce them to yield to this claim, and not yield to the others? He had spoken in admiration of the committee, and that admiration made it most reluctant duty to oppose them; but to what extent the principle might be carried, if they opened the door, he could not say; and therefore, he felt impelled to guard against unforeseen evils. Who had apprehended when the law of 1838 was passed, the millions on millions that had been taken from the Treasury in that short period? No man, he ventured to say. Who could say now, if they adopted the principle that the living widows of other gallant spirits who rushed to the battle field on the first day of the Revolution, would not claim to be pensioned for life; and not only pensioned for life, but, as in this case, for some years back.

Mr. BENTON. Nine years back.

Mr. WRIGHT continued: To what extent the principle would lead, he could not conceive. If this bill were to become a law of Congress—if this case were to prevail, who could stand up and protect his sympathies against granting similar pensions to the widows of those who fell at Lexington before the fall of this officer? It was views of this sort that impelled him a year ago, and which would impel him now, to oppose this bill, appealing as forcibly as it did, with an irresistible force, to their sympathies and their feelings of humanity.

Mr. BUCHANAN said he voted for the passage of this bill last session, and he intended to vote for it again; and while he avowed that intention, he took the opportunity to say that it was his purpose on all occasions to watch the expenditures of the Government, and to vote for no measure for which he could not vote with a strict sense of justice. It was said to be a new principle in our law to grant pensions to widows of men who had rendered service to their country; but he affirmed that it was an old national principle, and not only in our system, but in every

other country he believed; certainly in all those civilized countries with which he was acquainted. Why, if an officer of our army went to the battle fields of Florida, and served but a single day, what was the consequence? Why his widow received a pension. The death of a husband, immolated in the service of his country, had in it a sufficient justification for the grant. This was the universal rule which pervaded the civilized world; and he was not certain that in this country it ought to be confined to this single case. Right or wrong, Congress had provided that the widows of Revolutionary soldiers, who were married when their husbands were in the service of the country, should be pensioned, and with strong reason; but they had gone further, and granted a pension to every lady who had married a Revolutionary soldier up to 1794. He was pretty much of the opinion with the Senator from New York in regard to that, but as it had been made, he was not disposed to quarrel with it. But how could he justify himself if he said that the widows of those who came forward to serve their country in the hour of its utmost need should not be entitled, by such meritorious service, to a pension, when the widows of those who served but six months, and those who married prior to '94, were so provided for? Could they say that those who sacrificed their all, should not be provided for, while those who came in when the danger was nearly at an end were now drawing pensions from the country; and who, perhaps, were reaping advantages in civil life by the glory which their military service gave them? Should, then, the women who were the partners of our soldiers at a time when they were called upon to sustain privation and sufferings in their country's defence, be denied assistance and compensation? If so, there would be neither justice, nor equality, nor right in the denial. Now, as to the burden on the Treasury, he could not think it would be very great. The claims went back to '83: that was fifty-seven years ago; the period of marriage in this country, he believed, was about twenty, and that would make any lady now living seventy-seven years of age, and there could not be many such. He confessed, with his principles and feelings, he could not give his vote against this old lady's claim, and he did not fear that it would be setting a bad precedent; and he could not conceive how any of his married friends could refuse to provide for this poor old widow, who had peculiar claims on them for protection.

The question was then taken on ordering the bill to be engrossed, and decided in the affirmative, yeas 29, nays 13, as follows:

YEAS—Messrs. Anderson, Buchanan, Clayton, Crittenden, Dixon, Fulton, Graham, Henderson, Huntington, Knight, Merrick, Mouton, Nicholas, Norvell, Phelps, Pierce, Porter, Prentiss, Preston, Ruggles, Sevier, Smith of Indiana, Sturgeon, Tallmadge, Walker, Wall, Webster, White, and Williams—29.

NAYS—Messrs. Allen, Benton, Calhoun, Clay of Alabama, Hubbard, King, Linn, Lumpkin, Mangum, Roane, Smith of Connecticut, Tappan, and Wright—13.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, Dec. 23, 1840.

The SPEAKER laid before the House a communication from the Post Office Department, in compliance with the resolution of the House of Representatives of the 15th instant, transmitting a list of all the curtailments in the transportation of the mail, made since the close of the first session of the present Congress, with the dates when such curtailments were made, the time when they took effect, and the amount of each.

On motion of Mr. EVERETT, laid on the table, and ordered to be printed.

Petitions were then presented by—

Mr. SHAW, of New Hampshire.

Messrs. SALTONSTALL and WINTHROP, of Massachusetts.

Mr. TILLINGHAST, of Rhode Island.

Mr. SLADE, of Vermont.

Mr. FLOYD, of New York.

Mr. JAMES, of Pennsylvania, asked leave to present a petition from an Anti-Slavery Society in his State; and, as the shorter way of stating its contents, proceeded to read the petition.

Mr. W. COST JOHNSON objected to the reading.

Mr. JAMES persisted, and, having read the petition through, sent it to the Speaker that he might decide as to whether it came under the rule relating to Abolition papers.

The SPEAKER decided that the petition was embraced by the rule.

Mr. JAMES then moved a suspension of the rule in order that the petition might be received.

Mr. W. COST JOHNSON moved to lay the motion to suspend on the table.

Mr. SLADE asked for the reading of the petition, in order that he might know on what he was required to vote.

The SPEAKER said that a statement of its contents had already been made by the member from Pennsylvania; and the rule under which the petition came prohibited its reading.

The question being on the motion to lay the motion to suspend on the table,

Mr. COST JOHNSON demanded the yeas and nays; but on observing that the House was not full, withdrew the call.

Mr. ADAMS renewed it, and the yeas and nays being ordered, were taken and resulted as follows:

YEAS—Messrs. Julius C. Alford, John W. Allen, Anderson, Andrews, Atherton, Banks, Beirne, Blackwell, Bond, Boyd, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, Carroll, Carter, Chinn, Clifford, Connor, Cooper, Crabb, Craig, Crockett, Cross, Curtis, Dana, John Davis, John W. Davis, Garret Davis, Deberry, Doe, Doig, Earl, Eastman, Ely, Fine, Fisher, Galbraith, Garland, Gentry, Gerry, Goggin, Green, Griffin, Hammond, Hawes, John Hill of Va., John Hill of N. C. Hillen, Hook, Hopkins, Hubbard, Jameson, Jenner, Joseph Johnson, William Cost Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Lane, McCarty, McClellan, McClure, McKay, Mitchell, Monroe, Montanya, Moore, Pickens, Pope, Rayner, Reynolds, Rives, Shaw, Shepard, Albert Smith, Stanly, Stuart, Sumter, Sweeny, Taliaferro, Francis Thomas, Waddy Thompson, Jacob Thompson, John B. Thompson, Triplett, Underwood, Vanderpoel, Warren, Watterson, John White, Wick, Jared W. Williams, Thomas W. Williams, Lewis Williams, Joseph L. Williams, and Wise—99.

NAYS—Adams, Barnard, Beatty, Boardman, Briggs, Brockway, Calhoun, Carr, Casey, Chittenden, Clark, Cranston, Cushing, Davee, E. Davies, Edwards, Fillmore, Fletcher, Floyd, Giddings, Granger, Hastings, Henry, Hunt, Jackson, James, Kempshall, Leet, Lincoln, Lowell, McCulloch, Mallory, Marvin, Morgan, C. Morris, Palen, Paynter, Peck, Proffit, Rariden, Reed, Russell, Saltonstall, Simonton, Slade, John Smith, Truman Smith, Tillinghast, Toland, Trumbull, Peter J. Wagner, and Winthrop—53.

Mr. JONES of Virginia, on leave, reported from the Committee on Ways and Means a bill making appropriation for the current and contingent expenses of the

INDIAN DEPARTMENT,

and for fulfilling the various treaty stipulations with Indian tribes.

Mr. BARNARD wished to inquire the amount required for the Indian Department.

Mr. JONES replied that it was \$700,000.

The above bill was read twice, and on motion of Mr. JONES, was referred to the Committee of the Whole on the state of the Union, and, with the accompanying documents, ordered to be printed.

Mr. JONES, on leave, reported from the same committee a bill making appropriations for the

NAVAL SERVICE,

for the year 1841; which was read twice, referred to a Committee of the Whole on the state of the Union, and ordered to be printed.

Petitions were further presented by—

Messrs. TAYLOR, WELLER, and GIDDINGS, of Ohio.

Mr. TALIAFERRO, of Virginia.
Mr. CHINN, of Louisiana.
Mr. CASEY, of Illinois.
Mr. DOTY, of Wisconsin.
Mr. DOWNING, of Florida.

REPORTS FROM COMMITTEES.

Mr. RIVES, from the Committee of Elections, offered a resolution proposing to pay to James Carlisle additional compensation for services rendered as clerk to the Committee of Elections.

Objection being made, the resolution lies over, under the rule.

Mr. CASEY, from the Committee on Public Lands, reported a bill for the relief of Jeremiah Field; which was committed to the Committee of the Whole.

Mr. RUSSELL, from the Committee of Claims, reported—

A bill for the relief of John Wilkinson's heirs at law;

A bill for the relief of John Home;

A bill for the relief of Ebenezer A. Lester;

A bill for the relief of James Cox;

A bill for the relief of Nicholas Hedges;

A bill for the relief of Garret Vleit;

A bill for the relief of Wm. P. Rathbone;

A bill for the relief of Chauncey Calhoun;

Which were severally referred to the Committee of the Whole on the state of the Union.

Mr. GIDDINGS, from the Committee of Claims, reported—

A bill for the relief of Benjamin C. Roberts; and

A bill for the relief of Sylvester Phelps, and the heirs or legal representatives of Charles Landon, deceased;

Which were severally referred to the Committee of the Whole.

Mr. CASEY presented joint resolutions of the Legislature of Illinois, on the subject of the public lands.

During the presentation of petitions and reports, leave was given to introduce the following resolutions:

On motion of Mr. PROFFIT,

Resolved, That so much of the resolution of this House, adopted on the 17th December, 1840, as calls for all the correspondence between the War Department and the superintendents of the Cumberland road, &c. be hereby rescinded; and the said Department is required to furnish only copies of the orders (if any such have been given) to suspend operations on the public works, on the lake borders of Ohio, Indiana, Michigan, Illinois, Wisconsin, and on the Cumberland road in Ohio, Indiana, and Illinois; and also copies of orders to sell the machinery, tools, implements, &c. used on said works, and belonging to the United States.

On motion of Mr. BLACKWELL,

Resolved, That the Committee on the Post Office and Post Roads be, and they are hereby, instructed to inquire into the propriety of establishing a post route from Cleveland, Tennessee, to Tuscaloosa, Alabama, to intersect the route from Knoxville, Tennessee, to Cleveland, Tennessee.

On motion of Mr. McCLELLAN,

Resolved, That the Committee on Public Buildings and Grounds inquire whether the falling of the chandelier in the hall of the House was caused by a defect in workmanship and construction; and also whether any money has been paid by the Clerk, and, if not, whether any ought to be paid, to the constructor of the chandelier.

On motion of Mr. WELLER,

Resolved, That the Secretary of the Treasury be required to report to this House whether any, and if any, what part or surplus, or additional sections or parts of sections, (lying along and adjoining, and within the line of alternate sections on the Miami canal, in the State of Ohio, and withheld from sale at the same time,) have been sold since 1st January, 1830, to the 1st January, 1839. Also, that he state to whom said lands were sold, at what office, and at what time, and at what price; and that he furnish copies of all instructions given by the different Commissioners of the General Land Office, from time to time, relating to withholding from sale lands on the route of the said Miami canal.

On motion of Mr. EVERETT,

Resolved, That the President of the United States be requested to communicate to this House, if compatible with the public interest, copies of all correspondence between this Government and the Government of Great Britain, relative to any proceeding on the part of that Government, which may have a tendency to interrupt our commerce with China.

Mr. ADAMS offered the following resolution, which, under the rule, lies over one day:

Resolved, That the Postmaster General be directed to report to this House the names of all the postmasters throughout the Union who have been removed from office since the 31 day of March, 1829, with the names of the persons appointed in their places; underscoring the names of all those removed for official delinquency or misdemeanor, and specifying the nature thereof, the complaint upon which the removal was made, the evidence in support of such complaint, and whether the officer removed was made acquainted with the complaint, confronted with his accuser, or allowed to be heard in his defence.

On motion of Mr. A. V. BROWN,

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to John Everly, of Giles county, Tennessee, for his Revolutionary services.

On motion of Mr. EVERETT,

Resolved, That the Committee on the Library be instructed to inquire into the expediency of furnishing to each of the State Legislatures a copy of the printed documents of both Houses—and of the Register of Debates, and of all other publications made by order of either House, if a sufficient number of copies remain on hand.

On motion of Mr. TILLINGHAST,

Resolved, That the Committee on Commerce inquire into the expediency of appropriating a sum of money for clearing out the obstructions to navigation in the Providence river, at and near Providence, and at and near Pawtucket, both or either.

On motion of Mr. CRANSTON,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of erecting a spindle on a sunken rock near the centre of Narragansett bay, on the west of Providence island.

On motion of Mr. HENRY,

Resolved, That the Committee on Military Affairs be, and are hereby, instructed to inquire into the expediency of establishing a national armory on the Western waters west of the Alleghany mountains, and to report by bill or otherwise, as may be deemed most expedient; and that all memorials and papers on file in the Clerk's office in relation to this subject, be placed in the hands of said committee.

On motion of Mr. LEADBETTER,

Resolved, That the papers on file in favor of the claims of the heirs of Jacob Thomas, be referred to the Committee on Private Land Claims.

On motion of Mr. McCURE,

Resolved, That the Committee on Revolutionary Claims be, and are hereby directed to inquire into the propriety of reporting a bill for the relief of the heirs and legal representatives of Captain John Smith, deceased, late of Cumberland county, Penn. whose petition and papers were mislaid and lost by the said committee at a former session of Congress, after it had been determined to report in favor of his claims as an officer of the army of the Revolution.

Mr. REYNOLDS presented a memorial from the Legislature of Illinois, remonstrating against the mode and price of disposing of the public land lying within the States recently admitted into the Union; which he moved should be referred to the Committee on Public Lands, with the following instructions:

"To report a bill to grant prospective pre-emp-tions to settlers on the public lands, and to reduce the price to settlers according to the value of said lands."

The motion giving rise to debate, was, under the rule, laid over.

REVENUE LAWS.

Mr. ADAMS, after some explanatory remarks showing under what circumstance House bill No.

100, providing for the more faithful execution of the laws relating to the collection of duties on imports, had been lost at the last session for want of time, moved to refer it to the Committee on Manufactures.

Mr. PICKENS objected to the bill being taken up otherwise than in its regular order on the calendar.

Mr. WISE wished to ask the gentleman from Massachusetts if that was the revenue bill introduced by him at the last session, and on which the Senate added, by way of amendment, fourteen sections imposing a new tariff.

Mr. ADAMS explained that it was; but his view in moving a reference to the Committee on Manufactures was not to have them report the whole of the bill, as amended by the Senate, but the bill as it was originally reported from the committee. So far as he was concerned, it was not his wish that a revenue bill should be reported, but a bill only for the suppression of fraud. Mr. A. then alluded to a meeting of certain merchants in New York city in relation to the tariff, with a view of showing in what manner they had taunted the House, and insinuated how members of the House were to be managed with "champagne and money." Mr. A. said, the proceedings of the meeting had been reported in one of the New York papers, and were of a character derogatory to the dignity of the House. Mr. A. asked who were these New York merchants who thus showed their estimate of the standing of the House? He believed there was not a native of New York among them, but that they were of the class of foreigners for whom the bill of last session was intended to apply. They were the particular allies of the gentleman from South Carolina, but he, Mr. A. did not like the character of such allies.

Mr. A. then submitted his motion of reference to the Committee on Manufactures.

The SPEAKER stated that the motion could be entertained only by a suspension of the rules.

Mr. STANLY moved a suspension of the rules, for the purpose of enabling the motion of reference to be submitted.

Mr. WISE, before he voted, wished to have a little more information on the subject. The bill introduced by the gentleman from Massachusetts at the last session was a bill to prevent frauds on the revenue. Its object was not to disturb the tariff question or interfere with the compromise bill. It did not propose the imposition of a new tariff, but simply to enforce the laws on the existing tariff. As such, the bill passed the House, and although he considered the bill arbitrary in many of its provisions, he yet made no serious opposition to it. It went to the Senate, where, under the specious title of "a bill to prevent frauds on the revenue," a number of additional sections were added, laying on a new tariff, disturbing the compromise act, and imposing on certain articles an additional duty of from 25 to 50 per cent. That bill, with the addition of fourteen sections, had never passed the House, but was referred to a committee.

Mr. W. then vindicated the merchants of New York from the charge alluded to by Mr. ADAMS. He, too, saw the reported proceedings of the meeting of merchants in that city; but he would inform the gentleman and the House that the report was nothing but a caricature of the proceedings, published in the New York Herald. He was authorized to say that there was not a word of truth in the representations there made, and it was with deep regret that the merchants of New York had seen the "caricature" of their proceedings go forth, representing them as using such language in relation to the character and standing of the House. As one instance showing how much reliance was to be placed on the caricature report of the Herald, Mr. W. referred to it as saying that the gentleman from Massachusetts [Mr. A.] introduced this bill at the last session when there were but four members present. The whole report was of a similar character, entirely false, and relating words which had never been uttered at that meeting. Mr. W. referred to a letter received from one of the merchants who composed the meeting, (Mr. Jeffries) explaining the matter, and said he was sure that if the

gentleman from Massachusetts had seen it, he would not have made the remarks he had.

As for the merchants of New York being the "allies" of the gentleman from South Carolina, he, Mr. W. would assert that the South stood in need of no allies. On that question the South would stand alone on its own strength, and by that means they would secure more firmly the faith of the country. All they asked was that the tariff question might be left where it was in 1832; but when it should be disturbed, let the question be raised fairly, and not insidiously included in a bill by its title purporting to be only a bill for preventing frauds on the revenue. The present bill, with the additional sections of the Senate, was not the bill of last session. Moreover, he believed that the bill had died at the last session, and that in order to revive the subject again, it must be introduced *de novo*.

Mr. MONROE arose amidst much confusion, and expressed a desire to say a few words on the subject. After stating his fear of ever coming in contact with the gentleman from Massachusetts, [Mr. ADAMS,] he observed that he would gladly, on all occasions, leave him alone, except when he said any thing calculated to injure the reputation of the high minded merchants of New York. Mr. M. then proceeded to describe the character of the meeting held in that city, and contended that the persons who attended it were as honorable and high minded as the gentleman himself. The report of the Herald, falsifying and caricaturing the proceedings, had excited feelings of the deepest mortification, in proof whereof he begged leave to have read by the Clerk a letter he had received on last night from Mr. Jeffries, one of the speakers of that meeting, and whose remarks had been caricatured by the Herald.

The letter of Mr. J. was accordingly read by the Clerk, denying the remarks imputed to him in the Herald, and expressing his regret that it had become necessary thus to correct the erroneous impression which had gone abroad.

Mr. CUSHING begged leave to ask whether the writer of the letter was an American citizen or a foreigner.

Mr. MONROE was inclined to the belief that the writer was not an American citizen, but a Scotchman, who, he doubted not, was one of the most respectable importing merchants in New York.

After some further debate in which Messrs. PICKENS, WISE, STANLY, ANDREWS, TILLINGHAST, and CUSHING, participated,

The question on the motion of Mr. STANLY to suspend the rules was put, and decided by yeas and nays as follows:

YEAS—Messrs. Adams, John W. Allen, Anderson, Andrews, Atherton, Baker, Beatty, Boardman, Bond, Breckenridge, Brewster, Briggs, Brockway, Burke, Calhoun, William B. Campbell, Carr, Carroll, Carter, Casey, Chinn, Chittenden, Clark, Clifford, William R. Cooper, Cranston, Crockett, Cushing, Dana, Edward Davies, John Davis, John W. Davis, Garret Davis, Dickerson, Dellet, Doe, Doig, Earl, Eastman, Edwards, Everett, Fillmore, Fletcher, Floyd, Farnance, Galbraith, Gentry, Gerry, Giddings, Granger, William S. Hastings, John Hastings, Hawes, Henry, Hook, Hunt, Jackson, James, Jenifer, Charles Johnson, Joseph Johnson, Wm. Cost Johnson, Cave Johnson, Nathaniel Jones, Keim, Kemble, Kempshall, Joseph Kille, Lane, Leet, Leonard, Lincoln, McCarty, McClure, McCulloch, Mallory, Marchand, Marvin, Mason, Mitchell, Monroe, Montanya, Moore, Morgan, Samuel W. Morris, Morrow, Naylor, Newhard, Ogle, Osborne, Palen, Parmenter, Paynter, Peck, Pope, Prentiss, Randall, Randolph, Rariden, Reed, Reynolds, Ridgway, Russell, Saltonstall, Shaw, Simonton, Slade, Albert Smith, John Smith, Truman Smith, Stanly, Starkweather, Stuart, Swearingen, Taylor, Francis Thomas, John B. Thompson, Tillinghast, Toland, Turney, Underwood, Vanderpoel, David D. Wagener, Peter J. Wagner, Watterson, Jared W. Williams, Thomas W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, and Winthrop—131.

NAYS—Messrs. Alford, Judson Allen, Banks, Beirne, Blackwell, Aaron V. Brown, Sampson H.

Butler, William O. Butler, Coles, Connor, Mark A. Cooper, Crabb, Craig, Cross, Curtis, Dawson, Deberry, Fisher, Garland, Goggin, Griffin, Hill of Va. Hill of N. C. Hubbard, John W. Jones, Leadbetter, McClellan, McKay, Miller, Nisbet, Parris, Pickens, Proffit, Rayner, Rives, Shepard, Thomas Smith, Sumter, Taliaferro, Waddy Thompson, Jacob Thompson, John B. Thompson, Warren, John White, and Wise—45.

So there being two-thirds voting in the affirmative, the rules were suspended.

Mr. ADAMS then submitted his motion to refer to the Committee on Manufactures.

Mr. WISE, after some further remarks, moved to refer the bill to the Committee of Ways and Means.

The question being first on the motion of Mr. ADAMS to refer to the Committee on Manufactures, Mr. MORGAN demanded the previous question, which was seconded by the House.

The main question on the motion was then ordered, and taken by yeas and nays, as follows:

YEAS—Messrs. Adams, John W. Allen, Andrews, Baker, Boardman, Bond, Brewster, Briggs, Brockway, William B. Campbell, Carr, Carroll, Casey, Chittenden, Clark, Cranston, Cushing, E. Davies, John Davis, John W. Davis, Garret Davis, Doe, Doig, Earl, Edwards, Everett, Fillmore, Fletcher, Farnance, Galbraith, Gentry, Gerry, Granger, Hammond, Hand, Wm. S. Hastings, John Hastings, Hawes, Henry, Hook, Jackson, James, Jenifer, Charles Johnson, Wm. Cost Johnson, Nathaniel Jones, Keim, Kemble, Kempshall, Kille, Lane, Leet, Leonard, Lincoln, McCarty, McCulloch, Mallory, Marchand, Marvin, Mason, Medill, Mitchell, Monroe, Moore, Morgan, Samuel W. Morris, Morrow, Naylor, Newhard, Ogle, Osborne, Palen, Parmenter, Paynter, Peck, Pope, Randall, Randolph, Rariden, Reed, Ridgway, Edward Rogers, Russell, Saltonstall, Simonton, Slade, Albert Smith, John Smith, Truman Smith, Thomas Smith, Stanly, Starkweather, Stuart, Swearingen, Taylor, Francis Thomas, John B. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, David D. Wagener, Peter J. Wagner, John White, Henry Williams, Lewis Williams, Joseph L. Williams, and Winthrop—109.

NAYS—Messrs. Alford, Judson Allen, Anderson, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Aaron V. Brown, Albert G. Brown, Burke, Wm. O. Butler, Clifford, Coles, Connor, Mark A. Cooper, Wm. R. Cooper, Crabb, Craig, Cross, Dana, Dawson, Deberry, Dellet, Doan, Duncan, Eastman, Fisher, Floyd, Garland, Goggin, Hill of North Carolina, Hubbard, Jameson, Joseph Johnson, Cave Johnson, Lowell, McClellan, McClure, McKay, Montanya, Nisbet, Pickens, Prentiss, Rayner, Reynolds, Rives, Shaw, Shepard, Strong, Sumter, Taliaferro, Jacob Thompson, Vanderpoel, Warren, Watterson, Wick, Jared W. Williams, and Wise—60.

So the bill was referred to the Committee on Manufactures.

Mr. WISE inquired whether it was in order to instruct the committee to strike out all after the 14th section of the bill, and move an amendment thereto.

The SPEAKER said it was not.

Mr. WISE then moved a suspension of the rule. But before any question was taken thereon,

On motion of Mr. UNDERWOOD, the select committee, appointed during the last session, on steamboat disasters, was discharged, and another on the same subject ordered to be appointed.

On motion of Mr. McKAY, the communication from the Post Office Department, in respect to transportation of the mails, &c. was referred to the Committee on the Post Office and Post Roads.

On motion of BRIGGS,

The House adjourned.

IN SENATE,

THURSDAY, December 24, 1840.

Mr. MOUTON presented the petition of the branch pilots of the city of New Orleans; which was referred to the Committee on Commerce.

Also the petition of Abner Bradley; which was referred to the Committee on Private Land Claims.

Also the petition of Pierre Dolet; which was referred to the Committee on Private Land Claims.

Mr. STURGEON presented the petition of the heirs of Robert Fulton; which was referred to the Committee on Claims.

Mr. PRENTISS presented the petition of J. T. Nevius; which was referred to the Committee on Naval Affairs.

On motion by Mr. CRITTENDEN, the petition of James Simpson's heirs, was referred to the Committee on Private Land Claims, and the petition of James Paxton, was referred to the Committee on Claims.

On motion by Mr. CLAY, of Alabama, the memorial and resolutions of the Legislature of the State of Alabama for the cession to that State of the Muscle Shoals Canal, was referred to the Committee on Roads and Canals; the resolutions of the Legislature of Alabama for the relinquishment to that State of the unappropriated public lands lying within her limits, was referred to the Committee on Public Lands; the resolutions of the Legislature of Alabama in relation to the claim of that State for advances to militia volunteers, in the wars with Florida and Creek Indians, was referred to the Committee on Claims; and the memorial of citizens of Alabama for the erection of lights and light-houses, was referred to the Committee on Commerce.

Mr. CLAY, in pursuance of previous notice, asked and obtained leave to introduce a bill to amend an act entitled "An act to grant certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers," approved May 23, 1828, and the several acts supplementary and amendatory thereto; which was read twice, and referred to the Committee on Roads and Canals.

Mr. C. also, on leave, introduced a bill making additional appropriations for completing the improvements in Mobile harbor; which was read twice and referred to the Committee on Commerce.

Mr. C. also, on leave, introduced a bill providing for the payment of certain claims of the State of Alabama; which was twice read and referred to the Committee on Claims.

Mr. NORVELL, from the Committee on Commerce, to which was referred the bill authorizing the President to cause certain surveys to be made, reported the same without amendment.

Mr. SEVIER, from the Committee on Indian Affairs, reported a bill for the relief of John C. Reynolds; which was read and ordered to a second reading.

On motion of Mr. WILLIAMS, the Committee on Naval Affairs was discharged from the further consideration of the petition of John Pritchett, and it was referred to the Committee on Claims.

Mr. SMITH, from the Committee on the Judiciary, to which was referred the petition of James Williams, made an adverse report thereon, and asked to be discharged from its further consideration.

On motion by Mr. ALLEN, the petition and papers of E. Shaler, now on file, were referred to the Committee on Pensions.

Mr. WRIGHT, from the Committee on Finance, to which was referred the petition of Garry Hinans, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

On motion by Mr. KING, the Committee on Commerce was discharged from the further consideration of the memorial of the Legislature of Illinois, praying an extension of time for the payment of duty bonds, and it was referred to the Committee on Finance.

On motion by Mr. WALL, the Committee on the Judiciary was discharged from the further consideration of the petition of George Whitman.

Mr. WALL, from the Committee on the Judiciary, reported a bill for the relief of Thomas Hawkins and Ralph Haskins; which was read, and ordered to a second reading.

Mr. W. also, from the same committee, to which was referred the bill for the relief of the le-

gal representatives of Thomas Cooper, deceased, reported the same with an amendment.

Mr. W. also, from the same committee, to which was referred the memorial of Francis A. Dickens, reported a bill to provide for taking evidence in the District of Columbia and Territories of the United States, in certain cases; which was read, and ordered to a second reading.

Mr. RUGGLES, from the Committee on Commerce, reported a bill to provide for the better security of the lives and passengers on board of vessels propelled in whole or in part by steam; which was read, and ordered to a second reading.

Mr. LUMPKIN, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of J. M. Strader; which was read twice, and referred to the Committee on the Post Office and Post Roads.

Mr. KING, from the Committee on Commerce, to which was referred the bill for the relief of the legal representatives of Aaron Vail, deceased, late consul at L'Orient, reported the same without amendment.

Mr. CRITTENDEN, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of Richard Higgins, jr. which was read twice, and referred to the Committee on Private Land Claims.

Mr. C. also presented the memorial of citizens of Georgetown, praying for a recharter of the Farmers and Mechanics Bank; which was referred to the Committee on the District of Columbia.

Mr. MOUTON, from the Committee on Private Land Claims, to which was referred

A bill for the relief of George de Passau of Louisiana;

A bill for the relief of Charles Morgan of Louisiana;

A bill for the relief of Charles Morgan of Louisiana;

A bill to confirm claim to lands in the district between the Rio Hondo and Sabine rivers;

A bill to confirm certain land claims in the Ouachita land district, in the State of Louisiana.

A bill confirming certain land claims in Louisiana;

A bill for the relief of Jean Baptiste Granger;

A bill for the relief of the heirs of Madame De Lusser, and their legal representatives;

A bill for the relief of Juan Belgar;

A bill for the relief of the legal heirs and representatives of William Conway;

A bill for the relief of Pierre Babin;

A bill to confirm certain land claims in the Greenburg Land District, State of Louisiana;

A bill for the relief of John Compton, assignee of Ganigues Flaujac;

A bill for the relief of Jean Baptist Comeau;

A bill confirming the claim of John Baptiste Lecompte to a tract of land in Louisiana; and

A bill for the relief of the legal representatives of Therese Malette, widow of Gaspard Phiele, reported the same without amendment.

BILLS PASSED.

A bill granting a pension to Hannah Leighton; A bill to amend an act entitled "An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes; and

A bill to prevent the counterfeiting any foreign copper, gold, silver, or other coin, and to prevent the bringing into the United States, or uttering any counterfeit foreign copper, gold, silver, or other coin; were severally read a third time and passed.

A bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of a treaty between the United States and the Choctaw Indians, coming up on its third reading.

Mr. PHELPS made some inquiries as to the purport of the bill, and the legality of the title of the settlers to the land in question.

Mr. SEVIER said he was sorry his friend from Vermont objected to the passage of this log cabin bill—a bill which had passed this House or the other branch of Congress almost yearly for the last thirteen years, but it so happened that it never had passed both Houses in the one year. When he had the honor of a seat in the other branch of Congress, this bill had passed without a dissenting

voice, but had not been acted on in the Senate; and for several years past it had been presented in the Senate, received its favorable consideration, was passed and sent to the House, but failed in being acted on in that body. As the Senator, however, desired information, he would endeavor to afford it; though necessarily he would have to go back for a space of thirteen or fourteen years for that purpose. When Arkansas was a Territory, it was deemed expedient by those who then had the control of the Government of this nation, to lop off a large portion of the most fertile of her soil—five of her best counties were severed from her by force, to give them to the Cherokees, for the purpose of carrying out the policy of this Government in relation to the Indians. They took by violent hands the improvements of the settlers—they took private property and applied it to a public purpose, and had made no remuneration therefor, and every year since that period had these claims been presented here, and we were asked to pay back to the settlers an equivalent for the property they had been unjustly deprived of. He repeated that these outrages had been perpetrated with a view to carry out the Indian policy of the Government, and Congress had recognised their justice again and again. He said they had heard much in that chamber of the excitement respecting the Northeastern boundary, and the question of jurisdiction over the valley of the Aroostook and the pine hills of Maine: why, sir, Arkansas, by the transactions to which he alluded, had been despoiled of territory of more value than the whole State of Maine—a fertile belt of country 40 miles wide and 380 long, had been forcibly taken from her, and this to prevent difficulties with the Indians. The settlers had been plundered of their improvements, and they were called upon to make some compensation for them. Many of the settlers has resisted the villanous attempt to deprive them of their property without an equivalent, and to these had been granted 320 acres of land. Those who had quietly submitted to the Government had received nothing; and it was for their relief that this bill provided. It gave them but 160 acres of land, whereas the former class received 320; so that the naked question was, will you give to those who obeyed and submitted to your laws, the one-half of that which you gave to those who resisted them—nobly and successfully resisted them. He trusted they would pass the bill: it was but a scanty measure of justice, which had been long deferred.

Mr. PHELPS said the Senator had not answered his inquiry. He was not doubting the policy or the propriety of indemnifying the owners of property that was taken for the public use, but he wished to know what right those settlers had to the property taken for the public use.

Mr. SEVIER explained.

Mr. PHELPS was aware they were settlers within the boundary of Arkansas, but he wished to learn what title they had to the land on which their improvements were located? If they had a right to it, it was destroyed by the act of Government, and they were entitled to compensation; but if they had taken possession and introduced improvements without title, he then said they had no claim, more than a mere pre-emption right.

Mr. BENTON said, as this was a subject with which, from his long connection with this body, he had some acquaintance, and as some honorable Senators appeared not to be familiar with it, he begged leave to say a few words. He would begin at the beginning. About sixteen or eighteen years ago, when Mr. Conway was the delegate from Arkansas, though it was immaterial who the delegate might be, Congress defined the boundaries of what that State was to be, separating what was intended to constitute the State of Arkansas, from the vast wilderness that was beyond it; it was marked out with a special reference to the future size of the State, to make it correspond with other States, and also for the purpose of including the great salt springs which are now in the possession of the Cherokees of the West, and on the boundary line of the State of Arkansas. The act, then, was passed, the boundary of the Territory was defined, and under the

administration of the second Mr. Adams, a treaty was made with the Cherokees, by which this act was repealed, by which an act of Congress was bowed down, and bowed down by the treaty making power! This extension of the treaty making power was an outrage on the Constitution of the country; it was an outrage on a law of Congress, and it was an outrage on the people of Arkansas. He (Mr. BENTON) was then on the Committee of Indian Affairs—he was the Chairman of that Committee—and he fought that treaty on every ground—on the ground that it was a violation of the treaty-making power—on the ground that it was undertaking to repeal an act of Congress—and on the ground that an agent of the Secretary of War was acting with the Indians in overturning the rights of the people of that country—that it was doing a thing that was new to the treaty-making power—that it was extending that power—and that it was an outrage on the settlers in Arkansas, and the doing them an essential wrong; and on one other ground, that on this subject Congress had already passed. He (Mr. BENTON) was then in the minority and in the opposition, as he might be again, and he was borne down, and the Constitution of the country was borne down, and the interests of Arkansas were borne down; that outrage on the country, as well as on the legislation of Congress, was perpetrated. He fought it long, but he was borne down; and the boundaries of Arkansas were contracted forty miles for three hundred miles in length. That outrage was perpetrated on a defenceless Territory, but it was perpetrated on an organized Government, and it was done by men who sat on the same chairs as those who made the treaty, and who were sensible of the outrage they committed on the people who were left forty miles outside the Territory. But contemporaneously with this treaty, an act was passed to give to those settlers double the usual pre-emption right, and not merely as a pre-emption, but as a compensation for the outrage committed upon them, and for what they had lost, and as an inducement to them to break up their homes and remove forty miles from the Indians, to save a war. They were then offered 320 acres of land instead of 160; and now, after a lapse of fifteen or sixteen years, were they to have but half of that which those who did the wrong assigned to them? He was for the bill as it was introduced; and he should give it his support.

After a few remarks from Mr. PRESTON, the bill was read a third time and passed.

TAX ON BANK NOTES.

Mr. BENTON brought forward his promised motion for leave to bring in a bill to tax the circulation of banks and bankers, and of all corporations, companies or individuals which issued paper currency. He said nothing was more reasonable than to require the moneyed interest which was employed in banking, and especially in that branch of banking which was dedicated to the profitable business of converting lampblack and rags into money, to contribute to the support of the Government. It was a large interest, very able, and very proper, to pay taxes, and which paid nothing. It was an interest which possessed many privileges over the rest of the community by law; which usurped many others which the laws did not grant; which, in fact, set the laws and the Government at defiance whenever it pleased; and which, in addition to all these privileges and advantages, was entirely exempt from Federal taxation. While the producing and laboring classes were all taxed; while these meritorious classes, with their small incomes, were taxed in their comforts and necessities—in their salt, iron, sugar, blankets, hats, coats and shoes, and so many other articles—the banking interest, which dealt in hundreds of millions, which manufactured and monopolized money, which put up and put down prices, and held the whole country subject to its power, and tributary to its wealth, paid nothing. This was wrong in itself, and unjust to the rest of the community. It was an error or mistake in Government which he had long intended to bring to the notice of the Senate and the country; and he judged the present conjuncture to be a proper time for doing it. Revenue is wanted. A general revision of the tariff is about to take place. An adjustment of the taxes

for a long period is about to be made. This is the time to bring forward the banking interest to bear their share of the public burdens, and the more so as they are now in the fact of proving themselves to be a great burthen on the public, and the public mind is beginning to consider whether there is any way to make them amenable to law and government.

In other countries, Mr. B. said, the banking interest was subject to taxation. He knew of no country in which banking was tolerated, except our own, in which it was not taxed. In Great Britain—that country from which we borrow the banking system—the banking interest pays its fair and full proportion of the public taxes: it pays at present near four millions of dollars. It paid in 1836 the sum of \$3,725,400; in 1837 it paid \$3,594,300. These were the last years for which he had seen the details of the British taxation, and the amounts he had stated comprehended the bank tax upon the whole United Kingdom: upon Scotland and Ireland, as well as upon England and Wales. It was a handsome item in the budget of British taxation, and was levied on two branches of the banking business: on the circulation, and on bills of exchange. In the bill which he intended to bring forward, the circulation alone was proposed to be taxed; and, in that respect, the paper system would still remain more favored here than it was in Great Britain.

In our own country, Mr. B. said, the banking interest had formerly been taxed, and that in all its branches: in its circulation, its discounts, and its bills of exchange. This was during the late war with Great Britain; and though the banking business was then small compared to what it is now, yet the product of the tax was considerable, and well worth the gathering: it was about \$500,000 per annum. At the end of the war this tax was abolished; while most of the war taxes, laid at the same time, for the same purpose, and for the same period, were continued in force: among them the tax on salt, and other necessities of life. By a perversion of every principle of righteous taxation, the tax on banks was abolished, and that on salt was continued. This has remained the case for twenty-five years, and it is time to reverse the proceeding. It is time to make the banks pay, and to let salt go free.

Mr. B. next stated the manner of levying the bank tax at present in Great Britain, which he said was done with great facility and simplicity. It was a levy of a fixed sum on the average circulation of the year, which the bank was required to give in for taxation like any other property, and the amount collected by a distress warrant if not paid. This simple and obvious method of making the levy, had been adopted in 1815, and had been followed ever since. Before that time it was effected through the instrumentality of a stamp duty; a stamp being required for each note, but with the privilege of compounding for a gross sum. In 1815 the option of compounding was dropped: a gross amount was fixed by law as the tax upon every million of the circulation; and this change in the mode of collection has operated so beneficially that, though temporary at first, it has been made permanent. The amount fixed was at the rate of £3,500 for every million. This was for the circulation only: a separate, and much heavier tax was laid upon bills of exchange, to be collected by a stamp duty without the privilege of composition.

Mr. B. here read, from a recent history of the Bank of England, a brief account of the taxation of the circulation of that institution for the last fifty years—from 1790 to the present time. It was at that time that her circulation began to be taxed, because at that time only did she begin to have a circulation which displaced the specie of the country. She then began to issue notes under ten pounds, having been first chartered with the privilege of issuing none less than one hundred pounds. It was a century—from 1694 to 1790—before she got down to £5. and afterwards to £2, and to £1, and from that time the specie basis was displaced, the currency convulsed, and the banks suspending and breaking. The Government indemnified itself, in a small degree, for the mischiefs of the pestiferous currency which it had authorized; and the extract

which he was about to read was the history of the taxation on the Bank of England notes which, commencing at the small composition of £12 000 per annum, now amounts to a large proportion of the near four millions of dollars which the paper system pays annually to the British Treasury. He read:

"The Bank, till lately, has always been particularly favored in the composition which they paid for stamp duties. In 1791, they paid a composition of £12,000 per annum, in lieu of all stamps, either on bill or notes. In 1799, on an increase of the stamp duty, their composition was advanced to £20,000, and an addition of £4,000 for notes issued under £5, raised the whole to £24,000. In 1804, an addition of not less than 50 per cent. was made to the stamp duty; but, although the Bank circulation of notes under £5 had increased from one and a half to four and a half millions, the whole composition was only raised from £24,000 to £32,000. In 1808, there was a further increase of 33 per cent. to the stamp duty, at which time the composition was raised from £32,000 to £42,000.

"In both these instances, the increase was not in proportion even to the increase of duty; and no allowance whatever was made for the increase in the amount of the Bank circulation.

"It was not till the session of 1815, on a farther increase of the stamp duty, that the new principle was established, and the Bank compelled to pay a composition in some proportion to the amount of their circulation. The composition is now fixed as follows: Upon the average circulation of the preceding year, the Bank is to pay at the rate of £3,500 per million, on their aggregate circulation, without reference to the different classes and value of their notes. The establishment of this principle, it is calculated, caused a saving to the public, in the years 1815 and 1816, of £70,000. By the neglect of this principle, which ought to have been adopted in 1799, Mr. Ricardo estimated the public to have been losers, and the Bank consequently gainers, of no less a sum than half a million."

Mr. B. remarked briefly upon the equity of this tax, the simplicity of its levy since 1815, and its large product. He deemed it the proper model to be followed in the United States, unless we should go on the principle of copying all that was evil, and rejecting all that was good in the British paper system. We borrowed the banking system from the English, with all its foreign vices, and then added others of our own to it. England has suppressed the pestilence of notes under £5 (near \$25); we retain small notes down to a dollar, and thence to the fractional parts of a dollar. She has taxed all notes; and those under £5 she taxed highest while she had them; we, on the contrary, tax none. The additional tax of £4,000 on the notes under £5 rested on the fair principle of taxing highest that which was most profitable to the owner, and most injurious to the country. The small notes fell within that category, and therefore paid highest.

Having thus shown that bank circulation was now taxed in Great Britain, and had been for fifty years, he proceeded to show that it had also been taxed in the United States. This was in the year 1813. In the month of August of that year, a stamp act was passed, applicable to banks and to bankers, and taxing them in the three great branches of their business, to wit: the circulation, the discounts, and the bills of exchange. On the circulation, the tax commenced at one cent on a one dollar note, and rose gradually to fifty dollars on notes exceeding one thousand dollars, with the privilege of compounding for a gross sum in lieu of the duty. On the discounts, the tax began at five cents on notes discounted for one hundred dollars, and rose gradually to five dollars on notes of eight thousand dollars and upwards. On bills of exchange, it began at five cents on bills of fifty dollars, and rose to five dollars on those of eight thousand dollars and upwards.

Such was the tax, continued Mr. B. which the moneyed interest, employed in banking, was required to pay in 1813, and which it continued to pay until 1817. In that year the banks were released from taxation, while taxes were continued upon all the comforts and necessities of life. Taxes are now continued upon articles of prime

necessity—upon salt even—and the question will now go before the Senate and country, whether the banking interest, which has now grown so rich and powerful—which monopolizes the money of the country—bears the Government—makes distress or prosperity when it pleases—the question is now come whether this interest shall continue to be exempt from tax, while every thing else has to pay.

Mr. B. said he did not know how the banking interest of the present day would relish a proposition to make them contribute to the support of the Government. He did not know how they would take it; but he did know how a banker of the old school—one who paid on sight, according to his promise, and never broke a promise to the holder of his notes—he did know how such a banker viewed the act of 1813; and he would exhibit his behaviour to the Senate; he spoke of the late STEPHEN GIRARD of Philadelphia; and he would let him speak for himself by reading some passages from a petition which he presented to Congress the year after the tax on bank notes was laid.

Mr. B. read:

"That your memorialist has established a bank in the city of Philadelphia, upon the foundation of his own individual fortune and credit, and for his own exclusive emolument, and that he is willing most cheerfully to contribute, in common with his fellow-citizens throughout the United States, a full proportion of the taxes which have been imposed for the support of the National Government, according to the profits of his occupation and the value of his estate; but a construction has been given to the acts of Congress laying duties on notes of banks, &c. from which great difficulties have occurred, and great inequalities daily produced to the disadvantage of his bank, that were not, it is confidently believed, within the contemplation of the Legislature."

"That it has been officially declared, however, that the second section of the act of Congress does not authorize a composition with an individual banker, because it speaks only of *banks and companies*, (not of banker and bankers,) and because it speaks only of dividends (not of profits) made to the stockholders, and that hence an individual banker, acting upon a capital of one million of dollars, and issuing bank notes to the amount of one million of dollars, is subjected to the prompt payment of a duty amounting to ten thousand dollars, while an incorporated bank, or even a company of two or three bankers, acting upon the same amount of capital, and issuing the same amount of bank notes, will only be liable, periodically, to the payment of a duty amounting to one thousand five hundred dollars, upon the customary annual dividend of ten per cent."

"And your memorialist having submitted these considerations to the wisdom of Congress, respectfully prays, that the act of Congress may be so amended as to permit the Secretary of the Treasury to enter into a composition for the stamp duty, in the case of private bankers, as well as in the case of corporations and companies, or so as to render the duty equal in its operations upon every denomination of bankers."

Mr. B. had read these passages from Mr. Girard's petition to Congress in 1814, first, for the purpose of showing the readiness with which a banker of the old school paid the taxes which the Government imposed upon his business; and, next, to show the very considerable amount of that tax which on the circulation alone amounted to ten thousand dollars on the million. All this, with the additional tax on the discounts, and on the bills of exchange, Mr. Girard was entirely willing to pay, provided all paid alike. All he asked was equality of taxation, and that he might have the benefit of the same composition which was allowed to incorporated banks. This was a reasonable request, and was immediately granted by Congress.

Mr. B. having vindicated his bill on British and American precedent, as well on reason and principle, went on to state its details, and to show the probable amount of the tax it would produce. He stated that he proposed a tax of one per centum per annum on the notes of twenty dollars and upwards;

of two per cent. on the notes of five dollars, and under twenty; and four per cent. on the notes under five dollars. This he held to be a more moderate tax than that imposed upon the banking interest by the act of 1813, for while it taxed the circulation a little higher than was done by that act, yet it taxed nothing but the circulation. The discounts and the bills of exchange were not included. He justified the higher tax placed on the small bills for the same reason which occasioned them to be more highly taxed in Great Britain when notes under £5 were tolerated there, to wit: because those small notes were more profitable to the makers than the large ones, and therefore could afford to pay higher, and were more injurious to the country, and therefore ought to pay higher.

To collect this tax, Mr. B. said that his bill followed the plan that had prevailed in England since the year 1815, that is, to require the banks, and other corporations, and the individuals and companies which issued paper money, to give in to the clerk of the United States district court the average of the circulation for the first three quarters of the year, and an estimate of the fourth quarter; upon which the marshal of the district should make the collection, under the instructions of the Secretary of the Treasury. He held this to be a cheap, efficient, and simple method of collecting the tax. It avoided all the objections which applied to a stamp duty; objections so great that, both in England and America, while the stamp duty was nominally imposed, a composition so moderate was permitted that the duty was always compounded for a gross sum.

The product of the tax was the point to which Mr. B. next adverted. He said the product would be considerable, and well worth the collection. On the present circulation of about one hundred millions, of which more than half might be assumed to be under twenty dollars, and therefore paying the higher tax, the product would not be less than a million and a half of dollars. But the paper system is now in a state of depression: it has been vastly contracted within a year past to make "distress" for the election of 1840, and will soon swell out again to make plunder for speculators. In 1837, the circulation was one hundred and forty millions; it will doubtless expand to that amount again in the course of the year; it is time for the new expansion to begin; and when the Constitutional Treasury is abolished, and all check over the issue of bank paper removed, the circulation will probably amount to two hundred millions of dollars. The product of the bank tax would then be about three millions of dollars; a respectable sum in itself, very nearly equal to the sales of the public lands, and sufficient to admit the suppression of taxes on many articles of comfort and necessity.

Having made this exposition of his bill as a revenue measure—as a measure purely and simply intended to raise revenue from the moneyed interest employed in banking, Mr. B. said there was an additional feature in the bill which he had not yet mentioned, and which he should now proceed to develop. It was in an annual progressive increase of the tax on small notes—those under the size of twenty dollars—which he had inserted in the bill; and the motive for which increase he would now state. The bill, as already explained to the Senate, proposes a higher tax on the small notes than on the large ones. This was done on the fair revenue principle before stated, and which was acted upon in England when the circulation of small notes was admitted there. But in addition to this higher tax on such notes, an annual increase is proposed to be added to it until the whole tax amounts to twelve per cent. per annum. This increase was not intended solely for revenue, but partly to effect the gradual suppression of these notes. This was the motive for the increase; and the bill was so drawn as to present this additional tax as a separate clause, and as claiming from the Senate a distinct and separate consideration. The provision was, that notes of five dollars and under twenty, should pay one per centum per annum additional tax, and those under five dollars should pay two per centum per annum additional, until the tax on each amounted to twelve per cent. This additional tax,

annually increasing, would gradually bear down these notes, and put an end to their circulation at the end of some years, in the mean time supplying revenue. This was the character and object of the second part of the bill; and as it was the first time that a measure of this kind had been brought before the Senate, he felt it to be incumbent upon him to vindicate his proposition, and to anticipate and obviate some of the objections which might be made to it. At the head of these objections stood the question of constitutionality—a question which should be well considered at the proposal of every new measure. It might be objected that the taxing power could not be used for an incidental purpose; that it must be confined to its direct object. Before answering this objection, Mr. B. would say that there were five classes of politicians in the United States, and very numerous classes too, who could not use it—who were precluded by their principles from using it. These were, first, all those who admitted the right of Congress to regulate the currency generally; for as there was no specified mode of regulating it, it resulted of course that Congress should use any one of its actual powers for that purpose which would accomplish the object. Secondly, all those who held it constitutional to charter a National Bank to regulate the currency; for it was clear that if Congress, in the exercise of an implied power, could invest a company of individuals with the power of regulating the currency, it might regulate the same currency itself by the exercise of an express power. Thirdly, all those who deemed it constitutional to lay duties for the direct purpose of protection; for if it was constitutional to banish foreign products in that way, it was still more clearly so to use the same power for the suppression of a domestic nuisance. Fourthly, all those who held it constitutional to lay duties with a view to incidental protection; for if an incidental object can be allowed in one case, it may in another. Fifthly, all those who held it constitutional to lay prohibitory duties; for prohibition was the same, whether it applied to one object, or another. Mr. B. said, these five classes of politicians were precluded from making the question of constitutionality to the second part of his bill; and he believed these five classes would comprehend nearly the whole of the politicians in the Union; he believed that almost every politician would fall into one or the other of these classes, and not few would fall into the whole of them; all such he held to be precluded by their principles from objecting to his proposed measure. But there may be others, he said, not included in these classes, and therefore not estopped by their established principles; and to whom a reply upon the merits is due. That reply is as brief as it is obvious, namely, that where the Constitution requires a thing to be done, and has not specified the mode of doing it, Congress may exercise any one of its granted powers for the purpose which is adequate to the object. This is the principle, and now for its application: The Constitution requires the gold and silver currency to be preserved; the small notes destroy that currency, and substitute for it a base paper money. The Constitution requires gold and silver to be the only legal tender in payment of debts; the small notes destroy that tender, and make base paper a forced tender in payment of every debt. Here, then, are two infractions of the Constitution operated by these small notes; here are two constitutional requisitions defeated by these small notes; here is a two-fold duty devolved upon the Congress—first, to prevent these infractions, and second, to comply with these requisitions; and no way is pointed out for doing it. The obvious course then is, to use any remedy that a granted power will afford for the purpose. The taxing power will do this. It will kill the small notes, which are killing the Constitution; and it is absurd to think of waiting for an express power to put down these destroyers of the Constitution; for the framers of that instrument never foresaw the evil; they never foresaw the existence of a thousand banks, and ten thousand individuals, all issuing small paper money, and refusing to pay it when they pleased; and a great political party sustaining them in their conduct. These are things

not foreseen by the framers of the Constitution; they are evils against which specific remedies cannot be directed; they are evils which must continue unless a remedy can be found in the incidental exercise of a granted power; and to deny this, is to say that the Constitution cannot be used to save itself.

Mr. B. said that neither the idea of his bill, nor the argument in favor of it, was original with him. They had both been used by others long since, and especially by Mr. Gallatin ten years ago. Mr. Gallatin, in his essay on currency, in the year 1830, had proposed this method of putting down small notes; and in an elaborate argument, had vindicated its constitutionality, clearly showing that it avoided the Hamiltonian, and came within the Jeffersonian construction of the Constitution. His argument is too extended to be quoted in full here; but some passages from it will show his opinion, and exhibit a part of his reasoning. He says:

"We have already adverted to the provisions of the Constitution, which declare that no State shall either coin money, emit bills of credit, make any thing but gold and silver coins a tender in payment of debts, or pass any law impairing the obligation of contracts, and which vest in Congress the exclusive power to coin money, and to regulate the value thereof, and of foreign coin. It was obviously the object of the Union to consolidate the United States into one nation, so far as regarded all their relations with foreign countries, and that the internal powers of the General Government should be applied only to objects necessary for that purpose, or to those few which were deemed essential to the prosperity of the country, and to the general convenience of the people of the several States. Amongst the objects thus selected, were the power to regulate commerce among the several States, and the control over the monetary system of the country."

"Congress has the power to lay stamp duties on notes, on bank notes, and on any description of bank notes. That power has already been exercised; and the duties may be laid to such an amount, and in such a manner, as may be necessary to effect the object intended. This object is not merely to provide generally for the general welfare, but to carry into effect, in conformity with the last paragraph of the eighth section of the first article, those several and express provisions of the Constitution which vest in Congress exclusively the control over the monetary system of the United States, and more particularly those which imply the necessity of a uniform currency. The exercise of the power for that object is free of any constitutional objection, provided the duties thus laid shall be uniform, and applied to the Bank of the United States, as well as to the State banks. The act of laying and collecting the duties, which is expressly granted, is alone sufficient to effect the object. As no appropriation of money is wanted for that purpose, the exercise of power which is required, is purely that of laying duties; and it is not liable to the objection, that to assert that the authority to lay taxes implies that of appropriating the proceeds is a forced construction. It is equally free of any objection derived from any presumed meaning of the words "general welfare," since the power to lay duties will, in this instance, be exercised, in order to carry into effect several express provisions of the Constitution, having the same object in view. Congress may, if it deems proper, lay a stamp duty on small notes, which will put an end to their circulation. It may lay such a duty on all bank notes, as would convert all the banks into banks of discount and deposit only, annihilate the paper currency, and render a Bank of the United States unnecessary in reference to that object. But if this last measure should be deemed pernicious, or prove impracticable, Congress must resort to other and milder means of regulating the currency of the country. The Bank of the United States, as has already been shown, was established for that express purpose."

Mr. B. would not go further into the constitutional question, as it concerned the second part of his bill, at present. He held what had been said by himself, and quoted from Mr. Gallatin, to be

sufficient on that head; sufficient, at all events, to warrant the introduction of his bill. The other part of it—that which related to revenue—was free from all constitutional question, and presented nothing but a question of expediency. It presented the simple question whether the moneyed interest employed in banking ought to be made to contribute to the support of the Government; and to that question he expected a general answer in the affirmative. To the expediency of suppressing the small notes under twenty dollars, he should also expect an affirmative answer from the majority of the Senate and the people. He himself should be for suppressing all under one hundred dollars; but the public mind was not yet ripe for so strong a measure. The small notes under twenty dollars were the great evil at present. They were a pestilence, a nuisance, and a curse to the country. They drove specie out of the country, and made safe banking impossible. They threw the losses, when banks stopped payment, upon those who had no benefit from banks when they were going on: they threw all the losses upon the laboring and small dealing part of the community. They promoted crime and immorality; for the counterfeiting, and passing counterfeit paper, fell almost entirely upon the small notes. They banished silver; for how could a silver dollar circulate against a one dollar note? They banished gold; for how could an eagle circulate against a ten dollar, or a half eagle against a five dollar bill? They were injurious to every interest, except the banking interest, and to them they were the source of enormous, but most undue profit.

Mr. B. submitted his bill, with the declaration that it was one of the measures for the protection of the constitutional currency, and the restriction of the paper system, which went to the foundation of parties; that it concerned the great question of the age—that of the currency—on which Jefferson and Hamilton divided fifty years ago, and on which Democracy and Federalism must continue to divide until the question of mastery and permanent supremacy was decided between the banks and the people.

At the request of Mr. PRESTON, the bill was then read.

Mr. HUNTINGTON said it was not usual, nor in accordance with the courtesy generally extended to Senators, on asking leave to introduce a bill, to make objections; but this bill was of such a character, that, with the views he entertained, it seemed to him it was not properly admissible. There was a provision in the Constitution which provided that all bills for the raising of revenue should originate in the House of Representatives, though the Senate might make amendments thereto. Now what was this bill? It was a bill by which it was intended to lay a tax upon all bank notes issued by any banking incorporation in this country. It was not confined to any district or territory, but it was a bill to lay a tax, in the form of a duty, to be assessed and paid into the Treasury of the United States, and thus forming a part of the receipts and the money of the Government, and to be expended as such. Now if he understood the Senator from Missouri [Mr. BENTON] aright, that Senator considered it a part of their obligations to compel these corporations to pay a portion of that which justly goes into the Treasury in the shape of revenue; and if so, it was not within the powers conferred upon them by the Constitution; and could they, then, permit the introduction of a bill containing such a provision? He had no intention to reply to the remarks of the Senator from Missouri on the merits of the bill; with the views he entertained he did not consider the Senate could constitutionally receive the bill, and therefore he should attempt no reply. Some years ago it was a question there whether, indeed, the Senate could reduce a rate of duty proposed to be imposed by a bill which had come up from the other House; but on that subject he had now nothing to say, nor should he say a word on the merits of this bill; he merely felt it to be his duty to state the views he had on the question of its reception, and therefore, on the question of granting leave, he called for the ayes and noes.

Mr. BENTON said the objection of the Senator from Connecticut [Mr. HUNTINGTON] was a very fair one; it was one which he had anticipated, for he should have sat there for twenty years to very little purpose, if he had not foreseen it. He repeated, it was a fair objection, and it was entitled to the grave consideration of the Senate. But in the twenty years that he had sat there, he had seen the thing done, and that in a piece of legislation which they deemed the most sacred of all the legislation they had ever done; he alluded to the compromise act of 1833, which originated in the Senate, and to that part in which they raised the duty on coarse woollens from five to fifty per cent. That bill was entertained by this body, it was carried through this body, and was perfected by this body.

Mr. WEBSTER. No, no, no; not perfected.

Mr. BENTON repeated that it was perfected by this body. He knew well what he said. It was perfected by this body; it was discussed and amended in this body; afterward adopted as an amendment in the House of Representatives, and then was sent up again to this house, and passed as a House bill. That bill, after being entertained by this body, and perfected by this body, or discussed until they were satisfied with it, was taken as an amendment by the other House, passed there, and sent here, and then passed here. Thus it began here—was discussed here—amended here—perfected here—but not passed till adopted and sent up by the House.

Mr. CLAY of Alabama would suggest the propriety of raising no question of this kind on the bill until it was printed; the discussion could come up more properly when the bill was about to have its second reading, or on the question whether it should be read a second time.

Independently of the question raised by the honorable Senator from Connecticut, he believed there was another grave constitutional question to be determined, namely: whether they had the power to regulate State bank institutions at all. If they could raise a tax to the amount proposed, they could lay a tax to any other amount—to an amount that would be a total prohibition of a system of banking which they had had from the foundation of this Government. Let the bill be printed, and then let the question come up when they were acquainted with its provisions.

Mr. WEBSTER asked what could be a clearer case than this? The very head and title of the bill showed that it was intended thereby to lay a tax, and the Constitution said that all such bills should originate in the House of Representatives. The case of the compromise act was different; the general scope of that act was not to raise, but to reduce taxes; but even then it was thought that it had a very doubtful right there. But he was surprised to hear any gentleman asking leave to introduce such a bill as this.

Mr. HUBBARD moved to lay the question of reception on the table, and that the bill be printed. He hoped no question would be taken on the bill until they had had an opportunity to read it.

Mr. HUNTINGTON hoped the gentleman would withdraw his motion for a moment. He was about to remark that the suggestion of the Senator from Alabama, [Mr. CLAY] that they should let this bill take the usual course, and that the objections should be considered at another stage, seemed to him to be one that ought not to be indulged in by the Senate. The provisions of the Constitution were directly opposed to the Senate's right to entertain this bill at all, and he thought the Senate ought to meet it at once. Why, then, a motion for postponement? Had not every body heard the bill read? And were they not satisfied that in its very terms it proposed to lay a tax which should be paid, as a part of the revenue, into the Treasury? If this were so, he thought the motion ought to be disposed of; that the question ought to be settled; and he thought the Senate was as ready now as it would be at any other time, even if the bill were printed. They knew what it contained, and if they had not the right to entertain this bill, which in its letter and spirit was a bill to raise revenue, he would like to know why it was there for a moment? It could

not properly be there; and therefore he hoped the question would be taken, and that the yeas and noes would be ordered.

Mr. CALHOUN said it was undoubtedly true the Senate could not originate a bill to raise a revenue by taxation; and at another period, on another measure, when he presided over the Senate, the question was raised, whether, as they had not the power to originate bills to raise revenue, they could reduce taxation; he overruled the objection and the Senate confirmed his decision, and the compromise bill was passed under that decision. But in its progress, as an amendment was made in favor of coarse woollens, and as the question had arisen as to the right of the Senate, the other House adopted the amendment as its own, to obviate any informality. He argued that the question should be decided by the Chair, whether this bill was admissible.

Mr. KING did not agree with the Senator from South Carolina, that this question called for the decision of the Chair. It was for the Senate to decide whether this proposition should be entertained; and there could be no agency in the matter until the Senate had decided whether the bill should be received. He would take that occasion to say that he was not prepared to receive it because it was in direct contradiction to the provisions of the Constitution. He would say, further, that if it came from the other House, it would find but little favor with him; but it was then sufficient for him to say, that it was in direct conflict with the Constitution; and the Senate, knowing what its provisions were, should now come to a decision.

Mr. CALHOUN said, the motion was to receive this bill. He conceived it was the duty of the Chair, if the bill was in conflict with the Constitution, to say so.

Mr. PIERCE had not had the fortune to hear the bill read at length, but he supposed the idea of rejecting the proposition to receive a bill was somewhat extraordinary. He did not, at present, understand its provisions; and, therefore he was gratified with the motion of his colleague, [Mr. HUBBARD] which would settle no principle in regard to it, he motioned merely going to the extent of laying it on the table, that they might have it printed, to give to those of them who had not heard the bill read at length an opportunity to read it. After what he had heard, he concurred with the opinions expressed, but he preferred reading the bill for himself. As no principle was involved, he hoped the simple motion of reception and printing would be adopted, and with that intention he would make the motion.

Mr. WEBSTER hoped the ayes and noes would be taken thereon.

The PRESIDENT stated the question before the Senate, and

Mr. SEVIER rose to make an appeal to the other side of the house: he thought the course pursued on the other side was a strange one, and therefore he hoped for their indulgence to allow the bill to be printed. What did they propose to gain by the course they were taking? Doubtless their object was to defeat the bill, if it were introduced at all, and why not then introduce it and defeat it on its merits.

Mr. WEBSTER wished to say that his object was not to defeat the bill—he hoped, himself, to consider it; but he did not permit himself to entertain an opinion on its merits when it was a constitutional question that was before them.

As to the question of printing, he thought it was at present sufficient that they had heard the bill read; the bill was entitled a bill for the laying a tax on the issues of banks, and it proceeded to lay that tax; but if Senators were not satisfied, they could have it read again, but he wished the Senate to give not the slightest degree of countenance to a measure which the Constitution expressly prohibited. Now, the motion to lay the bill on the table, implied a doubt whether it was not rightly there; he had no doubt it was wrongly there altogether, and they ought not to take the slightest incipient step on such a bill. It had been read, and it was clearly for the laying of a

tax; and it was clear that such a bill was not within their constitutional power.

Mr. CLAY of Alabama said no principle whatever was involved in the motion of his friend from New Hampshire—they neither voted on the adoption nor the rejection of the bill. He hoped the Senate would adopt the motion, allow the bill to be printed, and that they would have another opportunity to vote on its merits. Not doubting that the Senate would give them that opportunity, he would now renew his motion to lay the motion of the Senator from Missouri on the table, and that the bill be printed.

Mr. WEBSTER hoped the question would be determined by the ayes and noes, which were ordered.

After a few words from Mr. CALHOUN, Mr. CLAY of Alabama, and Mr. WEBSTER, the vote was taken on the motion to lay it on the table, and it was determined in the negative—ayes 18, noes 22, as follows:

YEAS.—Messrs. Allen, Anderson, Ben on, Calhoun, Clay of Alabama, Fulton, Hubbard, Linn, Lumpkin, Norvell, Pierce, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wall, and Wright—18.

NAYS.—Messrs. Buchanan, Clayton, Crittenden, Davis, Dixon, Graham, Henderson, Huntington, King, Knight, Mangum, Merrick, Nicholas, Phelps, Porter, Prentiss, Preston, Roane, Rugles, Smith of Indiana, Tallmadge, and Webster—22.

Mr. BENTON then said he had accomplished the main, though not the whole of his objects in introducing the bill. One object was to bring the question before the country—that he had accomplished, and therefore he would now withdraw his motion for leave to introduce the bill.

Mr. WEBSTER said the Senator could not withdraw it without the consent of the Senate.

On this question a point of order arose, which led to an animated debate, in which Messrs. WEBSTER, TAPPAN, CLAY of Alabama, PIERCE, CALHOUN, KING, CRITTENDEN, HUNTINGTON, PRESTON, SEVIER, MERRICK, PHELPS, and others took part, a report of which will be given hereafter.

It was then resolved, on the motion of Mr. PRESTON, that when the Senate adjourn, it do adjourn to meet again on Monday next.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 24, 1840.

The SPEAKER laid before the House the following communications:

1. From the President of the United States, in compliance with a resolution of the House of the 17th inst. asking "what appropriations of money at the last session of Congress were expended by him; designating to what particular objects such appropriations were made, and the specified sums suspended; and what sums continued to be so suspended at the commencement of the present session, and their objects respectively."

On motion of Mr. FILLMORE, laid on the table, and ordered to be printed.

2. From the Secretary of the Treasury, transmitting a report, in compliance with a resolution of the House of the 17th inst. relative to a correspondence between himself and the Treasurer of the United States, in respect to the operations of the Independent Treasury.

On motion of Mr. LEWIS WILLIAMS, laid on the table, and ordered to be printed.

3. From the Post Office Department, in answer to a resolution of the House, submitted a few days since, inquiring "whether Ralph Jackson is a contractor for carrying the mail in the State of Illinois," &c.; from which communication it appears that Ralph Jackson does not hold any contract under the Department for carrying the mail.

On motion of Mr. GIDDINGS, laid on the table, and ordered to be printed.

4. A report from the Clerk of the House, on the sale of damaged and useless paper.

On motion of Mr. GARLAND, laid on the table, and ordered to be printed.

The following Senate bills were severally read a

first and second time, and referred to the appropriate committees:

The bill amendatory of the act abolishing imprisonment for debt.

The bill in relation to donations of land to certain persons in the State of Arkansas.

The bill to quiet the titles of certain land claimants in the States of Missouri and Arkansas, and for other purposes.

The bill to settle the title to certain tracts of land in the State of Arkansas.

The bill to relinquish to the State of Alabama the two per cent. fund reserved by the act for her admission into the Union, to be applied to the making of a road or roads leading to said State.

The bill to establish an additional land district in the State of Alabama.

The bill for the relief of certain settlers on the public lands, who were deprived of the benefits of the act granting pre-emption rights, which was approved on the 19th of June, 1834.

The bill to grant other lands to the inhabitants of townships deprived of the 16 h section by Indian reservations.

The bill to authorize the inhabitants of township eight north, range thirty-two west, in the State of Arkansas, to enter a section of land in lieu of the sixteen section in said township, upon condition that the same be surrendered to the United States for military purposes.

The bill authorizing the inhabitants of fractional township ten south, of range one east, in the State of Arkansas, to enter one-half section of land for school purposes.

The bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of a treaty between the United States and the Choctaw Indians.

The bill to relinquish the reversionary interest of the United States to a certain reservation in the State of Alabama.

The bill for the relief of James Smith of Arkansas.

The bill for the relief of George W. Parrhall.

The bill for the relief of William Jones.

THE PUBLIC LANDS.

The next business in order was the motion or REYNOLDS of Illinois to refer a memorial from the Legislature of that State to the Committee on Public Lands, with the following instructions:

"To report a bill to grant prospective pre-emptions to settlers on the public lands, and to reduce the price to settlers according to the value of said lands."

Mr. REYNOLDS advocated his motion at some length, and dwelt upon the injustice done to the new States by the present land system.

His remarks will appear hereafter.

Mr. PICKENS retorted exceedingly that his friend from Illinois had thought proper, at this time, to bring forward such a subject. We were now at the commencement of a short session, with many other matters pressing upon us, and, in his opinion it was not the proper period for agitating a subject of the most vital interest to the Union. From what he had heard from the gentleman from Indiana the other day, and from what had been manifested from other quarters of the House, he was convinced that no question in future that might be brought up before Congress would be more agitating, or of a greater interest than the disposition of these public lands. For his part, when he came to legislate on this subject, he would, as he did on all other subjects: he would legislate neither for the inhabitants of log cabins, nor for the occupants of palaces; but he would legislate for the justice and honor of his country. This, however, was not the proper time for legislating on so important a subject, and he could not but regret its introduction at this period of a short session. The proper time would be at the next Congress, which would bring a new set of Representatives.

The question on the adjustment of the tariff would be also then brought up, when there would be time to mature some measure which should do justice to both the individuals, as well as to all States. He confessed that, in prospect of the next census, he considered the question of the public lands a very different question from what it was

twenty years ago, when they had to legislate but for a few States, and for a small band of citizens, who had gone forth to seek a living in the wilderness, and to erect their habitations in the forests of the West. The subject of the Western lands was to this Government our colonial system, and his desire was, when the subject should come up, to place these people in a different situation than that in which they had been for the last ten years, and to set free our colonies. He wanted some fixed principle in relation to these lands, not as a money or tariff question, but as a question of politics. He was interested in the prosperity and freedom of the West, and if we ever had another pre-emption bill, he would prefer that it should be one fixing the law in advance. A general prospective pre-emption law, would be far more preferable than one extending only to two or three years. The latter, in his opinion, was unjust and unwise legislation. This was the reason why he had opposed pre-emption and graduation laws previously introduced, because they were made after the case had occurred, and no system could be wise which was thus exposed to the operation of so much partiality. He would propose that this subject should come up at the next Congress, when they might fix on some system that would do credit to the Government as well as to the citizens concerned. He would not say what he might be forced to do, but if the prediction of the gentleman of Indiana [Mr. PROFFER] should be verified, and the people of the West came to demand what they called justice, he would then consider what justice was, and do his duty to his own State as well as to them.

He would prefer that they would legislate on some general system, for it was not right to be guided by local interests, as it was impossible for him to know what might be the principal interest in this or that question which might arise. He desired to lop off every branch of corrupt Executive patronage which had crept into the land system during the last ten or fifteen years. He believed a graduation system might be necessary as a matter of justice to the rights of the States, but he would advocate some general system, founded on enlightened and statesmanlike views, which would do honor to the country, and not upon this colonial system of the last few years.

Mr. P. concluded by expressing a hope that the whole subject would be suffered to rest until the next Congress, and that his friend from Illinois would not press his motion of instructions.

Mr. WM. COST JOHNSON moved to amend the instructions submitted by Mr. REYNOLDS, by substituting the following:

"To refer to the Committee on Public Lands, with instructions to report a bill to have the proceeds of the sale of the public domain divided among the States in an equitable ratio, to be used by the States for internal improvements, education, or any other purpose, as may be deemed wise by the several States receiving said distribution."

Mr. JOHNSON then advocated his amendment at some length; after which,

Mr. HUBBARD took the floor to reply to some of the statements of Mr. JOHNSON; and, in so doing, proposed to illustrate the accuracy of his own position by reference to statistical facts, having reference to the value of waste lands in Alabama, &c.

Mr. H. had not proceeded far, when he said that this was a more important subject—that the discussion had been sprung suddenly on the House—that he should like time for consideration—and that if any member would move an adjournment, he would yield the floor for that purpose.

Mr. THOMPSON, of Mississippi, then moved that when the House adjourn, it will adjourn over to Monday; which was agreed to.

An adjournment was then moved, and the question was taken by yeas and nays, and decided in the negative: Yeas 59, nays 94.

Mr. CAVE JOHNSON moved to postpone the subject until the second Tuesday in January next; which he afterwards withdrew.

And another motion was made to adjourn, which prevailed. And the House adjourned until Monday.

IN SENATE.

MONDAY, December 28, 1840.

The PRESIDENT presented a memorial from the Legislative council of the Territory of Iowa, asking for the construction of a road and permanent bridge on Big Cedar creek, and a military road from Dubuque to the Missouri line; which, on motion of Mr. NORVELL, was referred to the Committee on Roads and Canals.

Also, from the same, asking for an amendment of the organic law of said Territory; which, on motion of Mr. NORVELL, was referred to the Committee on the Judiciary.

Also, a communication from the Department of State, transmitting an abstract of returns, showing the number of seamen registered in each collection district in the Union during the year ending September 30, 1840; which was laid on the table, and ordered to be printed.

[The total number of seamen registered in 1840, as above, was 8,091, viz: native, 7,591; naturalized, 140.]

Also, a communication from the Treasury Department, in answer to a resolution of the Senate of the 21st inst. that the Secretary of the Treasury be instructed to inform the Senate what sales of public lands have been made in the State of Michigan, north of the line dividing townships twelve and thirteen north, and west of the line dividing ranges two and three, west of the principal meridian; which, on motion by Mr. NORVELL, was laid on the table, and ordered to be printed.

Mr. CLAY of Alabama presented a memorial of citizens of Cherokee county, Alabama, praying for a modification of the pre-emption law; which was referred to the Committee on Public Lands.

Mr. TALLMADGE presented the petition of citizens of Waterloo, N. Y. praying the enactment of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. PORTER presented the petition of Ross Wilkins and others, praying the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

Mr. WRIGHT presented the petition of Maltry Gelston, executor of David Gelston; which was referred to the Committee on Claims.

Mr. HENDERSON presented the memorial of citizens of Mississippi, asking for the establishment of an additional land district in said State; which was referred to the Committee on Public Lands.

On motion by Mr. HUBBARD, the petition of Hester Hill was withdrawn from the files of the Senate.

On motion by Mr. WALKER, the petition and papers of Joseph Vidal, now on file, were referred to the Committee on Private Land Claims.

Mr. WALKER also gave notice that to-morrow he would ask leave to introduce a bill relative to the two-per cent. fund of the State of Mississippi.

Mr. PRESTON presented the petition of George Taylor for indemnity for French spoiliations prior to 1800; which was laid on the table.

Mr. PRESTON also presented the petition of Col. Robert P. Wainwright; which was referred to the Committee on Pensions.

Mr. MANGUM presented the memorial of the Council of the City of Washington, remonstrating against the transfer of the stock held in the Chesapeake and Ohio Canal to the State of Maryland; which was referred to the Committee on Roads and Canals, and ordered to be printed.

Mr. LINN, from the Committee on Private Land Claims, to which was referred, a bill to revive the act entitled "An act to enable claimants to lands within the limits of Missouri and the Territory of Arkansas to institute proceedings to try the validity of their claims," approved the 26th of May, 1824, and an act amending the same, and extending the provisions of said act to claimants to lands within the States of Louisiana and Mississippi; reported the same without amendment.

Mr. PHELPS, from the Committee on Indian Affairs, to which was referred the bill for the relief of Nathaniel Pryor, reported the same with an amendment.

Mr. HUBBARD, from the Committee on Claims, to which was referred the bill for the relief

of Ephraim D. Dixon, reported the same without amendment.

Mr. LUMPKIN, from the Committee on the Post Office and Post Roads, to which was referred the bill for the relief of John M. Strader, reported the same without amendment.

Mr. GRAHAM presented the petition of mechanics who were employed on the arsenal in North Carolina; which was referred to the Committee on Claims.

On motion by Mr. NORVELL, the petitions of citizens of Washington for a renewal and remodification of the charter of said city, now on file, were referred to the Committee on the District of Columbia.

Mr. NICHOLAS, in pursuance of previous notice, asked and obtained leave to introduce a bill authorizing the Legislature of Louisiana to sell the lands heretofore appropriated for the use of schools in that State; which was read twice, and referred to the Committee on the Public Lands.

TAXING BANK NOTES.

Mr. BENFON said when the Senate was last in session, he asked leave to introduce a bill to tax paper issues, to which it was objected that it was not constitutional to introduce such a bill in this body, and he had therefore asked and obtained leave to withdraw it. But he now wished to give notice to the Senate, and to the country, that he should offer that bill in the form of an amendment to the first revenue bill to which it was applicable; and in the mean time he would ask leave to have the bill printed as an amendment. He had struck out the title of the bill, and simply wished that it might be printed and laid on the table, that any gentleman who desired to turn his attention to the subject, might have the opportunity to do so, and that gentlemen might not be taken by surprise.

The PRESIDENT having stated the question to the Senate,

Mr. KING said he presumed it was not necessary to state to the Chair that the subject-matter to which it was intended to offer this bill as an amendment, was not yet before the Senate, and therefore it could not be received in that form. It had been usual to receive and print amendments as a courtesy to Senators, but never before the proposition to which the amendment was desired to be made had been introduced. He thought the Senator from Missouri was not now in order, but that he would have to wait until the revenue bill to which it would have to be attached, came up. He (Mr. King) had no wish to prevent the bill going before the country, but he desired that they should adhere to what was regular and proper in their forms of proceeding.

The PRESIDENT remarked that the subject was with the Senate for decision.

Mr. BENFON said perhaps he could relieve the Senate. His object was to give notice to the Senate and to the country that he should pursue this subject, and at his earliest convenience; that being done, if gentlemen would look at the subject, he had no desire to have the amendment printed, though he had been anxious to avoid taking them by surprise. However, he would not now press his motion.

COMMERCIAL RECIPROCITY.

Mr. DAVIS presented a memorial from inhabitants of Newburyport, Mass. praying for the repeal or modification of the act of 29th May, 1830, regulating commercial intercourse between the United States and certain British colonies, and moved that it be referred to the Committee on Foreign Relations. He spoke in support of the prayer of the memorial, but was inaudible at the Reporters' desk.

Mr. WEBSTER had not been aware that his colleague was about to present a memorial on this most important subject; but he desired to say that if it should go to the Committee on Foreign Relations, he hoped the committee would consider thoroughly and carefully the whole extent, and all the consequences of that system of policy which they had been for some years in the habit of calling the reciprocity system. He (Mr. WEBSTER) was not then prepared to express any opinion whether, when the reciprocity treaty expired, it should be renewed, nor on other matters in connection therewith;

but he did hope that the Committee on Foreign Relations would come to no hasty conclusion on this question. He was perfectly satisfied that the subject should take the direction proposed; but he only hoped, and he confidently hoped, that the committee would make a large survey not only of this particular relation, but of all the consequences of those treaties, which have been in existence for the last fifteen or twenty, if not twenty-five years, many of which were entirely destitute of all the essential principles of reciprocity.

Mr. DAVIS had looked at this subject for some time as one which was entitled to all the consideration which his colleague thought it deserved—for some years he had seen the development of facts of a striking character. But a few years ago memorials were presented in this chamber, from merchants of Baltimore, setting forth the unequal advantages which they enjoyed in the transshipment of tobacco to Germany, as one result of a treaty, to which he now referred, as a sample of the treaties of reciprocity, which, instead of affording reciprocal advantages, drove the Baltimore merchants entirely out of the trade. He could point out many more such results in the operation of these treaties, to show the necessity of an examination of a system, as suggested by his colleague, which was of very doubtful policy, as regarded the interests of this country.

At the request of Mr. CALHOUN, the memorial was read.

Mr. BUCHANAN then said, certainly this was a very important subject; it was a request to change that policy of the country which they had been endeavoring to carry into effect with all foreign nations since the year 1815. That it was disastrous in some respects, particularly in regard to our commerce with some of the Hanse Towns, there could be no doubt; but why refer it to the Committee on Foreign Relations? It was a subject peculiarly relating to the commerce and navigation of the country; and the question was, how have these treaties of reciprocity operated on those two great interests, which in that body were exclusively committed to the Committee on Commerce? It was not a subject connected with their foreign relations, except incidentally; and he moved, therefore, that it be referred to the Committee on Commerce, which was its appropriate reference.

Mr. DAVIS had moved its reference to the Committee on Foreign Relations, because it referred to a conventional agreement of the treaty-making power between the British Colonies and the United States. If, however, it would more appropriately go to the Committee on Commerce, he was willing that it should go there.

Mr. CALHOUN said it appeared to him that, in the first instance, it should be referred to the Committee on Commerce, and, after that committee had reported, it might be proper to refer their report to the Committee on Foreign Relations. This was the old subject, which the Government had so long found it difficult to manage satisfactorily, and he apprehended it never would be managed satisfactorily. If the difficulties could be overcome, he should rejoice; for there was no man on that floor who took a deeper interest than he did in the prosperity, navigation and commerce of the country.

Mr. DAVIS was satisfied to withdraw his motion, and let it go to the Committee on Commerce.

After a few words from Mr. MERRICK,

Mr. KNIGHT said, whatever committee this memorial might be referred to, he hoped the attention of the committee would be drawn to the operation of these treaties, and particularly to the arrangement in regard to the West India trade, and the effect on the trade and navigation of the country. So far as he was informed, this arrangement had been favorable to the British navigation, and injurious to our own. He believed it to be a fact, now ascertained, that the British tonnage had greatly increased, and that our tonnage in this trade of the Colonies had diminished. In olden times we used to import molasses, rum, salt, sugar, and other commodities, from the West Indies in our own vessels; but under the arrangement, large quantities of these articles are brought in British vessels, and much from the

Northern colonies where they are not grown or manufactured, clearly giving to the British an advantage which we do not possess. He wished the committee also to inquire whether the existing arrangement is reciprocal in its provisions and operations. He understood that the British vessels are now allowed to carry certain goods, wares, and merchandize from this country to the West Indies, which ours are not permitted to carry, and in this particular a decided preference is given to the British navigator over our own. These are some of the points which it is desirable should be investigated by the committee. Discriminating duties, also, in favor of the Colonies, should not escape the attention of the committee.

Mr. KING said he would greatly prefer that it should go to the Committee on Foreign Relations, especially if the Committee on Commerce was to be merely a conduit through which it should pass to the Committee on Foreign Relations. He was not unwilling to take any labor that might be necessarily imposed upon him in the public service, as the chairman of the Committee on Commerce; but as our foreign relations required a re-examination, it would be better that this subject should now go to the committee to which it most ultimately go.

Mr. BUCHANAN trusted that it would not go to the Committee on Foreign Relations. The question was, whether it was advisable to renew our treaty with Great Britain—whether, when this treaty shall expire, it shall be renewed again? These Newburyport merchants say it ought not, in their opinion, and who was to decide that question? It would be necessary to take a general and broad view of the effect of this treaty on the commerce of the country; and to decide that important question, it should be referred to a committee acquainted with the subject. How could the Committee on Foreign Relations determine a question respecting the effect produced on their commerce? If it were sent to them, it would be sent to a committee, the members of which were supposed not to have entered into its consideration at all, while the Committee on Commerce, during the entire session, were in the daily consideration of questions exclusively connected with it, and therefore he again hoped it would go to the Committee on Commerce. But he had another remark. If this subject was to be investigated as it ought, and as its importance required that it should be, it could not possibly be done so as to make a satisfactory report at the present session. They would have to go back through a variety of sources to ascertain what effect these reciprocity treaties had had on our commerce, and this information could not be collected in the six weeks or two months the Congress would be in session. And then the country must have time to reflect on it after it was collected, and in the expectation that this memorial was to be sent to a committee, the members of which were not conversant with the subject, he had no hesitation in saying that it was idle and vain to suppose they could accomplish any thing this session. He thought the Committee on Commerce might be in possession of information on this subject, and might, therefore, be able to make a report at the present session, though he much doubted; but he was satisfied nothing could grow out of the reference to the Committee on Foreign Relations.

The Senate then divided on the question of reference to the Committee on Commerce, which was decided in the affirmative by a vote of 19 to 9; and the memorial was ordered to be printed.

Mr. BENTON submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of making an appropriation to pay the outfit to Commodore Porter, not provided for when he was appointed Minister, resident at Constantinople.

Mr. NORVELL submitted the following motion; which was considered and agreed to:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of making an appropriation to enable the President of the United States to negotiate for the extinction of the Indian titles to the unpurchased lands lying in the upper peninsula of the State of Michigan.

Mr. CLAY of Alabama submitted the following motion, which was considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the appointment of a Marshal and District Attorney for the Middle District of Alabama.

Mr. SMITH of Indiana submitted the following resolution, which was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate a copy of the correspondence between the Department and the Governor of the State of Indiana relative to the lands granted in that State by the act of March 2, 1827, for that part of the Wabash and Erie Canal which lies between the mouth of the Tippecanoe river and the line of the State of Ohio, which could not be set off to the State of Indiana in the adjustment that took place in 1829 and 1830, in consequence of the Indian title thereto not being then extinguished.

And that he also report what quantity of land the State of Indiana is still entitled to, under said act, for that portion of said canal, and what portion of the same has been granted to individuals as Indian reservations by treaty with the Miamies.

Mr. WALKER submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of assigning the present district judge of the United States for the State of Mississippi to one of the districts of said State, and of appointing a separate judge for the remaining district.

The following bills were considered as in Committee of the Whole, and ordered to be engrossed for a third reading:

A bill granting a pension to Lemuel White.
A bill for the relief of Margaret Barnes, widow of Elijah Barnes.

A bill granting a pension to David Waller.
A bill for the relief of Samuel Collins.
A bill for the relief of Joseph Bassett.
A bill for the relief of the legal representatives of Richard T. Banks of the State of Arkansas.

A bill to authorize the Secretary of War to adjust and pay to Benjamin Murphy, of Arkansas, the value of his corn, cattle, and hogs, taken by the Cherokee Indians in the month of Dec. 1828.
A bill for the relief of Joab Seely.

A bill to authorize the Secretary of the Treasury to procure steam vessels for the revenue service.

A bill allowing drawback on foreign merchandise exported in the original packages to Chihuahua and San Felipe, in Mexico.

A bill to amend an act entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," passed the 18th day of April, 1816.

A bill for the relief of William P. Rathbone.
A bill further to amend the act entitled "An act to provide for taking the sixth census or enumeration of the inhabitants of the United States," approved March 3, 1839.

The bill making an appropriation to complete the removal of the raft of Red river, and for other purposes, was taken up, as in Committee of the Whole, and, after some remarks by Mr. KING, showing the propriety and necessity of its passage, it was ordered to be engrossed for a third reading.

The bill to establish a Board of Commissioners to hear and examine claims against the United States, was taken up, as in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill to revive the charters of the banks of the District of Columbia, being taken up—

Mr. TAPPAN thought they ought to wait until they had received some papers that were ordered to be printed on the subject.

Mr. MERRICK would be glad, then, if Senators who were desirous to enter into the discussion of this bill, would agree to fix an early day for that purpose.

Mr. TAPPAN would agree with the Senator from Maryland in the appointment of an early day, when the papers to which he referred were received.

The bill to establish a permanent prospective pre-emption system in favor of settlers on the public lands who shall inhabit and cultivate the same, and raise a log cabin thereon, coming up in order,

Mr. CLAY of Alabama said he had the honor to report that bill, and he was anxious to have it disposed of; but he wished to take no advantage of Senators, there being several absent from their seats, and therefore he would consent to pass it by informally. It was a bill on which he wished to have a full Senate, that they might all show their hands on the question of its passage.

Mr. CRITTENDEN said, then it would be desirable to assign a particular day for the bill.

Mr. CLAY replied, that a particular day had been named, and it came up this morning as a special order; but as the Senate was not full, he was willing it should be passed informally, and it could be then taken up to-morrow, or any subsequent convenient day.

After a few remarks from Messrs. MERRICK, HUBBARD, WRIGHT, and others, the bill was passed by informally.

A bill for the benefit of the Selma and Tennessee Railroad Company being taken up as in Committee of the Whole—

Mr. CLAY of Alabama said this bill had passed at previous sessions of Congress, and therefore it would not be necessary that he should enter into an explanation of its provisions, unless it were desired by some gentlemen on that floor.

Mr. BENTON wished to have some further explanation on one or two points. He wished to know what progress had been made in the construction of this road, what probability there was of its speedy completion, and whether there was an adequacy of means with those engaged in it. He had a decided objection to see the United States forcing on any of these works, unless it were such as could be carried speedily through—he had no idea that the United States should take the laboring oar for the carrying on any of these works, or contributing where the work was not going on prosperously, and where the means of those engaged in it were inadequate to its completion; and he wished, therefore, the Senator from Alabama would inform him what was the state of the road, whether it was in a state of progression, whether there was a probability of its termination, what were the means of those engaged in it, and whether they were adequate to its successful accomplishment.

Mr. CLAY could only repeat what he had said on other occasions, that there was no sort of question in regard to the adequacy of the means of the company, for much the greater portion of the stock was taken by men of capital and respectability in the State of Alabama; nor could there be a doubt of the rapid advance of the work. The track was laid out, the whole of it was surveyed, and much of it was graded; and from the commencement at the Alabama river, there were excavations and embankments completed from 30 to 40 miles; and the road then entered a valley where neither by excavation nor embankment was necessary for some 60 or 70 miles. Of the importance of the work, he observed that this road was the connecting link between North Alabama and the bay of Mobile; and between the Tennessee river and the waters of the bay of Mobile; and let this road be opened, and it would open an important means of commercial transit, both to the State of Alabama and the State of Tennessee; it would likewise afford the means of defence of that part of our coast, by the rapid conveyance of men and munitions of war in any emergency. It was well known that the means of defence of Mobile and New Orleans must always come from the upper country and this company was willing to undertake the responsibility of conveying men and munitions of war at all times, free of all charge, to the vulnerable points. He hoped the gentleman was now satisfied. The work hitherto, under the peculiar circumstances of the times, had progressed less rapidly than could have been desired, but still it had progressed, and would be completed. This bill proposed to make no donation—it merely gave a pre-emption right. The land was of but little value; and it was but right that this company

should have the advantage of whatever increased value they, by their enterprise, gave to the land.

Mr. BENTON inquired whether the work was actually going on.

Mr. CLAY replied in the affirmative; and the bill was then ordered to be engrossed for a third reading.

After a short Executive session,
The Senate adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, December 28, 1840.

Mr. SMITH of Maine, on leave, presented the petition of J. B. Glover and others, of New York, praying for the passage of a bankrupt law; which was referred to the Committee on the Judiciary.

The following bills from the Senate were then read a first and second time, and referred to the appropriate committees, *viz*:

An act granting a pension to Hannah Leighton.
An act to amend an act entitled "An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes."

An act to prevent the counterfeiting any foreign copper, gold, silver, or other coin, and to prevent the bringing into the United States, or uttering any counterfeit foreign copper, gold, silver, or other coin.

An act for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of a treaty between the United States and the Choctaw Indians.

An act supplementary to "An act to provide for the adjustment of titles to land in the town of Detroit, and Territory of Michigan, and for other purposes," passed April 21, 1806.

PUBLIC LANDS.

The SPEAKER announced that the next business in order, was the motion of Mr. REYNOLDS of Illinois, to refer a memorial from the Legislature of that State to the Committee on Public Lands, with the following instructions:

"To report a bill to grant prospective pre-emptions to settlers on the public lands, and to reduce the price to settlers according to the value of said lands."

The question pending was on the following amendment, submitted by Mr. W. COST JOHNSON

"To refer to the Committee on Public Lands with instructions to report a bill to have the proceeds of the sale of the public domain divided among the States in an equitable ratio, to be used by the States for internal improvements, education, or any other purpose, as may be deemed wise by the several States receiving said distribution."

Mr. HUBBARD, being entitled to the floor, was about to resume his remarks, when he gave way to

Mr. CHINN, who moved to lay the whole subject on the table; but after some conversation, withdrew it, and moved a postponement of the subject until Tuesday week.

Mr. ALFORD renewed the motion to lay on the table; and the yeas and nays being demanded, were ordered, and resulted as follows:

YEAS—Messrs. Adams, Alford, Anderson, Linn Banks, Barnard, Beirne, Bell, Bond, Sampson H. Butler, Calhoun, Chinn, Chittenden, Cole, Connor, Cranston, Cushing, Garret Davis, Dawson, Filmore, Floyd, Fornance, Garland, Gates, Giddings, Granger, Griffin, Habersham, Hawes, Hill of North Carolina, Hopkins, Hunt, Jackson, Joseph Johnson, Nathaniel Jones, Kemble, McKay, Mallory, Calvary Morris, Nisbet, Osborne, Parmenter, Paynter, Peck, Pickens, Randall, Reed, Saltonstall, Shepard, Slade, Albert Smith, John Smith, Truman Smith, Starkweather, Tahafarro, Triplett, Trumbull, Warren, John White, and Winthrop—58.

NAYS—Messrs. Judson Allen, Andrews, Atherton, Beatty, Black, Blackwell, Boardman, Boyd, Brewster, Briggs, Aaron V. Brown, Albert G. Brown, Burke, Wm. B. Campbell, Carter, Casey, Clifford, Crabb, Craig, Crary, Curtis, Dana, E. Davies, Deberry, Dellet, Doan, Doe, Doig, Duncan, Earl, Eastman, Edwards, Ely, Everett, Fine, Fisher, Galbraith, Gentry, Gerry, Goggin, Goode, Hand, John Hastings, Henry, Hillen, Hook, Hubbard, James, Jameson, Charles Johnson, William

Cost Johnson, Cave Johnson, Keim, Kempshall, Kille, Lane, Leadbetter, Leet, Leonard, Lowell, Lucas, McClellan, Marchand, Marvin, Mason, Medill Miller, Mitchell, Monroe, Montanya, Morgan, Morrow, Newhard, Palen, Parrish, Pope, Prentiss, Proffit, Randolph, Rariden, Reynolds, Ridgway, Edward Rogers, Russell, Ryall, Simon-ton, Thomas Smith, Stanly, Steenrod, Strong, Stuart, Sumter, Swearingen, Sweeney, F. Thomas, Waddy Thompson, Jacob Thompson, John R. Thompson, Tillinghast, Toland, Underwood, Peter J. Wagner, Waterson, Weller, Wick, Jared W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, and Christopher H. Williams—111.

So the House refused to lay on table.

The question then recurring on the motion of Mr. CHINN to postpone all further consideration of the subject until Tuesday week,

The SPEAKER suggested that on that day the Pennsylvania contested election case would come up as the special order; whereon,

Mr. CHINN modified his motion so as to read "next Wednesday week;" also that it be made the special order for that day.

Mr. REYNOLDS opposed the motion to postpone. He thought gentlemen could act upon the subject as well now as any other time. If it were postponed until a later period of the session, the cry would then arise, that there was not time to consider it.

Mr. HUBBARD demanded the previous question, but there was no second.

The question then recurring on the motion to postpone until Wednesday week, it was taken and decided in the affirmative.

The question then being on the latter branch of the motion, making the subject the special order for Wednesday week, was taken, and decided in the negative.

So the further consideration of the subject is postponed until next Wednesday week, on which day it will come up in its order.

NAVY PENSIONS.

Mr. FRANCIS THOMAS asked the House to go into Committee of the Whole on the bill reported by him from the Committee on Naval Affairs last week, making appropriation for the payment of navy pensions. He reminded the House that the money would become due on the first of January, so that prompt action on the bill was absolutely necessary.

Mr. T. then moved that the House go into Committee of the Whole, for the purpose of taking up the bill.

Mr. PROFFIT objected.

Mr. THOMAS explained the urgency of the bill, after which the objection was withdrawn.

The House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. McKAY in the chair,) and took up the above bill, which was read by the Clerk, as follows:

A BILL concerning navy pensions and half-pay.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of one hundred and fifty-one thousand three hundred and fifty-two dollars and thirty-nine cents, be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the payment of pensions and half-pay chargeable on the navy pension fund.

At the request of Mr. THOMAS, the Clerk then read the following document from the Secretary of the Navy, which had been forwarded by the President, in compliance with a resolution of the House:

WASHINGTON, December 7, 1840.

Sir: I herewith transmit a letter from the Secretary of the Navy, in relation to the navy pension fund, to which the attention of Congress is invited, and recommend an immediate appropriation of \$151,352 39, to meet the payment of pensions becoming due on and after the 1st of January, 1841.

M. VAN BUREN.

HON. R. M. T. HUNTER,

Speaker of the House of Representatives.

NAVY DEPARTMENT, December 1, 1840.

Sir: I have the honor to state that the whole

amount of money now on hand to pay navy pensioners, is \$18 647 61; and that there will be required in addition thereto, for that purpose, for the ensuing year—1841—the sum of \$151,352 39; of which the sum of \$51,476 73 will be wanted to meet claims for pensions becoming due on the 1st day of January next.

The stocks at present owned by the navy pension fund are:

City of Cincinnati five per cent.	-	-	\$100,000
City of Washington five per cent.	-	-	33,339
Bank of Washington	-	-	14,000
Union Bank of Georgetown	-	-	11,460

Nominal value - - - - \$158,739

All these stocks have greatly depreciated in value, and some of them are now altogether unsaleable. The stock of the city of Cincinnati, standing highest, has been advertised to be sold at auction on the 15th of this month, (December,) for the purpose, in the first place, of reimbursing the Bank of America the sum of fifty thousand dollars advanced to the fund on a deposit of the said stock, to meet the payment of pensions which became due on the 1st of July last, and afterwards to meet, as far as it may suffice, the payments falling due on the 1st of January next.

To liquidate these and other claims becoming due in the year 1841, and at the same time to prevent the great sacrifice which must ensue if the stocks belonging to the fund be sold at this time, I have the honor to request that you will be pleased to call the attention of Congress to the subject at the commencement of its approaching session, and to recommend an immediate appropriation of the above named sum of \$151,352 39 in aid of the fund; the deficiency in its means of satisfying the just claims of pensioners, which by the act of Congress of 23d April, 1800, the public faith was pledged to supply, having occurred.

I have the honor to be, very respectfully,

Your obedient servant,

J. K. PAULDING.

To the PRESIDENT of the United States.

Mr. F. THOMAS then made a brief explanation of the acts relating to the bill. He explained that, by the act of 1800, pensions were granted to seamen, officers, and marines in the naval service who had been disabled; and that, by the 9th section, a peculiar mode of paying these pensions was provided; the fund was to be derived not from the general revenue of the Government, but from the sale of that portion of the prizes to which the United States might become entitled. He explained also that, by the 9th section, the faith of the United States was pledged, in the event of the exhaustion of the fund, to make good the deficit. The Secretary of the Navy stated that this specific fund had been so far exhausted as to be reduced to a very small amount in stocks, most of which were now unsaleable, and he applied to Congress to make this appropriation for the purpose of saving those stocks from sacrifice.

Mr. T. then proceeded to reply to an objection which, he said, he anticipated would be made by the gentleman from Massachusetts, (Mr. ADAMS.) There was a contrariety of opinion in the Committee on Naval Affairs, and might be, Mr. T. supposed, in this House, as to the construction of the law of 3d March, 1837, under which this pension fund of 1800 had been exhausted. It would be seen that Congress, by the act of 1800, had given pensions to officers, seamen, and marines disabled; and, as he had said, by the ninth section, the faith of the Government was pledged to make good any deficiency in the fund if it should become exhausted. By the law of 1837, and by other laws which it was not necessary for him to refer to, another class of persons had been authorized to apply for these pensions other than those contemplated by the original act; and their pensions were to commence from the time when the incident occurred which gave origin to the pensions. Under this act, Mr. T. explained that arranges had been allowed of twenty or thirty years. He anticipated that the gentleman from Massachusetts (Mr. ADAMS) would assume the ground that the Secretary had erred in giving that construction to the law of 1837. He anticipated the gentleman would say that Con-

gress gave a pledge to make good any deficiency in the fund in the event of that fund being applied solely to pensioners contemplated under the law of 1800, to wit, to officers, seamen, and marines, actually disabled in the public service. Now, it seemed to him (Mr. T.) that whatever might be the construction given to the act, the bill before the committee ought to become a law, even if the Secretary of the Navy had committed an error. If the fund was exhausted, the Government stood bound to reimburse it. The Committee on Naval Affairs intended, before the close of the session, to bring in a bill to repeal the act of 1837, and intended to incorporate in it certain provisions diminishing the number of persons entitled to make these claims upon the Government. The simple question now was, whether the Government, in virtue of its plighted faith, would now make good a deficiency in the pension fund of 1800; that fund having been exhausted under what some gentlemen might suppose to be a misconception of the act of 1837.

Mr. ADAMS desired to know if the sum embraced in the present bill was included in the estimate for the year.

Mr. THOMAS said, that so far as he was informed, he believed not.

Mr. ADAMS then complained that the recommendation from the President was, that Congress should not exceed the estimates, and yet one week afterwards the House was urged to make an appropriation not included in the estimates. Mr. A. then went on to contend that the Secretary of the Navy, under the act of 1837, had no authority to make use of the specific fund set apart for the payment of pensioners under the act of 1800. Also, that by this act the Treasury of the United States had been saddled with a national debt, and for the payment of which they were called upon to make an appropriation not in the estimates. Mr. A. then proceeded to show that in 1837 the amount of the specific fund was \$1,200,000, the interest from which, he contended, was sufficient to meet the demands upon it. He wished to know what had become of this money. Why, it appeared from the letter of the Secretary that it had been exhausted not for the payment of the pensioners, for whom it had been set apart, but for the widows, orphans, and perhaps the aunts of persons who might have been in the service. After some further remarks, Mr. A. went on to charge the Administration with a want of economy in thus "wasting" so much money, sacredly set apart, as he contended, for another specific purpose. He wished to know how the act of 1837 originated, and by whom it was passed through the House. He desired to examine who had introduced the measure, and to see whether was a Whig or an Administration "economist."

Mr. A. then, at much length, gave his views in relation to the investment of Government money in State stocks and bonds, and contended that the Secretary of the Navy had no authority for making such investments. He contended that the investment of money in State stocks by the Government, was in fact assuming the State debts.

Mr. F. THOMAS declining to reply, owing to the necessity of a speedy passage of the bill,

The committee then rose and reported the bill to the House, without amendment.

Mr. REED made some brief remarks in defence of the Secretary of the Navy, who, in his opinion, was often blamed when the fault lay in the law. He had risen, however, more particularly to request that the House would ere long afford him an opportunity of speaking upon the affairs of the navy—a privilege he had often wished during the last session, but never had.

After some remarks from Mr. WISE, who took the same general view of the case as Mr. ADAMS, and, among other matters, complained of the delay in bringing this subject before the House,

Mr. THOMAS (chairman of the Committee on Naval Affairs) said that he had designed to suffer this bill to pass without any comment on his part, for he had not felt himself called upon to reply to the remarks of the honorable gentleman from Massachusetts on the general policy of the Administration, particularly as he, as well as the hono-

nable gentleman from Virginia who had just resumed his seat, had commenced their speeches by declaring that it was their purpose to vote for the bill. He was anxious to have it pass the House this day and go to the Senate, that the little remnant of this fund might be saved, and the demands of the Government to pay the existing pensions might be met in time; (for which purpose one hundred and fifty thousand dollars would be wanting on the first of January next.) But he could not sit still and hear such extraordinary charges advanced against the Secretary of the Navy without making some reply. If there ever was an officer of Government whose conduct was not only unworthy of blame, but deserved the highest praise for his fidelity, the Secretary was that officer. No sooner did he find himself in office, than his attention was immediately turned to this pension law of 1837; and at the very next session he failed not to warn Congress that if the law was suffered to remain as it stood, the navy pension fund would shortly be absorbed in its application to an object for which that fund had never been originally created. In the Senate, this warning took effect, and the law was repealed; but the bill of repeal was lost in the House; why, Mr. T. could not say. They all knew how time was often wasted in that body by irrelevant and latitudinous discussion. He did not find fault with this, because he believed that, upon the whole, the country was benefited by it. The Committee on Naval Affairs had reported a bill to put a stop to this waste and misapplication of the fund, but it never had been acted upon. Thus much on the delay which had taken place.

Now as to the actual operation of the law of 1837. He wished the House to see whether the fund had not been exhausted through the legitimate interpretation of that law. The gentleman from Virginia had fallen into most strange mistakes, in his apprehension of the subject, to confute which it would be only necessary to look at the law. [Mr. T. here quoted the act of 1837.] From this it appeared that there were two classes of pensioners contemplated: 1, the widows and children of officers, seamen, or marines, who had died in the public service; and 2, persons who had been personally disabled by wounds or injuries received in such service. In both cases the law was not prospective merely, but retrospective also. It not only granted pensions in *future*, but required that the pension should be reckoned back to the death of the officer, seaman, or marine, and to the date of the disability incurred. In this manner there had been paid in a single year, to 92 invalids, the sum of \$78,000, to 85 widows the sum of \$121,000, and to 129 children \$129,000.

Here was a gross sum of \$329,000 paid as arrears, besides the annual pensions which were to be provided for.

Mr. WISE here explained, and insisted that, even according to Mr. T.'s own showing, there ought to be a large balance still left in the hands of the Department.

Mr. THOMAS said he had only stated the result of the operation of the law for a period of six months from the 31 of March to the 30th of September, 1837. The law had continued in force to this day.

Mr. WISE again interposed, and referred to a report which stated the gross amount of arrears at about \$300,000; and inquired how much it had been since increased?

Mr. THOMAS said he held in his hand another account from the Navy Department, giving the particulars of another amount paid in the form of arrearages, exceeding \$800,000. If gentlemen would look fully into the subject, instead of taking partial views, they would find that every dollar of the fund was accounted for.

Mr. WISE According to that, there ought to be no balance at all left, but the Secretary reports a balance.

Mr. THOMAS said there was about \$158,000 left still, on the first of December last. But whence did this law which had led to such a result emanate? Who authorized this application of the pension fund? It was not the Secretary of the Navy or the Commissioner of Pensions, but the two Houses of Congress. Who were the authors of the

bill? It had been reported to the Senate by the honorable Mr. ROBINSON of Illinois, and sent to the Committee on Naval Affairs, of which Mr. SOUTHARD was a member, and he had reported the bill to the Senate, by whom it had been passed without a division. The Senate bill, coming into the House, had been referred to the Committee on Naval Affairs in the House. Mr. T. read the names of this committee, among which that of Mr. WISE was one. The bill had been ordered to its third reading without a division, and passed by the House without amendment.

Mr. WISE explained, stating that, though his name appeared on the Naval Committee, he was not responsible for the bill. He was at that time but nominally one of the committee—his attention was directed elsewhere—he had other fish to fry—and could no longer attend to the business of that committee, (of which he had previously been an active member,) being appointed on another occasion which occupied his time and thoughts.

Mr. THOMAS had not the least suspicion as to that gentleman's course in relation to the bill. The responsibility rested on the whole House. Congress passed the law, and ordered the Secretary to administer it. That officer had warned them how it would operate and was operating. And was he then to be arraigned for carrying out an act which was the law of the land?

Mr. REED (also a member of the Naval Committee) here made some explanation which was totally inaudible to the Reporter.

Mr. THOMAS, then resuming, observed that he concurred fully with such part of the remarks of the honorable gentleman from Massachusetts (Mr. ADAMS) as related to the policy of leaving in the hands of Heads of Departments the discretionary power of buying and selling on public account stocks of any description. He had raised his feeble voice against such a practice many years ago. But while the authority remained, he trusted that parties accused, as the Secretary of the Navy had been, would be tried by the law as it stood. That, if he had for his acts the express authority of law, he would be acquitted. And if such authority were in itself wrong, Congress would withdraw it, but not unjustly charge the fault of the law on the officer who executed it. Now, as the navy pension fund originated from prize-money taken in time of war, and as the United States had had neither war nor prizes for some years, he inferred that, as the Secretary would violate his duty should he let the fund lie idle in his hands, the investment of it in stock had been made some fifteen years ago.

Mr. ADAMS here interposed to say that those investments had all taken place since 1837, and never before.

Mr. THOMAS, resuming, said that he referred to the capital of the fund. It was the interest which had been invested; and in thus vesting it, the Secretary had but followed the course of his predecessors. The law itself provided that the Secretary might vest the interest of the fund in any way he thought best. [Mr. T. here quoted the law.] The present Secretary could, however, have had but a small sum to invest in any way. Whether the investment had been prudently made or not, Mr. T. would not now express an opinion; he rather supposed, however, that it would be admitted to be better to place the money in State stocks, rather than in those of any private corporation. The fault, if any, was in Congress, in not laying down a rule specifying in what stock the interest of this fund should be invested. As to the sale of the stocks which had been purchased, it was an operation indispensable to meet the engagements of the Government. Mr. T. observed, in conclusion, that he had not attempted to go into a reply to the speech of the honorable gentleman from Massachusetts, [Mr. ADAMS,] nor did he feel bound to do so. He was not in the same situation with that gentleman, having a speech prepared for delivery at a former session.

Mr. MONROE said the Congress of 1837 had disposed of a fund over which they had no control; and it was the duty of the representatives to replace the fund, repeal the act of 1837, acknowledge the debt, and pay the interest; and that interest would pay the pensioners annually.

Mr. ANDERSON of Maine followed; but owing to the customary loud conversation near the Reporters' desk, not one word in a dozen could be heard with distinctness.

Mr. SHEPARD moved to amend the bill, by adding the following, to come in as an additional section:

Sec. 2. *And be it further enacted, That the act of March 3, 1837, entitled, An act for the more equitable administration of the navy pension fund, be repealed.*

Mr. REED objected to the amendment. He thought its adoption at this time would be too precipitate. He wished a full and careful examination before the law should be repealed.

After some brief remarks from Mr. TILLINGHAST,

Mr. PECK demanded the previous question, which was seconded by the House.

The main question was then ordered, and, being put, first on the amendment, resulted as follows:

YEAS—Messrs. Anderson, Atherton, Banks, Beirne, Black, Blackwell, Boyd, Brewster, Burke, Sampson H. Butler, William O. Butler, Wm. B. Campbell, Carr, Casey, Chinn, Clifford, Coles, Connor, William R. Cooper, Crabb, Dana, John W. Davis, Garret Davis, Dawson, Deberry, Doig, Duncan, Earl, Eastman, Ely, Everett, Fine, Fisher, Floyd, Galbraith, Garland, Gerry, Giddings, Griffin, Hand, Hawes, Hill of North Carolina, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, Leadbetter, Lewis, Lowell, Lucas, McClellan, McKay, Mallory, Marchand, Medill, Montanya, Parris, Pickens, Pope, Prentiss, Reynolds, Jas. Rogers, Ryall, Shaw, Albert Smith, Stearns, Strong, Stuart, Swearingen, F. Thomas, Waddy Thompson, Jacob Thompson, Turney, Underwood, Vroom, Watterson, Henry Williams, Lewis Williams, and Christopher H. Williams—81.

NAYS—Messrs. Adams, Judson Allen, Barnard, Beatty, Boardman, Calhoun, Carter, Chittenden, Clark, Cranston, Edward Davies, John Davis, Dellet, Edwards, Everett, Fillmore, Gates, Goggin, Goode, Granger, Graves, Green, Habersham, Henry, Hill of Virginia, Hillen, Hook, James, Kempshall, Kille, Lane, Leet, Lincoln, McCarty, McCulloch, Marvin, Mason, Monroe, Moore, Morgan, Morrow, Naylor, Newhard, Osborne, Palen, Paynter, Peck, Randall, Rariden, Rayner, Reed, Ridgway, Edward Rogers, Russell, Saltonstall, Simonton, Slade, Truman Smith, Thomas Smith, Stanly, Taliaferro, John B. Thompson, Tillinghast, Toland, Triplett, Trumbull, Peter J. Wagner, Thomas W. Williams, Joseph L. Williams, and Wise—70.

So the amendment was agreed to.

The question then recurring on ordering the bill, as amended, to be engrossed for a third reading, was put, and decided in the affirmative.

The bill was then read a third time, and passed.

On motion of Mr. WATTERSON,

The House adjourned.

IN SENATE,

TUESDAY, December 29, 1840.

DEATH OF HON. FELIX GRUNDY.

Immediately after the reading of the journal,

Mr. ANDERSON rose and addressed the Senate as follows:

MR. PRESIDENT: By the last mail, I received from Nashville the sad intelligence of the death of my esteemed friend and distinguished colleague, and I rise to announce the event to the Senate. He died at Nashville on the 19th instant. I have no words adequate to express my deep regret for this great public loss. I will not indulge, upon this occasion, in mere expressions of private grief, though I might find pardon and sympathy in the bosoms of many of his personal and endeared friends who surround me. They will feel with me that they have lost a friend who merited their esteem, and in whose social

qualities the kindness of the heart was ever conspicuous, and never, for a moment, extinguished by party contests. But, sir, in bringing this melancholy event to the notice of the Senate, I am reminded not only of the claims of private friendship—of the loss which I feel that I have suffered in his death—but that I am about to ask the action of this body in reference to a man who was one of the Patriots and State-men of this land—a man of whom it may be said, truly, that he was the artificer of his own fortunes, and wore those honors meekly, which his fidelity and talents had won in many a well contested field of mental action.

His loss is a public misfortune; and it will sink deep and lastingly into the bosoms of his countrymen.

He was born in 1777, in the county of Berkley, in the Old Dominion, that mother of patriots and great statesmen. His father emigrated in 1780 to Kentucky. At an early period he was left an orphan, guided and cherished by a mother on whom misfortune had cast its deepest shadows. He was liberally educated at the Academy of Bardstown, Kentucky, then under the superintendence of Dr. PRIESTLY, and passed his scholastic days in honorable rivalry with such men as ROWAN, POPE, and DAVIS.

He studied law with that eminent civilian and ardent patriot, GEORGE NICHOLAS. In selecting the legal profession, he consulted his natural taste and cast of mind; and when he came to the bar, he soon acquired the confidence and patronage of the public. In 1799, when a convention was called in Kentucky to revise the Constitution, he was chosen as a member of that body from the county of Washington; and was afterwards elected to the Legislature of that State, and was the author of what is denominated the circuit court system, by which justice was brought nearer to the hands and the doors of the people.

He was subsequently elected to the Legislature of Kentucky. He continued in that station from 1802 until 1806, when he was made one of the Supreme Judges of the State, and, at the transfer of Judge TODD to the Supreme Court of the United States, he was made Chief Justice. In 1808 he resigned that office, emigrated to Tennessee, and engaged in the practice of the law. The same success followed his efforts there. The popular confidence was early bestowed upon him, and when our difficulties with Great Britain excited the apprehension that they could not be amicably adjusted, his patriotism, his zeal, his wisdom, and his talent, pointed him out as the man peculiarly qualified with whom to entrust such high interests—and I believe he was elected without opposition from the Nashville district, a member of the Congress of 1811 and 1812. He was placed during that memorable period, by the distinguished Senator from Kentucky, then Speaker of the House, upon the Committee of Foreign Relations, which was composed of some of the ablest men of the nation. It was with such men that he was rated, and it was then that he first became known to the whole country, and equally distinguished for his wisdom in council, his untiring zeal, and his powerful and inspiring eloquence. It was the meridian of his life, and the fire of his youth had not subsided; that gentler, perhaps not less lofty strain of eloquence to which we have listened here in his latter days, marked

then his efforts, but they had also an added strength, and energy, and point, that gave to all he said the highest force.

After his retirement from his position there, he was elected to the Legislature of Tennessee, and continued to act a valuable and distinguished part in the councils of his adopted State. In 1829, he was elected a member of this body. In this station he continued until 1837, when he resigned his seat—and was afterwards called to the cabinet by the present President, and was again returned to the Senate at the commencement of this Congress.

Of his action here I need not speak. Of one thing, I think I am certain—he has left no enemy in this body, and many warm, very warm and devoted friends, who will long cherish his memory. That gentle but mighty spirit, that could move so powerfully upon others, has itself been finally acted upon by the Giver of all good; and we are permitted to cherish the belief that it now rests in the bosom of our Heavenly Father. He was aware of the immediate change that was about to translate him from time to eternity. He contemplated it with calmness and Christian resignation, in the humble hope that he would be numbered among the spirits of the redeemed made perfect. Religion had smoothed his path, and made his dying bed soft and gentle to his heart as the downy pillow.

We shall hear his voice no more, but we will cherish his memory—for his was a spirit ever kind, noble, and bland as a summer's morning. His eloquence charmed and delighted; often confounded, but never repelled the admiration of his adversary. His friends—his State—his whole country, will deplore his death as a public calamity. History will attest that his life has been closed through a long path of toil, of patriotism, of honor, and of fame.

Mr. A. then offered the following resolutions:

Resolved, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of the honorable FELIX GRUNDY, late a member thereof, will go into mourning, by wearing crape on the left arm for thirty days.

Resolved, That as an additional mark of respect for the memory of the honorable FELIX GRUNDY, the Senate do now adjourn.

Mr. BENTON rose and said, that among the number of Senators now present, to whom a long and friendly intercourse with our deceased brother Senator would give the right of seconding the motion to confer honors upon his memory, he claimed to be one, and that on account of a friendly intercourse between them long before their meeting in this chamber. Judge GRUNDY, after having attained the highest professional advancement in the State of his first adoption—after having at an early age become Chief Justice of the Supreme Court of Kentucky—after having earned the highest distinctions of the bar and of the Legislative body, amidst the brilliant competition of genius and talent which illustrated that young State—after achieving all this, at that early age, when many are just commencing the serious business of life, he removed to the State of Tennessee, there to recommence his distinguished professional career. This was in the year 1806. My law license, said Mr. B. was just then signed. I was then a briefless young lawyer at the Nashville bar, and quickly had occasion to experience, in the conduct of the distinguished new comer, the generous and brotherly feeling which leads the

elder members of the profession to lend a helping hand to the younger. To bear lightly on the errors of inexperience—to aid with advice—to extol what was praiseworthy—to encourage every honorable effort—was his conduct to me as well as to all other beginners in the arduous career of the law. Thus commenced our acquaintance, in the exercise of personal and political friendship, thirty-four years ago; and the friendly intercourse then began, has been continued upon a higher and different theatre until death has closed the door upon the progress of his meritorious and eventful life. These circumstances give me a right, among the many who are here and could so justly claim it—they give me a right to appear as the second to the motion which has just been made. The Senator from Tennessee, [Mr. ANDERSON,] the last colleague of the deceased, has well portrayed the character of Judge GRUNDY—has well presented the leading events of his distinguished life, the high order of his talents, the benevolence of his heart, and the amenity of his manners. He has sketched the outline, with a friendly and a just hand, of these events and qualities. To fill up that outline, and to give the details of that picture which he has so beautifully presented, would require a time and an opportunity which the present sudden and melancholy occasion does not permit. He has done all which the occasion permits. He has presented the picture of a good man, and of a great man, rising to eminence by the exercise of virtue and talents, and dispensing private happiness in the family and social circle, while discharging the highest duties of the jurist, the statesman, and the patriot. He has done more: he has been able to present—the life of our deceased friend enabled him to present it—he has been able to crown the picture which he has drawn, with that feature without which all human character would be imperfect; he has been able to present him as a Christian. To this, said Mr. B. I can have nothing more, on this occasion, to add; and, therefore, fulfil my purpose in rising, by seconding the motion which has been made to bestow our last honors on the memory of our deceased brother Senator, Judge GRUNDY.

The resolutions were then unanimously adopted, and the Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, Dec. 29, 1840.

After the journal had been read, Mr. GIDDINGS moved a reconsideration of the vote by which, on yesterday, the House had passed the bill making appropriation for the payment of

NAVY PENSIONS,

and which contained an amendment repealing the act of 1837.

Mr. REED, after some preliminary remarks, moved a postponement of the subject until Tuesday next, in order that the bill might be printed, and an opportunity afforded to members to examine it.

Mr. F. THOMAS hoped that the motion to postpone would not be pressed, as the money appropriated in the bill would become due on the first of January.

Mr. ADAMS contended that the amendment repealing the act of 1837 was an inconsistency; for while the bill itself appropriated money to pay pensions under that act, the amendment took away the authority for paying them.

Mr. REED, at the suggestion of several members, withdrew the motion to postpone.

Mr. TILLINGHAST made some brief remarks in relation to certain specific abuses which he alleged existed in the navy pension system.

Mr. PICKENS said he had but a word to say. He thought, on yesterday, that he agreed with the gentleman from Massachusetts in respect to this law, and thought that he was following his friend from New York, [Mr. MONROE,] who so eloquently spoke of the trust fund being seized upon, which was set aside for specific purposes. He thought he was following these gentlemen for the repeal of the law; for it seemed unjust, and as he conceived, ought to be repealed. Now that act is repealed, (said Mr. P.) we find gentlemen who denounced this law, speaking against its repeal. He could not understand this system of legislation. If there were specific cases of injustice, as stated by the gentleman from Rhode Island, [Mr. TILLINGHAST,] let the chairman of the Committee on Naval Affairs bring in a bill to obviate them, and he would cheerfully vote for it. He believed that, to preserve the navy, we must preserve its honor.

The law, as stated by the gentleman from Massachusetts and the gentleman from New York, was unjust, and Mr. P. was for its repeal. It was by passing such laws that we struck at the honor of the navy, and the House did right in purging the statute book of the unjust law.

In case the House should refuse to reconsider the vote, he hoped the chairman of the Naval Committee would bring in a bill which would cover the whole matter, and do justice to widows and orphans.

Mr. SALTONSTALL, after a review of the origin of the navy pension laws, contended that the law of 1837 ought not to be repealed without proper notice being given to the persons receiving pensions under it. If the House thought proper to adopt a measure of this kind, he thought at least six months' notice ought to be given, as otherwise it would create great inconvenience.

Mr. SHEPARD then took the floor, and was proceeding to vindicate his amendment, when

A message was received from the Senate, by their Secretary, who presented a series of resolutions adopted by that body, announcing the decease of the Hon. FELIX GRUNDY, a Senator from Tennessee, and paying a tribute of respect to his memory.

The resolutions having been read,

Mr. A. V. BROWN of Tennessee rose, and in a very impressive manner pronounced the following eulogium:

Mr. SPEAKER: The painful announcement which we have just heard, makes it proper that I should submit to the House the resolutions which I now send to your table.

It is true that the deceased, at the time of his death, was not a member of this House: but he was once a member of it; and the deep and indelible impress of his talents and patriotism, whilst he was here, the lapse of nearly thirty years has not been able to efface. What record in our archives does not tell of his great and invaluable services, in 1812, '13, and '14, when we declared and prosecuted with success "the second war of independence," against the proudest and strongest nation in the world? The bold and thrilling eloquence with which he urged this body to declare that war, and the readiness with which he voted for all the supplies, both of men and money, necessary to its prosecution, identified Mr. GRUNDY with the most illustrious patriots of that eventful period.

Were these his only services, a Nation's gratitude might still challenge at our hands, as well as from the body of which he was a member, some tribute of respect to the memory of one who was, at that period, so wise in council and so eminent in debate.

His public career commenced more than forty years ago, in the convention for revising the Constitution of Kentucky. He was then but twenty-one or two years of age; but exhibited, during the

deliberations of that body, unerring evidence of his future usefulness and eminence.

He was afterwards, for six years, a distinguished and useful member of the Legislature of that State; losing nothing, by comparison, with any of those eminent lawyers and statesmen of which Kentucky has always been so prolific.

In 1806, he was elected one of the judges of the Supreme Court of that State, and was soon after appointed its Chief Justice, and discharged its duties with industry, impartiality, and distinguished ability.

In the winter of 1807-'8, he removed to Tennessee, and for several years devoted himself exclusively to the practice of his profession, in which he had but few equals, and certainly no superiors. To say this of any one who came in forensic collision with such men as JOHN DICKENSON, Judge HAYWOOD, JENKIN WHITESIDE, Judge OVERTON, and in later years with Judge CRABB and WILLIAM L. BROWN, is no ordinary praise. In criminal jurisprudence, even these claimed no competition with him; but he stood out in advance of all others, unrivalled as an able, eloquent, and successful advocate.

He served in the Legislature of Tennessee, beginning in 1819, about the same length of time he had done in that of Kentucky—placing on her statute book some of her most valuable laws, and giving to her legislation, by his precepts and example, much of that moral tone and liberality of principle which now distinguishes it.

In 1829, Mr. GRUNDY was elected to the United States Senate, and commenced his labors in that body with the administration of General JACKSON. What his services to the country have been since then, either as a Senator or Attorney General, is too fresh in the recollection of all to need to be repeated on the present occasion. But the future history of this country (when that history can be written unbiassed by the party prejudices of the day) cannot fail to award to Mr. GRUNDY the highest meed of praise, of having been a safe and discreet Counsellor, an eloquent and efficient Senator, and an undoubted Patriot.

The loss of such a man, at any time, must be felt by the nation. At such a moment as the present, when America stands in need of all the talents and all the patriotism of all her most gifted sons, his loss must be deeply felt, and deeply mourned. To his own State, that he so dearly loved, which had honored him so often, and whose recent confidence in him I know he was anxious to repay by the most devoted zeal and fidelity—to Tennessee, his loss must be almost irreparable. But, O God! what must it be to his bereaved family! To her, who has been the wife of his bosom from youth to old age—from the days of his poverty to those of wealth and of fame!—to her, whom we (looking toward Mr. TURNER) so lately saw watching by his side, with such conjugal affection, and such Christian hope!—what to her must be his loss! What to his children! But I forbear: I have no right to conduct you into "this house of mourning," whose agonized inmates must look to no earthly source for consolation in this sad hour of their bereavement and sorrow.

Mr. BROWN then sent to the Chair the following resolutions:

Resolved, unanimously, That as a testimony of respect for the memory of the Hon. FELIX GRUNDY, late a member of the Senate of the United States,

CONGRESSIONAL GLOBE.

26TH CONG.....2ND SESS.

TUESDAY, JANUARY 5, 1841.

VOLUME 9.....No. 5.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

Continued from No. 4.

this House will go into mourning, and wear crape for thirty days.

Resolved, That as a further mark of respect for the memory of the deceased, this House do now adjourn.

The resolutions were adopted; and
The House adjourned.

NOTE.—From the notice of the remarks of Mr. TILLINGHAST, in relation to the navy pensions on Friday, it may be inferred that he was opposed to the existing law of 1837, and for its repeal. Such was not his intention. On the contrary, he opposed the repeal, and spoke against entertaining the section for its repeal as an amendment to the appropriation bill under consideration; considering it both irregular and unjust. He said if there were any specific abuse, as some gentlemen alleged, that could be traced to that law, rather than to other and specific legislation or to misconstruction, still this furnished no ground for a repeal of the whole law in this summary mode, providing no substitute, whereby the bread would instantly, without notice or preparation, be taken from the mouth of the destitute widow and the orphan child of the gallant men whose fund we had taken as trustees, and were bound to administer for the purposes so dear to their hearts. He referred to specific instances of hardship and cruelty, as well as as gross injustice and impolicy, which the repeal would produce, and it was to these that Mr. PICKENS alluded in his reply. He contended for a *reconsideration* of the vote by which the House had repealed the act of 1837; having personally requested one or two friends, who had voted in the majority to move a reconsideration; and in the beginning and end of his remarks, maintained that the act of 1837 was a portion of a system honorable to the country, and due to the navy, and ought not to be repealed; but if the imperfections or abuses existed, they should be considered in the shape of a separate bill for their correction, which I was led to believe the Committee on Naval Affairs would ere long report.

IN SENATE,

WEDNESDAY, December 30, 1840.

The PRESIDENT submitted a communication from the Department of State, in answer to a resolution of the Senate of 231 inst. directing the Secretary of State to communicate to the Senate the returns of the census of this year, so far as received into his office, giving only the aggregate of the population in each State or Territory, designating the number of whites, of free persons of color, and all other persons, in three separate columns, and stating how far the returns are incomplete in any State or Territory; which was laid on the table, and ordered to be printed.

Also a communication from the Treasury Department in answer to a resolution of the Senate of the 21st inst. requesting the Secretary of the Treasury to send to the Senate all the documents and papers relating to the reports of the different boards of commissioners acting under the act for the final adjustment of claims to lands in the State of Louisiana, approved February 6, 1835; which was referred to the Committee on Private Land Claims.

Mr. LUMPKIN presented the petition of John-son K. Rogers; which was referred to the Committee on Indian Affairs.

Mr. SMITH of Connecticut presented the petition of the heirs of Silas Deane; which was referred to the Committee on Revolutionary Claims.

On motion by Mr. SMITH, the petition and papers of Warham Kingsley, now on file, were referred to the Committee on Pensions.

Mr. HUBBARD presented the petition of James Williams; which was referred to the Committee on Claims.

On motion by Mr. PHELPS, the petition and pa-

ders of Hannah Smith, now on file, were referred to the Committee on Pensions.

Mr. BUCHANAN presented the petition of John Landis, praying that Congress may purchase certain pictures; which was referred to the Committee on Private Land Claims.

Mr. WRIGHT presented the memorial of a large number of citizens of Onondaga county, N. Y. praying for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.

On motion by Mr. WRIGHT, the petition of John Polhemus, now on file, was referred to the Committee on Claims.

Mr. LUMPKIN, from the Committee on the Post Office and Post Roads, to which was referred the bill for the relief of Avery, Saltmarsh and Co. reported the same without amendment.

Mr. BENTON, from the Committee on Military Affairs, to which was referred the bill for the relief of the corporate authorities of the city of Mobile, reported the same without amendment.

After some remarks by Mr. B. and on his motion, the bill, by unanimous consent, was considered as in committee of the whole, and ordered to be engrossed for a third reading.

Mr. B. from the same committee, to which was referred the bill making compensation to the State of Maine for the services of her militia, reported the same without amendment.

Mr. B. from the same committee, to which was referred the bill for the relief of certain companies of Michigan militia, reported the same without amendment.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the petition of the heirs of Madam De Lasser, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. L. also, from the same committee, reported the bill for the relief of Miguel Eslava without amendment.

Mr. L. also, from the same committee, to which was referred the petition of the legal representatives of Pierre Bonhomme, reported a bill for their relief; which was read, and ordered to a second reading.

Mr. PHELPS, from the Committee on Indian Affairs, to which was referred the petition of John Maxwell, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. PHELPS, from the same committee, also reported a bill for the relief of Gurdon S. Hubbard, Robert A. Kinsey, and others; which was read, and ordered to a second reading.

On motion by Mr. PIERCE, the bill for the equalization of the pay of the army was taken up; and Mr. P. from the Committee on Military Affairs, having submitted an amendment thereto, the bill, as amended, was ordered to be printed.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, to which was referred a memorial from citizens of Missouri, praying for a change in the mode of carrying the mail on a certain route, asked to be discharged from its further consideration; which was agreed to.

Mr. R. from the same committee, reported a bill for the relief of Francis A. Harrison; which was read, and ordered to a second reading.

Mr. HUBBARD, from the Committee on Claims, to which were referred certain resolutions of the Legislature of Alabama, reported a bill authorizing the settlement and payment of certain claims of the State of Alabama; which was read, and ordered to a second reading.

Mr. HUBBARD, also, from the same committee, reported a bill for the relief of Joseph Paxton; which was read, and ordered to a second reading.

Mr. H. also, from the same committee, asked to be discharged from the further consideration of the memorials of John Pritchett and Thomas C. Hardick; which was agreed to.

Mr. BENTON gave notice that, on some conve-

nient day, where there was a general attendance of Senators, he would ask leave to introduce a bill to abolish the salt tax, and repeal the fishing bounties.

Mr. FULTON, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of Samuel Norris and Frederick Saugrain, of Arkansas; which was read twice, and referred to the Committee on Public Lands.

UNIFORM BANKRUPT LAW.

Mr. CRITTENDEN, from the Committee on the Judiciary, to which was referred various memorials on the subject, reported a bill for the establishment of a uniform system of bankruptcy throughout the United States; which was read, and order to a second reading.

Mr. C. said this bill was similar in substance with the bill which passed the Senate at the last session. As prompt action on the bill was desirable, he wished to make such disposition of it as would enable the Senate to dispose of it at its earliest convenience. The bill was then, on motion by Mr. C. made the order of the day for the 7th of January.

Mr. NORVELL, from the Committee on Public Lands, to which was referred the bill to cede the public lands within the limits of the new States on certain conditions therein named, reported the same without amendment.

Mr. NICHOLAS gave notice that to-morrow he would ask leave to introduce a bill to authorize experiments to be made on the application of steam to harbor defence.

Mr. LINN gave notice that to-morrow he would ask leave to introduce a bill for the relief of Enoch Evans.

Mr. WALKER, in pursuance of previous notice asked and obtained leave to introduce a bill to relinquish to the State of Mississippi the two per cent. which accrued upon her admission into the Union; which was read twice, and referred to the Committee on Public Lands.

Mr. W. from the Committee on Public Lands, to which was referred

A bill for creating a new land district in the State of Missouri, and for changing the boundaries of the Southwest and Western land district in said State;

A bill to authorize the Legislature of Louisiana to sell the lands heretofore appropriated for the use of schools within that State;

A bill to authorize the Legislature of Tennessee to sell the lands heretofore appropriated for the use of schools within that State;

A bill to confirm the survey and location of claims for lands in the State of Mississippi, east of Pearl river and south of the 31st degree of north latitude; reported the same without amendment.

Mr. TALLMADGE submitted the following resolution for consideration:

Resolved, That the Secretary of the Treasury report to the Senate a list of the drafts drawn by the Treasury Department, or by its order, that—between the 28th day of February, 1839, and the 4th day of July last, and also since the 4th day of July last—have been protested for non-payment, or that have been presented for payment, and remain unpaid; exhibiting, in a tabular form, the date of such draft; the names of the payees; the names and office of the drawee; the place where payable; the time when payable; the amount; the time when presented; and the time when protested.

CHARTER OF THE CITY OF WASHINGTON.

Mr. MERRICK submitted a motion directing the Secretary of the Senate to cause the bill to amend and continue in force the acts to incorporate the inhabitants of the city of Washington, which was some days since referred to the Committee on the District of Columbia to be published in the daily newspapers of the city. His object in making the motion was to give the citizens who were so much interested in the matter an opportunity of examining the bill, and enable them to sug-

gest such amendments to the committee as they might deem useful or expedient.

After some remarks from Mr. KING, Mr. MERRICK modified his motion, so as to have the bill printed for the use of the Senate.

The bill is in the following words:

A BILL to amend and continue in force the act to incorporate the inhabitants of the city of Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the inhabitants of the city of Washington shall continue to be a body politic and corporate, by the name of "the Mayor, Board of Aldermen, and Board of Common Council of the city of Washington," to be elected by ballot as hereinafter directed; and by their corporate name, may sue and be sued, implead and be impleaded, grant, receive, and do all other acts, as natural persons, and may purchase and hold real, personal, and mixed property, or dispose of the same for the benefit of the city; and may have and use a city seal, and break and alter the same at pleasure.

SEC. 2. *And be it further enacted,* That the present boards of aldermen and common council shall, before the last Monday in May next, divide the city into a number of wards not fewer than six, and not exceeding ten, in such manner, and with such manner, and with such bounds and limits, as to secure to each, as near as may be, an equal number of the inhabitants of said city.

SEC. 3. *And be it further enacted,* That an election shall be held on the first Monday in June next for mayor of the said city, to serve for two years from the Monday next ensuing his election; and that a similar election for said officer shall be held on the first Monday in June in every second year thereafter, at the same time and places designated for holding the elections for the two boards, to serve for the same period, and until a successor shall be chosen. The commissioners hereinafter mentioned, shall make out duplicate certificates of the election of mayor, and shall return one to the board of aldermen, and the other to the board of common council, on the Monday next ensuing the election, and the person having the greatest number of votes shall be mayor. But in case two or more persons, highest in vote, shall have an equal number of votes, then it shall be lawful for the board of aldermen and the board of common council to proceed forthwith, by ballot, in joint meeting, to determine the choice between such persons, and to elect one of the same to be mayor. The mayor shall, on the Monday next ensuing his election, before he enters on the duties of his office, in the presence of the boards of aldermen and common council, take an oath or affirmation, to be administered by a justice of the peace, "lawfully to execute the duties of his office, to the best of his skill and judgment, without favor or partiality." He shall, ex officio, have and exercise all the powers, authority, and jurisdiction of a justice of the peace for the county of Washington, within the said county. He shall nominate, and, with the consent of the board of aldermen, appoint to all offices under the corporation, except commissioners of election, and may remove any such officer from office at his will and pleasure. He shall appoint persons to fill up all vacancies which may occur during the recess of the board of aldermen, to hold such appointments to the end of the then ensuing session. He may convene the two boards when, in his opinion, the public good may require it; and he shall lay before them, from time to time, in writing, such recommendations of measures or alterations in the laws of the corporation as he may deem necessary and proper. He shall receive for his services, annually, a just and reasonable compensation, to be allowed and fixed by the two boards, which shall neither be increased nor diminished during his continuance in office. Any person, who is a free white male citizen of the United States, who shall have attained the age of twenty-five years, and who shall have resided in the city two years immediately preceding his election, shall be eligible to the office of mayor. In case of the refusal of any person to accept the office of mayor upon his election thereto, or of his death, resignation, inability, or removal

from the city, the said boards shall assemble and elect another in his place, to serve for the remainder of the term, or during such inability.

SEC. 4. *And be it further enacted,* That the board of aldermen shall be composed of a number of members equal to the number of wards into which the city may be divided, one of whom shall be elected by the qualified voters in each ward, to reside therein at the time of his election, and to serve for two years from the Monday next ensuing his election. The first election for aldermen shall be held on the first Monday in June next, and on the same day in the same month every second year thereafter. The board of common council shall consist of two members from each ward, to be chosen by the qualified voters in each, so reside therein at the time of their election, and to serve for one year from the Monday next ensuing their election. The first election for members of the board of common council shall be held on the first Monday in June next, and on the same day in the same month every year thereafter. Any free white male citizen of the United States, who shall have attained the age of twenty-one years, and resided in the city one year immediately preceding his election, shall be eligible to the board of aldermen or the board of common council. A majority of each board shall be necessary to form a quorum to do business, but a less number may adjourn from day to day; they may compel the attendance of absent members, in such manner, and under such penalties, and allow such compensation for the attendance of the members, as they may by law provide. Each board shall appoint its own president, who shall preside during its sessions, and who shall be entitled to vote on all questions; they shall settle their rules of proceedings, appoint their own officers, regulate their respective compensations, and remove them at pleasure, and may, with the concurrence of three-fourths of the whole, expel any member for disorderly behavior or misconduct in office, but not a second time for the same offence. Each board shall keep a journal of its proceedings, and the yeas and nays shall be entered therein at the request of any member; and their deliberations shall be public. All ordinances or acts, passed by the two boards, shall be sent to the mayor for his approbation, and when approved by him, shall be obligatory as such; but, if the mayor shall not approve of any ordinance or act, so sent to him, he shall return the same within five days, with his reasons therefor in writing; and, if two thirds of both boards, on reconsideration thereof, agree to pass the same, it shall be in force in like manner as if he had approved it; but, if the two boards shall, by their adjournment, prevent its return, the same shall not be obligatory. Each board shall meet at the council chamber on the second Monday in June next, at ten o'clock in the morning, for the despatch of business, and at the same hour on the second Monday in June in every year thereafter; and at such other times as the two boards may, by law, direct.

SEC. 5. *And be it further enacted,* That there shall be elected in and for each ward, by the qualified voters resident therein, on the first Monday in June next, and on the same day in the same month every fourth year thereafter, one justice of the peace, to serve for four years from the Monday next ensuing his election. Any free white male citizen of the United States, who shall have attained the age of twenty-five years, and resided in the city one year immediately preceding his election, shall be eligible to the office of justice of the peace.

SEC. 6. *And be it further enacted,* That one constable in and for each ward shall be elected by the qualified voters resident therein, on the first Monday in June next, and on the same day in the same month every year thereafter, to serve for one year from the Monday ensuing his election. Any free white male citizen of the United States, who shall have attained the age of twenty-one years, and resided in the city one year immediately preceding his election, shall be eligible to the office of constable. In case of the resignation, inability, death, or removal from the city, of any justice of the peace or constable, during the term for which he may be elected, the vacancy shall be filled by a

new election in the ward in which such vacancy may occur, to be held within ten days from the time of its occurrence.

SEC. 7. *And be it further enacted,* That every free white male citizen of the United States, who shall have attained the age of twenty-one years, and shall have resided in the city of Washington one year immediately preceding the election, shall be entitled to vote for mayor, members of the board of aldermen, and common council, justices of the peace, and constables, and for every other officer authorized to be chosen at any popular election under this charter. The declaration of one credible witness, under oath or affirmation, as to the citizenship or residence required as aforesaid, shall, in any case where objection is made to the reception of a vote, be deemed and taken to be sufficient proof to entitle any citizen to vote at elections.

SEC. 8. *And be it further enacted,* That all elections shall be held under the superintendence of three commissioners in each ward, to be appointed by the two boards, in joint meeting, at least ten days previous to the day of each election; and it shall be the duty of the commissioners, so appointed, to give at least five days' previous notice of the place in each ward where such elections are to be held. The said commissioners shall, before they receive any ballot, severally take an oath or affirmation, to be administered by some justice of the peace for the county of Washington, "truly and faithfully to receive and return the votes of such persons as are by law entitled to vote for mayor, members of the board of aldermen and board of common council, justice of the peace and constables, in their respective wards, according to the best of their judgment and understanding, and not knowingly to receive or return the vote of any person who is not legally entitled to the same." In all elections, under this act, the polls shall be opened at nine o'clock in the morning, and be closed at seven o'clock in the evening of the same day. Immediately on closing the polls, and before they separate, the said commissioners for each ward, or a majority of them, shall count the ballots, and make out, under their hands and seals, a correct return of the persons having the greatest number of legal votes, respectively, together with the number of votes given to each person voted for; and the person having the greatest number of votes, respectively, shall be duly elected; and, in all cases of an equality of votes, the commissioners shall decide the choice by lots. The said returns shall be delivered to the mayor on the day succeeding the election, who shall cause the result of the election to be published in some newspaper printed in the city of Washington. A duplicate return shall, together with a list of the persons who voted at such election, also be made, on the day succeeding the election, to the register of the city, who shall preserve and record the same; and shall, within two days thereafter, notify the several persons, so returned, of their election. And each board shall judge of the legality of the elections, returns, and qualifications, of its own members, and shall supply vacancies in its own body, by causing elections to be held to fill the same, and appoint commissioners to hold the same; and such commissioners shall give, at least, five days' previous public notice of the time and place of holding public elections. Each of the members of either board shall, before entering on the duties of his office, take an oath or affirmation "faithfully to execute the duties of his office, to the best of his knowledge and ability," which oath or affirmation shall be administered by the mayor or some justice for the peace of the county of Washington. The said commissioners shall, also, make out duplicate returns of the persons receiving the highest number of votes for justices of the peace and constables, and transmit the same to the mayor, by whom they shall respectively be commissioned. In case of an equal number of votes for any two or more candidates for justices or constables, the commissioners shall decide the choice by lots. In case of the death, resignation, or inability to serve, of any commissioner of election, it shall be lawful for the mayor to make an appointment, in writing, to fill such vacancy, which appointment shall be returned to the register, with the return of such election. And in

case the two boards shall neglect to appoint commissioners to hold the election in any ward, the electors present at the place of holding the election in such ward at the time when such election should commence, to the number of ten or more, may proceed, *viva voce*, to elect three commissioners to hold such election, who shall be sworn and proceed in all respects as if they had been appointed by the two boards aforesaid.

SEC. 9. *And be it further enacted*, That the corporation aforesaid shall have full power and authority to lay and collect a poll-tax upon every free white male citizen of the age of twenty-one years or upward, not exceeding one dollar per annum; and to lay and collect taxes upon the real and personal property within the said city: *Provided*, That no tax shall be laid upon real property at a higher rate than three quarters of one per centum on the assessment valuation thereof, except for the special purposes hereinafter provided; and that no tax shall be laid upon the wearing apparel, or necessary tools and implements used in carrying on the trade or occupation of any person, nor shall the same be subject to distress and sale for any tax; and, after providing for all objects of a general nature, the taxes raised on the assessable property in each ward shall be expended therein, and in no other, to establish a board of health, with competent authority to enforce its regulations, and to establish such other regulations as may be necessary to prevent the introduction of contagious diseases, and for the preservation of the health of the city; to prevent and remove nuisances; to establish night watches or patrols, and erect lamps in the streets; to preserve the navigation of the Potomac and Anacostia rivers adjoining the city; to erect, repair, and regulate public wharves, and to deepen creeks, docks, and basins; to regulate the manner of erecting, and the rates of wharfage at private wharves; to regulate the stationing, anchorage, and mooring of vessels; to provide for licensing, taxing, and regulating auctions, retailers, ordinaries, and taverns, hackney carriages, wagons, carts, and drays, pawnbrokers, vendors of lottery tickets, money changers, and hawkers, and pedlars; to provide for licensing, taxing, regulating, or restraining theatrical or public shows and amusements, to restrain or prohibit tippling-houses, lotteries, and all kinds of gaming; to regulate and establish marks; to erect and repair bridges; to open and keep in repair streets, avenues, lanes, alleys, drains, and sewers, agreeably to the plan of the city; to supply the city with water; to provide for the safekeeping of the standard weights and measures as fixed by Congress, and for the regulation of all weights and measures used in the city; to regulate the sweeping of chimneys, and to fix the rates or fees therefor; to provide for the prevention and extinguishment of fires; to regulate the size of bricks to be made or used, and provide for the inspection of lumber and other building materials to be sold in the city; to regulate, with the approbation of the President of the United States, the manner of erecting and the materials to be used in the erection of houses; to regulate the inspection of tobacco, flour, butter, and lard, in casks or boxes, and salted provision; to regulate the gauging of casks and liquors, the storage of gunpowder, and all naval and military stores not the property of the United States, and the weight and quality of bread; to impose and appropriate fines, penalties, and forfeitures, for the breach of their laws or ordinances; and to provide for the appointment of inspectors, constables, and such other officers as may be necessary to execute the laws of the corporation.

SEC. 10. *And be it further enacted*, That the said corporation shall have full power and authority to lay taxes on particular wards, parts, or sections of the city, for their particular local improvements; and, upon application of the owners of more than one-half of the property upon any portion of a street, to cause the curb stones to be set, and the footways to be paved, on such portion of a street, and to lay a tax on such property to the amount of the expense thereof: *Provided*, That such tax shall not exceed three dollars per front foot; and, upon a like application, to cause the carriage way of any portion of a street to be paved, or lamps to be erected thereon, and light the same, and lay

a tax not exceeding the whole expense thereof, in due proportion, on the lots fronting on such portion of a street; and also to impose an addition or interest on the amounts of any such taxes, not exceeding ten per centum per annum, when the same shall not have been paid within thirty days after the same shall have become due. The said corporation shall also have power and authority to provide for the establishment and superintendence of public schools, and to endow the same; to establish and erect hospitals or pest-houses, watch and work houses, houses of correction, penitentiary, and other public buildings, and to lay and collect taxes for the expenses thereof; to regulate party or other walls and fences, and to determine by whom the same shall be kept in repair; to cause new alleys to be opened through the squares, and to extend those already laid out, upon the application of the owners of more than one-half the property in each square: *Provided*, That the damages which may accrue thereby to any individual or individuals shall be first ascertained by a jury, to be summoned and empanelled by the marshal of the District of Columbia (and it is hereby made his duty to summon and empanel the same, in all such cases, upon application to him, in writing, by the mayor of the city,) and such damages to be paid by the corporation; the amount thereof, and the expenses accruing, shall be levied in due proportion upon the individuals whose property on such square shall be benefited thereby, and collected as other taxes are; to occupy and improve for public purposes, by and with the consent of the President of the United States, any part of the public and open spaces and squares in said city, not interfering with any private rights; to regulate the admeasurement and weight by which all articles brought into the city for sale shall be disposed of; to provide for the appointment of appraisers and measurers of builders' work and materials, and also of wood, coal, grain, and lumber; to restrain and prohibit the nightly and other disorderly meetings of slaves, free negroes and mulattoes, by imprisonment, not exceeding six months for any one offence; and to punish such slaves by whipping, not exceeding forty stripes, or by imprisonment not exceeding six months for any one offence; and to punish free negroes and mulattoes, by penalties not exceeding twenty dollars for any one offence; and in case of inability of any such free negro or mulatto to pay any such penalty and cost therein, to cause him, or her, to be confined to labor for any time not exceeding six calendar months; to cause all vagrants, idlers, or disorderly persons, all persons of evil life or ill fame, and all such as have no visible means of support, or are likely to become chargeable to the corporation as paupers, or are found begging or drunk in or about the street, or loitering in or about tippling-houses, or who can show no reasonable cause of business or employment in the city, and all suspicious persons who have no fixed place of residence, or who cannot give a good account of themselves, all eaves-droppers and night-walkers, all who shall be guilty of open profanity or grossly indecent language or behavior publicly in the streets, all public prostitutes and such as lead a notoriously lewd or lascivious course of life, and all such as keep public gaming-tables or gaming-houses, to give security for their good behavior, and to indemnify the city against any charge for their support; and in case of their refusal or inability to give such security, to cause them to be confined to labor until such security shall be given, not exceeding however one year at a time; but if they shall be found again offending, the like proceedings may be again had; and from time to time, so often as may be necessary to enforce the departure of such vagrants and paupers as may come into the city to reside, unless they shall give ample security that they will not become chargeable on the corporation for their support; to provide for the binding out, as apprentices, of poor orphan children, and the children of drunkards, vagrants, and paupers; to prescribe the terms and conditions upon which free negroes and mulattoes may reside in the city; to take care of, and regulate, burial grounds; to provide for the registering of births, deaths, and marriages; to punish

corporeally any colored servant or slave, for a breach of any of their laws or ordinances, unless the owner or holder of such servant or slave shall pay the fine in such cases provided; and to pass all laws which shall be deemed necessary and proper for carrying into execution the powers vested by this act in the said corporation or its officers.

SEC. 11. *And be it further enacted*, That the marshal of the District of Columbia shall receive and safely keep within the jail for the county of Washington, at the expense of the said corporation, all persons committed thereto, under or by authority of the provisions of this act. And in all cases when suit shall be brought before a justice of the peace, for the recovery of any fine or penalty arising or incurred for a breach of any law or ordinance of the corporation, execution shall and may be issued as in all other cases of small debts.

SEC. 12. *And be it further enacted*, That real property, whether improved or unimproved, in the city of Washington, on which two or more years' taxes shall have remained due and unpaid, or on which any special tax, imposed by virtue of authority of the provisions of this act, shall have remained unpaid for two or more years after the same shall have become due, or so much thereof, not less than a lot, (when the property upon which the tax has accrued is not less than that quantity,) as may be necessary to pay any such taxes, with all legal costs and charges arising thereon, may be sold at public sale to satisfy the corporation therefor: *Provided*, That public notice of the time and place of the sale of all real property, for taxes due the corporation of the city of Washington, shall be given in all cases hereafter, by advertisement inserted in some newspaper published in said city, once in each week, for at least twelve successive weeks, in which advertisements shall be stated the number of the square or squares, the number of the lot or lots, (if the square has been divided into lots,) the name or names of the person or persons to whom the same may be assessed on the books of the corporation at the time of such advertisement, the amount of the tax due on each square or lot, the period for which the same shall be due, and the aggregate amount of taxes due on all real property assessed, in the name of the same person or persons; but when a whole square is assessed to the same person or persons, though divided into lots, it may be assessed and advertised as if the same was not divided. And no sale of real property for taxes hereafter made, shall be impaired or void by reason of such property not being assessed or advertised in the name or names of the lawful owner or owners thereof: *Provided*, The same shall be advertised as above directed, or by reason of the amount of taxes due thereon not being correctly stated. The purchaser or purchasers of any such property shall pay, at the time of such sale, the amount of the taxes due on the property so purchased by him, her, or them, respectively, with the amount of the expenses of sale; and he, she, or they, shall pay the residue of the purchase money, within ten days after the expiration of two years from the day of sale, to the collector of taxes, or other officer of the corporation authorized to receive the same; and the amount of said residue shall be placed in the city treasury, where it shall remain, subject to the order of the original proprietor or proprietors, his, her, or their legal representative; and the purchaser or purchasers shall receive a title in fee simple, in and to the lot or lots so sold and purchased, under the hand of the mayor and the seal of the corporation, which shall be deemed good and valid in law and equity: *Provided, nevertheless*, That if, within two years from the day of any such sale, or before such purchaser or purchasers shall have paid the residue of the purchase money, as aforesaid, the proprietor or proprietors of any property which shall have been sold as aforesaid, his, her, or their heirs, agents, or legal representatives, shall repay to such purchaser or purchasers the moneys paid for the taxes and expenses as aforesaid, together with the per centum per annum, as interest thereon, or make a tender thereof, or shall deposit the same in the hands of the mayor of the city, or other officer of the corporation appointed to receive the same, for the use of

such purchaser or purchasers, and subject to the order of his, her, or their heirs or legal representatives, of which such purchaser or purchasers, his, her, or their heirs or legal representatives, shall be immediately informed, by notice in some newspaper printed in the city of Washington, or otherwise, he, she, or they, shall be reinstated in his, her, or their original right and title, as if no such sale had been made. And if any such purchaser shall fail to pay the residue of the purchase money, as aforesaid, within the time required by this section, for any property so purchased by him, he shall pay ten per centum for annum as interest thereon, and in addition to such residue, to be computed from the expiration of the two years, as aforesaid, until the actual payment of such residue, and the receiving of a conveyance from the corporation; and the said interest shall alike be subject to the order of the original proprietor or proprietors, as the residue of the purchase money, as aforesaid: *Provided, also*, That no sales shall be made, in pursuance of this section, of any improved real property, where there is personal property of sufficient value to pay the said taxes; and that minors, mortgagees, or others, having equitable or real property, which property shall be sold for taxes, as aforesaid, shall be allowed one year after such minors coming to, or being of, full age, or after such mortgagees and others, having equitable interests, obtaining possession of, or a decree for, the sale of such property, to redeem the property so sold from the purchaser or purchasers, his, her, or their assignees, or paying the amount of purchase money so paid therefor, with ten per centum interest thereon, as aforesaid, and all the taxes that have been paid thereon by the purchaser, or his assigns, between the day of sale and the period of such redemption, with the ten per centum interest on the amount of such taxes, and also the full value of the improvements which may have been made or erected on such property, by the purchaser, or his assigns, while the same was in his, her, or their possession: *And provided, moreover*, That where the estate of the tenant in default, as for years or for life or lives, shall be sufficient to defray the taxes chargeable thereupon, such estate only shall be liable to be sold under the provisions of this act.

SEC. 13. *And be it further enacted*, That it shall be lawful for the collector or other officer (duly authorized) to postpone, after such advertisement, the sale of any property advertised according to the provisions of the foregoing section, to any future day, for the want of bidders, he giving public notice of such postponement, and the sale made at such postponed time shall be equally valid as if made on the day stated in the advertisement.

SEC. 14. *And be it further enacted*, That the person or persons appointed to collect any tax imposed by virtue of the powers granted by this act, shall have authority to collect the same by distress and sale of the goods and chattels of the persons chargeable therewith; but no such sale shall be made unless ten days' previous notice thereof be given in some newspaper printed in the city of Washington. And the provisions of the acts of assembly of Maryland now in force in the county of Washington, relating to the right of replevying personal property taken in execution for public taxes, shall apply to all cases of personal property taken by distress to satisfy taxes imposed by virtue of this act.

SEC. 15. *And be it further enacted*, That in all cases of sales of real property for taxes due the said corporation, when such sale shall not have been made according to law and void, it shall be lawful for the said corporation on the application of the purchaser or other person entitled under him, to refund and pay to such person or persons the amount paid by him or them, on account of such purchase, and also the subsequent taxes accrued and paid on the said property, and to re-assess the amount of taxes so refunded on the property on which the same shall have accrued, which shall be collected in the manner as provided by law for the collection of other taxes, at any time after the first day of January next, after the same shall be so re-assessed.

SEC. 16. *And be it further enacted*, That it shall

be lawful for the said corporation where there shall be a number of lots assessed to the same person or persons, to sell one or more of such lots for the taxes and expenses due on the whole; and also to provide for the sale of any part of a lot for the taxes and expenses due on the said lot or other lots assessed to the same person as may appear expedient, according to such rules and regulations as the said corporation may prescribe.

SEC. 17. *And be it further enacted*, That the levy court of the county of Washington, in the District of Columbia, shall not possess the power of assessing any tax on property in the city of Washington; nor shall the corporation of the said city be obliged to contribute in any manner toward the expenses or expenditures of said court, except for the one half part of the expenses incurred on account of the orphans' court, the office of the coroner, the jail of the said county, and the opening and repairing of roads in the county of Washington, east of Rock creek, leading directly to the city of Washington, but the said corporation shall have the sole control and management of the bridge over Rock creek at the termination of K street north; and shall be chargeable with the expense of keeping the same in repair and rebuilding it when necessary.

SEC. 18. *And be it further enacted*, That the clerk of the circuit court and the register of wills for the county of Washington, respectively, shall furnish the register of the city or other officer of the corporation appointed to receive the same, on or about the first Monday in January and July in every year, correct lists of the transfers of real property in the city during the next preceding half year, so far as can be ascertained by the records in their respective offices; and the said corporation shall make to the said clerk and register of wills such compensation therefor as shall be agreed on between the respective parties, not exceeding six cents for each transfer on such lists.

SEC. 19. *And be it further enacted*, That the Commissioner of the Public Buildings, or other person appointed to superintend the United States disbursements in the city of Washington, shall reimburse to the said corporation a just proportion of any expense which may hereafter be incurred in laying open, paving, or otherwise improving any of the streets or avenues in front of, or adjoining to, or which may pass through or between any of the public squares or reservations, which proportion shall be determined by a comparison of the length of the front or fronts of the said squares or reservations of the United States on any such street or avenue, with the whole extent of the two sides thereof; and he shall cause the curb stones to be set, and footways to be paved, on the side or sides of any such street or avenue whenever the said corporation shall, by law, direct such improvements to be made by the proprietors of the lots on the opposite side of any such street or avenue, or adjacent to any such square or reservation; and he shall cause the footways to be paved, and the curb stones to be set, in front of any lot or lots belonging to the United States, when the like improvements shall be ordered by the corporation in front of the lots adjoining, or squares adjacent thereto; and he shall defray the expenses directed by this section out of any moneys arising from the sale of lots in the city of Washington belonging to the United States, and from no other fund.

SEC. 20. *And be it further enacted*, That the mayor, the members of the board of aldermen, and the members of the board of common council, and the other officers of the corporation, in office at this time, shall and may continue as such until the second Monday in June next.

SEC. 21. *And be it further enacted*, That the corporation of the city of Washington shall not have power to contract any debt for which the property of the citizens shall be mortgaged or held in lien, or the public property pledged for the payment of the same, without a previous sanction thereof by the votes of two-thirds of the legalized voters of the city of Washington, to be ascertained by an advertised poll, by ballot, to be held at the usual places of holding elections for city officers.

SEC. 22. *And be it further enacted*, That the corporation shall have no power to issue, or authorize to be issued, any bills of credit, or promissory notes,

which shall pass as a currency in the District of Columbia or elsewhere.

SEC. 23. *And be it further enacted*, That this act shall continue in force for and during the term of ten years, and no longer; but Congress may, at any time, alter, modify, amend, or repeal, the same. And all acts, or parts of acts, ordinances, or parts of ordinances, inconsistent with any of the provisions of this act, are hereby repealed.

BILLS PASSED.

A bill granting a pension to Lemuel White;
A bill for the relief of Margaret Barnes, widow of Elijah Barnes;

A bill granting a pension to David Waller;
A bill for the relief of Samuel Collins;
A bill for the relief of Joseph Bassett;
A bill for the relief of the legal representatives of Richard T. Banks, of the State of Arkansas;

A bill to authorize the Secretary of War to adjust and pay to Benjamin Murphy, of Arkansas, the value of his corn, cattle, and hogs, taken by the Cherokee Indians in the month of December, 1828;

A bill for the relief of Joab Seely;
A bill to authorize the Secretary of the Treasury to procure steam vessels for the revenue service;

A bill allowing drawback on foreign merchandise exported in the original packages to Chihuahua and Santa Fe, in Mexico;

A bill to amend an act entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," passed the 18th day of April, 1806;

A bill for the relief of William P. Rathbone;
A bill further to amend the act entitled "An act to provide for taking the sixth census or enumeration of the inhabitants of the United States," approved March 3, 1839;

A bill making an appropriation to complete the removal of the raft of Red river, and for other purposes; and

A bill for the benefit of the Selma and Tennessee Railroad Company;

were severally read a third time and passed.

BOARD OF COMMISSIONERS.

The bill to establish a Board of Commissioners to hear and examine claims against the United States, coming up on its third reading—

Mr. CALHOUN said he did not rise to oppose this bill, though, as he understood it, it was one of the most pernicious acts ever passed; he had expressed his view of its character on former occasions, and he would now content himself with asking that the question upon it be taken by the yeas and noes.

The yeas and noes having been ordered,
Mr. HENDERSON concurred with the Senator from South Carolina that this was a pernicious bill, and he expressed his intention to vote against it.

Mr. MANGUM said, bad as was the bill in itself, it also involved a profound change in the practice on private claims; and as there were some Senators who were not on the floor during the discussions on this subject at previous sessions, he asked the Senator from New Hampshire [Mr. HUBBARD] to permit this bill to lie on the table, to give the new Senators an opportunity to become acquainted with it. The subject was an important one; it involved a principle which profoundly affected the rights of the Government and the rights of individuals; and though it had been much discussed at previous sessions, for the reason he had given, he hoped, for the present, it would be laid on the table.

Mr. HUBBARD was about to make the same motion when the Senator from South Carolina rose, who had uniformly been opposed to it from the commencement. The Senator from South Carolina viewed it in a different light than he [Mr. HUBBARD] did, and that opinion he [Mr. CALHOUN] had expressed heretofore, as he had done this day; but his [Mr. HUBBARD's] opinion was, that if it should pass, as it had done at the two last sessions, it would be found in its operation to be a great saving to the Government, and also to the honest claimant, and that it would be found to be opposed

to those claims which had no right in themselves to be granted. He was aware of the necessity for some general legislation of this kind, and he was sure that if the Senator from South Carolina had served as a member of the committee with him, (Mr. HUBBARD,) he would have come to a different conclusion than he had done. Being desirous that it should lie on the table until it could be examined by the new Senators, and its object ascertained, he would renew the motion to effect that object.

Mr. HUNTINGTON also desired that it should be laid on the table, as he was desirous to examine the bill.

Mr. LINN said this bill had passed at the last three or four sessions, if he recollected right, when it was fully discussed, besides being four times reported on—twice by the Committee on Claims, and twice by the Judiciary Committee; he was therefore surprised to find the gentleman [Mr. CALHOUN] objecting to it again, as he had done year after year, and especially as that honorable Senator had not offered any measure as a substitute. He (Mr. LINN) would vote for any measure that would do more justice to the private claimant, for no system could, by any possibility, be worse than the present. Of this he was convinced by their legislation; and he regretted that honorable Senators had not seen the distress of the widows and children of land claimants, occasioned by the delay in the disposal of their claims; for he was sure, if they had, they would give to this subject that disposal which would lead to a speedier determination of private claims, while a due regard was not only paid to the rights of the citizen, but to the nation at large. He was understood to say that from 1,500 to 2,000 bills of this description were reported in the House of Representatives during the last session; and he had himself reported a bill six years ago, which had not been acted on yet. He did not charge neglect of duty on any one; but he was satisfied that, in the first place, this body was too large and too transient, and in the next place, that it was too political. The questions involved in these claims were sometimes of an abstruse character, and it required time to acquire such a knowledge of and acquaintance with them as was necessary; but how often did it follow, that, when this knowledge was obtained, Senators, who held the doctrine of the right of instruction, resigned their seats, and others came in who had to pursue the same course of inquiry? For his part, his profession, as well as his habits of thought, led him to look at and regard individual suffering; but the other side appeared to act like the soldier on the field of battle, who treads on friends or foes in the pursuit of his object. The Senator from South Carolina might pursue his course of opposition; he (Mr. LINN) should pursue a different course.

Mr. CALHOUN had no intention to debate this question when he called for the yeas and noes; and he submitted to gentlemen opposite, whether it was proper that this bill should be laid on the table, after a debate on one side only. If gentlemen were desirous of a discussion, he (Mr. CALHOUN) was prepared to go into it. He was convinced that the system proposed by this bill was not only worse than the existing system, but infinitely worse—that it was the worst that could be devised. The Senator from Missouri [Mr. LINN] had expressed his surprise that he (Mr. CALHOUN) had proposed nothing as a substitute. Now, had he not again and again made propositions in that chamber, and had not the Senator from Ohio [Mr. TAPPAN] proposed that this body should adopt some such rule as was adopted by all judicial bodies, to regulate cases of this description, and to put a limitation to the application? But, to show the evil of the existing system, the claims might be decided a hundred times, and yet they might be renewed from time to time. Now there ought not to be this perpetual renewal of these claims; but a claim twice presented and twice rejected should not have another hearing, unless on the allegation of new testimony that was believed to be important to the case. He had made propositions on other occasions to remedy these evils, and to facilitate the disposal of the increasing business from the new States, which would have diminish-

ed the private business at least one-third, if the proposition had been adopted. Now, without going into the merits of the present bill, he desired to call the attention of the Senate to the fact that it proposed to create two commissioners, with power vastly superior to that held by the Judges of the Supreme Court—two men who, though members of Congress were not to be permitted to be solicitors before them, yet, as the board would be held here in Washington, and as the commissioners were to be removable by the Executive at any moment, an improper influence might be brought to bear upon them, and they would not be independent men. Again; there was no proposed limitation of the cases of which they were to dispose. Now such a tribunal never was known in this or any other country. If it decided against the United States, its decision was final; but if against the claimant, the door remained open to petition again and again, and the result would be that the claims would be renewed perpetually, as they had been hitherto. They would have, too, the claims for the five millions of French spoliation of forty years' standing, if there were no limitation to the powers of these commissioners; and, therefore, he was opposed to this bill on principle; he was opposed to it on the principle of expediency; he was opposed to it in every view in which it could be presented. But he did not now wish to go into a discussion of the bill; he was disposed to let it go without remark, but he could not consent to do so if gentlemen rose there, one after another, to make speeches for the purpose of forestalling public opinion.

Mr. HUBBARD was disposed, too, to let the bill go, for he had heard precisely the same arguments urged the last three years that were urged by the Senator from South Carolina; notwithstanding which, the bill had received the favorable action of several past sessions. He was very willing that every Senator should have an opportunity to examine the subject; and if no other gentleman desired to make further remarks, he would again move that this bill be laid on the table.

Mr. LINN did not recollect any such proposition of the Senator from South Carolina for a better system; and he then discussed some of the details of the existing practice, and again expressed his opinion that this body was too political for the proper disposal of the business arising out of these private claims. When the Treasury was full, there was felt to be less obstruction than when the fountain was dried up, when there appeared to be not only an unwillingness to examine them, but a desire to let them go over to the next session, or to some future time. He was not sure that he was in order in making these remarks; and therefore, he would not longer continue the discussion.

Mr. CALHOUN repeated that he had contemplated a general rule by which no petition, after two rejections, could be in order.

Mr. MANGUM did not wish to be understood, by asking for time, as having a preconcerted opinion against this bill. He desired to look into this measure, because it proposed a great and profound change—a change which, unless it were well guarded, would be productive of great mischief. He desired now to vary his motion from that which he made when first up—he wished the postponement of the bill to a day certain; and he named Monday week as that day.

Mr. SEVIER said this was a bill to which he had given his strenuous opposition on other occasions, and to which he was still opposed. He wished to call the attention of the Senate to the fact, that this bill proposed the establishment of a board of commissioners to supersede the purposes of this Government in the disposal of claims, no matter what they might be, whether for Indian depredations, land claims, or otherwise. If this board were established, it would alone have cognizance of claims against the Government, and it would then be a useless expense to have a Congress at all, beyond the mere necessity of meeting to make such appropriations as were necessary for the liquidation of the claims which these commissioners might decide against the United States. He hoped those Senators who had come fresh from the people, would join the opponents of this bill, who

on previous occasions were sixteen in number. If it were passed, they would adopt a measure which overthrew much of the legitimate power and jurisdiction of Congress, and gave it to two commissioners, with an extension of power not only over this country, but to Europe, and Asia, and Africa, to procure testimony. The expense of this procedure would be of great magnitude, and after all, the honorable Senator told them they had the power to revise the commissioners' proceedings! But if they were ultimately to come to this body, a committee would still be necessary to examine the testimony in the several cases, for he supposed the Senate would not be disposed to take it in the rough; and, therefore, he hoped a bill would not be passed to appoint commissioners to do that which a committee must do over again. If some gentlemen would take up less time with their speeches about log cabins and other things of as little value, the Senate would be able to dispose of more real business, and this or any other board would be unnecessary.

Mr. LINN rose amidst cries of "Question," "Question;" and after a few words of remonstrance against a long postponement of the bill as calculated to delay it to the end of the session, when it would share the fate which it had met on other occasions, he suggested to the Senate the propriety of allowing the bill to pass informally.

After a few words from Mr. MANGUM, the bill was laid on the table.

On motion of Mr. TAPPAN, the bill to confirm to the State of Indiana the land selected by her for that portion of the Wabash and Erie canal which lies between the mouth of the Tippecanoe river and Terre Haute, and for other purposes, was taken up.

Mr. TAPPAN opposed the passage of this bill. He said that in the first section of this bill, it was proposed to enact: "That there be, and there hereby is, confirmed to the State of Indiana, the land selected by her, under the provisions of the act of second of March, eighteen hundred and twenty-seven, entitled, 'An act to grant a certain quantity of land to the State of Indiana, for the purpose of aiding the State in opening a canal to connect the waters of the Wabash with those of Lake Erie,' for that portion of the canal between the mouth of the Tippecanoe river and Terre Haute, as returned by said State to the Secretary of the Treasury." This was in fact a proposition to grant to the State of Indiana 144,000 acres of land; but to this he did not rise to object, if the grant were made specifically to aid the construction of a canal between the points mentioned; but he objected to the passage of this bill in the form in which it was presented. He then proceeded to review the grounds on which this bill was urged upon the attention of Congress, and the history of legislation respecting this canal. He said, during the last session of Congress they had a report presented to the Senate from the Committee on Roads and Canals, which placed this claim on the ground of a similar grant having been made to the State of Ohio to complete the canal from the boundary line of Indiana to Lake Erie. Now the facts were these: the law of 1827 granted land to aid the State of Indiana to open a canal to connect the waters of the Wabash with those of Lake Erie; after the passage of that law, the State of Indiana—by a law passed on the 23d of January, 1829—located her canal to the mouth of the Tippecanoe river; and the land was surveyed and selected, and the grant was confirmed to the foot of the Maumee rapids. The law of 1827 granted to the State of Indiana the land that was necessary for the construction of the canal within the State of Ohio—that is, from the Indiana line to Lake Erie; but for some reason the State of Indiana proposed, in 1834, to cede to the State of Ohio the whole of the land lying within that State, on the condition that the State of Ohio would make that part of the canal within her boundaries. This proposition was acceded to by the State of Ohio, but in this agreement it was expressly stipulated, that the State of Ohio was not to be bound by any location contemplated within that State for the proposed canal; but was to be at liberty to make her own location throughout. Ohio accepted the cession on those terms; but there arose a dispute between the State of Ohio and the Terri-

tory of Michigan respecting the boundary line between them; and while that dispute continued, the State of Ohio delayed the construction of the canal within that State. She made no location for the canal until the 8th of April, 1836, when the location was made from the line of Indiana to Maumee Bay. An application was accordingly made to Congress for the land selected, and Congress made the grant as desired; but now the State of Indiana came in and claimed the right to make an extension of her canal, ninety miles, from the mouth of the Tippecanoe river, and asked for a grant of two hundred and forty thousand acres of land for that purpose, which was double the quantity originally set down, and the making of a new location from the mouth of Tippecanoe river to Terre Haute; and this was claimed under the law of 1827, which was entirely complied with on the completion of the agreement with the State of Ohio. Now, as he had before intimated, he had no objection to grant to the State of Indiana this quantity of land, but he contended that the grant ought not to be made under the law of 1827, when all the rights and privileges granted by that law had been received and enjoyed by her. It might be said, and he presumed it would be said, by the Senator from Indiana, that that State had the right to locate her canal to navigable water; and so she had; and she did so when she located the canal to the mouth of the Tippecanoe river, at that point of the Wabash. Now, assuming these to be the facts, he thought it would be better to make a distinct grant to the State of Indiana, to aid her in this proposed canal extension; and he therefore moved that this bill be referred back to the Committee on Roads and Canals, with instructions to report a grant of the requisite land for that purpose.

Mr. SMITH of Indiana defended the bill at great length, and read to the Senate the report which he made during the last session, as the Chairman of the Committee on Roads and Canals, in which the facts on which he relied were embodied in a compact form.

Mr. TAPPAN rose to reply, but yielded to a motion for adjournment.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 30, 1840.

After the journal had been read,

Mr. ADAMS asked leave to introduce the following resolutions:

1. *Resolved*, That the investment in the stocks of the several States of this Union of funds held by the Government of the United States, in trust, is, to the amount of the sums so invested and of the interest thereon, an assumption by the United States of the debts of the said several States, in the event of their failure punctually to pay the same.

2. *Resolved*, That the purchase, by authority of any Executive Department of the Government of the United States, of the bonds of any of the States of this Union, at their nominal value or with a premium thereon, and the subsequent sale of the same bonds at a discount, is an unwarrantable and wasteful dilapidation of public funds.

3. *Resolved*, That it is the duty of the Executive Government of the United States to require of the Government of each and every State of this Union in whose stocks investments of the public moneys held in trust by the Government of the United States have been made, punctual payment, in specie or its equivalent, of the interest stipulated in the said stocks, and repayment of the principal, as soon as possible by the terms of the contracts upon which such stocks have severally been issued.

4. *Resolved*, That the further investment of any public funds of the United States in stocks of the several States ought forthwith to be prohibited by law; and that the Committee of Ways and Means be instructed to report a bill for that purpose.

Objection being made, they were not received.

Mr. ADAMS then asked that the resolutions might be printed for the information of the House; which was agreed to.

The next business in order was the motion of

Mr. GIDDINGS to reconsider the vote by which, on Monday, the House had passed the bill making appropriation for the payment of

NAVY PENSIONS.

with an amendment repealing the act of 1837.

Mr. SHEPARD, the mover of the amendment, being entitled to the floor, resumed his remarks from yesterday in vindication thereof, and in reply to the various objections which had been urged against it.

Mr. S. said he was aware that the position he had assumed was unpopular, and that any endeavor to lop off abuses of this Government would always excite the hostility of those who received its benefit, and also the opposition of those who think that the strength of the Government, her peculiar interests, and classes depended upon it. Your have (said Mr. S.) done me the honor, Mr. Speaker, to place me upon the Committee on Naval Affairs; and I must either do what is right, or be faithless to my trust. I shall not hesitate to pursue the former.

Mr. S. was not surprised that a motion had been made on yesterday to reconsider the vote by which the amendment which he had offered had been adopted, and, after giving the reasons of gentlemen for supporting such a motion, he stated that the true question before the House was, whether the act of 1837 was right or wrong—whether they were called upon to repeal it or not; and, if gentlemen would give their attention, he would state his opinion upon the subject. In 1800 the navy was in its infancy, or, rather, there was no navy at all. Congress passed the act of that year, to encourage persons to enter the service, and offered to them the highest rewards of human ambition. The act provided that "the money accruing from the sale of prizes, shall be, and remain forever, a fund for the payment of pensions and half-pay, should the same be hereafter granted, to the officers, seamen, and marines, who may be entitled to receive the same" and "every officer, seaman, or marine, disabled in the line of his duty, shall be entitled to receive, for life, or during disability, a pension."

This was the origin of the pension fund, and he asked gentlemen to consider upon it. The fund was to be given to such officers, seamen, and marines, who were disabled in the cause of their country, and Congress had pledged its faith to preserve it. But Congress had violated the most solemn engagements in regard to it.

The act of 1837 specified that pensions should be given to widows and children of those who died in the service. Now this act was entirely different from others on the subject. It provided, not for those who had gallantly fought and died for their country, but for those who had died. A man might have been a drunkard, a drone; but if he died, his wife and children would be benefited by this act. Mr. S. contended that the act of 1837 was a violation of the faith of the Government, and those who passed the act acted in violation of their duty.

Mr. S. asked the House to go to the merits of the act of 1837. They all knew how many warrants had been obtained by persons for the army and navy. A young man, said Mr. S. receives his commission, visits foreign countries, and draws his compensation. He remains in the service but a short time before he cries for pay! pay! pay! He remains in the navy ten or fifteen years, and does nothing to merit the gratitude of the country, perhaps because there has been nothing to do. He dies, and his widow and children receive the money of the Government.

Mr. S. would take another case, which was told to him yesterday. An old soldier, by hard usage and dissipation, has destroyed his constitution. He enters the navy, and in a year or two dies. Under the act of 1837, the widow and children of this old hulk receive from this Government pensions. He had not rendered service to the country; and by granting a pension in such cases, rank injustice was done to the men who took prizes during the war; and this is the act for which we have heard lamentations in this House.

Previous to the act of 1837, the navy pension fund amounted to \$1,100,000, and the interest on it was more than sufficient to meet the demands

upon it before the 3d of March of that year. The passage of this act increased the pensions to \$48,000 annually; but its retrospective bearing not only consumed the interest, but swallowed up the additional sum of \$329,000! Can any man wonder, then, that the navy pension fund is gone?

As to the purchase and sale of stocks upon which the gentleman [Mr. ADAMS] had commented with severity, what better could have been done? At the time the money was invested, stocks were above par; and if the Secretary had not so invested the money, there would have been great complaint about discrediting the States.

What is the true rule on this subject? (asked Mr. S.) Gentlemen shall not have the vantage ground of me, by saying that they are the friends of the navy. I am a friend of the navy, sir, and a discreet one, I hope. The true rule on this subject was laid down in the act of 1800—that those who had suffered in the service of their country should be remunerated for it. The act of 1800 made a distinction between the brave and the cowardly—the act of 1837 destroyed it.

Mr. S. noticed another objection which had been made by several gentlemen. They had said that the widows and orphans had received pensions under the act of 1837; and one gentleman had made a piteous appeal, and said that, as the children had been sent to school, the widows expected the pension. The amount of such an argument is this—they had received annually, for four years, \$48,000 for their back pensions. They had received this much, which they ought not to have received; and now we are told that, because we have given for four years, they ought now to receive the money! The money belonged to gallant tars, and now we are asked to convey it—to give it away. Was that a sensible argument?

Whenever an assault is made on the Treasury laws, (said Mr. S.) there is always an excuse for it. It is wrong to suffer harpies to prey upon the Treasury; it is all wrong! It is the principle against which I contend. What do we see? Rome went to war, and robbed the neighboring nations of their land. Those who fought the battles—the plebians—thought they were entitled to an equal portion of the land, when the haughty patricians denounced them as agrarians. How is it in England? All the emoluments of Government go to particular individuals, and those who oppose such a state of things are called mobocrats. On one hand, in this country, there are banking institutions, and, on another, domestic industry, to be protected. If connected with the army or navy, the principle is all the same, as far as the public crib was concerned. Let every man depend on his own exertions and his own industry.

Mr. S. said he had now finished what he had intended to say. The honorable gentleman from Massachusetts [Mr. ADAMS] had used the word *dishonorable* in connection with this matter. Mr. S. understood him to say that the House had acted dishonorably in adopting his amendment; but a friend had suggested that he had applied the epithet to him.

Mr. ADAMS said he had made no such application of the term.

Mr. SHEPARD said he would be the last man in this House to speak harshly of the gentleman from Massachusetts. He had heard many things fall from him which excited his feelings. He knew his power, his wit, and far-reaching points. He wished the honorable gentleman would be more charitable. In the angry contests which occur on this floor, Mr. A. could throw oil on the waters of strife. When States are arrayed against each other—when gentlemen are mad, and know not what they do—that gentlemen could seize the opportunity of coming in as a mediator—as a link between Washington and the present generation.

Mr. WADDY THOMPSON then took the floor.

Mr. FRANCIS THOMAS requested that the gentleman from South Carolina would yield the floor a moment, that a letter on the subject before us might be read. He then sent to the Clerk's table the following letter from the Secretary of the Navy:

NAVY DEPARTMENT,
December 28, 1840.

Sir: In reply to your inquiry of this morning, I have the honor to inform you that the stock of the city of Cincinnati, lately belonging to the navy pension fund, was sold according to advertisement on the 15th instant, the sale being indispensably necessary to enable the Department to meet, in part, the payment of pensions falling due on the 1st January next.

I am, very respectfully,
Your obedient servant,
J. K. PAULDING.

Hon. FRANCIS THOMAS,
Chairman of Naval Committee, House of Reps.
Mr. THOMAS said that it would be proper for him further to say, that this letter was not submitted in the expectation that it would induce the House to reconsider the vote under discussion. It would be seen, by referring to the communication from the Navy Department dated the 1st of December, and sent to Congress by the President, that there were at this time, in stocks owned by the navy pension fund, \$158,739; of these stocks, \$100,000 were of city of Cincinnati 5 per cent. This last named stock was then advertised to be sold at auction, on the 15th of this month, to reimburse the Bank of America the sum of fifty thousand dollars, advanced to pay the pensions due in July last, and afterwards to meet the payment of pensions due on the first of January, 1841. The letter now read from the Secretary informs us that this Cincinnati stock has actually been sold—at what price, Mr. T. did not know.

Mr. ANDERSON of Maine interposed to say that the stock had been sold for \$62,000.

Mr. THOMAS resumed. Be it so: it is not material for my purpose whether the stock was sold at par or below par. If it sold for the sum mentioned by the gentleman from Maine, add that to the \$18,647 61 cash in hand on the first of December, and we have about \$80,000, out of which is to be paid the sum of \$51,476 73 due to pensioners on the first of January next: and there will be a balance of less than \$30,000 to be applied to the payment of pensions for the year 1841.

The pensions for 1841, if the act of 1837 is not repealed, will, we are informed, be about \$103,000. If the bill before us be passed in its present form, making an appropriation of \$151,476, by adding that sum to the \$30,000 of surplus from the sale of stock, we shall have provided a fund of \$181,476 to make good the deficiency in the pension fund. Now, what is the amount of that deficiency? The whole amount of stock unsold is, in nominal value, \$58,739. The annual charge upon the pension fund will be \$103,000, if the act of 1837 is not repealed; and if that act is repealed, then the annual charge on the pension fund will be \$58,000, according to the statements from the Navy Department. He hoped that the act would be repealed, and that we should have to provide only the last named sum in each year to pay these pensions. To produce an annual income to that amount, we must appropriate at least one million of dollars to be invested, if we propose in that way to make good the deficiency in the fund. The small surplus which will be left out of the appropriation now proposed, will afford very limited means to make such an investment. If, instead of making such an investment to create a capital in place of that which Congress has misapplied, we intend to pay the navy pensioners who are to be on the pension roll, whether the law of 1837 is or is not repealed, by an annual appropriation, still it seemed to him that there was no necessity for reconsidering the vote of the House to reduce the appropriation in this bill. A large proportion of it would be expended next year. The balance would be unexpended on the first of January, 1841, and would serve to pay the first half year of pensions due on the first day of July, 1842.

Under these circumstances, Mr. T. expressed the hope that the House would not reconsider. It would be much better for all who desired to get rid of the obnoxious law of 1837 in the form we have now undertaken to do it; and as to other questions connected with the pensions, they can be rightly disposed of when another bill, which the Naval

Committee is prepared to report, comes before the House.

Mr. WADDY THOMPSON contended that the trust fund under the law of 1800 ought not to have been touched. Congress had no right to touch the money sacredly appropriated to a class of men who had dearly earned it with toil and blood. As, however, it had been taken, he trusted that no time would be lost in refunding it.

Messrs. ANDERSON, MONROE, EVERETT, REED, and NAYLOR, severally gave their views, a notice of which will appear hereafter; when Mr. JAMESON moved the previous question on the motion to reconsider.

Mr. TURNEY moved to adjourn, which motion prevailed.

And the House adjourned.

IN SENATE,

THURSDAY, December 31, 1840.

The PRESIDENT submitted a communication from the War Department, transmitting a report from the Chief Engineer, relative to a site for a fortification on Lake Champlain; which was laid on the table, and ordered to be printed.

Mr. CALHOUN presented the petition of Scott Campbell; which was referred to the Committee on Indian Affairs.

Mr. STURGEON presented the petition of the president and managers of the Philadelphia and Norristown Railroad Company, praying for a remission of duty on certain railroad iron; which was referred to the Committee on Finance.

On motion by Mr. PIERCE, the petition and papers of Daniel Pettibone, now on file, were referred to the Committee on Pensions.

Mr. PIERCE, from the Committee on Pensions, to which was referred the petition of James Bennett, and the petition of William White, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. LINN presented the petition of Adam D. Stewart; which was referred to the Committee on Claims.

Mr. BUCHANAN presented the petition of Stephen Simpson, executor of George Simpson, deceased; which was referred to the Committee on Claims.

Mr. RUGGLES presented two memorials, remonstrating against a repeal of the fishing bounties.

On motion by Mr. WRIGHT, the petition and papers of Wm. Dickinson were referred to the Committee on the Judiciary; and the petition and papers of Alley, Staunton and Company, were referred to the Committee on Finance.

Mr. NORVELL presented the petition of Ezra St. John; which was referred to the Committee on Claims.

Mr. NORVELL, from the Committee on Commerce, to which was referred the bill for the erection of light-houses, and the placing of light boats, etc. reported the same with sundry amendments.

Mr. BENTON, from the Committee on Military Affairs, to which was referred the bill for the relief of certain companies of Missouri volunteers, reported the same with amendments.

Mr. HUNTINGTON, from the Committee on Pensions, asked to be discharged from the further consideration of the petition of John R. Midwinter; which was agreed to.

Mr. KING, from the Committee on Commerce, to which was referred the bill increasing the compensation of certain officers of revenue cutters, reported the same without amendment.

Mr. K. also, from the same committee, reported a bill for the relief of Jacob Pennell, and others, owners of the Eliza of Brunswick; and

A bill fixing the compensation of the collector of the port of St. Louis; which were read, and ordered to a second reading.

Mr. WILLIAMS, from the Committee on Naval Affairs, reported a bill for the relief of Reynell Coates and Walter R. Johnson; which was read, and ordered to a second reading.

Mr. W. from the same committee, made an unfavorable report on the petition of Wm. S. Nevius. On motion by Mr. STURGEON, the petition

and papers of Mr. Knowles, now on file, were referred to the Committee on Patents.

Mr. NICHOLAS, in pursuance of previous notice, asked and obtained leave to introduce a bill to authorize experiments to be made on the application of steam to harbor defence; which was read twice, and referred to the Committee on Military Affairs.

Mr. KNIGHT, from the Committee on the Post Office and Post Roads, to which was referred the bill for the relief of the Steamboat Company of Nantucket, reported the same without amendment.

Mr. LINN gave notice that to-morrow he would ask leave to introduce a joint resolution to authorize the adoption of measures for the occupation and settlement of the Territory of Oregon.

Mr. SEVIER, in pursuance of previous notice, asked and obtained leave to introduce a bill to amend an act entitled "An act supplementary to the act to amend the judicial system of the United States;" which was read twice, and referred to the Committee on the Judiciary.

Mr. MERRICK, from the Committee on the District of Columbia, reported a bill for the relief of Caspar W. Weaver; which was read, and ordered to a second reading.

And also, the bill authorizing the granting of letters testamentary to aliens in the District of Columbia, without amendment.

Mr. NICHOLAS, from the Committee on Military Affairs, to which was referred the bill making compensation to the State of New Hampshire for the services of her militia, reported the same without amendment.

Mr. YOUNG, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of Isabella Hill and others; which was read twice, and referred.

Mr. KING gave notice that to-morrow he would ask leave to introduce a bill for the relief of John Scott.

The resolution submitted yesterday by Mr. TALLEMAGE was considered and agreed to.

The bill for the relief of the corporate authorities of the city of Mobile, was read a third time, and passed.

The bill to create an additional land office in the State of Michigan, and for other purposes, was taken up as in committee of the whole.

Mr. NORVELL said that the bill proposed to establish a new land district north of the Grand river, in the State of Michigan. The information for which his colleague had called, upon this subject, had been received. It amounted simply to this: that in that portion of the present district which the bill was intended to establish as a new district, only between two and three hundred acres of the public lands had been sold. This new land office was designed to induce persons to go into that country for the purpose of making purchases, by the convenience and accommodation which it would afford to them. If his colleague, however, was adverse to the bill, he was not disposed to press its passage. He had done his duty in bringing it before the Senate. He believed it was required by the interest of the State; but it was for the Senate to dispose of it as they thought proper. They had passed it last session by a vote of two to one.

Mr. FORTER spoke at some length in opposition to the passage of the bill, as unnecessary and unasked for by the people of Michigan.

Mr. NORVELL regretted that his colleague was ashamed to ask for the object contemplated in this bill. He, himself, was ashamed of making application for nothing which would promote the interest of his State. The bill was not to go into effect until the fourth of July next; and then, if his recollection served him correctly, it would be at the discretion of the President to postpone its operation until the public interest required it to go into effect. That, at least, was the intention; and he thought the bill contained such a provision, as it passed at the last session. Such bills, establishing land districts where few or no lands had been sold, were not unusual. They were not without frequent precedents. The present bill had met the approbation of the General Land Office. But if

his colleague desired its defeat, he could move to lay it on the table, or indefinitely to postpone it.

After some further remarks from Mr. PORTER, (which, like his former remarks, were totally inaudible)—

Mr. ALLEN hoped the bill would be read. Scarcely a word uttered by the Senators engaged in its discussion had been heard in that part of the chamber, and they had no knowledge whatever of its provisions.

The bill was accordingly read.

The question was then taken on ordering the bill to be engrossed, and decided in the negative—ayes 16, nays 22, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Clay of Alabama, Fulton, Hubbard, Linn, Mouton, Nicholas, Norvell, Robinson, Smith of Indiana, Sturgeon, Tappan, Wright, and Young—16.

NAYS—Messrs. Buchanan, Calhoun, Clayton, Crittenden, Graham, Henderson, Huntington, King, Knight, Lumpkin, Mangum, Merrick, Phelps, Pierce, Porter, Prentiss, Preston, Ruggles, Sevier, Tallmadge, Webster, and Williams—22.

The bill to revive and continue the acts incorporating the Banks of the District of Columbia was taken up, and, after some remarks by Messrs. MERRICK, TAPPAN, and CLAY of Alabama, was made the order of the day for the 8th of January next.

The bill granting a portion of land in the State of Indiana for the extension of the Wabash canal, which was partially discussed yesterday, being again in order,

Mr. TAPPAN rose to reply to the remarks of the Senator from Indiana. He said this claim was advocated on two grounds: first, that the State of Indiana ought to be allowed, by the law of 1827, to correct the location of her canal, the present terminus not being sufficiently low for river navigation; and the other was, that Congress having allowed to the State of Ohio the privilege of extending her canal from the first location from the foot of the rapids of the Maumee to Maumee bay, and having given to Ohio the land on each side of the canal, of two and a half miles, as by the act of 1827, the same right to extend the location of the canal, and the same grant of adjoining land, ought to be ceded to the State of Indiana. Now, he did not agree with the Senator from Indiana in either of these positions, though he agreed with him that Congress might properly make a grant of the land for the extension of the canal for ninety miles, from Tippecanoe river to Terre Haute, if it could be shown to be expedient so to extend that canal; but he did not believe the act of 1827 would bear the construction which the Senator from Indiana gave to it. When it was found that Congress had sold some of the land within the five miles originally granted, and Congress had made up to the State of Indiana the quantity thus taken, he believed there was an end of that grant: it was a grant made and executed between the Government of the United States and the State of Indiana, and then there was an end of it; and the State of Indiana had now no right to claim under the act of 1827. Then as to the claim that a similar grant had been made to the State of Ohio, he referred to a document of the third session of the twenty-fifth Congress, containing a number of papers concerning this claim—to the opinions of the Attorney General, and of the Commissioner of the Land Office, and the present Solicitor of the Treasury; the whole of which, he said, were given on a misconception of the facts, Mr. Birchard alone understanding them, whose opinion, therefore, necessarily differed from those which had been referred to by the Senator from Indiana. In support of this assertion, which he apprehended some gentlemen might consider a strong one, he entered with some minuteness of detail into the progression of the work, and the authority by which it was accomplished, to show that it was erroneously alleged that there was more than one location of the canal in the State of Ohio, which was made by the only competent authority of the State; and consequently the argument of the Senator from Indiana, founded on a change from an original line, and an extension of the canal, beyond the limits of Stansbury's survey, was not well

founded. That which was called an extension to the Maumee bay, was in fact an original location; and yet on this singular error, the Senator from Indiana based the report which he presented to Congress during the last session. On this branch of the subject he (Mr. TAPPAN) desired to be perfectly understood, for the gentleman from Indiana had expressed great surprise that a Senator from Ohio should undertake to oppose this bill. Why, Ohio was interested in this work; for the extension of this canal would increase the business on the canals of Ohio, and for this reason he was in favor of the grant of the land, but he wished it to be a direct and honest grant—he was unwilling that the Senate should be imposed upon by any statement that was not true. The hypothesis was, that land had been granted for an extension of the canal to the State of Ohio, and therefore a similar grant ought to be made to the State of Indiana. Now there had been no such grant to Ohio; he conceded that Government had been liberal to the State of Ohio; but whenever that State asked for any thing, it was asked for openly, fairly, and honorably, and not because cessions had been made to sister States. If the Senator from Indiana would bring in a bill to grant this land, he (Mr. TAPPAN) would give it his support; otherwise he must press his motion to refer back this bill to the committee, with instructions to report a grant.

Mr. SMITH said the Senator from Ohio was mistaken as to the ground he (Mr. SMITH) had taken; he denied that he had adduced grants of land to the State of Ohio as a reason why this grant should be made to the State of Indiana; he had merely introduced that reference to show that this grant would not be the creation of a precedent—such precedents having been already created. He proceeded at some length to defend his original arguments, and to sustain his array of facts; after which,

Mr. TAPPAN briefly rejoined.

The motion to recommit was negatived, and the bill was ordered to be engrossed for a third reading.

After a short Executive session,

The Senate adjourned until Monday next.

WASHINGTON CITY, Jan. 1, 1841.

MESSRS. BLAIR and RIVES: In the Globe of yesterday, you report the proceedings in the Senate upon a bill to give certain lands to the State of Indiana, in which report the remarks made by me are strangely misrepresented. I said "the bill was, in substance, a grant of 288,000 acres of land to aid the State in making a canal from the mouth of Tippecanoe river to Terre Haute, under the pretence of an extension of the Wabash and Maumee canal from the former to the latter point, under the authority of the act of 1827, and because a similar grant of land had been made to the State of Ohio, upon her extending the north end of the canal from the foot of the Maumee rapids to Maumee bay; that I was not opposed to a grant being made to Indiana of the land asked for, if it were made as a direct grant; but I was opposed to this bill, for it placed the claim of Indiana upon false positions. The first position was, that they had a right to extend their canal from the mouth of Tippecanoe river to Terre Haute, when in fact they had located their canal from the east line of the State to the Tippecanoe, in 1829, and had received from the United States all the land they claimed under the act of 1827, in the year 1830—that I did not believe the act of 1827 admitted the construction now attempted to be given it; for if Indiana, in 1836, was permitted to extend their canal 90 miles, and claim 288,000 acres of land to make it, she might go on extending it, from time to time, to the mouth of the Wabash. I believed the act allowed of but one location, which had been made in 1829. That the second position was still more untenable; it assumed that the State of Ohio first located her part of the canal from the Indiana line to the foot of the Maumee rapids, selected and received her land under this location, and years afterwards extended her location from the foot of the rapids to Maumee bay, and made a new selection of land upon this extension, and received it from the

United States. Now the fact was, that when Indiana ceded to Ohio the land in Ohio, which, by the act of 1827, had been given to make the Maumee part of the canal, no location of that part of the canal had ever been made. Stansbury's survey, which, as to the Wabash part of the canal, had been adopted as the line of canal in Indiana, was never recognised by the State of Ohio, and that but one location of the canal had ever been made by Ohio, and that was made by the board of public works in 1836, and extended from the line of Indiana to the Maumee bay." This is the substance of what I said.

Your Reporter mistakes the quantity of land.

"He did not object to the grant of land if made specifically to aid in constructing the canal, but to the form of the grant;" instead of "but to this he did not rise to object."

Instead of "from the boundary line of Indiana to Lake Erie," say, from the foot of the rapids of the Maumee to Maumee bay.

Instead of "the grant was confirmed to the foot of the Maumee rapids," say, located her canal from the State line to the mouth of Tippecanoe river, and selected and received her lands in 1830 according to such location.

The words "an application was accordingly made to Congress for the land selected, and Congress made the grant as desired," are not mine. I expressed no such idea.

The words "which was double the quantity originally set down," are none of my using.

Unfortunately for me, your Reporters have made me utter more nonsense than I am willing to father.

Yours,

BENJ. TAPPAN.

HOUSE OF REPRESENTATIVES,

THURSDAY, December 31, 1840.

The SPEAKER laid before the House the following communications:

1. From the President of the United States, transmitting a report from the Secretary of State, in compliance with a resolution of the House of the 23d instant, calling upon him to communicate, "if compatible with the public interests, copies of all the correspondence between this Government and the Government of Great Britain, relative to any proceeding on the part of that Government which may have a tendency to interrupt our commerce with China.

2. From the Secretary of State, in compliance with the provisions of the act of March, 1799, communicating "an abstract of all the returns made to that Department by the collectors of the customs, pursuant to the act of the 28th of May, 1796, for the relief and protection of American seamen, showing, so far as said returns have been received, the number of seamen registered in each port of entry in the United States during the year commencing on the 1st of October of the last, and ending on the 30th of September of the present year."

3. From the Treasury Department, in reply to the resolution of the House of the 17th instant, respecting the condition of the custom-house buildings at Philadelphia.

4. From the President of the United States, transmitting a report from the Secretary of State with accompanying papers, in answer to a resolution of the House, calling for information relative to the

BURNING OF THE STEAMBOAT CAROLINE.

The above communications were severally referred, and ordered to be printed.

Also, the following letter from J. C. Rives, on the subject of the printing:

GLOBE OFFICE, WASHINGTON,

December 30, 1840.

Sir: It is known to you, and to the other members of the House of Representatives, that Francis P. Blair and myself were elected printers to the House in January last. Under this election, I expected that all the printing for the House during the Twenty-sixth Congress, would be sent to us to execute; and as I superintend that branch of our business, I engaged men, and provided materials sufficient to do it with at least the customary despatch. I was informed yesterday that the Clerk of the House had sent a very large report to the Stationer of the House, to be printed by him, and

that the Stationer was actually printing it, or having it printed.

Since I received this information, I have turned to the Clerk's account of the expenditure of the contingent fund for the last year, where I find that he has paid other persons for printing which I think should have been executed by the Printers to the House.

The persons engaged by me to work on Congressional documents exclusively, have not had more than three or four days' constant employment since the commencement of this session. There has been some work for them every day, but not enough to employ them the whole day. They are engaged by the week, and we have to pay them, whether they work or not. Now, if the Clerk of the House has the power to have the Congress printing executed at other offices, when there has been no failure at our office in executing it promptly, I desire to know it as soon as possible, so that I may either reduce our force, or make some arrangement with the Clerk to get enough of it to keep our hands employed. The prices now paid to us by the House of Representatives are so low, that we must sink money, unless we can keep the hands which we have engaged to do its printing, constantly employed; and upon some kinds of printing we sink money, even when all our hands are employed upon it.

The Clerk of the House and myself have had a controversy about the binding of the documents, which I wish to bring before the House.

Soon after the adjournment of Congress, in July last, the Clerk sent word to me to deliver the documents which we had printed for the House, to S. D. Langtree, to bind. I refused to do it. It has been the invariable custom, ever since I became acquainted with the manner of executing the Congress printing, which is now thirteen years, for the Printer to bind all the documents that he prints for Congress. Whenever a Printer has been elected during that time, he has as invariably fitted up a bindery, as he has a printing office. I had purchased a great part of the materials for the binding, and had engaged workmen to do it, and had folded a great quantity of the work, before the Clerk sent me word that he wished the documents handed over to Mr. Langtree to be bound. The correspondence between the Clerk and myself, which I presume he has on file, will fully explain our controversy about the binding. I wish Congress to decide between us as soon as possible, as it is necessary that the binding should be forwarded.

Respectfully,

JOHN C. RIVES.

Hon. R. M. T. HUNTER,

Speaker of the House of Representatives.

Mr. ADAMS said he would take that occasion to inquire whether a report of the Committee on the Printing of the House had been made at the last session; and if so, whether it had been printed.

Mr. DAVIS of Indiana said there were two reports on that subject, which had been laid before the House, and ordered to be printed.

Mr. ADAMS said he had never been able to get a sight of the reports, although very anxious so to do. Neither himself nor other members could procure copies of the documents ordered to be printed at the last session, being more than five or six months ago. This letter, however, from Messrs. Blair and Rives, explained it, and it appeared that the delay was all owing to this controversy between them and the Clerk of the House.

Mr. LEWIS WILLIAMS moved to refer the letter to the Committee on Accounts; but the motion was subsequently withdrawn.

Mr. J. W. DAVIS moved the following:

Resolved, That a select committee be appointed, and that the letter of J. C. Rives, just read, be referred to that committee.

Mr. MORGAN offered an amendment instructing the committee to inquire as to whether the Clerk was interested in the contract with Langtree and O'Sullivan for furnishing stationery to this House.

Mr. REED submitted an additional amendment instructing the committee to extend the inquiry to the lithographing and engraving of maps.

After some debate of a desultory character, the

amendments were withdrawn. The resolution of Mr. DAVIS was then agreed to; and, on motion of Mr. ADAMS, the letter ordered to be printed.

COLLECTION OF DUTIES ON IMPORTS.

Mr. ADAMS, on leave, reported a bill from the Committee on Manufactures, entitled "A bill to insure the more faithful execution of the laws relating to the collection of duties on imports," which was read a first and second time, and ordered to be printed.

Mr. BARNARD asked the consent of the House to introduce a bill (of which intention he had given previous notice) on the subject of bankruptcy.

Objection being made, leave was not granted.

NAVY PENSIONS.

The next business in order was the motion of Mr. GIDDINGS to reconsider the vote by which the bill making appropriation for the payment of navy pensions had been passed, containing an amendment repealing the act of 1837.

The previous question, on the reconsideration, having been demanded by Mr. JAMESON,

Mr. ADAMS endeavored to prevail on him to withdraw it.

Mr. JAMESON was willing to oblige the gentleman from Massachusetts as soon as any member of the House, but could not, consistent with his duty, withdraw the call.

The call for the previous question was then seconded, and the main question, on the motion to reconsider, ordered to be put; and, being put, it was decided by yeas and nays, as follows:

YEAS—Messrs. Adams, John W. Allen, Andrews, Baker, Barnard, Boardman, Bond, Briggs, Brockway, Calhoun, Carter, Chinn, Chittenden, Clark, Cranston, Curtis, Cushing, Edward Davies, John W. Davis, Garret Davis, Dellet, Doe, Edwards, Everett, Gates, Giddings, Granger, Henry, Hunt, James, Charles Johnston, Kempshall, Lane, Leet, Lincoln, McCarty, Marvin, Mason, Mitchell, Moore, Moore, Morgan, Calvary Morris, Morrow, Naylor, Osborne, Palen, Parmenter, Peck, Proffit, Randall, Randolph, Reed, Ridgway, Edward Rodgers, Russell, Saltonstall, Slade, Truman Smith, Stanly, Taliaferro, John B. Thompson, Tillinghast, Toland, Triplett, Trumbull, John White, Thomas W. Williams, and Winthrop—69.

NAYS—Messrs. Judson Allen, Anderson, Ather-ton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William B. Campbell, Carr, Carroll, Casey, Clifford, Connor, William R. Cooper, Crabb, Craig, Cray, Dana, John Davis, Dawson, Deberry, Doan, Doig, Duncau, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, Garland, Goggin, Goode, Griffin, Habersham, Hand, John Hastings, Hill of Virginia, Hill of North Carolina, Hilden, Holmes, Hook, Hopkins, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, Keim, Kile, Leadbetter, Leonard, Lowell, Lucas, McClellan, McKay, Mallory, Marchand, Medill, Miller, Montanya, Samuel W. Morris, Nowhard, Nisbet, Parrish, Parris, Paynter, Pope, Prentiss, Reynolds, James Rogers, Ryall, Shaw, Shepard, John Smith, Thomas Smith, Steenrod, Strong, Stuart, Sweeney, Taylor, Francis Thomas, Philip F. Thomas, Waddy Thompson, Jacob Thompson, Turney, Underwood, Vroom, David D. Wagner, Warren, Weller, Wick, Jared W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, and Christopher H. Williams—108.

So the House refused to reconsider, and, as far as it is concerned, the act of 1837 is repealed.

Mr. FILLMORE, after advertising to the great importance of the President's message in relation to the burning of the *Caroline*, moved that 5,000 extra copies of the same, with the accompanying documents, be printed.

Mr. PICKENS hoped the motion of the gentleman from New York would prevail. The documents were of the highest importance.

Mr. STANLY said he objected to the printing of the document, if it contained any of the State Rights doctrines of the gentleman from South Carolina.

Mr. PICKENS said he expected the gentleman from North Carolina [Mr. STANLY] would object

to such doctrines. But, said Mr. P. let the reply of the Secretary of State be published, and then see whether the *virtue*, and patriotism, and intelligence of the people of this country will object to its spirit or doctrines; and if they do, then we are no longer an independent people.

The motion to print was then agreed to.

At a subsequent stage of the proceedings, Mr. ALFORD moved a reconsideration of the vote by which the above motion had been agreed to, and called for the reading of the documents, which were read accordingly, as follows:

To the House of Representatives of the United States:

I herewith transmit to the House of Representatives a report from the Secretary of State, with accompanying papers, in answer to their resolution of the 21st instant.

M. VAN BUREN.

WASHINGTON, Dec. 28, 1840.

DEPARTMENT OF STATE,
Washington, Dec. 28, 1840.

SIR: The Secretary of State, to whom has been referred the resolution of the House of Representatives, dated the 21st instant, requesting the President "to communicate to that House (if not in his opinion incompatible with the public interest) all the correspondence between this Government and that of Great Britain, or the officers or agents of either, or the officers and agents of this Government with the President or any of its Departments, which has not heretofore been communicated to that House, on the subject of the outrage of burning the *Caroline* on the Niagara frontier; and whether there is any prospect of compensation being made to the owner of said boat for the loss thereof; and, also, whether any communications have been made to this Government in regard to the arrest and imprisonment of — McLeod, by the authorities of the State of New York, for being concerned in said outrage; and, if so, that he communicate a copy thereof to that House," has the honor to report to the President, in answer to that resolution, the accompanying papers.

Respectfully submitted.

JOHN FORSYTH.

To the President of the U. States of America.

Mr. Stevenson to Mr. Forsyth.—Extract.

LEGATION OF THE UNITED STATES,
London, July 2, 1839.

I regret to say that no answer has yet been given to my note in the case of the "*Caroline*." I have not deemed it proper under the circumstances to press the subject without further instructions from your Department. If it is the wish of the Government that I should do so, I pray to be informed of it, and the degree of urgency that I am to adopt.

Mr. Forsyth to Mr. Stevenson.—Extract.

DEPARTMENT OF STATE,
Washington, 11th September, 1839.

With reference to the closing paragraph of your communication to the Department, dated the 2d of July last, (No. 74,) it is proper to inform you that no instructions are at present required for again bringing forward the question of the "*Caroline*." I have had frequent conversations with Mr. Fox in regard to this subject—one of very recent date—and from him, and the President expects the British Government will answer your application in the case without much further delay.

Mr. Fox to Mr. Forsyth.

WASHINGTON, December 13, 1840.

SIR: I am informed by his Excellency the Lieutenant Governor of the Province of Upper Canada, that Mr. Alexander McLeod, a British subject, and late deputy sheriff of the Niagara district in Upper Canada, was arrested at Lewiston, in the State of New York, on the 12th of last month, on a pretended charge of murder and arson, as having been engaged in the capture and destruction of the piratical steamboat "*Caroline*," in the month of December, 1837. After a tedious and vexatious

examination, Mr. McLeod was committed for trial, and he is now imprisoned in Lockport jail.

I feel it my duty to call upon the Government of the United States to take prompt and effectual steps for the liberation of Mr. McLeod. It is well known that the destruction of the steamboat "Caroline" was a public act of persons in her Majesty's service, obeying the order of their superior authorities. That act, therefore, according to the usages of nations, can only be the subject of discussion between the two National Governments: It cannot justly be made the ground of legal proceedings in the United States against the individuals concerned, who were bound to obey the authorities appointed by their own Government.

I may add that I believe it is quite notorious that Mr. McLeod was not one of the party engaged in the destruction of the steamboat "Caroline;" and that the pretended charge upon which he has been imprisoned rests only upon the perjured testimony of certain Canadian outlaws and their abettors, who, unfortunately for the peace of that neighborhood, are still permitted by the authorities of the State of New York to infest the Canadian frontier.

The question, however, of whether Mr. McLeod was or was not concerned in the destruction of the "Caroline," is beside the purpose of the present communication. That act was the public act of persons obeying the constituted authorities of her Majesty's Province. The National Government of the United States thought themselves called upon to remonstrate against it; and a remonstrance which the President did accordingly address to her Majesty's Government, is still, I believe, a pending subject of diplomatic discussion between her Majesty's Government and the United States Legation in London. I feel, therefore, justified in expecting that the President's Government will see the justice and the necessity of causing the present immediate release of Mr. McLeod, as well as of taking such steps as may be requisite for preventing others of her Majesty's subjects from being persecuted or molested in the United States in a similar manner for the future.

It appears that Mr. McLeod was arrested on the 12th ultimo; that after the examination of witnesses, he was finally committed for trial on the 18th, and placed in confinement in the jail of Lockport, awaiting the assizes, which will be held there in February next. As the case is naturally occasioning a great degree of excitement and indignation within the British frontier, I earnestly hope that it may be in your power to give me an early and satisfactory answer to the present representation.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

H. S. FOX.

Hon. JOHN FORSYTH, &c. &c.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, December 26, 1840.

SIR: I have the honor to acknowledge, and have laid before the President, your letter of the 13th instant, touching the arrest and imprisonment of Alexander McLeod, a British subject, and late Deputy Sheriff of the Niagara District, in Upper Canada, on a charge of murder and arson, as having been engaged in the capture and destruction of the steamboat "Caroline," in the month of December, 1837; in respect to which you state that you feel it your duty to call upon the Government of the United States to take prompt and effectual steps for the liberation of Mr. McLeod, and to prevent others of the subjects of her Majesty, the Queen of Great Britain, from being persecuted or molested in a similar manner, for the future.

This demand, with the grounds upon which it is made, has been duly considered by the President; with a sincere desire to give to it such a reply as will not only manifest a proper regard for the character and rights of the United States, but, at the same time, tend to preserve the amicable relations which, so advantageously for both, subsist between this country and England. Of the reality of this disposition, and of the uniformity with which it has been evinced in the many delicate and difficult questions which have arisen between the two coun-

tries in the last few years, no one can be more convinced than yourself. It is then with unfeigned regret that the President finds himself unable to recognise the validity of a demand, a compliance with which you deem so material to the preservation of the good understanding which has been hitherto manifested between the two countries.

The jurisdiction of the several States which constitute the Union is, within its appropriated sphere perfectly independent of the Federal Government. The offence with which Mr. McLeod is charged was committed within the territory, and against the laws and citizens of the State of New York, and is one that comes clearly within the competency of her tribunals. It does, not, therefore present an occasion where, under the Constitution and laws of the Union, the interposition called for would be proper, or for which a warrant can be found in the powers with which the Federal Executive is invested. Nor would the circumstances to which you have referred, or the reasons you have urged, justify the exertion of such a power, if it existed. The transaction out of which the question arises, presents the case of a most unjustifiable invasion, in time of peace, of a portion of the territory of the United States, by a band of armed men from the adjacent territory of Canada, the forcible capture by them within our own waters, and the subsequent destruction of a steamboat, the property of a citizen of the United States, and the murder of one or more American citizens. If arrested at the time, the offenders might unquestionably have been brought to justice by the judicial authorities of the State within whose acknowledged territory these crimes were committed; and their subsequent voluntary entrance within that territory, places them in the same situation. The President is not aware of any principle of international law, or indeed of reason or justice, which entitles such offenders to impunity before the legal tribunals, when coming voluntarily within their independent and undoubted jurisdiction, because they acted in obedience to their superior authorities, or because their acts have become the subject of diplomatic discussion between the two Governments. These methods of redress, the legal prosecution of the offenders, and the application of their Government for satisfaction, are independent of each other, and may be separately and simultaneously pursued. The avowal or justification of the outrage by the British authorities, might be a ground of complaint with the Government of the United States, distinct from the violation of the territory and laws of the State of New York. The application of the Government of the Union to that of Great Britain, for the redress of an authorized outrage of the peace, dignity, and rights of the United States, cannot deprive the State of New York of her undoubted right of vindicating, through the exercise of her judicial power, the property and lives of her citizens. You have very properly regarded the alleged absence of Mr. McLeod from the scene of the offence at the time when it was committed, as not material to the decision of the present question. That is a matter to be decided by legal evidence; and the sincere desire of the President is, that it may be satisfactorily established. If the destruction of the Caroline was a public act of persons in her Majesty's service, obeying the order of their superior authorities, this fact has not been before communicated to the Government of the United States by a person authorized to make the admission; and it will be for the court which has taken cognizance of the offence with which Mr. McLeod is charged, to decide upon its validity when legally established before it.

The President deems this to be a proper occasion to remind the Government of her Britannic Majesty that the case of the "Caroline" has been long since brought to the attention of her Majesty's principal Secretary of State for Foreign Affairs, who, up to this day, has not communicated its decision thereupon. It is hoped that the Government of her Majesty will perceive the importance of no longer leaving the Government of the United States uninformed of its views and intentions upon a subject which has naturally produced much exasperation, and which has led to such grave consequences.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

JOHN FORSYTH.

H. S. Fox, esq. &c. &c. &c.

The documents accompanying the President's message, in relation to the

BURNING OF THE STEAMBOAT CAROLINE, having been read, and the question being on the reconsideration of the vote by which 5,000 extra copies had been ordered to be printed,

Mr. ALFORD said he was happy that he had moved the reconsideration, and that he was now satisfied, having heard the papers read, that they ought to be printed. He was satisfied that the answer of Mr. Forsyth was a good State Rights paper; and he should think that his instincts of justice were blunted by party spirit, if he were capable of doing injustice to that officer under any circumstances. He (Mr. A.) hoped that the party strife which had just passed had not blunted the instincts of justice of the great Whig party of the United States, nor of the State Rights party, of which he had lived an humble member, and of which he hoped to die a member. He was satisfied that the rights of the Empire State of New York had been vindicated by the Secretary of State in an able and dignified manner; and he was sorry to say that this was the only paper coming from that Department that he could commend in that light.

As regarded his sympathy towards the Northeastern territory, he, as a Southern man, had not more than he ought to have; but he did know that the Lion of England had been growling for his prey on that Northeastern boundary long ago. As an American citizen, he felt humbled at the reflection that, under the administration of Martin Van Buren, the Eagle of his country had cowered under the Lion of England; he felt humbled that a country which, even in the days of the Revolution, was strong enough to defend its rights, should now permit the Queen of England to deprive them of every thing. Aggression after aggression had been committed, and it would continue to be so so long as the head of the Executive Government failed to defend the doctrines contained in this document.

Mr. A. then withdrew the motion to reconsider.

Mr. STANLEY renewed it.

Mr. HOLMES of South Carolina said he was quite delighted with this debate; not, however, because the incidental question of State rights had been introduced, for that was about the same thing as the Constitution, which every man construed according to his own taste. But he was delighted because the gentleman from Georgia had given his approval to at least one act of the Administration. He was glad that one member of the opposite party had the generosity to acknowledge them in the right for once. The gentleman had, however, touched on the very important subject of the Northeastern boundary. He had said that the Lion of England had growled, while we paid no regard to it, etc. Now he (Mr. H.) wished to know whether the remarks made by that gentleman were to be considered ominous of the future action of the new Administration? Were we not to judge, from the remarks made by one of its friends, that we were to be precipitated into a conflict with this mighty power, prepared and armed at every point, and that, too, for a line of demarcation? If they were to rush into the conflict—if the South was to be prostrated, he was thankful that gentlemen had shown their hands, that the South might know that one of the results attending the triumph of this great party, was a question of territorial war.

Mr. ALFORD replied to these remarks, and said that he had not spoken in behalf of the coming Administration. He had it not in his eye or his mind at the time he spoke; he knew nothing of its secrets nor its intentions. He had had no conference with its friends, nor had his advice ever been asked. He spoke for himself—he spoke the sentiments of his own heart, when he said that the Lion of England had growled for its prey on the Northeastern boundary. Whatever might be the opinion of the gentleman from South Carolina, [Mr. HOLMES,] he (Mr. A.) would express his belief that, if ever the issue of which the gentleman spoke did come, the State of South Carolina would be

seen in the first ranks, gallantly defending the honor, and maintaining the rights of the nation. This much he could say—he being one of the first born of nullification out of South Carolina—that South Carolina would be the last to hide her head, if the country should ever be engaged in a war with Britain. His own wish was, that we never might have war with her on this or any other question, if it could be honorably avoided.

For the part which he had taken in the recent victorious struggle, he claimed no honor distinct from his colleagues and his country; and in characterizing as he had done the communication of Mr. Forsyth, he (Mr. A.) had done only that which a sense of justice dictated.

Mr. CUSHING, after some preliminary remarks in relation to the great importance of the subject involved in the documents, called particular attention to the fact, that this was the first time it had been officially avowed that the outrage on the Caroline was authorized by the Government of Great Britain. You will perceive, said Mr. C. that Mr. Fox says:

"It is well known that the destruction of the steamboat Caroline was a public act of persons in her Majesty's service, obeying the order of their superior authorities."

He (Mr. C.) denied the fact, that the outrage being perpetrated under the authority of the British authorities, had been "well known," as alleged by Mr. Fox. Two years ago, Lord Palmerston was asked that question, but it had never been avowed until the present time. Therefore, he would repeat that the assertion as to the fact now avowed being "well known," was, in point of fact, untrue. This had been very properly noticed by the Secretary of State in his reply to Mr. Fox, as follows:

"If the destruction of the Caroline was a public act of persons in her Majesty's service, obeying the order of their superior authorities, this fact has not been before communicated to the Government of the United States."

The fact of this avowal, however, gave the subject an importance which it did not before possess. Mr. C. then proceeded to show that as the authorities of the Colonial Provinces had punished American citizens engaged in piratical acts on their coast, by a parity of reasoning the State of New York had the same right to punish persons engaged in piratical acts within her waters.

Mr. C. then entered into a vindication of the friends of General Harrison, and complained that while at one time they were charged with being the allies and tools of Great Britain, they were now charged with a design to involve the country in war with that power. He denied both the charges.

Mr. DUNCAN demanded of the gentleman from Massachusetts [Mr. CUSHING] when and where the Administration had charged the Whigs with being the "tools of Great Britain." Let the member lay his finger upon the place where it had been asserted by any paper, or present, if he could, any such extract to the House. The Whig party had not been charged by the Van Buren press with being the "tools" of Great Britain; but they had been charged with being under the influence of the moneyed aristocracy of that country—under the influence of British gold. And, said Mr. D. I would advise gentlemen, before they engage in such debates as these, first to clear themselves from that charge. Let the gentleman from Massachusetts pause before making such a charge against the Democratic party, and clear his own party from the just charge of acting under the influence of the moneyed aristocracy of Great Britain. Mr. D. here desired the Clerk to read an extract from a paper he held in his hand; but

The SPEAKER was understood to say that the subject on which the gentleman was speaking was not in order on a motion to reconsider the printing of documents.

Mr. DUNCAN was perfectly willing to speak in order; but if he was out of order in showing the falsity of a charge against the Administration, why was not the gentleman who made that charge called to order? Mr. D. said the charge against the Democratic party having been made, and he having denied it, he was now about to prove that

the Whigs and the institutions of the country were governed and managed by the moneyed aristocracy of England.

After some conversation of a desultory character,

Mr. STANLY withdrew his motion to reconsider. So the question was no longer before the House.

REFERENCE OF SENATE BILLS.

The following bills from the Senate were twice read, and referred as follows:

An act granting a pension to Lemuel White; to the Committee on Revolutionary Pensions.

An act for the relief of Margaret Barnes, widow of Elijah Barnes; to the Committee on Revolutionary Pensions.

An act granting a pension to David Walter; to the Committee on Revolutionary Pensions.

An act for the relief Samuel Collins; to the Committee on Revolutionary Pensions.

An act for the relief Joseph Bassett; to the Committee on Revolutionary Pensions.

An act to authorize the Secretary of the Treasury to procure steam vessels for the revenue service; to the Committee on Commerce.

An act for the relief of Joab Seeley; to the Committee of Claims.

An act for the relief William P. Rathbone; to the Committee of Claims.

An act for the relief of the representatives of Richard T. Banks; to the Committee of Claims.

An act to pay Ben Murphy, of Arkansas, for corn, cattle, &c.; to the Committee of Claims.

An act making an appropriation for the removal of the raft in Red river; to the Committee on Roads and Canals.

An act to amend the act to authorize the State of Tennessee to issue grants to lands and settle claims to vacant lands, passed 18th of April, 1806; to the Committee on Public Lands.

An act for the benefit of the Salma and Tennessee Railroad Company; to the Committee on Public Lands.

An act further to amend the act to provide for taking the sixth census or enumeration of the inhabitants of the United States; to the Committee on the Judiciary.

An act allowing drawback on foreign merchandise exported in the original package to Chihuahua to Santa Fe, in Mexico; to the Committee on Commerce, with instructions to inquire into the propriety of extending the same privilege to the exportations to the adjoining dominions of Great Britain.

An act for the relief of the corporate authorities of Mobile; to the Committee on Military Affairs.

SCHOOLS FOR INDIANS.

Mr. MASON of Ohio asked leave to move a resolution which was read at the Clerk's table; and no objection being made, the resolution was introduced, and it was agreed to, and is as follows:

Resolved, That the Secretary of War be directed to report to this House in what manner that part of the 20th article of the treaty between the United States and the Choctaw nation, made at Dancing Rabbit Creek, and dated September 27, 1830, has been executed, which stipulates that "for the benefit and advantage of the Choctaw people, and to improve their condition, there shall be educated under the direction of the President and at the expense of the United States, forty Choctaw youths for twenty years."

And that he communicate copies of all such regulations as may have been adopted, of orders issued, and correspondence had, relating to the execution of that stipulation, and state what amount of money has been appropriated, and what amount expended on account thereof; what agent or agents have been employed, their names, number, and compensation; whether an academy or other school has been established for the education of the Choctaw youths, and at what time and place; whether teachers have been employed, and the names, number, and compensation of each; what number of the Choctaw youths, or other persons, if any, have been received into, or educated at, such school, and at what cost per scholar; what buildings, if any, have been erected for the accommodation of such school, and at what cost; and what branches of

learning have been taught there; and how many pupils have graduated, and in what term of time after their admission; and what is the present number of teachers and pupils belonging to the school.

And that he be required to make a similar report and statement in regard to the execution of so much of the same article of said treaty as provides that "fifty thousand dollars, viz: twenty-five hundred dollars annually, shall be given for the support of three teachers of schools for twenty years."

PRESENTATION OF PETITIONS.

The States and Territories were then called for petitions. They were presented by

Mr. DODGE, of Iowa.

Mr. DOWNING, of Florida.

Mr. CRARY, of Michigan.

Mr. JAMESON, of Missouri.

[Mr. JAMESON presented the memorial of the Legislature of Missouri on the subject of the northern boundary of that State. Also, the memorial from same on the subject of the swamp lands; and also, the petition of Wm. Turney for an additional pension. The two last of which were referred to the appropriate committees, and the first laid on the table and ordered to be printed.]

Messrs. CRABB and DILLET, of Alabama.

Messrs. CASEY and REYNOLDS, of Illinois.

[Mr. REYNOLDS presented the petition of 121 citizens of Williamson county, Illinois, praying for a change of the mail route from Golconda to Frankfort in said State, so as to pass Marion, the county seat of said Williamson county: referred to the Committee on the Post Office and Post Roads.]

Messrs. LANE, CARR, and DAVIS, of Indiana.

[Mr. CARR presented the petition of Alexander Chambers, of Indiana, asking a pension: referred to the Committee on Revolutionary Pensions.]

Messrs. SWENEY, STARKWEATHER, WELLER, MASON, and MEDILL, of Ohio.

Mr. TURNEY, of Tennessee.

[Mr. TURNEY presented the petition of Samuel Parnell, of Tennessee, late a volunteer in Florida, praying an investigation into the causes of the great delay to pay for the horses lost in Florida: referred to the Committee of Claims, and ordered to be printed.]

Messrs. UNDERWOOD, GREEN, TRIPLETT, and BUTLER, of Kentucky.

Mr. HABERSHAM, of Georgia.

Messrs. THOMPSON, BUTLER, and PICKENS, of South Carolina.

Mr. DEBERRY, of North Carolina.

Messrs. BEATTY, HENRY, KEIM, TOLAND, and FORNANCE, of Pennsylvania.

[Mr. KEIM presented the petitions of Margaret Glencer, Maria E. Fox, and Susanna Mellon, pensioners under the act of 7th July, 1838, praying a continuance of pension. Also, the petition of Philip Auspach, asking for arrears of pension.]

[Mr. TOLAND remarked that he was desirous of presenting a memorial of the Anti-slavery Society of Eastern Pennsylvania, which prayed for a change or amendment of the Constitution of the United States, regarding the toleration of slavery. He did not conceive, inasmuch as it asked for an alteration in the fundamental law of the land, that it came within the rule of the House prohibiting the reception of petitions upon the subject of slavery; that the SPEAKER, however, might think differently; and that, for the purpose of ascertaining his opinion, he would send him the memorial to examine at his seat. Mr. T. also remarked, that if the SPEAKER decided that the memorial came under the rule, he should feel it his duty to take an appeal.]

The SPEAKER examined the memorial, and observed that he was not surprised at the doubts of the gentlemen, that he felt it, however, to be his duty to decide that it did come within the class excluded by the rule; but that he had no objection to the appeal which Mr. T. said he would take.

Mr. TOLAND then took the appeal—the question was put, and the SPEAKER's decision was affirmed without a division.]

Messrs. MONTANYA, JACKSON, BREWSTER, KEMPSHALL, ALLEN, HAND, ELY, MITCHELL, MORGAN, MONROE, CHIT-

TENDEN, RUSSELL, FILLMORE, PECK, and GRANGER, of New York.

[Mr. HAND presented a memorial of 86 citizens of Plattsburgh, New York, praying the passage of a general bankrupt law; referred to the Committee on the Judiciary. Also, a memorial of Elkanah Watson, setting forth the advantage to the United States of a railroad for military and other purposes between Port Kent, on Lake Champlain, and Ogdensburg, &c. &c. Also, on his motion, the Committee on Revolutionary Pensions was discharged from the further consideration of the petition of Hugh Malloy; and the same was referred to the Committee on Invalid Pensions. Also, the Committee on Revolutionary Pensions was discharged from the consideration of the petition of John Arheart; and the same was referred to the Committee of Claims.]

[Mr. BAEWSTER presented the memorial of Geo. H. McWhorter and several hundred other citizens of Oswego co. N. Y. in relation to the piers and mole at Oswego: referred to the Committee on Commerce, and ordered that the memorial be printed.]

[Mr. JACKSON presented the memorial of Capt. Noah Mason, keeper of the light-house at Sands Point, N. Y. asking compensation for moneys expended by him in improving the property belonging to the United States at that place.]

[Mr. MORGAN presented the petition of Willet Lounsbury, Hiram Rathbun, and 54 other citizens of Cayuga co. N. Y. for a general bankrupt law. The petition of G. S. Murphy, Isaac Selover, and 71 other citizens of the same, for the same. The petition of Thomas Y. How, jr. for the issuing of a patent, and for other relief.]

Mr. EASTMAN, of New Hampshire.

Mr. RANDALL, of Maine.

Mr. SLADE, of Vermont.

Mr. BOARDMAN, of Connecticut.

Mr. CRANSTON, of Rhode Island.

Messrs. BRIGGS, CUSHING, PARMENTER, REED, SALTONSTALL, ADAMS, and CALHOUN, of Massachusetts.

Mr. ADAMS presented a letter, which he considered in the nature of a petition, from a Mr. Attree, of New York, who considered his character as a Reporter and a man injuriously assailed by the "reading, in the House of Representatives, by Mr. MONROE, of New York, of a letter from Mr. Jaffray of that city, in which a report made by said Attree was represented as a burlesque of a speech delivered by Mr. Jaffray at a certain meeting held in New York, and by the remarks of Mr. MONROE and Mr. WISE thereon. Mr. A. said he did not know the individual, nor did he know he had ever seen him, unless it might have been once, when he was engaged in reporting a lecture which Mr. A. had delivered (on any thing but politics) shortly before the commencement of the present session; but he presented and would ask for the reading of the letter as an act of justice to the person concerned.

Some remarks fell from Mr. A. which related to the part Mr. MONROE had taken in the debate on the bill reported by Mr. A. for the prevention of frauds on the revenue.

The letter having been read—

Mr. MONROE of New York expressed his surprise and regret that the honorable gentleman from Massachusetts had thought it proper to bring a matter like this before that solemn assembly. The communication, as published in the Herald, had reached the city the night before, and Mr. M.'s attention had been called to it, supposing it might contain something personal to himself and the honorable gentleman from Virginia, (Mr. WISE.) He had carefully examined it to see whether the writer, in any part of it, had taken exception to the course of the honorable Mr. WISE and himself in what they had said, a few days since, in relation to the report of Mr. Jaffray's speech, and he did not so understand the writer. In what Mr. M. had said, in the spur of the moment, he had had no intention to call in question the qualifications of Mr. Attree as a Reporter, or the accuracy of the Herald; but he had, on a perusal of his report of Mr. Jaffray's speech on the necessity of the merchants of New York employing an agent at Washington,

been led at once to conclude that it must have been a burlesque of the speech actually delivered; for he could not believe that any one, who wished, as Mr. Jaffray did, to prevent the passage of a law in Congress, could ever be so blind to his own interests as to make such a speech as that given as his in the New York Herald.

But further: Mr. Jaffray had himself published, in that very paper, a letter or card, positively denying the correctness of the report, and representing it as a caricature of his remarks; which card had been published in the Herald, without editorial comment or remark, to his knowledge. Hence Mr. M. concluded, of course, as any man would naturally conclude, that the report was admitted by the editor to have been, as it was charged to be, a mere playful burlesque. Mr. M. said he was not there to defend Mr. Jaffray, nor was he there to assail any man. When the report of Mr. Jaffray's letter had been read, he perceived that it had more effect in the House than he could have thought it at all likely to have; and apprehending that the character of the great body of the merchants of New York might possibly be injuriously affected by the impression it produced, and from the comments of the gentleman from Massachusetts [Mr. ADAMS] on the proceedings of the meeting at which it had been delivered, Mr. M. as in duty bound, had risen in their defence, and had endeavored to show that they were in no wise justly implicated. As to this Mr. Attree, Mr. M. had no doubt he was one of the best reporters in this country. He had said nothing against his capacity or character, but he had honestly supposed the report was a burlesque. He repeated that he had not risen to defend Mr. Jaffray or to attack the editor or reporter of the Herald, but merely to perform a duty to his constituents, by preventing misapprehension on this floor. As an evidence of the total contempt in which this whole matter was regarded in New York, in all the letters he had received from that city, not a word was said in any one of them about it. In fact, it was too ridiculous an affair for Mr. M. to have any thing further to do with, and he washed his hands of it.

Mr. ADAMS said that, if the gentleman from New York [Mr. MONROE] had alluded to him as intending, in any remarks he had submitted, to injure the character of the merchants of New York—

Mr. MONROE promptly interposed to disavow any such idea; he was fully aware that the honorable gentleman from Massachusetts would be one of the very last men unjustly to assail the reputation of so respectable a body of men, or of any other class of citizens throughout this country.

Mr. ADAMS said this was sufficient for him. No man cherished a higher respect for the merchants of New York than he did; those, especially, who were in a proper sense American merchants. But the meeting, calling itself a meeting of the merchants of New York, consisted of a very different description of persons; being composed, chiefly, of Scotchmen and Yorkshire clothiers; the very men against whose frauds the bill he had introduced was aimed. As to the remarks of Mr. Jaffray on himself, he should say nothing, save to that portion of them which charged him with "having been closeted for two hours with the Collector of New York" when Mr. A. was coming on to Congress—to which he plead guilty; he had been closeted with that officer, though not quite for two hours. He had gone at the request of the Collector, who, hearing of his being in the city, had sent a note to him to see him at the custom-house; and in that conversation the Collector had expressed a very strong desire that that portion of the bill to prevent frauds on the revenue, which Mr. A. had formerly reported to this House, should be reported again. With Mr. HOYT or with Mr. Benjamin F. Butler, Mr. A. could claim little political sympathy; but he had gone as he was requested; and there it was stated to him that the frauds complained of were going on still, and that the bill was as necessary now as it had ever been; and the Collector had observed that his successor, whoever he might be, would find it so. The Secretary of the Treasury entertained the same desire for the passage of the bill. And Mr. A. would do both these officers of Government the justice to say that he believed, in this matter, they were disposed to discharge their public duty with fidelity; and he

was willing, in this thing, to give to the proper wishes of the Treasury Department all the support in that House he was able.

Mr. WADDY THOMPSON moved that so much of the President's message as relates to military affairs be referred to the Committee on Military Affairs.

Mr. ADAMS objected. He said that the practice for some years had been for the House to go into Committee of the Whole on the state of the Union, and for some friend of the President then to portion out the President's message among the appropriate committees, by which means the whole of that document came under the consideration of the House. It was a good practice, and presented the only mode by which the House could get full possession of every part of the message. But, within the last few years, examples had crept in which he hoped, for all future times, would stand as warnings and not as admonitions, of not considering the message in Committee of the Whole, but of individual gentlemen picking out particular subjects in it, and having them referred to their own committees. This practice was not only irregular, but highly inexpedient and injurious, producing utter confusion in the legislation of the House. It prevented the House from getting the whole message under its discussion; and that which it did discuss was discussed under exposure, every moment, to the previous question, by which free discussion and full and ripe consideration was prevented. Here a gentleman wanted one particular portion of the message referred to the Committee on Military Affairs: but as Mr. A. considered the portions of the message on that subject as highly important, he desired the whole message should first be considered in Committee of the Whole on the state of the Union; and he felt the rather anxious on this point because the gentleman at the head of the military committee at the last session had proposed to add some 1,500 or 1,600 men to the standing army of the United States. If the House did go into Committee of the Whole, Mr. A. should very probably deliver sentiments on several of the subjects it contained very different from those expressed by the President. He hoped the gentleman would change his motion.

Mr. THOMPSON consented, in pursuance of this suggestion, to change his motion for one to go into Committee of the Whole on the President's message, and make it the special order on Monday next. He denied, expressly, that the bill to which the honorable gentleman had alluded as introduced last session did propose to augment, by a single officer or man, the standing army of the United States; but its object was to protect a frontier exposed to the utmost dangers from savage depredation and massacre.

The motion, requiring two-thirds, was not agreed to.

Whereupon Mr. THOMPSON gave notice that he should renew his motion on Monday next.

THE NEW JERSEY ELECTION.

While petitions were being presented to-day, Mr. GARRET DAVIS, of Kentucky, asked leave to move the following resolution, which was read and objected to:

Whereas the majority of this House, about the close of the last session of Congress, did decide that Peter D. Vroom, Pallemon Dickerson, William R. Cooper, Daniel B. Ryall, and Joseph Kille, were "entitled to occupy as members of the House of Representatives the five contested seats from the State of New Jersey;" and said majority, with the exception of the members on the Committee of Elections, had had no opportunity of examining the testimony relating to said contested seats, and yet refused to permit said testimony to be read to the House, and proceeded to adjudge and decide the right to said seats in utter ignorance of the merits of the contest; therefore,

Be it resolved, That the aforesaid decision of the majority of this House ought to be rescinded, set aside, and held for naught.

Resolved, That this House will, in conformity to all precedent, to the decency, dignity, and justice of such proceedings, and to the sanction of their oaths and their duty as judges of the case, thoroughly examine the testimony, taken by its order, in

relation to the conflicting claims to said seats, and will then impartially decide the right of the said Peter D. Vroom, Philemon Dickerson, Wm. R. Cooper, Daniel B. Ryall, and Joseph Kille, of the one part, and of John B. Aycrigg, Charles C. Stratton, J. B. Maxwell, William Halstead, and T. Jones Yorke, of the other part, to them.

Mr. RANDOLPH gave notice of a bill to determine by law the day for the annual meeting of Congress.

On motion of Mr. CUSHING, all the memorials and other papers on file in relation to French spoliations previous to 1800, were referred to the Committee on Foreign Affairs; and he gave notice that he should call the attention of the House to this subject on Thursday, the 7th of January next.

Mr. GRAVES obtained leave to introduce a bill for the relief of Mary Hunter; which was twice read, and committed for to-morrow.

Mr. LANE obtained leave to introduce a bill to confirm to the State of Indiana the land selected by her for that portion of the Wabash and Erie Canal which lies between the mouth of the Tippecanoe river and Terre Haute, and for other purposes; which bill was twice read, and referred to the Committee on the Judiciary.

The following resolutions were introduced on leave during the presentation of petitions, and were agreed to by the House:

By Mr. MOORE:

Resolved, That the letter of the Secretary of the Treasury, dated July 10, 1840, transmitting the report of the Commissioner of the General Land Office in relation to the claims filed in the land office at Opelousas, under the act of 6th February, 1835, for the final adjustment of claims to land in the State of Louisiana, with all the documents, be referred to the Committee on Private Land Claims.

By Mr. BEIRNE:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the propriety of establishing a post route from Palestine, in the county of Grenbrier, Virginia, to the Red Sulphur Spring, in Monroe county, in said State.

By Mr. POPE:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency and justice of establishing a post route from Springfield to Maxville, in Washington county, Kentucky, and from Maxville to Harrodsburg, in Mercer, and of providing by law for having the mail carried on said route as formerly.

By Mr. A. V. BROWN:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting pensions to Rowland Ledbetter, Alethea Allen, widow of Daniel Allen, and Cornelius Webb.

On motion of Mr. TRIPLETT,

The House adjourned over till Monday next.

IN SENATE.

Monday, January 4, 1841.

The VICE PRESIDENT presented the memorial of the Council and House of Representatives of the Territory of Iowa, praying an act to authorize the survey and estimate for a canal from Iowa City to some point on the Cedar River, in said Territory; which was referred to the Committee on Roads and Canals.

Also, the memorial of the Council and House of Representatives of the Territory of Iowa, praying an appropriation for the improvement of certain roads; which was referred to the Committee on Roads and Canals.

Also, the memorial of the Council and House of Representatives of the Territory of Iowa, praying an appropriation for the improvement of the Territorial road in said Territory; which was referred to the Committee on Roads and Canals.

Also, a report from the Secretary of State, with the names and compensations of the clerks employed in that office; which was laid on the table and ordered to be printed.

Also, a report from the Secretary of the Navy, with a statement of the expenditures of the contingent fund of that Department.

Also, a communication from the Secretary of the

Treasury, transmitting a report of the Commissioner of the General Land Office, containing a statement of its operations during parts of the year 1839 and 1840; which was laid on the table and ordered to be printed.

Mr. PIERCE presented the petition of David Putney; which was referred to the Committee on Pensions.

Mr. NORVELL presented the petition of one hundred and seventy citizens of Michigan, praying the passage of a general bankrupt law; which, as a bill on the subject had been already reported, was laid on the table.

Mr. N. presented the petition of citizens of Macomb county, Michigan, praying for the imposition of a duty on foreign silks; which was referred to the Committee on Finance.

Mr. N. also presented the petition of citizens of Cleveland, Ohio, praying for the improvement of the harbor of Port Sheldon.

Mr. CLAYTON presented the memorial of citizens of Philadelphia, praying for a discontinuance of the spirit portion of the navy ration, and the substitution of healthful beverages therefor; which was referred to the Committee on Naval Affairs.

Mr. ALLEN presented the petition of two citizens of Ohio, praying the passage of a general bankrupt law; which was laid on the table.

Mr. ROBINSON presented the petition of William C. Anderson; which was referred to the Committee on Finance.

Mr. NICHOLAS presented the petition of the New Orleans and Carrollton Railroad Company; which was referred to the Committee on Finance.

Mr. PORTER presented the petition of the Society of Friends in the State of Michigan, praying the abolition of slavery and the slave trade in the District of Columbia and the Territories of the United States.

On motion by Mr. CLAY of Alabama, the motion of reception was laid on the table.

Mr. CLAY of Alabama presented the petition of Walker Kinkle and Carothers; which was referred to the Committee on the Post Office and Post Roads.

Mr. LINN presented the petition of Reuben E. Gentry and others; which was referred to the Committee on Indian Affairs.

Mr. CLAY of Kentucky presented two petitions in favor of abolishing the spirit portion of the navy ration, and the substitution of healthful beverages therefor; which were referred to the Committee on Naval Affairs.

Mr. ROANE presented the petition of the heirs of Dr. William Ramsey, of Lieutenant Enoch K. Withers, of Captain John Hawkins, of Dr. William Rumney, of Lieutenant Jos. Blackwell, of John and Henry Banks; which were severally referred to the Committee on Revolutionary Claims.

Mr. RUGGLES presented the petition of Howland Dyer; which was referred to the Committee on Pensions.

Mr. R. also presented the petitions of Fontaine Maurey, of George W. Jones, of Robert Roberts, and of Caleb Pddy; which were severally referred to the Committee on Commerce.

Mr. PRESTON presented the petition of William Depeyster and Henry A. Cruger; which was referred to the Committee on Military Affairs.

On motion by Mr. NICHOLAS, the petition and papers of Estevan Planché, now on file, was referred to the Committee on Private Land Claims.

On motion by Mr. SEVIER, the petition and papers of Samuel Mackay were permitted to be withdrawn from the files of the Senate.

Mr. SMITH, from the Committee on the Judiciary, to which was referred the memorial of the Legislative Council of the Territory of Iowa, praying a change in the organic law of said Territory, made an adverse report thereon; which was ordered to be printed.

Mr. LINN, from the Committee on Private Land Claims, to which was referred

The bill for the relief of Sebastian Butcher and the heirs and legal representatives of Bartholomew Butcher, Michael Butcher, and Peter Bloom;

The bill for the relief of Joseph Campan; and

The bill for the relief of Joseph Kennedy; reported the same without amendment.

Mr. KING, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of the legal representatives of John Scott; which was read twice, and referred to the Committee on Indian Affairs.

Mr. HUBBARD, from the Committee on Claims, to which was referred the petition of Thos. S. Clarke, made an adverse report thereon; which was ordered to be printed.

Mr. WALL, from the Committee on the Library, to which was referred the petition of John Landis, made an unfavorable report thereon, and asked to be discharged from the further consideration of the subject; which was agreed to.

Mr. WALKER submitted the following resolution, which was considered, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what amount of money, being a balance found to their credit on the books of the branch of the Bank of the United States at Washington city, was paid into the Treasury by the surviving commissioners under the act for the settlement of the Mississippi land claims, and the correspondence in relation thereto.

Mr. BENTON submitted the following resolution, which was considered and adopted:

Resolved, That the Secretary of the Navy be directed to inform the Senate, whether any experiments have been made or authorized by him to ascertain the fitness of American water rolled hemp for the use of the navy—what progress has been made in such experiments, if any—the prospect of succeeding in the attempt—and whether any special legislation in relation to contracts for supplying the navy with hemp would be necessary to the full and satisfactory decision of the question of the fitness or unfitness of American water rolled hemp for the use of the navy of the United States.

The bill to confirm to the State of Indiana the land selected by her for that portion of the Wabash and Erie Canal which lies between the mouth of the Tippecanoe river and Terre Haute, and for other purposes, was read a third time and passed.

On motion by Mr. HUBBARD, the bill for the relief of Clemens, Bryan and Company, was taken up and considered as in committee of the whole, and ordered to be engrossed for a third reading.

On motion by Mr. WILLIAMS, the bill making compensation to the State of Maine for the services of her militia, was taken up and considered as in committee of the whole, and ordered to be engrossed for a third reading.

On motion by Mr. PIERCE, the bill making compensation to the State of New Hampshire for the services of her militia, was taken up and considered as in committee of the whole, and ordered to be engrossed for a third reading.

GENERAL ORDERS.

The bill for the relief of the Plumb Island Bridge and Turnpike Company;

The bill to refund to Noah Miller and others, a part of the proceeds of the sale of the British ship Mary, and cargo, which were captured by them, and libelled and sold for the benefit of the United States;

The bill for the relief of John Moore;

The bill in addition to an act for the relief of Walter Loomis and Abel Gay, were severally considered as in committee of the whole, and ordered to be engrossed for a third reading.

GENERAL PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up, and

Mr. CLAY, of Alabama, addressed the Senate at length in explanation, and in favor of its provisions. He was followed by

Mr. BENTON, who also spoke at some length in favor of the measure.

After some remarks by Messrs. PRENTISS and MANGUM, Mr. M. offered to amend by inserting the word "white," so as to confine the benefits of the bill to white persons, which was adopted—ayes 37, nays 1, as follows:

YEAS—Messrs. Allen, Anderson, Ben'on, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Dixon, Fulton, Graham, Henderson, King, Knight, Linn, Lumpkin, Mangum, Merrick, Mouton, Nicholas, Norvell, Pierce, Preston, Roane, Robinson, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Walker, Wall, Williams, and Young—37.

NAY—Mr. Porter—1.

Mr. MANGUM then moved to amend, by excepting aliens from the provisions of the bill, which was advocated by Messrs. MANGUM and CLAY of Kentucky, and opposed by Messrs. BUCHANAN, CLAY of Alabama, and BENTON; and the question on its adoption being taken, it was decided in the negative—ayes 12, nays 30, as follows:

YEAS—Messrs. Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Huntington, Knight, Mangum, Merrick, Prentiss, Preston, and Ruggles—12.

NAYS—Messrs. Allen, Anderson, Benton, Buchanan, Calhoun, Clay of Alabama, Fulton, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Perier, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Walker, Wall, Williams, Wright and Young—30.

Mr. TAPPAN then moved to amend, by providing that no person should be permitted to avail himself of the benefits of the bill more than once; which was agreed to without a division.

The bill was then informally passed over, and the Senate adjourned.

HOUSE OF REPRESENTATIVES,

Monday, January 4, 1841.

The SPEAKER laid before the House the following communications, which were severally laid upon the table, and ordered to be printed, viz:

1. From the Secretary of the Treasury, transmitting a report from the Commissioner of the General Land Office, relative to the operations of that office during parts of the years 1839 and 1840.

2. From the Comptroller of the Treasury, in obedience to the act of 3d of March, 1809, "further to amend the several acts for the adjustment and regulation of the Treasury, War, and Navy Departments," and of the act of 3d March, 1817, "to provide for the prompt settlement of public accounts, transmitting a list of the balances standing on the books of the revenue, which have remained unsettled by collectors of the customs and others, which have been due more than three years prior to the 30th of September, 1839.

3. From the Secretary of the Navy, transmitting, in obedience to the act of 3d March, 1839, an abstract of disbursements under the head of Contingent Expenses of the Naval Establishment, as settled and allowed at the office of the Fourth Auditor of the Treasury, from the 1st day of October, 1839, to the 30th of September, 1840, inclusively.

4. From the Secretary of State, transmitting a list of the clerks employed in his Department during the past year, and the compensation of each.

5. From the Secretary of War, transmitting, in obedience to the modified resolution of the House of Representatives of the 23d of December last, a report of the Chief Engineer, and of the Colonel of Topographical Engineers, relative to the suspension of operations at the public works on the borders of the Western lakes and on the Cumberland Road.

6. A letter from the Clerk of the House, as follows:

To the honorable the House of Representatives of the United States:

I was not in my seat when a letter from J. C. Rives, one of the Printers to the House of Representatives, was laid before the House. As I learn from a report of the proceedings of the House, that that letter had been referred to a committee, I will merely state, that I have sent no "report to the Stationer of the House, to be printed by him," nor any other document, that could be claimed by the public Printer; that the "other persons paid for printing," as found in my report in the contingent

fund, were so paid, under an order of the House, directing me to have the printing done, before a public Printer was elected; and that, by a special written agreement made by Messrs. Blair and Rives, documents of the last session, sufficient for the use of the members, were all to have been bound and delivered by them, at the beginning of present session.

I learn, further, from a report of the proceedings of the House, that to the motion of reference, an amendment was offered, instructing the committee to "inquire whether the Clerk was interested in the contract with Langtree and O'Sullivan, and the contracts with Langtree." Regarding this as an intimation that I have, by indirect and covert means, appropriated to my own use a portion of the public funds entrusted to my care, I cannot let it pass without notice.

Had the amendment been adopted, and inquiry made, I should have regarded it as an act of kindness; but having been introduced and then withdrawn, it might seem that I shrunk from the investigation.

When a similar charge was made against me at the last session, I immediately asked an investigation. A select committee was appointed with full powers to send for persons and papers, and to "inquire into all matters of frauds, all considerations of economy, and all other matters and things, in relation to contracts made by the Clerk of the House."

I was early informed by a member of that committee, that they considered the charge of fraud as altogether frivolous, and would proceed to investigate the other subjects referred to them.

I have no knowledge of the cause why they did not report at the last session. I hope it will be their pleasure to do so the present session, and make known the results of their inquiry as to all the matters referred to them.

But since the question of fraud and underhand interest has again been revived—thrown out as an intimation, and left to work its insidious influence on the public mind, uncontradicted, I here assert, that I have not now, nor have I ever had, the remotest interest in any contracts made in my official capacity; and that not a solitary silver has ever come into my pockets as an inducement, or in consequence of such contracts.

All my official acts have been open and above-board, and I am willing shall be known of all men.

No member of your honorable body has a higher sense than I have, of the duties of a public officer, and I would scorn a secret purloining of the Treasury by indirection and subterfuge, as much as I would an open and direct embezzlement.

I therefore ask your honorable body to cause inquiry to be made by a committee, whether the intimation of my being interested with Messrs. Langtree and O'Sullivan, S. D. Langtree, or any one else, in any contract made in my official capacity, or in any manner whatever, be true or false.

All of which is respectfully submitted.

HUGH A. GARLAND,

Clerk House of Representatives.

[JOHN C. RIVES has read the above letter of the Clerk of the House of Representatives; and as the subject is now before a committee of the House, he deems it improper, or impolitic, for him to say more at this time, than that it is his earnest desire that the Committee should proceed with the investigation as soon as possible, and decide who is in the wrong, the Clerk or himself. He would here beg leave to add, with due deference, that he still has more confidence in his own eyes, than he has in the Clerk's letter.]

Mr. MORGAN moved that it be laid upon the table and printed.

Mr. DAVIS, of Indiana, thought the proper course would be to refer the communication of the Clerk to the same Select Committee who have under consideration the letter of Mr. Rives. Mr. D. made a motion to that effect.

Mr. MORGAN saw no necessity for referring it to a Select Committee. He hoped it would be laid on the table.

Mr. JAMES GARLAND hoped the gentleman from New York would withdraw the motion to lay on the table. He (Mr. G.) was in favor of an in-

vestigation. From an amendment offered on a previous day, an impression was likely to exist in the public mind that the Clerk had been interested in the contracts; but if there was no foundation for such a charge, as a matter of justice it ought to be made known, and the impression removed. He hoped, therefore, that the communication of the Clerk would be referred, so that if there was no ground for the implication, it might be made manifest.

The motion to lay on the table having precedence, was first put, and decided in the negative.

The question on the motion of Mr. DAVIS was then put, and it was agreed to. So the communication was referred, and ordered to be printed.

PRESENTATION OF PETITIONS.

The States and Territories were then called for petitions. They were presented by

Messrs. ANDERSON, PARRIS, and CLIFFORD, of Maine.

[Mr. CLIFFORD presented the petition of William Trafton and others, of Shapleigh, Maine, praying for the passage of a bankrupt law.

Mr. J. W. WILLIAMS, of New Hampshire.

Messrs. ADAMS, LINCOLN, BRIGGS, and REED, of Massachusetts.

Messrs. TRUMBULL and BOARDMAN, of Connecticut.

Messrs. FLOYD, STRONG, PRENTISS, HAND, FILLMORE HUNT, MORGAN, MONROE, BARNARD, MARVIN, HUNT, DANA, EARL, MONTANYA, LEONARD, and CHITTENDEN, of New York.

[Mr. STRONG presented a petition of sundry inhabitants of Seneca co. N. Y. praying the passage of a general bankrupt law: referred to the Committee on the Judiciary.]

[Mr. EARL presented a petition of O. B. Brackett, and other citizens of the county of Onondaga, in the State of New York, praying to have Congress enact a bankrupt law: referred to the Committee on the Judiciary.]

[Mr. HUNT presented the memorial 633 citizens of Troy, N. Y. asking the passage of a bankrupt law: referred to the Judiciary Committee. Also, the memorial of 172 citizens of the city of New York, asking the passage of a bankrupt law: referred to the Judiciary Committee.]

[Mr. LEONARD presented the petition of Hugh Stewart, praying to be indemnified for losses sustained by him under a contract for macadamizing the Pennsylvania avenue.]

[Mr. MONTANYA presented petitions from citizens of New York and Brooklyn, praying the passage of a general bankrupt law.]

Messrs. GALBRAITH, NAYLOR, WAGNER, TOLAND, and McCULLOCH, of Pennsylvania.

Mr. WORTHINGTON, of Maryland.

Messrs. BEIRNE, SAMUELS, GOGGIN, and McCARTY, of Virginia.

[Mr. GOGGIN presented the petition of John Murchison, of the county of Campbell, in Virginia, praying compensation for revolutionary services: referred to the Committee on Revolutionary Claims.]

Mr. SHEPARD, of North Carolina.

Mr. PICKENS, of South Carolina.

Mr. DAWSON, of Georgia.

Mr. TURNER, of Tennessee.

Messrs. MORRIS, GOODE, PARRISH, WELLES, and GIDDINGS, of Ohio.

Mr. CHINN, of Louisiana.

Messrs. RARIDEN, LANE, PROFFIT, CARR, and DAVIS, of Indiana.

[Mr. DAVIS presented the petition of Elizabeth Davis, widow of Charles B. Davis, of this city praying compensation for property destroyed by the British during the last war, in the City of Washington.]

Messrs. STEWART and REYNOLDS, of Illinois.

Mr. JAMESON, of Missouri.

Mr. CRARY, of Michigan.

Mr. DOWNING, of Florida.

Mr. DOTY, of Wisconsin.

During the presentation of petitions, Mr. HUBBARD asked leave to introduce a bill making it the duty of the President and the heads of the several departments, to remove from office any persons

who may make false estimates for the erection of public works, etc.

Objection being made, leave was not granted.

Mr. CROSS, of Arkansas, also asked leave to introduce a bill, entitled "An act making appropriations to improve the Red river, and for other purposes."

Objection being made, leave was not granted.

Mr. REYNOLDS submitted the following resolution, which was agreed to:

Resolved, That the memorial of the General Assembly of the State of Illinois, which is now on file in this House, praying for a bounty in land to the troops engaged in the late war with Great Britain, be referred the Committee on Public Lands.

NAVAL DEPOT IN RHODE ISLAND.

Mr. TILLINGHAST offered the following preamble and resolutions, which were read for information:

Whereas examinations and surveys have heretofore been made in the Narragansett bay, in Rhode Island, with a view to military and naval establishments, and reports have been made to the Navy Department, and communicated to Congress, containing evidence of the fitness and advantages of a place upon the waters of that bay for a naval depot—

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the Secretary of the Navy, as soon as may be, cause such further examinations and surveys to be made as in his opinion are necessary for ascertaining the fitness and relative advantages or disadvantages of a place in the said Narragansett bay for a naval establishment, yard, and depot, on shore, and the best location therefor in said bay, with estimates of probable expense; and that said estimates, and the reports of said examinations and surveys, when made, and all such evidence as is now, or may then be, in possession of his Department, as to such fitness or advantages or disadvantages, be by the Secretary communicated to Congress as soon as may be, with such views and opinions as he may deem important.

Resolved further, That for carrying this resolution into effect, there be now appropriated, and there is hereby appropriated, a sum not exceeding one thousand dollars, out of any moneys in the Treasury not otherwise appropriated.

Objection being made, they were not received.

The several committees were then called on for reports, of which an account will be found at the close of the proceedings.

Mr. TILLINGHAST, from the Committee on the National Library, presented the following, which was agreed to:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That one copy of the catalogue of the Library of Congress be presented to each of the incorporated Universities, Colleges, Athenæums, Historical Societies, and American Antiquarian Society in the United States, not exceeding 300 in number.

NEGROES OF THE AMISTAD.

Mr. ADAMS, from the select committee appointed to examine and report whether the documents presented to the House on this subject have been falsified in the translation from the Spanish, made the following report:

The select committee appointed on the 10th inst. with liberty to send for persons and papers, to ascertain and report to the House whether the printed House document of the last session, No. 185, has been falsified, materially differing from the manuscript document transmitted by the President of the United States, and if so, by whom the said falsification was made, respectfully report—

That a material alteration has been made from the manuscript transmitted by the President to the House, by the substitution in the printed document of the word *sound* for the word *ladino*, in the manuscript, in the translation, at page 48 of the printed document, of a paper purporting to be a passport for 49 slaves, belonging to J. Ruiz, and by the substitution of the same word *sound* for the word *ladino*, in the translation at the 49th page of the printed document, of a paper purporting to be a passport for three slaves belonging to P. Montez.

That this substitution was in both cases made by John H. Trenholm, the proof reader at the office of Messrs. Blair and Rives, the Printers of the House.

The committee submit herewith the testimony taken by them in performance of the duty assigned to them by the House, and in which will be seen the reasons adduced by Mr. Trenholm for making these alterations. And they have instructed their chairman to move that they be discharged from the further consideration of the subject.

J. Q. ADAMS.

The report was laid on the table, and, with the accompanying papers, ordered to be printed.

The following, offered by Mr. BARNARD some days ago, came up in order:

Resolved, That the Secretary of the Treasury do make to this House a report to the following effect, viz:

1. A statement showing the aggregate revenue which accrued to the Government from customs, from lands, and under the head of what is usually denominated "miscellaneous," in the years 1837, 1838, 1839, and 1840, estimating for the last quarter of the latter year; and showing also the aggregate expenditures during the same years, estimating for the last quarter of 1840, excluding all payments on account of the redemption of Treasury notes, and also all payments on account of trust funds, except so far as such funds have failed to produce the full amount of interest or annuity actually paid on account of them. The statement to show the general balance between such revenue and expenditures for the whole period.

2. A statement showing the sources from which money has been derived to the Treasury, within the four years above mentioned, and the amount from each source, with the aggregate; estimating for amounts received or receivable in the last quarter of 1840. This statement to include the sum actually received in the Treasury after setting apart the original amount for deposit with the States under the deposit act of 1836; the amount of the fourth instalment of deposit money under that act which was finally retained in the Treasury; the amount of trust or indemnity funds (if any) received and not invested; the amount of Treasury notes which will be outstanding on the 1st of January, 1841, with the interest accrued on them; the amount received on old duty bonds, the payment of which had been postponed; the amount received on bonds for the sale of the stock of the United States in the late Bank of the United States; and the amount received from various banks which suspended in 1837. This statement to show how much, if any, of these moneys remain, or will be in the Treasury on the 1st day of January, 1841.

3. A statement (as far as the same is known, or can be readily ascertained) showing in what cases, if any, and to what extent and pecuniary amount, public works have been or will be carried on, or services rendered in behalf of the Government, under appropriations of the present year, or of past years, during the year 1840, (except under the Post Office Department,) in regard to which any special agreement or understanding whatever exists that the payment therefor should not be called for, and should not be made in the year 1840, or until after the 4th day of March, 1841.

4. A statement showing what will be the probable amount out of the new and permanent appropriations, as exhibited in the estimates of the Secretary of the 7th and 8th December instant, for the year 1841, which will remain unexpended or uncalled for at the close of the year 1841.

5. A statement showing the amounts which will be required to purchase stock, or make investments, for or in behalf of Indians or Indian tribes, pursuant to any treaty or other stipulation other than such as may have been estimated for by the Secretary in his report of the 7th December instant.

6. A statement showing more particularly than appears from his report of the 7th December instant, how much the expenses of 1841 will fall below those of 1840, on account of each of the following particulars, namely: because "the pensions have diminished by death;" because "fewer Indians remain to be removed;" because "several

expensive public buildings have been mostly finished;" and because "hostilities with the Seminoles must be nearer to a close."

7. A statement showing the amount of claims now pending in the Department, growing out of the Florida war, or relations with Indians, or otherwise, whether such claims have been considered or passed upon or not, with the probable or proximate amount, in the aggregate, of such claims which will become a charge upon the Treasury, as nearly as the Secretary is able to ascertain or to judge thereof, with the means he has, or can readily command.

Mr. B. after making some modifications thereto, was proceeding to censure the Secretary of the Treasury as guilty of deception, &c. when

Mr. ALBERT SMITH moved that the House proceed to the orders of the day; which motion was agreed to.

So the House proceeded to the orders of the day, being the consideration of business on the SPEAKER'S table.

The SPEAKER then laid before the House the following message from the President of the United States, transmitting additional correspondence in relation to the

BURNING OF THE CAROLINE.

To the House of Representatives of the United States:

I think proper to communicate to the House of Representatives in further answer to their resolution of the 21st ultimo, the correspondence which has since occurred between the Secretary of State and the British Minister on the same subject.

M. VAN BUREN.

WASHINGTON, January 2, 1841.

Mr. Fox to Mr. Forsyth.

WASHINGTON, December 29, 1840.

SIR: I have the honor to acknowledge the receipt of your letter of the 26th instant, in which, in reply to a letter which I had addressed to you on the 13th, you acquaint me that the President is not prepared to comply with my demand for the liberation of Mr. Alexander McLeod of Upper Canada, now imprisoned at Lockport, in the State of New York, on a pretended charge of murder and arson, as having been engaged in the destruction of the steamboat *Caroline*, on the 29th of December, 1837.

I learn with deep regret that such is the decision of the President of the United States; and I cannot but foresee the very grave and serious consequences that must ensue, if, besides the injury already inflicted upon Mr. McLeod, of a vexatious and unjust imprisonment, any further harm may be done to him in the progress of this extraordinary proceeding.

I have lost no time in forwarding to her Majesty's Government in England, the correspondence that has taken place, and I shall await the further orders of her Majesty's Government with respect to the important question which that correspondence involves.

But I feel it my duty not to close this communication without likewise testifying my vast regret and surprise at the expressions which I find repeated in your letter with reference to the destruction of the steamboat *Caroline*. I had confidently hoped that the first erroneous impressions of the character of that event, imposed upon the mind of the United States Government by partial and exaggerated representations, would, long since, have been effaced by a more strict and accurate examination of the facts. Such an investigation must even yet, I am willing to believe, lead the United States Government to the same conviction with which her Majesty's authorities on the spot were impressed, that the act was one, in the strictest sense, of self-defence, rendered absolutely necessary by the circumstances of the occasion, for the safety and protection of her Majesty's subjects, and justified by the same motives and principles which, upon similar and well known occasions, have governed the conduct of illustrious officers of the United States. The steamboat *Caroline* was a hostile vessel, engaged in piratical war against her Majesty's people; hired from her owners for that express purpose, and known to be so beyond the possibility of

doubt. The place where it was destroyed was nominally, it is true, within the territory of a friendly power; but the friendly power had been deprived, through overbearing, piratical violence, of the use of its proper authority over that portion of territory. The authorities of New York had not even been able to prevent the artillery of the State from being carried off publicly at midday, to be used as instruments of war against her Majesty's subjects. It was under such circumstances, which, it is to be hoped, will never recur, that the vessel was attacked by a party of her Majesty's people, captured, and destroyed. A remonstrance against the act in question has been addressed by the United States to her Majesty's Government in England. I am not authorized to pronounce the decision of her Majesty's Government upon that remonstrance; but I have felt myself bound to record, in the mean time, the above opinion, in order to protest in the most solemn manner against the spirited and loyal conduct of her Majesty's officers and people being qualified, through an unfortunate misapprehension, as I believe, of the facts, with the appellation of outrage or of murder.

I avail myself of this occasion to renew to you the assurance of my distinguished consideration.

H. S. FOX.

Mr. Forsyth to Mr. Fox.

DEPARTMENT OF STATE,
Washington, Dec. 31, 1840.

SIR: I have the honor to acknowledge the receipt of your note of the 29th inst. in reply to mine of the 26th, on the subject of the arrest and detention of Alexander McLeod as one of the perpetrators of the outrage committed in New York when the steamboat Caroline was seized and burnt. Full evidence of that outrage has been presented to her Britannic Majesty's Government, with a demand for redress, and of course no discussion of the circumstances here, can be either useful or proper; nor can I suppose it to be your desire to invite it. I take leave of this subject with this single remark, that the opinion so strongly expressed by you on the facts and principles involved in the demand for reparation on her Majesty's Government by the United States, would hardly have been hazarded, had you been possessed of the carefully collected testimony which has been presented to your Government in support of that demand.

I avail myself of the occasion to renew to you the assurance of my distinguished consideration.

JOHN FORSYTH.

Mr. FILLMORE moved that the message, with the accompanying documents, be referred to the Committee on Foreign Relations, and that five thousand extra copies be printed.

Mr. F. before he resumed his seat, wished to make a few observations in relation to the communication from the Minister of Great Britain, and in regard to the facts as stated by that functionary in connection with the outrage upon the steamboat Caroline.

That boat, said Mr. F. as I am informed on good authority, belonged to a man in the city of Buffalo named William Wells, who was, and is now, considered a very peaceable and respectable citizen of that city. The boat did not belong to the "Patriots," or the insurgents of Canada, nor was it in any way whatever under their control or authority. This being the case, he could not conceive why the appellation bestowed upon it by the Minister of Great Britain could have been given. There was no reason for it. Yet, said Mr. F. he has thought proper to call the boat a piratical vessel, in the employ of those persons denominated Canadian Patriots.

Mr. F. then proceeded to state what he maintained were the real facts in relation to the burning of the Caroline, which were as follows:

Mr. Wells, at the time the insurgents were in the occupation of Navy Island, in Niagara river, on the Canadian side, was then in the city of Buffalo, twenty miles above. He then applied to the custom-house authorities for permission to run a boat, as a ferry boat, from Schlosser across to Navy Island. Permission being given, the Caroline commenced running, simply as a ferry boat, being totally unarmed, and having no connection with the

insurgents. Neither did the boat carry any arms or munitions of war of any kind to those on Navy Island, but was engaged merely in the carrying of passengers. After making several trips, the boat was at night safely moored and secured within the wharf on the American side—not within the "nominal" territory of the United States, but within the *undoubted* territory of this Government; as much so, said Mr. F. as this hall, in which we are now assembled, is in the territory of the United States. After being thus safely moored at the wharf in our territory, it was left in the charge of a watch, unarmed, and without any arms whatever being on board, except a single pocket pistol, not loaded. Well, while the boat was thus lying within our territory, it was attacked in the night by an armed force from Canada, sent, as it now appears, by the authority of her Majesty. One man was murdered, others injured, the boat then set on fire, turned adrift, and sent over the falls. This was the "arson" complained of; this was the "murder" complained of. One of our citizens was attacked, unarmed, and had his brains knocked out; and there was every reason to believe that others were killed, or so injured as to be unable to leave the vessel before it went over the falls.

Now, by the laws of the State of New York, said Mr. F. this was murder, and nothing less than murder; and the perpetrators, on being apprehended, would be tried by the laws of that State for the crime. It was a matter pertaining to the State; and neither this Government, nor the Executive of the Government, could have any control over it, unless, indeed, the Government of Great Britain should see fit to repeal its present law, and, entering into treaty stipulations, make laws which should be truly applicable to the case. If so, Mr. F. was understood to say, the matter might perhaps be compromised. But, apart from that, if the same spirit was manifested by the powers at home as was exhibited by the British minister here in relation to this matter, he, Mr. F. conceived that the necessary consequences of the conviction of McLeod would be serious indeed.

Mr. F. said he had no doubt but that McLeod would be put upon his trial, when he sincerely hoped he would be found innocent. But if he should be found guilty, he had no doubt but that he would be executed, unless, indeed, a force much larger than common should be brought from the Canada side to his rescue.

Mr. T. concluded by showing that his reason for making these remarks was to show that there was a false impression entertained by Mr. Fox in regard to the facts of the case.

M. PICKENS hoped the House would at once consent to the printing of the message and documents, and their reference without further debate to the Committee on Foreign Affairs. He hoped so, because there was a delicate negotiation pending on another question with the same power, and which question was exciting intense interest, not only in that section of the country, but to the whole Union. The excited state of the public mind, and a number of other reasons, induced him to hope that the matter would be permitted to go to the Committee on Foreign Affairs with as little ceremony as possible.

Mr. UNDERWOOD did not rise for the purpose of objecting to a reference of the message and documents to the Committee on Foreign Affairs, but to object to the printing of the five thousand extra copies. He was in favor of a reference to the committee, because the principles involved in the communications between Messrs. Fox and Forsyth, were, to his mind, very great and important. He wished the Committee on Foreign Affairs to make a report on those great principles, giving an exposition of them, which might be printed, and go forth to the American people, as showing the rule by which we intended to abide. When such a report should be made, then the gentleman from New York might print as many extra copies as he chose.

What are those principles, asked Mr. U. Why it is averred by the British Minister, that in a time of profound peace, an officer of another country, by the order of his Government, may commit an outrage within our territory, and destroy

the lives of our citizens, and yet he is not amenable to our laws for murder. This was asserted on the principle of international law; and if we so considered it, we must necessarily bring it within the case laid down by the British Minister. But to do that, it was necessary that the order should come from the supreme executive authority of Great Britain to justify the act. But had we seen any order to that effect? So far as he was informed, no such order had been given. On the contrary, the gentleman from Massachusetts, [Mr. Cushing,] observed, a few days ago, that Lord Palmerston has observed silence to this day on the subject. That being the case, we had no right to take it for granted that the order for the outrage in question had come from the supreme Executive authority of Great Britain.

He, Mr. U. was inclined to think, that if any inferior officer of the army or navy, in the service of Great Britain, should, without instruction from the supreme executive authority, perpetrate such outrages, he would, in every sense of the word, be a murderer. He asked the Committee on Foreign Affairs to turn their attention to this point, and to give an exposition of international law, which ought to be spread before the American people for examination, with a view to this or any other altercation which might occur between us and that nation.

Besides this, there were other questions involved in these papers. There was the question as to the right of jurisdiction between the States and the General Government, in relation to matters of this kind. On this point he would be glad to have the Committee on Foreign Affairs direct their attention.

This transaction had occurred at a time when there were no treaty stipulations between us and Great Britain providing for such an occurrence. Now as this was a past affair, occurring when no treaty stipulations did exist, he was not prepared to say that treaty stipulations could now have an *ex post facto* operation to draw it from the jurisdiction of the State of New York to that of the General Government, and thereby prevent the authority of that State from punishing the murderer.

Mr. U. was inclined to deny that the Constitution of the United States would justify a treaty made subsequent to the fact, so as to take away the State jurisdiction. But whatever might grow out of this matter, he thought it highly necessary that we should take a firm and decided stand. It would not be proper for us to bully or to threaten Great Britain, but neither would it be proper for us to tamely submit to aggression. And if the conflict did come, he, for one, would be for owning the mouths of all streams whose source was in our territory.

Mr. DAVIS, of Indiana, in a very indignant manner, protested against the tone of the letter of the British Minister, and asked if it was come to this, that we were to crouch to Great Britain. From the position of Mr. D. his remarks were mostly inaudible to the Reporter.

Mr. WELLER said, it appeared to him that the subject had been sufficiently discussed. If it were prolonged, it might, to be sure, afford an opportunity for gentlemen to display their patriotism. But this, in his opinion, was not the proper time. Therefore, believing that no good could result from further debate, and the House having had a specimen of the patriotism of its members, he, Mr. W. would move the previous question.

At the request of Mr. GRANGER, the motion for the previous question was withdrawn.

Mr. GRANGER wished to say one word in relation to the feeling which existed in this matter. He wished to state that McLeod would have a fair and impartial trial, and have every advantage which the laws of the State of New York secured to him. His trial would be as cool and dispassionate as if the murder had been committed by a citizen of New York on the body of another citizen of that State. When that trial should take place, he, Mr. G. hoped the man would be acquitted; but if found guilty, he would surely be condemned; and if condemned, would most assuredly be executed, as due to the supremacy of the laws of the State. And, said Mr. G. should the British Government, in a moment of rashness,

CONGRESSIONAL GLOBE.

26TH CONG.....2ND SESS.

WEDNESDAY, JANUARY 13, 1841.

VOLUME 9.....No. 6.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

Continued from No. 5.

commence hostilities for the supposed wrong, she would find in the citizens of Western New York the same blood as in 1812; she would find men who were neither to be bought by British gold, nor by British influence, and only to be bought by their love of country. He for one had no fears that this nation would ever crouch to the British lion. She would calmly and dispassionately execute the laws of her several States, and it need not be feared that either this Government or the States would ever quail.

Mr. G. then renewed the call for the previous question, which was seconded by the House.

The question then being put on the motion to refer, was decided in the affirmative. So the message, with the documents, were referred to the Committee on Foreign Affairs.

REPORTS FROM COMMITTEES.

Mr. GOGGIN, from the Committee on Military Affairs, asked that that committee be discharged from the future consideration of the petition of William Glover, and that it be referred to the Committee on Invalid Pensions; which was accordingly done.

Mr. ANDERSON, from the Committee on Naval Affairs, reported a bill to make new provisions respecting Navy pensions, and to repeal certain acts relating to Navy pensions; which was twice read and committed to the Committee of the Whole House on the state of the Union.

Mr. ANDERSON said he was directed by the Committee on Naval Affairs to ask that this bill be made the special order for Monday, the 11th instant. After some remarks by Mr. FILLMORE, showing that it was at all times in order to go into Committee of the Whole on the state of Union, Mr. ANDERSON withdrew his request for a special order.

Mr. SHEPARD, from the Committee on Naval Affairs, moved to discharge that committee from the petition of the heirs of F. W. Smith, and to refer it to the Committee on Revolutionary Claims; which was ordered by the House.

Mr. FINE, from the Committee on Foreign Affairs, made a detailed report on the case of John Morgan, a case of French spoliation prior to 1800. The report was committed to the Committee of the Whole House on the bill relating to French spoliations.

Mr. PICKENS said he was instructed by the Committee on Foreign Affairs to move that the House to-day at 2 o'clock go into Committee of the Whole on the state of the Union on sundry bills reported by that committee;

A bill to regulate the allowance for extra services rendered by Secretaries of Legation and Consuls;

A bill to refund certain duties in the case of the French ship *Alexandre*; and

A bill concerning tonnage duty on Spanish vessels.

The motion of Mr. PICKENS was disagreed to.

Mr. HAWES, from the same committee, made an adverse report on the case of Basil Spalding; which was laid on the table.

Mr. EDWARD DAVIES, from the Committee on Revolutionary Pensions, reported a bill for the relief of Jabez Collins; twice read, and committed.

Mr. HAND, from the same committee, reported a bill for the relief of John Porter; which was twice read, and committed.

Mr. H. also made an adverse report on the case of Sarah Graves; which was laid on the table.

Mr. PECK, from the same committee, made an adverse report on the case of Rineholdt Troughton; laid on the table.

On motion of Mr. PECK, the Committee on Revolutionary Pensions was discharged from the inquiry as to an extension of the pension act of 7th July, 1833, for the benefit of widows to another period of five years; and, also, to an extension of

the act of 7th June, 1832, to those who served at any time previous to Wayne's treaty; and it was committed to the Committee of the Whole to which bills upon the same subject are committed.

Mr. STRONG, from the Committee on Revolutionary Pensions, moved that the said committee be discharged from the cases of Hannah Sturtevant and John Conking; which was agreed to.

Mr. S. reported adversely on the cases of Richard Perry, Anna Swinerton, Daniel W. Church, and James S. Hall; laid on the table.

Mr. TALIAFERRO, from the same committee, reported—

A bill for the relief of Catharine Allen;

A bill for the relief of Ebenezer Dewey;

A bill for the relief of Huldah Farlow; and

A bill for the relief of Ellen Turney;

which were read a first and second time, and committed.

Mr. DOAN, from the Committee on Invalid Pensions, reported—

A bill for the relief of Thomas Collins; and

A bill for the relief of Thomas Wilson;

Which were twice read, and committed.

Mr. DOAN also reported adversely on the cases of John Vanslyck, Patrick O'Ferrall, Ebenezer Pierce, and Robert Whittel; laid on the table.

Mr. PALEN, from the same committee, reported a bill for the relief of David A. Baldwin; which was twice read, and committed.

Mr. CHITTENDEN, from the same committee, reported—

A bill for the relief of Jacob Jackson;

A bill for the relief of Emanuel Shrope; and

A bill for the relief of Joseph M. Rhea;

which were read a first and second time, and committed.

Mr. C. also reported adversely on the cases of Samuel Neely and Francis Griffith; laid on the table.

On motion of Mr. TILLINGHAIST, the Committee on the Library was discharged from the resolution directing an inquiry into the propriety of furnishing printed documents, the Register of Debates, and all other publications by order of Congress, to State Legislatures.

Mr. BROWN, of Mississippi, from a select committee, reported a bill for the relief of David W. Haley; was twice read, and committed.

Mr. RUSSELL, from the Committee on Claims, made an adverse report on the cases of George Gale, Raymond A. Henderson, R. C. Langdon, and James Maguire.

Mr. R. also reported, without amendment, the bills from the Senate for the relief of Jacob Seeley and of William P. Rathbone; those bills were then severally committed.

Mr. R. also reported

A bill for the relief of Lieut. John L. Cline;

A bill for the relief of the legal representatives of James Maglener;

A bill for the relief of William Bailey, survivor of Bailey and DeLoid; and

A bill for the relief of the legal representatives of William D. Cheever.

Mr. GIDDINGS, from the same committee, reported a bill for the relief of Benjamin C. Roberts; which was twice read, and committed.

Mr. G. also reported adversely on the cases of Charles Howe, Benjamin Reynolds, E. F. Gilbert, and John P. Baldwin; laid on the table.

Mr. G. also reported adversely on the cases of John Trafton, John G. Perkins, James Perkins, and Joseph Perkins; Henry Ebbrook, Samuel T. Anderson, Joshua Hilyard, Elijah S. Bell, James Frazer, David Bartlett, Samuel Holgate, Joseph S. Thomas and Landen C. Peters, Sylvester Churchill, and Charles M. Hillyard; which were laid on the table, and ordered to be printed.

Mr. JONES, of New York, from the Committee on Revolutionary Claims, reported adversely on the cases of the representatives of James Purvis, Rebecca Brown, and John Henry. Laid on the table.

Mr. PARMENTER, from the same committee, reported adversely on the case of Hannah Ruble. Laid on the table.

Mr. RANDOLPH, from the same committee, reported adversely on the cases of Susan Underwood, P. Kinsolving, Stephen and Richard Livingston, and Samuel Jones. Laid on the table.

Mr. R. also reported a bill for the relief of the legal representatives of Captain David Noble; which was twice read, and committed.

Mr. DELLET, from the Committee on Private Land Claims, reported a bill to relinquish to William Waller the interest of the United States in a certain tract of land therein named. Twice read, and committed.

Mr. D. also reported, without amendment, the bill from the Senate for the relief of William Jones; which was then committed.

Mr. TALIAFERRO, from the Committee on Revolutionary Pensions, reported the bill from the Senate for the relief of Hannah Leighton, without amendment. The bill was then committed to the Committee of the whole House.

The motion to print the extra copies lies over.

The House then adjourned.

The Select Committee on the letter of John C. Rives, dated the 31st ult. upon the subject of the printing of the House, and a controversy between the printers of the House and the Clerk of the House, in relation to the binding of the documents, reports, and journals of last session, is composed of the following members:

Mr. DAVIS, of Indiana,

Mr. REED,

Mr. CLIFFORD,

Mr. MORGAN,

Mr. DAVIS, of Kentucky.

IN SENATE,

TUESDAY, January 5, 1841.

The PRESIDENT submitted a communication from the Governor of the State of Missouri, transmitting a copy of a law of that State for the settlement of the boundary between Missouri and Iowa.

On motion by Mr. BENTON, the bill was ordered to be printed, and referred to the Committee on the Judiciary.

Also, a communication from the Treasurer of the United States with a statement of the contingent expenses of the Post Office Department; which was laid on the table, and ordered to be printed.

Also, a communication from the Navy Department, transmitting sixty copies of the Navy Register for 1840; which was laid on the table.

Mr. TALLMADGE presented the memorial of citizens of the city of New York, praying the passage of a general bankrupt law; and

A similar memorial from citizens of Lockport, New York, which, as a bill has been reported, were laid on the table.

Mr. SMITH of Indiana presented resolutions of the Legislature of the State of Indiana, instructing their Senators to endeavor to procure the passage of a law by Congress to confirm the selection of lands along the Wabash and Erie canal made by Indiana, in lieu of Indian reservations; which was referred to the Committee on Roads and Canals.

Mr. BUCHANAN presented six memorials from merchants and citizens of Philadelphia, praying that the spirit portion of the navy ration may be abolished, and the substitution of tea or coffee therefore; which were referred to the Committee on Pensions.

On motion by Mr. NORVELL, the memorial of citizens of Michigan, praying for the imposition of a duty on fish imported from the Canadas, now on file, was referred to the Committee on Commerce.

Mr. STURGEON gave notice that, to-morrow, he would ask leave to introduce a bill making a small appropriation for the Patent Office.

Mr. LINN presented the petition of Nathan

Ranney; which, as a bill had been already reported for his relief, was laid on the table.

Mr. L. also presented the petition of Littleberry Sublette; which was referred to the Committee on Public Lands.

Mr. PRENTISS presented the petition of citizens of Hardwick, Vt. praying for the abolition of slavery and the slave trade in the District of Columbia and Territories of the United States; the motion to receive which was,

On motion by Mr. KING, laid upon the table.

Mr. WRIGHT presented a memorial from a number of citizens of New York, praying the passage of a general bankrupt law; which was laid on the table.

Mr. W. also presented a memorial numerously signed by citizens of New York, remonstrating against the passage of a bankrupt law similar in its provisions to the one passed at the last session; which was laid on the table, and ordered to be printed.

Mr. WHITE presented the petition of a number of settlers on the public lands, praying that pre-emptions may be granted to lands settled and cultivated by them; which was referred to the Committee on Public Lands.

Mr. LINN, from the Committee on Private Land Claims, reported a bill for the relief of the heirs of Madame De Lusser, and their legal representatives; which was read, and ordered to a second reading.

Mr. L. also, from the same committee, asked to be discharged from the further consideration of the petition of Richard Higgins, and that it be referred to the Committee on Public Lands; which was agreed to.

Mr. L. in pursuance of previous notice, asked and obtained leave to introduce a bill to provide for running and marking the boundary line of a tract of land reserved for the half breeds of the Sac and Fox tribe of Indians; which was read twice, and referred to the Committee on Indian Affairs.

Mr. L. also, on leave, introduced a bill authorizing the Legislative Council of the Territory of Iowa to extend the jurisdiction of justices of the peace in said Territory; which, after some remarks by Mr. SMITH of Indiana, was laid on the table for the present.

Mr. L. also, on leave, introduced a bill to aid the Territory of Iowa in completing a penitentiary therein, partly erected; which was read twice, and referred to the Committee on the Judiciary.

Mr. L. from the Committee on Agriculture, to which was referred the petition of the widow of Dr. Henry Perrine, reported a bill for her relief; which was read, and ordered to a second reading.

On motion by Mr. L. the Committee on Agriculture was discharged from so much of the petition of Dr. Henry Perrine as related to indemnity for Indian depredations, and it was referred to the Committee on Claims.

Mr. WALKER, from the Committee on Public Lands, to which was referred the bill relinquishing to the State of Mississippi the two per cent. accruing upon her admission into the Union, reported the same without amendment.

Mr. HUBBARD, from the Committee on Claims, to which was referred the petitions of Thomas S. Clark, and the petition of Zadoc Smith, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. H. also, from the same committee, asked to be discharged from the further consideration of the claim of the heirs of George Simpson, and that it be referred to the Committee on Finance; which was agreed to.

Mr. H. also, from the same committee, to which memorials on the subject had been referred, reported

A bill for the relief of the legal representatives of James Williams; and

A bill for the relief of Adam D. Stuart; which were severally read, and ordered to a second reading.

Mr. GRAHAM, in pursuance of previous notice, asked and obtained leave to introduce a bill to cause monuments to be erected to the memory of Brigadier General Francis Nash and Brigadier

General William Davidson; which was read twice and referred to the Committee on Revolutionary Claims.

Mr. NORVELL submitted the following resolution, which was considered and agreed to:

Resolved, That the Secretary of War communicate to the Senate such additional reports as have been received since those formerly submitted, in reference to the construction of the Potomac aqueduct; and also, such further information as he may have in reference to the kyanizing of timber for the use of said aqueduct.

Mr. YOUNG submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of providing by law for the vacating of the military reservation by the United States, of Rock Island in the State of Illinois.

Mr. STURGEON submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Pensions be required to inquire into the expediency of granting a pension to Margaret Miller, Elizabeth Whiteman, and Martha Climer, and report by bill or otherwise.

Mr. LINN submitted the following resolution for consideration:

Resolved, That the Secretary of War be requested to send to the Senate a statement of the number and kind of United States troops stationed along the Western frontier, from Fort Snelling to Fort Jesup, and whether in his opinion a military post between Fort Leavenworth and Fort Wayne, on the borders of Arkansas, be not important to the protection of the State of Missouri, from Indian incursion and aggression.

Mr. PORTER submitted the following resolution for consideration:

Resolved, That the Secretary of the Treasury be requested to inform the Senate in what cases the payment of undisputed claims, arising under the treaty between the United States and the Stockbridge and Munsee Indians, ratified on the 16th May, 1840, has, on presentation at the Treasury, been suspended or delayed, and the cause or causes of such suspension or delay, and particularly that he state such cause or causes in respect to two claims, of \$675 each, in favor of Mead, Kellogg and Co. of Detroit, Michigan, assignees in part of Robert Konkapot and John T. Hendricks.

BILLS ON THEIR THIRD READING.

The bill for the relief of Clemens, Bryan and Company;

The bill for the relief of the Plumb Island Bridge and Turnpike Company;

The bill for the relief of John Moore; and

The bill in addition to an act for the relief of Walter Loomis and Abel Gay;

were severally read a third time, and passed.

The bill to refund to Noah Miller, and others, a part of the proceeds of the sale of the British sloop Mary, and cargo, which were captured by them, and libelled and sold for the benefit of the United States, was, after some remarks by Mr. HUBBARD, laid on the table for the present.

The bill making compensation to the State of New Hampshire for the services of her militia, coming up on its third reading—

Mr. CRITTENDEN desired some explanation respecting this bill—he desired to know what act of hostility had justified the expenditure here claimed.

Mr. PIERCE said he had hoped that this bill was to encounter no further opposition, and he trusted still that it might find favor even with the Senator from Kentucky [Mr. CRITTENDEN.] From 1790, when the first settlement of that portion of the State of New Hampshire known by the name of Indian Stream, was made, down to 1832-3, no question of jurisdiction was ever raised—it was exercised by the State uninterruptedly. Afterwards, by arrangement between this Government and that of Great Britain, the long pending controversy between the two countries, in relation to the North-eastern boundary, was submitted to the arbitration of the King of the Netherlands, who decided in favor of Great Britain; and thus took from New Hampshire a considerable portion of her territory, over

which she had exercised unquestioned jurisdiction from the earliest history of its settlement. This award, it was well known, after considerable time had elapsed, was set aside by the United States and Great Britain. Whatever doubt might at any time have existed in relation to the true boundary on that border, in consequence of the imperfect geographical knowledge and inaccuracy of maps of that wild and unfrequented country in its early history, he felt warranted in asserting that there could, with present lights, be no doubt in relation to the jurisdiction of New Hampshire. In 1835, '36, at the period of these difficulties, her right there was as clear as it was in the counties of Merrimack and Rockingham.

The state of things in that territory which made it necessary for the Executive of New Hampshire to call out the military force, was produced by the course pursued by the Federal Government, in its negotiations with Great Britain, over which the State of New Hampshire could, of course, exercise no control. The Senator from Kentucky [Mr. CRITTENDEN] desired to know more particularly on what ground the State claimed this remuneration—if there had been any invasion of her territory—what was the necessity that warranted calling out the military force—what was the extent of that force, and what would probably be the expense to the General Government, should the bill become a law? Now he (Mr. PIERCE) would with great pleasure give such information as he possessed upon the subject.

Doubts having been temporarily cast upon the question of jurisdiction by the award of the King of the Netherlands—the action of the Federal Government and its negotiations, and the civil authorities of the State and Province of Lower Canada came in conflict, and *bodies of armed men* were found opposed to each other in support of the judicial process issued by the officers of their respective Governments. The difficulties on the border were thickening. A deputy of the sheriff of the county of Coos attempted to arrest an individual in the Indian Stream territory, by the name of Tyler, and with the aid of two men, Blanchard and Harvy, succeeded Tyler, however, was promptly rescued by force from Smith's custody. Immediately after this, a warrant was issued by a person claiming to be a magistrate of Lower Canada, in the name of the King of Great Britain against the deputy of the sheriff, and Blanchard and Harvey, for attempting to execute process there. By virtue of this warrant, Blanchard was taken from his own dwelling-house by a body of *armed men*, with the avowed purpose of carrying him into Canada for trial, on the charge of having assisted in serving a writ duly issued by the competent authority of the county of Coos. Blanchard, in his turn, was rescued by American citizens—his neighbors. This assault upon the citizens of Indian Stream by armed men, and the attempt to extend over it the jurisdiction of Lower Canada, was the invasion which, in the judgment of the Governor, made it expedient and necessary to call out the militia, through whose presence further collision was prevented, and the supremacy of the State maintained. These were some of the leading facts in the case, and the State asked reimbursement for the expenses incurred, on the ground that she was sustaining "the jurisdiction of the State and of the United States."

Had a regiment of armed men from the province, instead of the small detachment alluded to, marched upon this defenceless territory, and had they been met by the militia of the State under the order of the Executive, no objection would have been raised to this claim. The Governor, perceiving the point to which things were rapidly tending, sent a military force promptly to the scene, which arrested further hostility, and, by their presence, probably prevented a general border warfare, and the loss, perhaps, of many lives. This boundary question, so long agitated, was under the exclusive control of the Federal Government.

In his judgment, the treaty line should have been asserted years ago, and maintained, if necessary, with all the power of this country—at all events it was the duty of the Federal Government to protect the territory lying within the limits of New

Hampshire, and the rights of the citizens upon that territory, from this foreign interference and lawless aggression. And since the State found it necessary to call out its own military force for the purpose, the Federal Government was not the less bound to defray the expense. He then referred particularly to an elaborate report upon the subject, made to the House of Representatives in 1839 by Mr. HOWARD, Chairman of the Committee on Foreign Affairs.

Mr. CRITTENDEN was not satisfied yet that there had been any invasion of the country. There had only been some little controversy with trespassers who were presuming to act under different authority, and the State of New Hampshire had done nothing more than her duty in putting an end to the trespass; but she might have done it by civil process, and it was the duty of the military power to aid the civil power in the service of such process.

Mr. HUBBARD said, as he understood the Senator from Kentucky, that gentleman said there had been no invasion of the territory. Now, since the treaty of peace, the territory in question had always been occupied as part of the territory of New Hampshire; in fact, since 1790, Hall's stream was considered the northwestern branch of the Connecticut river, and that stream was distinctly marked as the boundary line between the provinces of Canada and New Hampshire. But, after the King of the Netherlands made his award, the British authorities in Canada undertook to exercise authority between that boundary stream and Indian stream; and it was to expel these intruders that the Governor of New Hampshire had found it necessary to call out the militia at an expense of \$6,000. This was necessary to the exercise of jurisdiction both by the State and the United States. The State of New Hampshire was interrupted in her peaceable occupancy of that territory, and it became necessary, to maintain their jurisdiction, that the steps should be taken which were resorted to. There was, he believed, no actual loss of lives in the defence of this territory, or of their jurisdiction over it, but that would not change the merits of the question.

Mr. CRITTENDEN did not dispute the right of New Hampshire to this territory; but there had been no invasion—there had been nothing more than a resistance to the service of legal process, and not by citizens of Canada alone, but of New Hampshire herself; for there was but one Canadian who presumed to act as a Canadian officer—a Canadian justice of the peace, who presumed to issue his warrant for execution on the territory. Did that, then, justify the calling out of the militia, and the making the General Government answerable for the expense? He was glad the amount was but small; it was the principle only which he here wished to be settled; his anxiety was to vindicate American rights and the rights of her territories, but it did seem to him that there must be some limit fixed to these otherwise unbounded rights of the States and the Territories. Here there was not a man with arms in his hands, so far as he understood the statement of the honorable Senators—there was nothing more than what amounted, technically, to a mere trespass by an individual who might have been more cheaply punished by the civil power.

Mr. HUBBARD said it became indispensably necessary to call out the military force of New Hampshire to maintain her jurisdiction over this tract of country, which had been invaded in consequence of the act of the General Government. Who referred that question to the King of the Netherlands, by whose award the boundary line of the State was disturbed? Was it New Hampshire? From the time of the treaty of peace, there had been no question about it; but this Government took the question in hand and referred it to the King of the Netherlands to determine where the State line ran, and on that subject the King of the Netherlands made his award, and then the British undertook to take possession of that tract of country. What, then, was New Hampshire to do? Was she to permit her citizens to become subject to British authority? Was she to permit Lord Gosford to exercise authority over that territory, and to

dispose of so much of the State of New Hampshire to the British Government? He (Mr. HUBBARD) should like to know what she should have done? Here was a large tract of their territory, and how were they to get possession of it, if an order had been given to march a King's regiment into it? Why, they should have called out their militia to expel the invaders, and they would clearly have been entitled to come to the General Government for the repayment of the expense incurred. And where, then, was the difference? The moment the King of the Netherlands decided upon a different boundary line, the British assumed to exercise authority over it, and to deny the authority of New Hampshire. What, then, were they to do but that which they had done, and which was made necessary to be done, in consequence of the act of the General Government; and the only difference was, that, because a King's regiment was not ordered upon this territory, and because there had been no bloodshed, New Hampshire was not to be remunerated for the expense incurred. That was not done; but civil jurisdiction was exercised over the territory by Great Britain; and to reassert their boundary, which was as well defined as the road to the President's House, it was found necessary to call out their militia, and since that had been done, they had been in the peaceable possession of the territory. Under these circumstances, it was for the Senate to decide whether the State of New Hampshire should be reimbursed the unavoidable expense which she incurred in consequence of the act of the General Government.

Mr. CLAY of Kentucky would like to have some further opportunity to examine this case. There were one or two questions which suggested themselves to his mind: whether there had been an actual invasion of this territory by a foreign power was one; and if not, was there a threatened invasion, or imminent danger of an invasion? And then there was another question: supposing there was a threatened invasion, was there time to apply to the General Government to repel this threatened invasion? for to the General Government belonged the decision whether there should be peace or war. No case less than one of extreme urgency would justify the State authorities in deciding on a question of a threatened invasion, and incurring an expense which perhaps the General Government might not think proper. It seemed to him (Mr. CLAY) that it was proper to ascertain all these facts: had there been a military invasion? had there been a threatened invasion? and if so, what had New Hampshire done under the circumstances? Would it not be extending to the State authorities the power of the General Government, if there was time to communicate with the General Government, if, without the countenance of the General Government, they undertook to engage in a conflict with another power? All these matters were worthy of inquiry; and therefore, he would suggest the propriety of laying the bill for the present on the table.

Mr. HUBBARD, in the mean time, would refer Senators for information to a report made by Mr. HOWARD, the Chairman of the Committee on Foreign Relations in the House in January, 1839.

Mr. CLAY said he would take an opportunity to examine it.

The bill was then laid on the table.

The bill making compensation to the State of Maine for the services of her militia, was read a third time and passed.

GENERAL PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up, and amendments thereto were offered by Messrs. CLAY of Alabama, CRITTENDEN, TAPPAN, PORTER, and PRENTISS, which gave rise to an extended debate.

At 4 o'clock, the Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, Jan. 5, 1841.

The SPEAKER laid before the House the following communications, viz:

1. From the Governor of the State of Missouri, transmitting a copy of an act of the General Assembly of the State of Missouri, entitled "An act for ascertaining and settling the northern boundary line of the State of Missouri."

Referred to the Committee on Territories, and ordered to be printed.

2. From the Post Office Department, transmitting, in obedience to the 21st section of an act making appropriations for the civil and diplomatic expenses of Government, approved 9th May, 1836, a statement of the disbursements made from the contingent fund of the Post Office Department from the 1st January to the 31st of December, 1840.

Referred to the Committee on Public Expenditures, and ordered to be printed.

3. From the Post Office Department, in pursuance of the 25th section of the act of the 2d of July, 1836, transmitting a copy of the abstract of the offers for carrying the mails, made within the year preceding the 1st July, 1840.

Laid on the table, and ordered to be printed.

Mr. CALVARY MORRIS offered a resolution making provision for the lunatics in the Washington county jail.

Mr. JOHNSON, of Maryland, said that the Committee for the District of Columbia had already reported a bill upon this subject, and it was now upon the SPEAKER's table.

Mr. HUBBARD asked whether there was not a county police to attend to such matters, as there was in other counties.

Mr. MORRIS remarked that it was only necessary to visit the prison, to see that something ought to be done.

Mr. JOHNSON observed that the Committee for the District of Columbia had, in the bill to which he had just alluded, authorized the marshal for the District to send to the Lunatic Asylum in Baltimore, all such persons as are now confined in the jails of Washington and Alexandria, and all such as may hereafter be committed as lunatics, at the expense of the United States.

Mr. MORRIS then withdrew his resolution.

PENNSYLVANIA CONTESTED ELECTION

The SPEAKER then announced as the special order, the consideration of the following resolution reported by the majority of the Committee on Elections, at the last session of Congress, declaring Mr. NAYLOR to have been duly elected as a Representative for the third Congressional District of Pennsylvania.

Resolved, That CHARLES NAYLOR was duly elected a member of the House of Representatives for the 26th Congress, from the Third Congressional District in Pennsylvania.

Mr. MEDILL thought it no more than just that the other claimant, Mr. INGERSOLL, should also have leave to address the house on the subject. He therefore asked leave to submit the following resolution:

Resolved, That the petitioner, CHARLES J. INGERSOLL, be permitted to appear at the bar, and that he, as well as the sitting member, have leave to address this House on the subject of the contested election from the Third Congressional District of Pennsylvania.

The question being then taken on this resolution it was agreed to.

Mr. LEWIS WILLIAMS wished to move a reconsideration of the vote by which the resolution had just been agreed to. If Mr. INGERSOLL came here as a claimant for the seat in question, he (Mr. W.) would have no objection to his being heard at the bar. But he understood that Mr. INGERSOLL did not claim a right to the seat. That being the case, it was a question with him whether Mr. INGERSOLL had a rightful claim to the privileges accorded by the resolution. Mr. W. concluded by moving a reconsideration of the vote just taken.

Mr. MEDILL said that by a reference to the files of the House, it would be seen that besides petitions from a large portion of citizens of the 3rd Congressional District of Pennsylvania, a petition had been presented by Mr. INGERSOLL himself, setting forth that he was a candidate at the election and that it was his firm conviction, if justice were done, that he would be placed in the seat now occupied by Mr. NAYLOR. That matter

was referred by the House to the Committee of Elections; and a few days before the close of the last session, two reports were made from that committee—one from the majority, and the other from the minority. One report stated that the sitting member was entitled to his seat, and the other report set forth that he had been elected by fraud. This committee discharged its duty by presenting their views, and by taking all the testimony they could in the case. It now, therefore, remained with the House to decide which of the reports was correct. But, in the face of all this, would the gentleman undertake to say that Mr. INGERSOLL had withdrawn from his claim? He (Mr. M.) had seen nothing whatever which could justify such a belief. He had seen nothing in the public press to that effect, neither had he heard the least intimation of it from any quarter. But, moreover, Mr. INGERSOLL was now present in the House, ready to claim his seat.

Mr. FILLMORE desired that the latter portion of the report of the minority of the committee might be read. It was read accordingly.

Mr. F. after some preliminary remarks, proceeded to argue that any person contesting the right of a member to a seat, had a right to be heard. He contended that the right to be heard did not result from the fact of a man being a candidate or not. The proper course would be to grant Mr. INGERSOLL a hearing, when he presumed he would be able to enlighten them on the subject as to whether he considered himself a claimant to the seat or not. He (Mr. F.) was in favor of granting a hearing to Mr. INGERSOLL, on the simple ground of his appearing to contest the right of the sitting member; and it did not make any difference whether the contestant made any claim to the seat himself or not. He (Mr. F.) would vote against the reconsideration.

Mr. BRIGGS hoped the resolution would not be reconsidered. He considered it would be manifest injustice to refuse a hearing to any man who came here to contest a seat with a member who might be in that seat. In his opinion Mr. INGERSOLL had an undoubted right to urge his claim at the bar of the House.

Mr. MASON was in favor of the resolution, and hoped it would not be reconsidered. He was in favor of granting every contestant to a seat on that floor, a fair hearing. He desired that Mr. INGERSOLL might be heard, as he was desirous of knowing whether the gentleman claimed a seat in the House by virtue of his election, or whether he appeared only as counsel for the people of Pennsylvania, as contesting the right of the sitting member.

Mr. CUSHING said he was also in favor of hearing the petitioner for the reasons stated by the gentleman from Ohio, and also from the reasons on which the petition was based. Mr. INGERSOLL, in his petition presented to the House, at the last session, claimed the seat now occupied by Mr. NAYLOR. That was the record, and the present proceedings was but a continuation of that record. The question was, therefore, what disposition should be made of the memorial of Mr. INGERSOLL. But he, Mr. C. had risen for the purpose of objecting to the form of the resolution submitted by the gentleman from Ohio, [Mr. MEDILL.] That resolution asked that "Mr. INGERSOLL should have leave to address the House, as well as the sitting member." Now he, Mr. C. contended that Mr. NAYLOR, at the sitting member, was a member *de facto*, and as such he had as much right to address the House, as the gentleman from Ohio himself, or any other member. In this view of the case he considered the adoption of the resolution as implying a doubt on the right of Mr. NAYLOR, and admitting that he was not a member *de facto*. He hoped, therefore, that the gentleman from Ohio would amend his resolution, so as to leave out that portion.

Mr. MEDILL did not perceive that the resolution implied a denial of the right of the sitting member. It merely asked that the petitioner might be heard as well as the sitting member. It merely asked that Mr. INGERSOLL might be placed on the same footing as Mr. NAYLOR. He therefore saw no necessity for amending the resolution as required by

the gentleman from Massachusetts. He hoped the gentleman would not press it, inasmuch they were losing much time, and Mr. INGERSOLL was present waiting to be heard.

Mr. CUSHING said he would press it: for, if the words meant nothing, why not omit them; and if they did mean any thing, their import was a hard one.

Mr. LEWIS WILLIAMS complained that the House, by giving the Committee of Elections power to send for persons and papers, had made them the prosecutors, instead of the judges; and he would always contend that the proceedings of the House were improper and irregular. But he wished to know whether Mr. INGERSOLL intended to appear as a claimant to the seat, or as attorney for the people. It was with a view of ascertaining this fact, that he had moved the reconsideration. As, however, many of his friends appeared desirous he should withdraw, he would do so. Mr. W. then withdrew the motion to reconsider.

Mr. CUSHING renewed it, as he could not consent to the resolution until the words he objected to were stricken out.

Mr. MEDILL said that in order to save time, he would consent to amend the resolution as desired.

And there being no objection, the resolution was so modified.

After some further debate, in which Messrs. BARNARD, MEDILL, G. DAVIS, and ALFORD, participated,

Mr. HUBBARD moved the previous question, but withdrew it at the request of

Mr. ALFORD, who, after some remarks in reply to Mr. BARNARD, renewed it.

Some debate of a desultory character here arose as to whether Mr. ALFORD, having previously spoken, had a right to the floor to move the previous question.

Mr. TURNEY having obtained the floor, after some brief remarks on the propriety of reserving the merits of the case until it should be fairly before the House, moved the previous question.

Mr. W. COST JOHNSON called for the reading of the memorial of Mr. INGERSOLL; which was read as follows:

To the honorable the Speaker and Members of the House of Representatives of the United States of America, in Congress assembled:

The memorial and petition of Charles J. Ingersoll respectfully shows:

That he was chosen by a majority of the electors of the Third Congressional District of the State of Pennsylvania, their Representative in and for the Twenty-sixth Congress, now in session, and accordingly so returned as elected by the constitutional authorities of the State of Pennsylvania, whose certificates, in legal form, here communicated to the House of Representatives, and are now among its records, certifying that your memorialist and petitioner is so elected. He had believed, therefore, that your honorable House would, before this time, without his application, have instituted the proper means for ascertaining whether he is entitled to the membership, which is claimed also by another person. But inasmuch as he is given to understand that a direct application, in the form of a petition, from himself, is deemed necessary to bring the subject, without delay, into the consideration of your honorable House, your petitioner respectfully requests that prompt and proper measures may be taken by the House of Representatives, to enable your petitioner to prove his right to membership as Representative of the people of the Third Congressional District of Pennsylvania in the present Congress, and that no other person is elected from that district to this Congress.

C. J. INGERSOLL.

WASHINGTON, January 23, 1840.

The call for the previous question was then seconded, and the main question—being on the reconsideration—ordered to be put.

Mr. BARNARD demanded the yeas and nays, which were ordered; and being taken, resulted as follows:

YEAS—Messrs. Adams, Andrews, Barnard, Bell, Breckenridge, Brockway, Chittenden, Cranston, Edward Davies, Garrett Davis, Dawson, Doe,

Edward, Evans, Everett, Gentry, Giddings, Granger, Green, Grinnell, John Hastings, Henry, Charles Johnston, William Cost Johnson, Kempshall, King, Lane, Marvin, Morgan, Nisbet, Osborne, Peck, Proffit, Randall, Saltonstall, Slade, Stanly, John B. Thompson, John White, T. W. Williams, Lewis Williams, and Christopher H. Williams—42.

NAYS—Messrs. Alford, Judson Allen, Anderson, Atherton, Banks, Baker, Beatty, Beirne, Black, Blackwell, Boardman, Bond, Brewster, Briggs, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, Wm. B. Campbell, Carr, Carroll, Carter, Casey, Chapman, Clifford, Coles, Connor, William R. Cooper, Craig, Crary, Cross, Cushing, Dana, Davee, John Davis, John W. Davis, Deberry, Dickerson, Dellet, Doan, Doig, Earl, Eastman, Ely, Fillmore, Fine, Fisher, Floyd, Fornance, Galbraith, Garland, Goggin, Goode, Graham, Griffin, Habersham, Hand, Hawes, Hill of Virginia, Hill of North Carolina, Hillen, Holmes, Hook, Hopkins, Hubbard, Jackson, James, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Leadbetter, Leet, Leonard, Lewis, Lincoln, Lowell, Lucas, McClellan, McCulloch, McKay, Meredith Mallory, Francis Mallory, Marchand, Mason, Medill, Montanye, Moore, Samuel W. Morris, Calvary Morris, Morrow, Newhard, Parrish, Parmenter, Parrie, Paynter, Pickens, Pope, Prentiss, Randolph, Rariden, Rayner, Reynolds, Ridgway, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, Shepard, Albert Smith, John Smith, Truman Smith, Steenrod, Strong, Stuart, Sumter, Swearingen, Sweney, Tahaferro, Taylor, Philip F. Thomas, Jacob Thompson, Tillinghast, Toland, Triplett, Turney, Underwood, David D. Wagener, Weller, Wick, J. W. Williams, Henry Williams, Joseph L. Williams, Winthrop, and Worthington—139.

So the House refused to reconsider the vote by which the resolution of Mr. MEDILL had been agreed to.

The SPEAKER then directed the Sergeant-at-Arms to apprise Mr. INGERSOLL that he might appear at the bar of the House.

Mr. INGERSOLL then presented himself at the bar. Whereupon,

The SPEAKER informed him that in pursuance of an order of the House, he (Mr. I.) was permitted to state his reasons for claiming a seat in the House, as a representative from the third Congressional district of Pennsylvania.

Mr. INGERSOLL then proceeded to recapitulate the facts on which he based his right to the seat, and entered into a detailed account of the circumstances attending the perpetration of the alleged frauds, the bribery of witnesses, etc.

Without concluding, Mr. I. gave way for a motion to adjourn; and at a few minutes past three o'clock,

The House adjourned.

IN SENATE,

WEDNESDAY, January 6, 1841.

The PRESIDENT submitted a message from the President of the United States, in further reply to the resolution of the Senate of 30th December, 1839; which was laid on the table, and ordered to be printed.

Mr. PIERCE presented the petition of Richard Elliott; which was referred to the Committee on Pensions.

Mr. WRIGHT presented the petition of pilots of the port of New York, praying a repeal of the law of 1837; which was referred to the Committee on Commerce.

Mr. PHELPS presented resolutions of the Legislature of Vermont, instructing their Senators to endeavor to procure the passage of a law recommending an amendment of the Constitution of the United States, restricting the eligibility of the President to a single term; which was laid on the table, and ordered to be printed.

Mr. LINN presented the petitions of the heirs of Collin Bishop; Joseph Cooper and Gray Bynum, administrators of Sarah Cooper; Francis Wood; Joshua Freeman; Francis Ray, Antoine Fay, Joseph Reese, and John B. Denayor; Joseph

Boggs; Jesse Watkins, James Turner, and Benjamin Caton, of Missouri; David Magill; Joseph Ray; John O'Bannon; William Munce and Joseph Woolkill; Francis Wood, Joseph Wood, and others; A. Groom; David M. Quilley, administrator of William Head; Robert A. and John G. Heath; Elisha Todd and Francis Cooper; John Turner; citizens of Clay county, Mo.; which were all referred to the Committee on Indian Affairs.

Mr. BENTON presented the petition of Prentice F. Bonney; which was referred to the Committee on Claims.

On motion by Mr. BENTON, the petition and papers of Maj. R. L. Baker, now on file, were referred to the Committee on Military Affairs.

On motion by Mr. LINN, the petition and papers of De Mansur, now on file, were referred to the Committee on Military Affairs.

On motion by Mr. ANDERSON, the petitions and papers now on file of Andrew Johnson and of Samuel Love, were referred to the Committee on Claims.

Mr. BUCHANAN presented eight memorials numerously signed by merchants and citizens of Philadelphia, praying for the abolition of the spirit portion of the navy ration, and the substitution thereof of tea or coffee; which were referred to the Committee on Naval Affairs.

Mr. NICHOLAS presented the memorial of the Chamber of Commerce of New Orleans, praying the passage of a general bankrupt law; which was laid on the table and ordered to be printed.

Mr. HENDERSON presented the petition of George W. Robinson; which was referred to the Committee on the Post Office and Post Roads.

Mr. SOUTHARD presented the memorial of citizens of New Jersey, praying the passage of a general bankrupt law; which was laid on the table.

Mr. STURGEON, in pursuance of previous notice, asked and obtained leave to introduce a bill to make certain appropriations to the Patent Office; which was twice read and referred to the Committee on Patents and the Patent Office.

Mr. NICHOLAS, in pursuance of previous notice, asked and obtained leave to introduce a bill to authorize the issue of patents for certain entries of public lands; which was read twice and referred to the Committee on Public Lands.

Mr. MOUTON, from the Committee on Private Land Claims, to which was referred the bill for the relief of the heirs of Madame De Lusser and their legal representatives, reported the same with an amendment.

Mr. M. also, from the same committee, reported a bill confirming the claim of the heirs of Pierre Dolet, deceased, to a tract of land in Louisiana; which was read, and ordered to a second reading.

Mr. BENTON gave notice that when the bill establishing a general bankrupt law was taken up, he would move to amend it by subjecting banks and money corporations to the operation of the bill, and the compulsory provisions of the bill.

Mr. WALL, from the Committee on the Judiciary, reported a bill for the punishment of certain crimes against the United States, and for other purposes; which was read, and ordered to a second reading.

The bill for the relief of Mary Prettyman was considered as in committee of the whole, and ordered to be engrossed for a third reading.

The bill for the benefit of the Howard Institution of the city of Washington was taken up as in committee of the whole.

Mr. TAPPAN inquired from the chairman of the Committee on the District of Columbia whether this was the same bill as passed the Senate the last session.

Mr. MERRICK. The same.

Mr. TAPPAN would call for the ayes and noes thereon.

Several Senators asked for some explanation of the bill.

Mr. MERRICK said the memorial to the Senate from respectable inhabitants of the District, set forth the objects of this bill—which were of a purely benevolent character—and therefore he would ask that it might be read.

The Secretary having read the memorial,

Mr. TAPPAN said he questioned not that the institution which it was proposed to establish in this city, for which aid was sought by this bill, was a very meritorious and a very charitable institution; but he had yet to learn that they had any more power, or authority, or right, to grant the public property to maintain a charitable institution in the city of Washington, than they had to support a similar institution in the city of New York, New Orleans, or any other city or town of the United States. Because this was the seat of Government, because Congress sits here, and the public offices were here, were they to put themselves in the place of the inhabitants, and, by their liberality, afford the city the means of performing acts of charity, which in all other places were accomplished by the means and the private charities of the citizens themselves? If the chairman of the Committee on the District would give some further explanation, he (Mr. TAPPAN) should be glad to hear it, for at present he had learned nothing that was satisfactory. He was not aware that they were under any obligation to support the poor of this District, more than their general obligation to do good to the poor all over the country.

Mr. MERRICK had hoped the memorial itself would have been satisfactory. The gentleman from Ohio admitted that the object of the institution was praiseworthy and commendable, and highly beneficial to the country, but he doubted the right of Congress to give the aid contemplated by the bill, and he argued that Congress had no more right to provide for the poor and the indigent here, than in any other part of the country. Now it seemed to him (Mr. MERRICK) that the Senator from Ohio had not given a correct construction of the powers of Congress. New York had a Government of her own, whose duty it was to take care of the local interests of the people of that State, while the people of the District of Columbia looked to Congress as their exclusive legislators; there was no power except that which resides here, and unless that power was exercised, the people of the District were cut off entirely. The members of Congress were the exclusive rulers of the District, and to Congress must the people of the District look for the exercise of sovereign power. Was it right and proper, then, that the people of the District should be completely disfranchised and cut off from all political rights which were enjoyed by the people generally, and that Congress should be less beneficent than the Legislatures of other States? The authority of Congress over this people was special and more comprehensive than over the other people of the States; Congress occupied the place of a local Legislature; and they were not asked to apply the national money to aid the people of the District—they were not asked to take the money of the people of New York, or of Maryland, or of Ohio, but they were asked to give to the people of the District a portion of the property which belonged to them, which Congress obtained by grant from the owners of the soil, for the purpose of being applied to the promotion of the welfare of the people of the District. What consideration had the people of the United States ever given for this vast amount of property? This spot was selected as the seat of the Federal Government—choice was made of this place because it was convenient, and the proprietors of the soil ceded to Congress the territory, and now all that was asked, was to give them back a small portion for a highly beneficent object, of that which was as much the property of the people of the District as the land within a State was the property of the people of the State.

Mr. HUBBARD had been much surprised at the argument of the Senator from Maryland. Did they owe any thing to the District? If they did, he should like to see the amount stated, that he might ascertain the amount of balance due from the Government to the District of Columbia. He knew not what right they had to take the property of the Government and convey it for the benefit of any portion of the people. He had yet to learn that they had the power, or, if they had the power, that there would be a propriety in exercising that power. True they were the exclusive Legislature of the District; but

were they then to provide for the support of the poor? Was such power conferred upon them? They had given corporate and municipal powers to the several cities of the District, and beyond that they could not go. With reference to the account between Government and the District, which had been often alluded to, he repeated that he should like to see it stated. The Senator from Maryland was greatly in error if he supposed if the value of the property was taken into account, there would be a balance in favor of the city. What would this property have been worth, if the National Government had not been located here? If this land were taken as now proposed, it would be the taking of the national property and giving it to the city, and he (Mr. HUBBARD) denied that they had such power. They might as well take from the national fund and appropriate it to the use of the State of New Hampshire as to take this property for the use of this institution; and with these views he should vote against the bill.

Mr. MERRICK had merely adverted to the manner Congress had acquired the title to the District, to show that there was a peculiar relation existing between Congress and the people of the District. As to the matter of account, of which the Senator from New Hampshire had spoken, he had no intention to enter into a discussion. They were not now asked for any thing from the National Treasury; they were merely asked for that which was placed at their disposal for the benefit of the people.

Mr. SEVIER had voted against this bill at the last session, and he should vote against it again; but he wished to ask the chairman of the Committee on the District how many lots Government held in this city, and what was their value.

Mr. MERRICK said it was impossible that he could now answer the question so unexpectedly proposed; originally, half the property of the city was ceded to the Government, but how much the Government still held he could not tell.

Mr. SEVIER asked how it had been disposed of.

Mr. MERRICK explained. A good deal of it had been disposed of for colleges and schools, and a good deal for the improvement of the streets and public squares. When a street was paved, the Commissioner of the Public Buildings was bound to pave that part which passed along a public square, and for this purpose a good deal of the public lands had been disposed of, the city corporation levying a tax to defray the expense of improving the roads in the front of the stores and habitations.

Mr. SEVIER said if the Senator from Maryland would introduce a bill to cede all the lots to the corporate authorities, for the purpose of giving to each citizen a lot for the site of a "log cabin," he (Mr. SEVIER) would vote for it.

Mr. HUBBARD. Each white person.

Mr. SEVIER. White or black, or between the colors. If the Senator from Maryland would introduce such a bill, giving the public property in the land in this city to the citizen, and add a prospective pre-emption clause for the benefit of those who were to come hereafter in the vacant lots, he would vote for it, and he believed many of those with whom he usually acted would vote for it too.

Mr. MERRICK hoped the Senator from Arkansas would yet become one of the "log cabin" party.

After a few other words from Mr. SEVIER and Mr. MERRICK,

Mr. WALKER said he had voted for this bill at the last session with great pleasure, and should do so again now. The bill granted a small vacant lot of the public grounds in Washington to the Howard Institute of this city, an institute established by private funds for the most noble and charitable purposes—the employment of the poor, especially of the female poor, the widow and the orphan, and the alleviation of human misery. This grant was not without precedent. One of the New England States and one of the Western States had received from Congress large grants of the public domain for similar institutions and for public charity within the limits of those States. These were grants, not of a small lot of ground, as in this

case, but of whole townships of public land, greater in extent than the entire District of Columbia. And was human misery less in this District than in New England or the West, that they should refuse to alleviate it here, by all the proper means within the power of this Government? If the Legislature of this Government could not make this grant, no other could; for no other possessed any power in this District. Was this District, then, to be the only portion of this Union where public charity was to receive no legislative aid or encouragement? Here, under their own eyes, and in their daily walks to this Capitol, should they behold so much of human misery, and, folding their arms in callous apathy, say to the poor of this District, "You are strangers to us—you are not our constituents, and we will refuse you even a small lot of the public ground upon which to erect that asylum, for the construction of which, charitable individuals had raised the funds?" He would give no such vote; and if he did, he could not but feel that he was responsible for at least a portion of that distress which exists in this District.

The ayes and noes were then taken, and the question was decided in the affirmative, as follows:

YEAS—Messrs. Anderson, Clayton, Dixon, Fulton, Grundy, Henderson, King, Linn, Lumpkin, Merrick, Mouton, Nicholas, Norvell, Phelps, Porter, Prentiss, Preston, Robinson, Sevier, Smith of Indiana, Southard, Surgeon, Tallmadge, Walker, Wall, White, Williams, and Young—29.

NAYS—Messrs. Allen, Benton, Clay of Alabama, Hubbard, Pierce, Smith of Connecticut, and Tappan—7.

So the bill was ordered to be engrossed for a third reading.

Mr. SEVIER gave notice that he would, to-morrow, ask leave to introduce a bill to cede the public lands within the District of Columbia to settlers thereon.

GENERAL PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up, and a substitute therefor being submitted by Mr. PRENTISS,

Mr. CLAY of Kentucky addressed the Senate at length in opposition to the bill, and was followed by Messrs. WRIGHT and LINN in reply.

At 4 o'clock, the Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, JANUARY 6, 1841.

Mr. J. W. JONES, from the Committee of Ways and Means, asked and obtained leave to introduce a bill making appropriations for the

SUPPORT OF THE ARMY FOR THE YEAR 1841.

It was read twice, and referred to the Committee of the Whole on the state of the Union, and, with the accompanying documents, ordered to be printed.

Mr. FILLMORE asked and obtained leave to introduce a bill entitled "An act regulating the taking of testimony in cases of contested election, and for other purposes;" which was read twice, referred to the Committee of Elections, and ordered to be printed.

Mr. ADAMS inquired of the Chairman of the Committee of Ways and Means, at what time the bill for the civil and diplomatic expenses of the Government would be reported by the committee.

Mr. JONES of Virginia said that the bill would be reported in the course of a few days.

Mr. ADAMS remarked that he made the inquiry because the rules of the House required that it should be reported within the first thirty days of the session.

Mr. JONES of Virginia replied that the gentleman from Massachusetts had mistaken the provision of the rule to which he referred. That rule made it the duty of the Committee of Ways and Means to report the general appropriation bills—for the civil and diplomatic expenses of the Government; for the army; for the navy; and for the Indian Department, and Indian annuities, within thirty days after their appointment, and not within

thirty days from the commencement of the session. He would inform the honorable gentleman that the bill would be reported within the time prescribed by the rule of the House.

Mr. CHINN gave notice that he would, at an early day, ask leave to introduce a bill, entitled "An act to revive an act entitled an act to authorize the inhabitants of the State of Louisiana to enter the back lands;"

Also, a bill entitled "An act to unite the South Eastern land district, and that of the Greensburgh district, in the State of Louisiana, and for other purposes."

Messrs. DOE, CHINN, SMITH of Indiana, RARIDEN and GRINNELL, on leave, severally presented petitions; which were appropriately referred.

Mr. THOMPSON of Mississippi, in pursuance of notice heretofore given, introduced "a bill to revive and continue in force for a limited time, an act approved on the 3d day of March, 1837, entitled 'An act for the appointment of commissioners to adjust the claims to reservations of land under the 14th article of the treaty of 1830, with the Choctaw Indians;' and also an act approved on the 23d day of February, 1838, entitled 'An act to amend an act entitled 'An act for the appointment of commissioners to adjust the claims to reservations of lands under the 14th article of the treaty of 1830 with the Choctaw Indians;'" which bill was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

CUMBERLAND ROAD.

Mr. DAVIS, of Indiana, gave notice that he would offer the following amendment to the Army Bill when it should come up for consideration:

"Sec. —. And that the sum of three hundred thousand dollars be appropriated for the continuance of the Cumberland Road through the States of Indiana, Ohio, and Illinois, to be disbursed equally among said States, and to be subjected to all the restrictions and limitations of former appropriations."

On motion of Mr. D. the amendment was ordered to be printed.

Mr. LEONARD, from the Committee on Public Buildings, to whom had been referred a resolution of the House, directing an inquiry as to the cause of the

FALLING OF THE CHANDELIER,

made a report thereon.

The report was read, and after exculpating the contractor from all blame, concludes as follows:

"Upon inquiry, the Committee find that no money has been paid by the Clerk to the constructors. The remaining materials of the chandelier are valued at \$400, which Messrs. Hooper and Co. are willing to take back. In view of all the circumstances, the committee have come to the conclusion to recommend to the House a strict compliance with the contract before referred to, by directing the Clerk to pay over to Messrs. Hooper and Co. such balance as may be coming to them, after deducting the \$400 aforesaid. All of which is respectfully submitted."

The report was concurred in, and ordered to be printed.

LUNATICS IN THE DISTRICT OF COLUMBIA.

On motion of Mr. W. C. JOHNSON, the House went into Committee of the Whole on the state of the Union, (Mr. L. WILLIAMS in the chair,) on the bill reported by the Committee for the District of Columbia, on the 22d of December, as follows: A BILL making temporary provision for lunatics in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the marshal for the District of Columbia be, and he is hereby, authorized to send to the lunatic asylum, in Baltimore, all such lunatic persons as are now confined in the jails of Washington and Alexandria counties, and all such as may hereafter be considered as lunatics, by order of the circuit or criminal courts; and that he pay the expenses of their removal, and of their maintenance in said asylum, and be allowed for the same in the settlement of his accounts at the Treasury of the United States.

Mr. CUSHING did not understand why the Corporation of Washington could not take care of their own poor. If the lunatics were paupers, why were they confined in the common jail? There was an alms house in the city, in which they could be confined.

Mr. JOHNSON would answer the question of the gentleman from Massachusetts. The reason why the corporate authorities did not place these maniacs among the paupers, was because of the imminent peril that would thereby be occasioned. There were now twelve lunatics in prison with common criminals. The lunatic asylum in Baltimore was willing to receive the lunatics at moderate prices. Common sympathy, said Mr. J. called for relief.

Mr. CUSHING said he had understood that those lunatics were without the common necessities of life, and were obliged to lie upon the prison floor. Mr. C. had been told that the circumstances of the case called on the House for relief. If this bill was the only mode of affording relief, he would perhaps be willing to stretch a point; but he desired to know whose fault it was that the evil existed.

Mr. JOHNSON said that the corporation of this city gave two dollars per week for the support of these lunatics, and that was all it could afford. But in the restoration of their health, their minds might be restored. This was a higher motive than dollars and cents, and this was the motive which had induced the committee to report the bill.

Mr. HUBBARD moved to amend the bill, by adding the following:

"Provided, That it shall be done at the expense of the city authorities."

Mr. HUBBARD said that, in his opinion, this was a subject which should be left to the authorities of the city. The people's representatives were not there to regulate the poor houses of the District; and it seemed to him that, if the provisions of the bill were carried out, all the poor of surrounding country would come here to profit by it.

Mr. JOHNSON said the bill was not intended for paupers, but for lunatics.

Mr. HUBBARD replied that there could be no difference between them, in the principle of expense.

Mr. JOHNSON remarked that the counties took care of paupers, and the States of lunatics. Congress was the local legislature of the District, and Mr. J. asked whether it would not act its part. The expenses would be trifling in comparison to the comfort which would be bestowed. He trusted that the gentleman from Alabama would withdraw his amendment.

Mr. REED, after some remarks, in which he observed, that from some cause or other the greatest number of lunatics were assembled in this city, said he hoped the amendment would not be agreed to by the House. As, however, the subject of charity had been introduced, he begged to make a few remarks. Mr. R. then in a very earnest manner adverted to the fact that the Marshal of this District had an annual salary of ten thousand dollars, while the persons in the jail were in the most wretched condition, lying upon straw, and subject to many other privations. He, Mr. R. believed that, before the session of the District, the State of Maryland allowed fifteen shillings as the price of board for each individual. He trusted the committee would take this subject under consideration, and see whether they could not provide by law much better living and accommodation for these criminals, even though it should be at a reduction of the salary of the Marshal, who, it appeared, lived two miles off, and, while deriving a great profit, employed another person to perform the duties. He (Mr. R.) was in favor of the bill now introduced; for the wretched accommodation in the jail was sufficient to make a man a lunatic, whether he was previously so or not. He hoped the amendment would not be adopted.

After some brief remarks from Messrs. HUBBARD and VANDERPOEL,

The question was taken on the amendment of Mr. HUBBARD, and it was rejected.

The committee then rose, and reported the bill.

Mr. HUBBARD then moved to lay it on the table, and called for the yeas and nays, which were ordered, and being taken, resulted as follows:

YEAS—Messrs. Judson Allen, Atherton, Banks, Beatty, Beirne, Boyd, Burke, Clifford, Coles, Connor, Crabb, Cross, Dana, John Davis, Doan, Doig, Earl, Eastman, Griffin, Hand, Hawes, Hawkins, Hill of North Carolina, Hubbard, Jameson, Jos. Johnson, Cave Johnson, Nathaniel Jones, Kille, Lucas, McCulloch, McKay, Miller, Samuel W. Morris, Newhard, Parrish, Paynter, Prentiss, Reynolds, Ryall, Samuels, Shaw, Thos. Smith, Starkweather, Steenrod, Strong, Taylor, Jacob Thompson, John B. Thompson, Turney, David D. Wagnor, Watterson, Wick, Jared W. Williams, and Henry Williams—55.

NAYS—Messrs. Adams, Alford, John W. Allen, Andrews, Baker, Barnard, Boardman, Bond, Brewster, Briggs, Sampson H. Butler, William O. Butler, Calhoun, William B. Campbell, Carroll, Carter, Casey, Chittenden, Cushing, Davee, John W. Davis, G. Davis, Dawson, Deberry, Dickerson, Dellet, Doe, Ely, Evans, Everett, Fillmore, Fisher, Floyd, Fornance, Galbraith, Garland, Giddings, Goggin, Goode, Graham, Granger, Green, Grinnell, John Hastings, Henry, Hill of Virginia, Hillen, Hoffman, Hook, Jackson, James, Chas. Johnston, William Cost Johnson, Keim, Kempshall, Lane, Leadbetter, Leet, Leonard, Lincoln, Lowell, McCarty, F. Mallory, Marchand, Marvin, Mason, Monroe, Morgan, Calvary Morris, Morrow, Naylor, Nisbet, Osborne, Palen, Parmenter, Peck, Pope, Randall, Kariden, Rayner, Reed, Ridgway, E. Rogers, Russell, Saltonstall, Shepard, Slade, John Smith, Truman Smith, Stanly, Stuart, Swearingen, Philip P. Thomas, Tillinghast, Toland, Triplett, Trumbull, Underwood, Vanderpoel, Warren, Weller, John White, Lewis Williams, Joseph L. Williams, Winthrop, and Worthington—107.

So the House refused to lay on the table.

After an amendment of the bill, by limiting its operation to lunatics who were paupers, it was read a third time; and the question being on its passage,

Mr. L. WILLIAMS demanded the yeas and nays.

Some debate of a desultory character then arose, in relation to the length of time the bill was to be in operation.

Mr. COST JOHNSON explained that the object of the bill was to make a temporary provision only, and that it was the intention of the Committee for the District, on a proper occasion, to introduce a bill for the erection of a building in this city for lunatics. Mr. J. then moved the previous question, which was seconded by the House. The main question on the passage of the bill was then ordered; and being taken by yeas and nays, resulted as follows:

YEAS—Messrs. Adams, Alford, John W. Allen, Andrews, Boardman, Bond, Briggs, William O. Butler, Calhoun, Carroll, Carter, Casey, Chinn, Cushing, Davee, Dawson, Deberry, Dellet, Doe, Evans, Everett, Floyd, Galbraith, Giddings, Goode, Graham, Graves, Green, Grinnell, Hill of Virginia, Hillen, Hoffman, Hunt, James, Charles Johnston, William Cost Johnson, Kempshall, Lane, Leet, Lincoln, McCarty, Marvin, Mason, Monroe, Moore, Morgan, Morris, Morrow, Naylor, Nisbet, Osborne, Palen, Parmenter, Pope, Randall, Reed, Ridgway, Rogers, Russell, Saltonstall, John Smith, Truman Smith, Stanly, Stuart, Toland, Triplett, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Winthrop—72.

NAYS—Messrs. Judson Allen, Anderson, Atherton, Banks, Baker, Beatty, Beirne, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Chittenden, Clifford, Connor, Crabb, Crary, Cross, Dana, John Davis, John W. Davis, Dickerson, Doan, Doig, Duncan, Earl, Eastman, Fillmore, Fine, Garland, Goggin, Griffin, Hand, Hawes, Hawkins, Henry, Hill of North Carolina, Hubbard, Joseph Johnson, Cave Jackson, Nathaniel Jones, Keim, Kembie, Kille, Lucas, McCulloch, McKay, Marchand, Medill, Miller, Montanya, Samuel W. Morris, Newhard, Parrish, Paynter, Peck, Prentiss, Reynolds, Jas. Rogers,

Ryall, Samuels, Shaw, Shepard, Slade, Albert Smith, Thomas Smith, Starkweather, Steenrod, Strong, Swearingen, Taylor, Philip F. Thomas, Waddy Thompson, Jacob Thompson, Turney, Underwood, Vanderpoel, David D. Wagnor, Wick, Jared W. Williams, Henry Williams, and Worthington—82.

So the bill was rejected.

Mr. FILLMORE moved to recommit it for the purpose of incorporating certain amendments, limiting the operation of the bill to two years, etc.

This motion was entertained; but without taking any question thereon, the House proceeded to the special order of the day, being the **PENNSYLVANIA CONTESTED ELECTION CASE**,

between Messrs. NAYLOR and INGERSOLL.

Mr. INGERSOLL appeared at the bar of the House, and concluded his remarks from yesterday in support of his claim to the seat now occupied by Mr. NAYLOR.

The House then adjourned.

NOTE.—On the motion to reconsider the resolution of Mr. MEDILL on yesterday, Mr. JOHN HASTINGS voted in the negative, and not in the affirmative.

IN SENATE,

THURSDAY, January 7, 1841.

The PRESIDENT submitted a message from the President of the United States, transmitting a report from the Secretary of War, containing a list of the soldiers engaged in the last war with Great Britain, who are entitled to bounty land; which was laid on the table, and ordered to be printed.

Also, a report from the Postmaster General, with a list of the number and compensation of the clerks engaged in his Department; which was laid on the table, and ordered to be printed.

Also, a report from the Secretary of the Treasury, transmitting a statement furnished by the banking incorporations of the District of Columbia, showing their condition on the 1st of January, 1841; which was laid on the table, and ordered to be printed.

Also, a communication from the Secretary of the Treasury in answer to a resolution of the Senate of the 4th inst. relative to the settlement of the Mississippi land claims; which was referred to the Committee on Finance.

Mr. LINN presented the memorial of the heirs and legal representatives of Major General Dupontail, of Brigadier General Armand and Capt. De La Colombe, praying bounty land for Revolutionary services; which was referred to the Committee on Public Lands.

Mr. KING presented the memorial of Jesse Carpenter; which was referred to the Committee on the Public Lands.

On motion by Mr. NICHOLAS, the petition and papers of the West Feliciana Railroad Company, now on file, were referred to the Committee on Finance.

Mr. HUNTINGTON, from the Committee on Pensions, to which was referred the petition of Pamela Allen, reported a bill for her relief; which was read, and ordered to a second reading.

Mr. PRENTISS, from the Committee on Pensions, to which was referred the bill for the relief of John McCloud, reported the same with an amendment.

Mr. WHITE, from the Committee on Pensions, reported a bill for the relief of Samuel Crapin; which was read, and ordered to a second reading.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the House bill making provision for navy pensions, and in relation to half pay, reported the same with an amendment.

Mr. KING, from the Committee on Commerce, to which was referred the memorials of citizens of Michigan, praying for the imposition of a duty on fish brought from Canada, asked that the committee might be discharged from their further consideration, and that the memorialists have leave to withdraw their papers. Mr. K. stated as a reason for this motion, that the Senate had no power by

the Constitution to enact a bill imposing duties. The motion was agreed to.

Mr. HUBBARD, from the Committee on Claims, to which was referred the petition of Luke Bonney, asked to be discharged from its further consideration; which was agreed to.

On motion by Mr. H. the petition of Theodore Brightwell was referred to the Committee on the Judiciary.

Mr. WRIGHT, from the Committee on Finance, to which had been referred memorials for the extension of time to the deposit banks of Natchez for payment of money into the Treasury of the United States, reported a joint resolution authorizing the Secretary of the Treasury to extend further indulgence to certain of the late deposit banks; which was read, and ordered to a second reading.

Mr. W. also, from the same committee, to which was referred a bill to authorize the payment of equitable commissions to the agents or attorneys of persons in whose favor awards have been made under three several treaties between the United States and certain foreign powers, which awards have been retained in the Treasury in payment of debts due to the United States, reported the same without amendment.

Mr. PIERCE, from the Committee on Pensions, to which was referred the petition of Mary Snow, reported a bill for her relief; which was read, and ordered to a second reading.

Mr. P. also, from the same committee, asked to be discharged from the further consideration of the petition of Jacob Park and the heirs of Abraham White; which was agreed to.

Mr. TAPPAN submitted the following resolution, which was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate, at as early a period as practicable, in a detailed and tabular form, all the information in the power of his Department in answer to the following questions:

1. What amount has the Federal Government lost, from its organization to this time, by the employment of banks, by the use of bank paper, or by its connections in any wise with banks, including the depreciation of bank paper.

2. What amount the people of the United States have lost, from the commencement of the Government to this time, by the failure and the suspension of banks, and by the depreciation of bank paper, by the loss and destruction of bank notes, and by the existence of banks and the use of bank paper generally.

3. What have the people and Government of the United States paid, directly and indirectly, to the aggregate banks of the United States, for the use of those institutions annually for the last ten years.

4. What proportion of the stock of the several banks of the United States is at this time owned by foreigners.

BILLS PASSED.

The joint resolution to present to universities and incorporate colleges, copies of the Catalogue of the Library of Congress.

The bill for the relief of Mary Prettyman; and

The bill for the benefit of the Howard Institute of the city of Washington; were severally read a third time and passed.

ORDERS OF THE DAY.

The bill for the relief of Joseph M. Hernandez;

The bill for the relief of Gad Humphreys, of the Territory of Florida;

The bill for the relief of Molachi Hogan, of the Territory of Florida;

were severally considered as in committee of the whole, and ordered to be engrossed for a third reading.

The bill for the relief of the legal representatives of John J. Bulow, jr. deceased, being taken up—

Mr. BUCHANAN said he would ask of the chairman of the Committee on Claims, whether the committee were in favor of making compensation for all the losses of individuals occasioned by the war in Florida.

Mr. HUBBARD said that question had not been presented to the consideration of the committee. If it should be presented to that committee, so far as he was concerned, he was decidedly opposed to any such principle.

Mr. BUCHANAN said he would to-morrow undertake to show that the bills which had just been ordered to a third reading, involved that principle, and, if it passed, would be the means of taking millions of money from the public Treasury.

Mr. HUBBARD would with pleasure listen to the Senator's views on the subject at his earliest convenience.

Some further conversation ensued as to the principles involved in these bills, in which Messrs. WRIGHT, HUBBARD, and KING, participated; when, by equal consent, the bill under consideration was informally passed over, with the understanding that it and the others for claims in Florida, would be discussed to-morrow.

The bill to continue in force the act for the final adjustment of private land claims in Missouri, approved 9th July, 1832, and the act supplemental thereto, approved 2 March, 1833; and

The bill to authorize the issuing of a patent to the heirs or legal representatives of Francis Rivard, deceased; were severally considered as in committee of the whole, and ordered to be engrossed.

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up, the question being on the substitute therefor submitted by Mr. PRENTISS.

After a slight modification of the substitute by Mr. PRENTISS,

Mr. HUNTINGTON addressed the Senate in favor of the substitute, and in opposition to various propositions of the bill, and was followed by Mr. HUBBARD, who submitted his views at length in favor of the principle of the bill, and in opposition to the amendment.

The debate was continued by Messrs. GRAHAM and PRESTON, whose remarks were principally confined to the relative powers of the General and State Governments on the subject of naturalization and citizenization.

Mr. ANDERSON rose with the purpose of submitting his views on the bill; but it being late in the afternoon, he yielded to a motion for adjournment;

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 7, 1841.

After the journal had been read,

Mr. LEET asked and obtained leave to withdraw the petition of the heirs of Capt. Richard Dollarear, late of the Revolutionary army, and the accompanying documents.

The SPEAKER then announced, as the special order, the consideration of the report of the Committee of Elections relative to the

CONTESTED PENNSYLVANIA ELECTION CASE

between Messrs. NAYLOR and INGERSOLL.

Mr. FILLMORE, after alluding to the indisposition of Mr. NAYLOR, moved a postponement of the case until to-morrow.

Mr. MONROE objected, on the ground that to-morrow was the day for the consideration of private bills.

Mr. FILLMORE said he had no objection to modify his motion so as to insert Monday.

After some debate of a conversational character, the motion was agreed to, and the further consideration of the subject postponed until Monday next.

LUNATICS IN THE DISTRICT OF COLUMBIA.

The next business was the motion of Mr. FILLMORE to reconsider the vote by which the bill making temporary provisions for lunatics in the District had been rejected.

After some brief remarks from Mr. TILLINGHAST,

Mr. MARVIN moved the previous question, which was seconded.

The main question on the reconsideration was then ordered to be put, whereon

Mr. HUBBARD demanded the yeas and nays,

which were ordered, and being taken, resulted as follows:

YEAS—Messrs. Adams, Alford, John W. Allen, Andrews, Barnard, Boardman, Bond, Brewster, Briggs, Brockway, Carr, Carroll, Carter, Casey, Cahan, Cranston, Curtis, Cushing, Dana, Davee, Edward Davies, John W. Davis, Garrett Davis, Dawson, Deberry, Dellet, Doe, Doig, Edwards, Ely, Everett, Fillmore, Fisher, Galbraith, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Henry, Hill of Virginia, Hoffman, Hook, James, Charles Johnston, William Cost Johnson, Kempshall, King, Lane, Leet, Lincoln, Lowell, Francis Mallory, Marvin, Mason, Monroe, Morgan, Morrow, Naylor, Osborne, Palen, Parmenter, Peck, Randall, Rariden, Reed, Ridgway, Edward Rogers, Russell, Saltonstall, Sergeant, Slade, John Smith, Truman Smith, Stanley Stuart, Taliaferro, Philip F. Thomas, Waddy Thompson, John B. Thompson, Tillinghast, Toand, Triplett, Trumbull, Warren, Weller, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Winthrop, and Wise—95.

NAYS—Messrs. Atherton, Banks, Blackwell, Aaron V. Brown, Albert G. Brown, Burke, Clifford, Coles, Connor, Crabb, Crary, Cross, John Davis, Doane, Duncan, Earl, Eastman, Garland, Griffin, Hand, Hawes, Hawkins, Hill of North Carolina, Hopkins, Hubbard, Jameson, Cave Johnson, Keim, Kille, Lucas, McClellan, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Parrish, Paynter, Pickens, Prentiss, Reynolds, Ryall, Samuel, Shaw, Shepard, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweeney, Taylor, Jacob Thompson, Turney, Vanderpoel, Watterson, Jared W. Williams, Henry Williams, and Worthington—62.

So the vote was reconsidered.

Mr. FILLMORE then moved to recommit the bill to a Committee of the Whole on the state of the Union, which was agreed to—ayes 95, noes not counted.

Mr. FILLMORE then moved a suspension of the rules for the purpose of going at that time into committee on the bill.

And the rules being suspended,

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. LINCOLN in the chair,) and took up the bill.

Mr. FILLMORE offered an amendment limiting the operation of the act to March 3, 1843, which was agreed to.

The following amendment was also offered and agreed to:

"They being paupers of the said District of Columbia, their support being legally chargeable thereto."

A debate then followed, relative to the propriety of defraying the expense for the support of the lunatics out of the public treasury, in which Messrs. HAND, WADDY THOMPSON, WM. COST JOHNSON, FILLMORE, DAWSON, BRIGGS, and ALFORD, participated. The debate will be noticed hereafter.

On motion, the committee then rose and reported the bill, as amended, to the House.

The amendments were concurred in, and the bill read a third time; and the question being on its passage, was taken by yeas and nays, as follows:

YEAS—Messrs. Adams, Alford, Judson Allen, John W. Allen, Andrews, Baker, Barnard, Boardman, Bond, Brewster, Briggs, Brockway, Sampson H. Butler, William O. Butler, Calhoun, William B. Campbell, Carr, Carroll, Carter, Casey, Chittenden, Cranston, Curtis, Cushing, Thomas Davee, Edward Davies, John W. Davis, Garrett Davis, Dawson, Deberry, Dellet, Doe, Doig, Edwards, Ely, Everett, Fillmore, Fine, Fisher, Floyd, Galbraith, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, John Hastings, Henry, Hill of Virginia, Hoffman, Holmes, Hook, Hunt, James, Charles Johnston, Wm. Cost Johnson, Kemble, Kempshall, King, Lane, Leet, Lincoln, Lowell, Meredith Mallory, Francis Mallory, Marvin, Mason, Monroe, Morgan, Morrow, Osborne, Palen, Parmenter, Peck, Pope, Randall, Rariden, Rayner, Reed, Ridgway, Edward Ro-

gers, Russell, Saltonstall, Sergeant, Slade, John Smith, Truman Smith, Stanley Stuart, Sumter, Sweeney, Taliaferro, Philip F. Thomas, Waddy Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Warren, Weller, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Winthrop, and Wise—110.

NAYS—Messrs. Atherton, Banks, Black, Blackwell, Aaron V. Brown, Albert G. Brown, Burke, Clifford, Coles, Connor, Crabb, Crary, Cross, John Davis, Doane, Duncan, Earl, Eastman, Garland, Griffin, Hand, Hawes, Hawkins, Hill of North Carolina, Hopkins, Hubbard, Jameson, Cave Johnson, Keim, Kille, Lewis, Lucas, McClellan, McCulloch, Medill, Montanya, Montgomery, S. W. Morris, Parrish, Parris, Paynter, Prentiss, Reynolds, James Rogers, Ryall, Shaw, Shepard, Steenrod, Strong, Swearingen, Taylor, Jacob Thompson, John B. Thompson, Turney, Watterson, Wick, Jared W. Williams, Henry Williams, and John T. H. Worthington—60.

So the bill was passed, and sent to the Senate for its concurrence.

The SPEAKER laid before the House the following communications:

1. From the Secretary of the Treasury, transmitting copies of statements rendered by the incorporated banks of the District of Columbia, showing the state of their affairs at the close of the year 1840.

Laid on the table, and ordered to be printed.

2. From the Secretary of the Navy, transmitting, for the use of the members of the House, 245 copies of the Navy Register for 1841.

Laid on the table, and ordered to be printed.

3. From the Postmaster General, transmitting a statement of the number of clerks employed in the Post Office Department during the year 1840, with the names and salaries, in obedience to the act of April 20, 1818.

Laid on the table, and ordered to be printed.

4. From the Postmaster General, transmitting, in compliance with the resolution of the House of the 22d ultimo, a statement of the expenditures of the Post Office Department for regular and temporary special agents, with their names, &c. from the first day of July, 1839, to the 30th day of November, 1840.

Referred to the Committee on the Expenditures of the Post Office Department.

5. From the Treasurer of the United States, transmitting the quarterly accounts of the Treasurer for the service of the Post Office Department for the years 1837, 1838, 1839, each year ending on the 30th of June.

Referred to the Committee on the Expenditures of the Post Office Department, and ordered to be printed.

BILLS FROM THE SENATE.

The following Senate bills were read a first and second time, and appropriately referred, viz:

An act to provide for the settlement of claims of the State of Maine for the services of her militia;

An act to confirm to the State of Indiana the land selected by her for that portion of the Wabash and Erie Canal which lies between the mouth of the Tippecanoe river and Terre Haute, and for other purposes;

An act for the relief of the Plumb Island Bridge and Turnpike Company;

An act for the relief of Clemens, Bryan and Company;

An act for the relief of John Moore;

An act for the relief of John Carter;

An act in addition to an act for the relief of Walter Loomis and Abel Gay.

Mr. CUSHING moved to suspend the rules, that the House might go into Committee of the Whole on the bill reported at the last session of Congress, entitled, "A bill to provide for the satisfaction of claims due to certain American citizens for spoiliations committed off their commerce prior to the 31st day of July, 1801."

On the question being taken, there were—ayes 55, noes 73.

So the rules were not suspended.

Mr. UNDERWOOD also moved a suspension of the rules for the purpose of taking up a bill, re-

ported last session, for satisfying the claims of soldiers who served during the last war, to bounty lands; but the motion was not seconded by the House.

The SPEAKER then called for

REPORTS FROM COMMITTEES.

Mr. CURTIS, from the Committee on Commerce, reported

A bill to authorize and provide for the purchase of a lot of land adjoining the Custom House in the city of New York; and

A bill for the relief of the legal representatives of J. Porter Felt, deceased; which were severally read a first and second time, and committed to a Committee of the Whole on the state of the Union.

Mr. WELLER, from the same committee, presented an adverse report on the petition of Wm. J. Stillwell.

Mr. CASEY, from the Committee on Public Lands, reported a bill for the relief of George A. Slaughter; which was read a first and second time, and committed.

Mr. GARLAND, from the same committee, reported without amendment Senate bill No. 15, entitled "An act to relinquish the interest of the United States to a certain tract of land in the State of Alabama;" which was read a first and second time, and committed.

Mr. THOMPSON of Mississippi, from the same committee, reported without amendment Senate bill No. 12, entitled "An act to establish an additional land district in the State of Alabama;"

Also, without amendment, Senate bill No. 11, entitled "An act to relinquish to the State of Alabama the two per cent. fund reserved by the act for her admission into the Union, to be applied to the making of a road or roads leading to said State;" which were severally read a first and second time, and committed.

Mr. C. H. WILLIAMS, from the Committee for the District of Columbia, reported a bill making appropriations for the benefit of the Northern Liberty Fire Company; which was read a first and second time, and committed.

Mr. DEBERRY, from the Committee on Agriculture, reported a bill for the relief of Mrs. Anne F. Perrine and her children; which was read a first and second time, and committed.

Mr. W. THOMPSON, from the Committee on Military Affairs, reported a bill providing for the payment of the State of Maine for services of her militia; which was read a first and second time, and committed.

Mr. MONROE, from the same committee, reported a bill to found a military asylum for the relief and support of invalid soldiers of the army of the United States; which was read a first and second time, and committed.

On motion of Mr. CLIFFORD, the Committee on Foreign Affairs were discharged from the further consideration of the petition of Ann E. Brown.

Mr. CARR, from the Committee on Revolutionary Pensions, reported the following bills:

A bill for the relief of Michael Seas; and

A bill for the relief of John Lybrook; which were twice read, and committed to a Committee of the Whole House, and made the order of the day for to-morrow.

Mr. C. also, from the same committee, asked to be discharged from the further consideration of the petition of the heirs of Lieutenant Joseph Holliday, and that said petition be referred to the Committee on Revolutionary Claims. And, also, that said committee be discharged from the further consideration of the petition of Christopher Lambert, and that said petition be referred to the Committee on Invalid Pensions.

On motion of Mr. ANDREWS, the Committee on Revolutionary Pensions were discharged from the further consideration of the petitions of Hannah Waldo, Abigail Rives, Juliet Onron, Thomas Hall, Margaret Askins, Peggy Duncan, C. B. Chandler, Abigail Allen, and Joshua Bill; and the petitions were ordered to lie upon the table.

Mr. CHITTENDEN, from the Committee on Invalid Pensions, reported a bill for the relief of

Beriah Wright; which was read a first and second time, and committed.

Mr. C. also, made adverse reports on the petitions of Jared Gossage,

Mr. PALEN, from the same committee, reported a bill for the relief of Levi Colmus; which read a first and second time and committed.

Mr. PALEN made adverse reports on the petitions of Richard Cottrill, Benjamin Dales, Peter Sky, Josiah Hunt, James K. Scorge, and Rufus Henry.

On motion of Mr. J. W. DAVIS,
The House adjourned.

NOTE.—From the low tone in which Mr. REED spoke on yesterday, his remarks were partially misconceived. Mr. R. said that the income or the emoluments of the office of marshal of this District was said to be ten thousand dollars, and that it was said the persons in jail were in the most wretched condition; and, said Mr. R. I believe it. The income or emoluments of office, said Mr. R. arise from fees, and the profit of boarding prisoners for about \$2 50 per week.

Mr. R. felt bound, as an act of humanity, to make provision for the poor lunatics in this District. They assembled here from all parts of the country, and the District was not able to support them. He was, therefore, in favor of supporting these national lunatics from the national treasury.

IN SENATE,

FRIDAY, JANUARY 8, 1841.

The PRESIDENT submitted a communication from the Secretary of the Treasury, transmitting a report from the Commissioner of the General Land Office, showing what portions of the public lands have been subjected to entry at private sale for five years, and less than ten years; for ten years and less than fifteen; for fifteen and less than twenty; for twenty and less than twenty-five; for twenty-five and less than thirty; for thirty and less than thirty-five; and for thirty-five and upwards, designating the States, Territories, and land districts in which said lands are situate, and what quantity of land has been entered after it had been subject to entry at private sale thirty-five years and upwards, and within what years, and within what land districts said lands were entered. The communication was laid on the table, and ordered to be printed.

Also, a communication from the War Department, transmitting a report of the Second Auditor, of the expenditures of the contingent fund of that office; which was laid on the table, and ordered to be printed.

Also, a letter from the Governor of Iowa, transmitting memorials of the Territorial Council for various objects; which were appropriately referred.

Mr. MANGUM presented the petition of Jonas Johnston; which was referred to the Committee on Pensions.

Mr. MERRICK presented the memorial of inhabitants of the District of Columbia, praying the establishment of a system of national education in said District; which was referred to the Committee on the District of Columbia.

Mr. BENTON presented the credentials of the Hon. SAMUEL McROBERTS, elected by the Legislature of Illinois a Senator from that State for six years from the 4th of March next; which were read, and ordered on file.

Mr. WALL presented the memorial of Dr. Solomon Andrews, praying that a padlock invented and patented by him may be adopted for the use of the Government for the security of mail bags, &c. which was referred to the Committee on the Post Office and Post Roads.

Mr. WEBSTER presented a memorial from citizens of Maine, for the enactment of a general bankrupt law; and

Mr. PORTER presented a memorial of the same import from citizens of Kent county, Michigan. These memorials, as a bill has been reported on the subject, were laid on the table.

Mr. WRIGHT presented a memorial purporting to be signed by one hundred and twenty merchants and mercantile firms of the city of New York, remonstrating against the passage of a bankrupt law;

which was laid on the table, and ordered to be printed.

Mr. CALHOUN presented a memorial of citizens of New York, remonstrating against the passage of any bankrupt law that did not include banks in its provisions. Mr. C. took occasion to say that his own opinions on this subject remained unchanged, though he presented the memorial with pleasure. The memorial was laid on the table, and ordered to be printed.

Mr. PORTER presented the memorial of Charles Morgan; which was referred to the Committee on Revolutionary Claims.

Mr. WEBSTER presented the petition of Daniel W. Cox; which was ordered to be printed.

Mr. W. also gave notice that he would ask leave to-morrow to introduce a bill for the relief of Enoch Baldwin.

Mr. BENTON presented the petition of inhabitants of Weston, Mo. asking for a pre-emption to the site of their village; which was referred to the Committee on Public Lands.

Mr. STURGEON, from the Committee on Patents and the Patent Office, to which was referred the bill making certain appropriations for the Patent Office, reported the same, without amendment.

Mr. CLAY of Alabama, from the Committee on Public Lands, to which was referred the memorial of citizens of Cherokee county, Ala. reported a bill explanatory of an act supplementary to an act entitled, An act to grant pre-emption rights to settlers on the public lands, approved June 22, 1838.

Mr. WRIGHT, from the Committee on Finance, to which was referred the bill for the relief of certain railroad companies therein named, reported the same, with amendments.

On motion by Mr. WRIGHT, the Committee on Finance, to which was referred the memorial of the Mobile and New Orleans Railroad Company; the Alabama, Florida, and Georgia Railroad Company; the Grand Gulf Railroad and Banking Company; the Norristown and Valley Railroad Company; and the New Orleans and Carrollton Railroad Company, were discharged from their further consideration, the cases being provided for in the foregoing bill.

On motion by Mr. WALL, the petition and papers of Loyal Hopkins, now on file, were referred to the Committee on Claims.

Mr. HUBBARD, from the Committee on Claims, to which was referred the petition of Ezra St. John, and the petition of Ann F. Perrine, made adverse reports thereon.

Mr. H. also, from the same committee, to which was referred the petition of William Polk, made an adverse report thereon, on the ground of the insufficiency of evidence.

On motion by Mr. WHITE, the report was laid on the table to give an opportunity to procure the proper evidence.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the memorial on the subject, reported a bill for the relief of the legal representatives of Henry Eskford, deceased; which was read, and ordered to a second reading.

Mr. W. also, from the same committee, made an adverse report on the petition of Richard B. Mason.

OREGON TERRITORY.

Mr. LINN, in pursuance of previous notice, asked leave to introduce a joint resolution to authorize the adoption of measures for the occupation and settlement of the Territory of Oregon, and for extending certain portions of the laws of the United States over the same.

Mr. LINN said that when this bill was up at the last session for discussion, both his political friends and opponents pressed him to forbear urging it during the negotiations with the British Government for the adjustment of another question, from a fear of embarrassing its settlement. This was not at the time convincing to him, but it was sufficient for him that it was the advice of gentlemen of experience, and he had acted in accordance with it. His opinion was that it would be better to put the whole of their claims on Great Britain together, and see what could be done with them; but he never expected that they would be amicably ad-

justed: The history of the British Government afforded him satisfactory evidence on this subject. He believed that every one there would be numbered with the dead before the British Government would amicably settle a question of this nature. If his memory served him correctly, England, pending the negotiations at Ghent, had been willing to purchase that territory; he did not mean to say there was any formal offer made, but, finding that no such arrangement could be entered into, she had, step by step, made progress in territorial encroachment, until she presented to the world a claim of great importance where she had not even the shadow of right; and such would be the case at every point of the contest with Great Britain. The British had extended their possessions, step by step, from the extreme branch of Columbia river to the Pacific ocean. By a letter which he had recently received, he learned that the Hudson Bay Company was introducing emigrants from Great Britain by Cape Horn; they brought shepherds and placed them on farms; they had erected British forts on the Territory of Oregon, and had pushed their establishments on the south to California, and on the east to the Rocky mountains; and by an act of Parliament, a portion of the criminal law of Great Britain was extended up to the very confines of the States of Arkansas and Missouri. Now, if we have a just right and claim to that property, he was not the man to say it should be abandoned to any power on earth. He was prepared and willing to go into a discussion of the whole subject here involved. He had been censured by many gentlemen from all parts of the Union for not having pressed this question before, when he delayed it because, on the suggestion of others, he was not willing to introduce a new element pending the question relative to the Northeastern boundary. He would not occupy the time of the body further on this occasion; but should the Senate grant or the introduction of the joint resolution, he would embrace the opportunity when it came up for consideration, to submit his views more in detail.

Leave being granted, the joint resolution was introduced, read a first and second time, and referred to a select committee of five, consisting of Messrs. LINN, WALKER, PRESTON, PIERCE, and SEVIER.

THE PATENT OFFICE.

On motion by Mr. STURGEON, the bill making certain appropriations for the Patent Office was taken up and considered as in committee of the whole,

The bill having been read,

Mr. CALHOUN hoped these appropriations would be stopped. This Patent Office was growing up into a new department of the Government—a Home Department. We had made an appropriation of \$90,000 for the erection of a Patent Office, and there had been constructed a magnificent palace, with splendid galleries, at an expense of some hundreds of thousands of dollars. He was utterly opposed to this creating a new department in this Government, and more especially by indirection, as in the present instance, where those who were designed by law to be merely superintendents of the Patent Office were assuming a superintendence over the entire agriculture and mechanics of the country.

Mr. TAPPAN inquired whether the \$750 proposed to be appropriated for a library was to purchase books for the officers in the Patent Office.

Mr. STURGEON said it was for the purchase of scientific books, which were necessary to enable the officers to carry on the business of the office.

Mr. TAPPAN objected to an appropriation for the purchase of books to enable the head of that department to qualify himself for the discharge of the duties of the office to which he had been appointed. It had now become too common with the heads of departments to have separate and valuable libraries, and it was time it should be stopped. He moved that the section in question be struck out of the bill.

Mr. PRENTISS explained the necessity of the appropriation; it was to enable the officer to learn whether what were offered as new and useful in-

ventions were really new, as on the determination of that fact would rest the grant of a patent. Books were published periodically, containing descriptions of all new patented articles here and in Europe, and it was of the greatest importance that the officers should have these books as works of reference.

Mr. PRESTON also defended the appropriation; but suggested a variation of the phraseology of the section of the bill to obviate mistake. He was inclined to believe if the object was to purchase materials to enable the officer to form a correct judgment on the articles for which patents were desired, that it should be agreed to.

Mr. PRENTISS moved as an amendment the following words as a substitute for the words in the section: "for the purchase of such scientific books as are necessary for the Patent Office, \$750."

Mr. TAPPAN thereupon withdrew his motion.

Mr. CALHOUN moved to strike out that part of the bill making an appropriation for the collection of agricultural statistics, &c. He knew not what that had to do with a Patent Office. He objected to this gradual and almost imperceptible growth of expenditures by indirect means; they had seen enough of these things; and he moved to strike out the appropriation of \$1000 for that purpose, and he called for the ayes and noes on the question.

The ayes and noes were ordered.

Mr. STURGEON said by striking out this section, they would strike out the vital part of the bill. The service which this sum was intended to remunerate, had already been rendered.

Mr. CALHOUN said no officer had the right to go beyond the appropriations, and he hoped the section would be struck out, as a warning to officers not to go beyond the appropriations in future.

Mr. MANGUM said the design of the Patent Office was for the preservation of the patents of the country, and he was unwilling that the power which had been exercised here should be allowed thus to creep upon them, and to cover other ground than that originally designed. He could not approve of a great show being thus prepared, by indirection, at the public expense.

At the request of Mr. STURGEON, a letter was read from the Commissioner of Patents, in which he urged the necessity for these appropriations.

Mr. SEVIER concurred in the suggestions of the Senator from South Carolina, [Mr. CALHOUN,] that this should be put a stop to; but as they had got the articles, he thought they should be paid for and they could prevent its recurrence in future.

Mr. WEBSTER, to guard against misapprehension, explained that one item of expenditure was for the publication of a digest of the patents; and the books to which allusion was made, were periodicals on the subject of inventions which were necessary to the proper discharge of the duties of the Patent Office. The expenditures for agricultural statistics he would not continue, though he had no doubt of their constitutional right to do so. They had a constitutional right, he had no doubt, to expend money in procuring information on the subject of agriculture; the products of agriculture were articles that were interchanged between the various parts of the Union, and consequently it must be as important a part of their duty to inform themselves by agricultural statistics, as it was to acquaint themselves respecting cotton planting, sugar making, and all other articles of commerce in the country. But it did not seem to him that this had any relation to the Patent Office, and they had no right to make any appropriations for duties which were not prescribed by law.

Mr. CALHOUN differed from the Senator from Massachusetts in toto respecting their constitutional right to make these appropriations. And as to some of these appropriations, he considered they were an imposition and an insult on the Senate. They had been told that this Patent Office was to be a Patent Office, and that it would cost but \$90,000, and under this consideration he had given a reluctant vote for it; and from that period, it had gone on in utter contempt of Congress until the expenditures had amounted to nearly half a million of dollars. Engineers and architects came there with estimates of public buildings, and then the

actual expenditures exceeded the estimates one, two, three, and often four times. They were treated like children by these architects and engineers, and he thought it was the duty of the President of the United States to dismiss any officer who dared to do this.

After a few words from Messrs. STURGEON, KING, and WEBSTER,

Mr. RUGGLES explained that the original estimates were framed on plans for the construction of a brick edifice, but the other branch of Congress had amended the bill when it was before them, for the construction of a stone edifice, giving the Executive department authority to cause the construction of a building that should correspond with the other public offices.

Mr. STURGEON asked that the bill might be passed over, to afford an opportunity to procure information on some of the points objected to by Senators.

The bill was then informally passed over.

On motion by Mr. CRITTENDEN, the petition and papers of Daniel Piatt, now on file, were referred to the Committee on Revolutionary Claims.

On motion by Mr. WALL, the bill for the punishment of certain crimes against the United States and for other purposes, was considered as in committee of the whole, and ordered to be engrossed for a third reading.

The bill from the House of Representatives making temporary provision for lunatics in the District of Columbia, was read twice, and referred to the Committee on the District of Columbia.

The bill from the House authorizing the enrolment or register of the schooner Amistad, was read twice, and referred to the Committee on Commerce.

BILLS PASSED.

The bill to continue in force the act for the final adjustment of private land claims in Missouri, approved 9th July, 1832, and the act supplemental thereto, approved 2d March, 1833; and

The bill to authorize the issuing of a patent to the heirs or legal representatives of Francis Rivard, deceased;

were severally read a third time and passed.

The bill for the relief of Joseph M. Hernandez;

The bill for the relief of Gad Humphreys, of the Territory of Florida;

The bill for the relief of Malachi Hagan, of the Territory of Florida;

The bill for the relief of the heirs of John J. Bulow;

The bill for the relief of James Williams; and

The bill for the relief of Philip Weademan; were,

On motion by Mr. HUBBARD, postponed to, and made the order of the day for Wednesday next.

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up, the question being on the substitute therefor submitted by Mr. PRENTISS.

Mr. ANDERSON submitted his views at length in opposition to the substitute, and in favor of the bill.

Mr. MANGUM said, as there were several Senators, himself among the number, who wished to submit their views in relation to this bill, he would ask its friends to postpone the further discussion of it until Monday next; which being agreed to, the bill was informally passed over.

Mr. CRITTENDEN said he was in favor of a pre-emption law, but it must be on certain terms and conditions; and, to show what those terms and conditions were, he would submit the following proposition, which he would offer when the bill was again taken up, and which he asked might be ordered to be printed.

Resolved, That the bill be recommitted to the committee that reported it, with instructions to report amendments thereto, to the following effect:

1. To distribute the proceeds of the sales of the public lands among the several States of the Union in just and equitable proportions.
2. To grant to actual bona fide settlers upon the public lands the right of pre-emption to any quan-

tity thereof, not exceeding one half section, or 320 acres, including the place of settlement, at the minimum price of \$1 25 per acre; with such provisions as shall limit this right of settlement and pre-emption to actual bona fide settlers whose estate, at the time of settlement, shall not exceed the value of \$1,000; and, furthermore, with such provisions as shall effectually exclude the wealthier speculators from all benefit under this law, and shall prevent them from interfering with, or participating in, the privilege and right of settlement and pre-emption, which are hereby granted and intended for the sole advantage of the needy and honest settlers and cultivators of the soil.

Mr. LINN then gave notice that he should move an amendment to the amendment of the Senator from Kentucky, for the purpose of appropriating the proceeds derived from the sale of the public lands, to increase the national defences. He hoped both his amendment and that of the Senator from Kentucky would be voted down; but he would move as often as this question came up, to apply the money to the protection of their frontier, both maritime and inland, from aggression in all future time.

Mr. BENTON said the proposition of the Senator from Kentucky was based on the one which there was no difficulty in comprehending. But the Senate and the country, from the first of the present session, had been told of the existence of a national debt which that Senator and his friends affirmed did exist, but which he (Mr. Benton) and his friends denied. The Senator had his thanks nevertheless, for coming forward with this proposition so openly: it was an intimation of the policy of the new Administration—of their intention to add to the national expenditures, to restrict the income of the country, and then to have recourse to a high tariff. He deemed this the opening up of the whole policy of the new Administration, and he was not willing to vote on it now, if they could decide against it by forty to one; he wished that policy to be laid open to the view of the people of the United States, and he only rose now to thank the gentleman for his declarations of yesterday and to-day—of yesterday, in favor of a National Bank, and to-day, on the subject of the land revenue, by which three or four millions would be diverted from the national income, and would have to be made up by loans and taxes. He (Mr. B) again thanked the Senator—they should now have a fair contest and no "bush whacking." They (Mr. Benton and his friends) would go to the contest with the opposite gentlemen, and they should see whether a national debt should be created, but which the Senators on the other side said did now exist, which he (Mr. Benton) denied, and they should see whether so large a sum should be withdrawn from the public revenue. He once more thanked the honorable Senator, and promised him that he would be met in the coming contest.

Mr. CRITTENDEN had intended nothing more on this occasion than to give gentlemen notice that such a motion would be made, and he had not supposed that it would now be debated. The honorable Senator from Missouri was perfectly welcome to all he could derive from it. He (Mr. Crittenden) had always looked upon himself as too humble an individual to have any great importance attached to any movement of his, and perhaps for that reason he had always been prompt and ready—perhaps too prompt, on some occasions—to express his opinions, whatever they might be. They were always such as he believed to be right, and therefore he was always ready to maintain them, in any contest. The proposition which he had just offered, was a plain proposition; he had no secret on this subject; what he was for he was for always, and was always ready to proclaim. He had received the thanks of the Senator from Missouri, but he feared he was reaping a reward far beyond his merits. The question of a distribution of the public lands among the States was no new question; it had once received the sanction of both branches of Congress, and the circumstances connected with the defeat of that bill were notorious; but the States continued to cling to that measure. The Legislature of his own

State had given him instructions on that question; and he had no doubt if his opinions on that subject were less firm, he should consider those instructions imperative. But he would not now debate the question; he would content himself with simply giving notice to gentlemen of his proposition, and the debate could follow when the proposition came up for consideration.

Mr. BENTON repeated the expression of his thanks, if the Senator from Kentucky would accept them, for the notice he had given them. Yet, for one, he (Mr. Benton) wanted no notice to be prepared to meet such a proposition. The gentlemen opposite had intimated their intention to detect and expose to the country, after the 4th of March next, a debt of twenty-seven and a half million of dollars, and they had been calling upon the supporters of the present Administration to tax French wine and silks—they had heard too often here these propositions for the purpose of making up a deficient revenue—it was a proposition to disturb the course of business and commerce, for the purpose of supplying a deficiency in the revenue which could not endure a moment's delay. It was to no purpose that the estimates were confined within the appropriations for the year; the gentlemen still said they must have taxes to create an income, and if they were not gratified, the present Administration was to take the odium—should he limit himself to the word *odium*?—to the odium of having rendered it necessary to call an extra session of Congress immediately. And while they were met with the threatened odium of an extra session of Congress to supply a deficient revenue, here came a proposition to take off three and half millions on which reliance was placed to carry on the Government. He again thanked the Senator for showing his hand so openly, and for the intimation that the new Administration was to commence at once the creation of a national debt, by subtracting from the revenue, with the re-establishment of that state of things by which the commerce of the country was loaded down by taxation; and that was to be followed up by the establishment of a Bank, to exercise an influence all over the country. He would tell that honorable Senator that a new National Bank could not be created without a National Debt, whose stock must be sold to make the capital for the Bank; he would tell the Senator from Kentucky he could not move an inch towards a new National Bank without the creation of a National Debt. He hoped, however, that his friends would put off measures of this kind to that called session of which they had been notified on that floor; for he informed gentlemen if they diverted the land revenue, and went beyond the current income, they would have to come together, which he (Mr. Benton) should do all he could to prevent, and he should do that by doing all he could to prevent the expenditures exceeding the estimates—by preventing the appropriations going beyond the current revenue. Let the new Administration call Congress together to make good the deficiency in the revenue occasioned by their own extravagant expenditures, and he (Mr. Benton) would thank them for the day on which they issued their proclamation.

Mr. CRITTENDEN would extend his claim to the gratitude of the Senator from Missouri, by the further avowal that he should be in favor of such an additional imposition of duties as will supply an adequate revenue to the Government.

Mr. CALHOUN said it was evident this debate would take a wide range, and would bring the whole subject of the public lands before the Senate; he rose to give notice that he would move, as an amendment to the amendment of the Senator from Kentucky, a bill to cede the public lands within the limits of the new States on certain conditions therein mentioned.

[This bill will be found in another column, appended to the report made by Mr. NORVELL.]

The amendment proposed by Mr. CRITTENDEN was then ordered to be printed.

The Senate then went into Executive session, and, after half an hour spent therein, the doors were again opened.

NORTHEASTERN BOUNDARY.

Mr. WALKER submitted the following resolution for consideration:

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of causing to be procured and submitted to the Senate, copies of the debates in the British Parliament, prior to the year 1820, in relation to the Northeastern boundary of the United States, and copies of land titles emanating from the British Government repugnant in the calls of said titles to the boundary now claimed by said Government.

Mr. PRESTON objected to the adoption of the resolution, as presenting us in the aspect of regulating our proceedings by British legislation.

Mr. CRITTENDEN would suggest whether it might not be possible that these debates made against our claim to the territory in dispute, and, if so, would it not, instead of strengthening, weaken the position we at present occupied in relation to the matter?

Mr. WALKER said, the resolution was one of inquiry only, the propriety of which would be decided on by the appropriate committee. If that committee, upon mature deliberation, conceived the inquiry to be important, it would be made; and in submitting this resolution, he desired only to call their attention to the subject. Mr. W. said, he had read one of these debates of the British Parliament, and conceived it to be of the utmost importance, and that it ought to be published in an official form for the information of the people of England, of the people of the British provinces, of the people of the United States, and of the civilized world. In that debate, the boundary line, as now claimed by Great Britain, was distinctly repudiated by both branches of the British Parliament, and by both parties, the Opposition and the Ministry, in a debate, too, contemporaneous with the treaty of 1783. Mr. W. also believed that land titles had emanated from the British Government, directly contradictory in the calls of those titles, to the boundary now claimed by England, and he thought the whole subject of sufficient importance to claim the attention of the Committee on Foreign Relations.

Mr. WEBSTER said he agreed with the Senator from Mississippi [Mr. WALKER] as to the importance of these documents in shedding light on the true intent and meaning of the treaty of 1783, in relation to the boundary between the United States and the British Provinces. It clearly established, in his mind, that the treaty pursued the old boundary, as established by the charter of the colony of Massachusetts, and that the northwest corner of Nova Scotia was the starting point. There was also an important admission made by the then Lord Chancellor to the attacks of some of the Opposition members of Parliament. They denounced the treaty as granting a large territory to this country, the possession of which was necessary to the convenience and safety of their Canadian provinces. To this it was replied by the Lord Chancellor that there was nothing of grant on either side, but they had taken the boundaries as they had been previously established, and that no treaty could have been made upon any other terms. Throughout the whole of these debates, indeed, there is a broad admission by all parties of what this country has always claimed as the boundary between this country and the British Provinces.

Mr. BUCHANAN said that as this resolution was one of mere inquiry, it might appear discourteous towards his friend from Mississippi [Mr. WALKER] to oppose its adoption, and he should do so with great reluctance. If it were pressed, he would, therefore, probably vote for it, although it appeared to him to be a singular duty to impose on the Committee of Foreign Relations. Unquestionably the debate in the British Parliament, to which it referred, was one of great importance. It proved that shortly after the original treaty was concluded, British statesmen of all parties agreed that the line designated by it included within the limits of the United States the territory now in dispute between the two Governments. But why should the Senate be made the instrument of communicating this debate to the public? Such a course was unprecedented, so far as his knowledge extended. This was information proper for the

public, and it might be communicated, like all such information, through the agency of the public press. He thought this would be the best and most appropriate course; and unless his impressions should change, he would act upon this opinion, as a member of the Committee on Foreign Relations, should the resolution be adopted.

He was glad of the present opportunity of saying a few words on another branch of the subject. It had been expected by some persons that the report of Messrs. Mudge and Featherstonhaugh would be noticed by the Committee on Foreign Relations. That report was a tissue of sophistry from first to last, which might be easily exposed; but so far as his information extended, it had never been officially recognized by the British Government. In this state of the case he did not believe it ought to be made the subject of any report from the Committee on Foreign Relations, and therefore he had never called the attention of the committee to it. Besides, it was well understood that negotiations were now pending, and were nearly brought to a happy conclusion, for referring the final decision of this question to commissioners mutually chosen by the two Governments, with such an ultimate provision, in case of their disagreement, as must settle the question. Under these circumstances, he thought it would be improper for the Senate to interfere.

Mr. ALLEN said he was opposed to the adoption of this resolution. What was its object? To procure testimony in support of our claim to the territory embraced by the limits of Maine. He was opposed to this. So long as we debated, so long as we gave opportunity for cavil on this subject, so long would Great Britain protract its settlement. There is a point at which this matter must stop; where we must put our foot, and say, this admits of no further discussion. The British Government have just as much right to lay claim to the District of Columbia as any spot claimed by the United States. Suppose that Government should lay claim to this territory upon which we are now holding our deliberations, and we should undertake to argue the matter, and to hunt up documentary testimony to establish our claim, and we should pursue this course for a series of years, why, we should soon be as much at sea as we are at present in regard to the Northeastern boundary line. The great fault in this matter was in permitting it to be a subject of controversy. We should have placed ourselves on the line, as called for by the treaty of 1783, and we should have said to Great Britain, you cannot be serious or honest in attempting to make it a subject of discussion. Moot this question of title, and go in quest of evidence to support it, and you postpone its settlement indefinitely. So long as you keep the question open, Great Britain will use the argument that she is nearer to this territory than we are; at least her effective power, which she is constantly increasing, is nearer. Mr. A. said he considered this question as settled, so far as this body was concerned. It was settled by a unanimous vote of the Senate, who, though rent by the diversities of political feeling, excited by a contest which had raged through the course of twelve years, yet on this subject they had gone shoulder to shoulder, and, by a unanimous vote, had said this question, so far as we are concerned, is settled and determined; and there he was disposed to leave it. Mr. A. said there was troubles ahead. It was evident, from the conduct of her Minister on a recent occasion, that Great Britain, so far from a wish to have this affair promptly and amicably settled, was endeavoring to get up other questions of embroilment. He hoped the Senate would not again open this subject of the Northeastern boundary. We had already decided, by a unanimous vote, that our claim was right, and we will, if necessary, support it.

Mr. CLAY of Kentucky said the motion was to adopt a resolution to print certain debates of the British Parliament in relation to the boundary between the States and the British provinces. What was the present condition of the boundary question? It is the subject of negotiation. The diplomats are now acting on it and acting on it, as he was informed, in a spirit worthy of the enlightened Go-

vernments interested in the question, and the liberal and benevolent spirit of the age in which we live. Why then should we interfere? If the diplomats want these papers to enlighten them on the subject of their deliberations, they undoubtedly can have access to them in the libraries of this country or of Europe. He would say, without intending to cast reflections anywhere, that since 1815, the Executive action of the Government on this question had been much impaired by extraneous action. He referred to the report recently made by Messrs. Mudge and Featherstonhaugh as not having been adopted by the British Government; and said that it had been ably answered by a gentleman of this country, (Mr. Gallatin,) whose information on this subject was unsurpassed, if equalled, by any one on this continent. Mr. C. referred to the recent correspondence between the Secretary of State and the British Minister, in reference to McLeod, and said that the language used by Mr. Fox was such as should not have been used without instructions from his Government. He understood that the whole correspondence on the part of that Minister was without instructions, and he was not going to put himself in a passion on account of language used by a Minister under such circumstances. The affair of the *Caroline* was one of much delicacy; and it remains to be seen whether the order by the British authorities to capture the vessel was not intended to be limited to the waters over which they had jurisdiction, which might have been justifiable, but her capture and destruction at Fort Schlosser, on our own shore, was another and a very different matter. He wished this question to rest at present where the Constitution had placed it, in the hands of the Executive. Should it fail to be settled by negotiation, and was brought before us for our action, that course would be pursued which was dictated alike by the honor and interest of our country. And if collision should unfortunately ensue, he would not be hindmost in the defence of American rights, who, before that collision comes, is the most cool, and the most open to reason. He concluded by expressing his opinion that the idea of the probability of a rupture with Great Britain was entirely unfounded.

Mr. WALKER said, whatever opinions others might entertain in regard to this boundary controversy, there was one in which he had hoped that all would concur; and that was, that if war must come, we should have done all in our power to demonstrate, both to friends and foes, that the right of the case was with us, and not with Great Britain. Mr. W. said that before any conflict arose, he was in favor of demonstrating those rights; not by bold assertion or declamation; not by unmeaning menace, in advance, perhaps, of any real necessity; but by the publication of important documents, in an authentic form, containing the undeniable proof of the justice of all our claims, as conceded at one time by our opponents. This was a document that ought to be known to every citizen of the Union, and Mr. W. was especially desirous that it should be in the hands of all his constituents, that when (if ever) they should be called upon to expend their blood and treasure in maintaining the just claims of a sister State, they might know that those claims had been acknowledged by both parties and both houses of the British Parliament in 1783. Mr. W. said he was also desirous that this important debate might be published in an official form, in which it might reach the people of Canada; for he (Mr. W.) knew, from travelling through Upper and Lower Canada last summer, that the authenticity of this debate was denied there throughout both Provinces, and that much delusion prevailed, which might, in part, be dissipated by this publication. As, however, it was now late, Mr. W. would move for the present to lay the resolution on the table.

The resolution was accordingly laid on the table. And the Senate adjourned until Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, JANUARY 8, 1841.

Mr. EVERETT asked the general consent of the House, to introduce the following resolution:

"Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of continuing, for the term of five years, the pensions allowed under the 'act granting half pay and pensions to certain widows,' passed July 7, 1833.

Objection being made,

Mr. EVERETT moved to suspend the rules, and thereon called for the yeas and nays.

After some conversation between Messrs. TALIAFERO, GALBRAITH, and EVERETT,

The yeas and nays were ordered, and resulted—yeas 99, nays 53—not two-thirds—as follows:

YEAS—Messrs. Adams, J. W. Allen, Andrews, Atherton, Baker, Beirne, Blackwell, Boardman, Bond, Breckenridge, Briggs, Brockway, Burke, Calhoun, Carr, Chinn, Chittenden, Clifford, Cranston, Crockett, Curtis, Cushing, Dana, Thomas Davee, Edward Davies, John Davis, Garrett Davis, Dellet, Earl, Edwards, Ely, Evans, Everett, Fillmore, Fornance, Galbraith, Gentry, Giddings, Goode, Granger, Hall, Hand, Henry, Hill of Va, Hook, James, C. Johnston, Joseph Johnson, W. C. Johnson, Kempshall, Lane, Leonard, Lincoln, Lowell, McCulloch, Marchand, Marvin, Mason, Monroe, Morrow, Nisbet, Osborne, Parmenter, Paynter, Peck, Pope, Prentiss, Randall, Rariden, Reed, Reynolds, Ridgway, Edward Rogers, Russell, Ryall, Saltonstall, Sergeant, Shaw, Slade, Albert Smith, John Smith, Thomas Smith, Stanly, Steenrod, Strong, Stuart, Tillinghast, Toland, Triplett, Trumbull, David D. Wagener, Weller, John White, Jared W. Williams, Thomas W. Williams, Henry Williams, Joseph L. Williams, Christopher H. Williams, and Winthrop—99.

NAYS—Messrs. Banks, Black, Boyd, Aaron V. Brown, Albert G. Brown, Sampson H. Butler, Carroll, Casey, Coles, Connor, Crabb, Cross, John W. Davis, Dawson, Decker, Fisher, Floyd, Garland, Green, Griffin, Habersham, Hawes, Hubbard, Jackson, Jameson, Cave Johnson, John W. Jones, Kille, Leadbetter, Lewis, Lucas, McClellan, McKay, Francis Mallory, Miller, Montanya, Montgomery, Pickens, Samuels, Shepard, Sumter, Swearingen, Taliaferro, Waddy Thompson, Jacob Thompson, John B. Thompson, Turney, Underwood, Vanderpoel, Warren, Watterson, and Lewis Williams—53.

So the rules were not suspended.

Mr. POPE gave notice that he would, on tomorrow, or on some subsequent day, ask leave to introduce a bill to extend the provisions of an act supplementary to an act for the relief of certain surviving officers and soldiers of the Revolution, approved the 7th day of June, 1832.

REPORTS FROM COMMITTEES.

Mr. CASEY, from the Committee on Public Lands, to which was referred Senate bill, No 23, entitled "An act to authorize the inhabitants of township eight north, range thirty-two west, in the State of Arkansas, to enter a section of land, in lieu of the sixteenth section in said township, upon condition that the same is surrendered to the United States, for military purposes," made a report thereon, with a recommendation that it do not pass.

Mr. J. W. WILLIAMS, from the Committee of Claims, made an unfavorable report upon the petition of the widow of Herbert Lacroix, deceased; which report was ordered to lie on the table.

On motion of Mr. CARR, the Committee on Revolutionary Pensions was discharged from the further consideration of the petition of Joseph McMillen.

Mr. C. MORRIS, from the Committee on Invalid Pensions, made an unfavorable report on the petition of Mary and Elizabeth Odell; which was laid upon the table.

Mr. M. also reported

A bill for the relief of John E. Wright;

A bill for the relief of Isaac Justice; and

A bill for the relief of Jacob Euler, accompanied by a report in each case; which bills were severally read a first and second time, and committed to a Committee of the Whole on the state of the Union.

STEAMBOAT DISASTERS.

Mr. UNDERWOOD, from the Select Committee on the subject, to whom had been referred the petition of John Coates and others, relating to

steamboat disasters, and the means of their prevention; and likewise the report and bills submitted at the last session by the Select Committee to whom the petition of Samuel Raub, jr. relative to his self-acting safety valves, was referred, reported that they had adopted the report, and the bills submitted by the Select Committee during the last session, as follows:

A bill to provide for purchasing the patent for Raub's self-acting safety-valve;

A bill to authorize the President of the United States to employ persons to construct apparatus with a view to extinguish fires on board steamboats, and to test its utility.

A bill to amend the act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam," approved July 7, 1838, and for other purposes.

The committee recommended the adoption of the following resolution:

Resolved, That the bills herewith presented shall be considered on the —, and made the special order on that and each succeeding day until disposed of.

After some debate of a desultory character the blank was filled by inserting "25th day of January instant;" and the resolution, as amended, was then adopted.

THE AMISTAD.

Mr. CURTIS, from the Committee on Commerce, reported a bill entitled "An act to authorize the enrolment or register of the schooner Amistad." It was read twice; when

Mr. CURTIS explained that the Amistad was condemned, and afterwards sold by the Marshal, under an order of the District Court, for the salvage. But the individual who purchased the vessel, after becoming in possession of her, discovered that she, having been built abroad, could not be enrolled. An act of Congress, therefore, became necessary; and he (Mr. C.) hoped the bill would be passed forthwith, as she was now waiting to go out.

Mr. PICKENS objected to the passage of the bill at this time. A case in relation to the vessel in question was now pending in the Supreme Court of the United States; and he hoped the bill would not be put on its third reading until the decision of that Court should have been made.

Mr. CURTIS explained that the passage of the bill could in no way affect any proceedings of the Superior Court. The proceedings in the sale of the vessel had been all regular. The vessel was condemned and ordered to be sold under an order of the District Court, and was purchased by the present owner. He (Mr. C.) hoped that no objection would be made to the passage of the bill, as it was nothing more than an act of justice to the purchaser.

Mr. PICKENS still objecting,

Mr. CURTIS moved a suspension of the rules for the purpose of putting the bill on its third reading; which motion was agreed to.

The bill was then read a third time and passed.

PRIVATEER PENSION FUND.

Mr. SALTONSTALL submitted the following, which was agreed to:

Resolved, That the Secretary of the Navy be directed to communicate to this House what amount of money was received by the United States under the act of June 26, 1812, and the act of February 13, 1813, providing that two per cent. of the net amount of prize money arising from captures made by the private armed vessels of the United States be set apart as a pension fund, as set forth in said acts. Also, to report whether the same, or any and what part thereof, was invested; and if so, in what stocks or securities; and at what prices the said investments, and also the sales thereof, were made. And also to report when the said pension fund became exhausted, and how much of the same, or the proceeds arising therefrom, was paid to persons other than those for whose use the said fund was pledged by the said acts, and under and by virtue of subsequent acts.

JUSTICES OF THE SUPREME COURT.

Mr. CRABB submitted the following, which was agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire and report whether it be legal for justices of the Supreme Court of the United States to reside out of the limits of the circuit court to which they are respectively assigned; and, if it be legal, to inquire into the expediency of prohibiting by statute such residence.

On motion of Mr. WINTHROP, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making the same provision for the payment of the arrears of their salaries to the clerks in the custom-house at Boston, which has been already made in behalf of the clerks in the custom-houses at New York and Philadelphia.

Mr. WADDY THOMPSON submitted the following:

Resolved, That the Secretary of the Navy be requested to communicate to this House the proceedings of the Naval Courts Martial for the trial of Commander Joseph Smoot, and Lieutenants Joseph Stallings and J. C. Sharpe.

Mr. KEMBLE proposed to add the following:

Also, all copies of the General orders in the cases of Lieutenants Sharpe and Stallings; exhibiting the reasons for confirming the decision of the court martial in the one case, and modifying it in the other.

The amendment was agreed to, and the resolution as modified was then adopted.

PUBLIC LANDS.

Mr. MONTGOMERY submitted the following:

Resolved, That the Secretary of the Treasury be instructed to communicate to this House the whole amount of public lands belonging to the United States, designating the amount in each State and Territory; the amount purchased in each year, and under each Administration; the amount of payment therefor; the amount surveyed, that has been offered at public sale and not sold; the amount sold in each year at public sale, and the amount sold at private sale; the amount of cash received in each year for lands; the amount of land given to each State and Territory, for all and every purpose; with the amount of cash paid each State out of the sales of public lands within her Territory.

Objection being made, it was laid over one day, under the rule.

Petitions were presented, on leave, by Messrs. GRINNELL, W. C. JOHNSON, PARMENTER, DOAN, SALTONSTALL, and STRONG.

[Mr. STRONG presented a petition of inhabitants of Seneca county, New York, praying for the passage of a general bankrupt law; which was referred to the Committee on the Judiciary.]

On motion of Mr. STANLY, the bill entitled "A bill to pay the fourth instalment to the States," was ordered to be printed.

The bill for the relief of John J. Roane, a clerk in the Patent Office, was then taken up, the question being on its passage.

After a few remarks from Messrs. WISE and HOPKINS, as to the merits of the bill,

Mr. HOPKINS called for the yeas and nays, which were ordered, and were as follows:

YEAS—Messrs. John W. Allen, Boardman, Calhoun, Carr, Chinn, Connor, Craig, Cranston, Crary, Garland, Francis Mallory, Marchand, Mason, Reynolds, Ridgway, Thomas Smith, Taliaferro, Christopher H. Williams, and Wise—19.

NAYS—Messrs. Adams, Alford, Judson Allen, Andrews, Atherton, Banks, Beirne, Black, Blackwell, Bond, Byrd, Breckenridge, Brewster, Briggs, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, Wm. O. Butler, Wm. B. Campbell, Carroll, Casey, Chittenden, Clifford, Cole, Crabb, Cross, Cushing, Dana, Edward Davies, John Davis, Garrett Davis, Dawson, Deberry, Dellet, Doan, Doe, Doig, Duncan, Earl, Eastman, Edwards, Evans, Everett, Fillmore, Fine, Fisher, Floyd, Fornance, Galbraith, Gates, Giddings, Goggin, Goode, Grasham, Granger, Green, Griffin, Grinnell, Habersham, Hall, Hand, John Hastings, Hawes, Hawkins, Henry, Hill of Virginia, Hill of North Carolina, Hoffman, Holmes, Hopkins, Hubbard, Hunt, Jackson, James, Jameson, Charles Johnston, Joseph Johnson, William Cost Johnson, Cave Johnson, Kemble, Kempshall, Kille, King, Leonard, Lincoln, Lowell, Lucas, McClellan, McCulloch,

McKay, Marvin, Medill, Müller, Montanya, Montgomery, Morgan, Morrow, Newhard, Nisbet, Osborne, Palen, Parmenter, Paynter, Rariden, Rarner, Edward Rogers, Jas. Rogers, Russell, Ryall, Saltonstall, Samuels, Shaw, Shepard, Slade, Albert Smith, John Smith, Stanly, Starkweather, Steenrod, Sweney, Waddy Thompson, Jacob Thompson, John B. Thompson, Tillinghast, Toland, Triplett, Trumbull, Turney, Underwood, Warren, Waterson, Weller, Wick, Jared W. Williams, Thomas W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, and Winthrop—140.

So the bill was rejected.

The bill for the relief of Mary Tucker was then taken up, and ordered to be engrossed for a third reading.

Mr. TURNEY moved to adjourn.

On this motion the yeas and nays were demanded; and being ordered, were taken, and resulted as follows: Yeas 19—nays 116.

So the House refused to adjourn.

The House then resolved itself into a Committee of the Whole (Mr. BRIGGS in the Chair,) and after some time spent therein, reported

The bill for the relief of Benjamin Adams and Company, and others; and

The bill for the relief of Nathaniel Goddard, and others; the former without amendment, and on the latter asking leave to sit again.

The House then adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, January 9, 1841.

Mr. LINCOLN on leave, introduced the following resolution, which was agreed to:

Resolved, That the Secretary of the Treasury be directed to furnish to this House a statement of the quantity of the public lands claimed to be purchased by pre-emption, under the several acts of Congress granting pre-emption to settlers on the public lands, distinguishing those under the act of Congress passed the 22d day of June, 1838, entitled "an act granting pre-emption rights to settlers on the public lands," and also under "the act supplemental to the act" aforesaid, passed on the 1st day of June, 1840. And of the amount of money received into the Treasury, from the respective lands offices in the several land districts in which the public lands are situated. And that he also inform the House what number of patents to purchasers of the public lands, who have duly and legally made entries of the same, and paid the purchase money therefor, are suspended by reason of the operation of the aforementioned acts, and upon what cause, and for what time, such patents are to be withheld, and whether, in any event, the United States are made liable to refund to the persons who are permitted to make such entries, the purchase money paid therefor.

Mr. GIDDING asked leave to submit the following resolution:

Resolved, That hereafter the daily hour of meeting of the House be 11 o'clock, a. m.

Objection being made the, resolution was not received.

Mr. JONES, from the Committee on Ways and Means, reported a bill entitled "An act authorizing the issue of Treasury notes;" which was read twice, when,

Mr. STANLY called for the reading of the bill.

It was then read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to cause Treasury notes to be issued for such sum or sums, as the exigencies of the Government may require; but not exceeding the sum of five millions of dollars, of this emission outstanding at any one time—to be reimbursed in the last quarter of the year, if the condition of the Treasury will permit it—and to be issued under the limitations and other provisions contained in the act entitled "An act to authorize the issuing of Treasury notes," approved the twelfth day of October, 1837; and as modified by an act entitled "An act additional to the act on the subject of Treasury notes," approved the 31st day of March, 1840,

except that this law shall expire in one year from and after its passage.

The bill was then referred to a Committee of the Whole on the state of the Union, and, with the accompanying documents, ordered to be printed.

Mr. W. O. BUTLER, from the Committee on Military Affairs, reported a bill for the benefit of Littlejohn Wilkins, John Lynch, William P. Ford, and Alexander H. Patrick; which was read a first and second time, and committed to a Committee of the Whole on the state of the Union.

Mr. EDWARDS, from the Committee on Invalid Pensions, reported a bill for the relief of Randolph Carter; which was read a first and second time, and committed.

Mr. STANLY, from the Committee on Expenditures on the Public Buildings, reported the following resolutions, which were adopted:

Resolved, That the Committee on Expenditures on the Public Buildings have power to send for persons and papers.

Resolved, That neither the President of the United States, nor any other officer of the General Government, shall issue certificates or due bills, or other evidences of debt or contract, without authority of law.

Mr. ADAMS called up for consideration the following resolution, offered by him on the 23d December last:

Resolved, That the Postmaster General be directed to report to this House the names of all the postmasters throughout the Union who have been removed from office since the 31 day of March 1829, with the names of the persons appointed in their places; underscoring the names of all those removed for official delinquency or misdemeanor, and specifying the nature thereof, the complaint upon which the removal was made, the evidence in support of such complaint, and whether the officer removed was made acquainted with the complaint, confronted with his accuser, or allowed to be heard in his defence.

Mr. HOPKINS submitted the following amendment:

1. *Resolved*, That the power of removing officers is vested in the President of the United States.

2. *Resolved*, That this power was conferred to enable him, the Executive, "to take care that the laws are faithfully executed," and cannot be exercised arbitrarily or capriciously, without an abuse of power, tyrannical in its operation, corrupting in its tendency, and converting a remedy for unworthiness and misconduct into a terrible engine of Executive power.

3. *Resolved*, That the patronage of the Executive department has increased to an alarming extent, and ought to be restricted and diminished so far as is compatible with a safe and faithful execution of the laws.

4. *Resolved*, That it is the right of the representatives of the people to examine into all abuses and usurpations which may be apprehended to exist in any of the Executive departments, in order that they may be corrected and prevented, if possible, by legislation; and in flagrant and wanton cases, exposed and punished.

5. *Resolved*, That the power of appointment and of removal from office, vested in the Executive, may be greatly abused; and its exercise ought, therefore, to be watched and strictly guarded, so as, if possible, "to prevent the power and patronage of the Executive from being brought into conflict with the freedom of elections."

6. *Resolved*, That the representatives of the people have a right to inquire into the causes for which any Executive officer has been removed or dismissed from office by the Executive.

7. *Resolved*, That, in prosecuting such inquiry, the House of Representatives has a right to call for, and have furnished to it, all official documents, papers, and letters, relating to the removal of such officer, which may be on file among the records of any of the Executive Departments.

8. *Resolved*, That a Select Committee be appointed, whose duty it shall be to inquire and report a bill imposing such restrictions upon Executive patronage as may be consistent with the foregoing resolutions, and compatible with the Constitution

of the United States, and so as more effectually to guard against abuse and corruption in the exercise of the power of removal from, and appointment to, office.

Mr. CAVE JOHNSON, after some brief remarks in relation to the short time now remaining of the present session, moved to lay the whole subject on the table.

Mr. ADAMS contended that the amendment was incongruous with the original proposition. He wished to know if the gentleman from Virginia intended, by his amendment, to crush the resolution. He (Mr. A.) did not believe the amendment was in order.

Mr. HOPKINS disavowed any intention to crush the resolution by his amendment. The amendment was intended to act prospectively, and to prevent the occurrence of such alleged abuses in future.

After some further remarks from Mr. ADAMS, in which he made his objection a point of order, and which took precedence of the motion to lay on the table,

The SPEAKER decided that the amendment was in order.

Mr. ADAMS appealed from that decision.

Mr. BANKS, believing that no good was likely to arise from discussion, whether the amendment was in order or not, moved to lay the appeal on the table.

Mr. ADAMS, on this motion, demanded the yeas and nays, which being ordered, were taken, and resulted as follows: yeas 95, nays 80.

So the appeal was laid on the table.

The question then recurring on the motion to lay the whole subject on the table, the yeas and nays were ordered, and taken as follows:

YEAS—Messrs. Judson Allen, Aherton, Banks, Beatty, Beirne, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, Carr, Carroll, Clifford, Coles, Connor, William R. Cooper, Craig, Crary, Dana, John Davis, John W. Davis, Dickerson, Doan, Doig, Earl, Eastman, Ely, Fine, Fletcher, Floyd, Fornace, Galbraith, Hand, John Hastings, Hawkins, Hill of N. C. Hook, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Kille, Leadbetter, Leet, Lowell, Lucas, McClellan, McCulloch, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parrish, Parmenter, Parris, Prentiss, Reynolds, Rives, Edward Rogers, James Rogers, Ryall, Samuels, Shaw, Albert Smith, Thomas Smith, Starkweather, Steenrod, Strong, Swearingen, Sweney, Turney, Vanderpoel, David D. Wagener, Watterson, Weiler, Jared W. Williams, and Henry Williams—84.

NAYS—Messrs. Adams, Alford, John W. Allen, Andrews, Baker, Bernard, Boardman, Briggs, Brockway, Calhoun, Casey, Chapman, Chinn, Cranston, Crockett, Cartis, Cushing, Edward Davies, Garrett Davis, Dawson, Deberry, Dellet, Doe, Edwards, Evans, Everett, Fillmore, Fisher, Garland, Gates, Gentry, Giddings, Goggin, Graham, Granger, Graves, Green, Griffin, Habersham, Hall, Hawes, Henry, Hill of Va. Hoffman, Holmes, Hopkins, James, Charles Johnston, Kempshall, King, Lane, Lincoln, Francis Mallory, Marvin, Mason, Monroe, Morgan, Calvary Morris, Morrow, Nisbet, Palen, Peck, Pickens, Pope, Randall, Rariden, Reed, Ridgway, Russell, Sergeant, Shepard, Truman Smith, Stanly, Stuart, Sumter, Tallaferro, Waddy Thompson, Jacob Thompson, John B. Thompson, Tillinghast, Toland, Trumbull, Underwood, Warren, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Winthrop, and Wise—92.

So the House refused to lay the whole subject on the table.

The question being on the amendment of Mr. HOPKINS, the latter said he would have no objection to vote for the resolution, provided the gentleman from Massachusetts would incorporate the amendment.

Mr. ADAMS declined, on the ground of the amendment being of an entirely different nature to the resolution; the latter complaining of no abuses, but merely calling for facts, while the former involv-

ed a set of principles in relation to the exercise of Executive power, etc.

The morning hour having now expired, the amendment was ordered to be printed, when the House proceeded to the orders of the day, being the consideration of private bills.

On motion of Mr. DAVIS of Kentucky, it was *Resolved*, That the Secretary of the Treasury of the United States inform this House what six land districts have been discontinued under the act of June 12, 1840, and when they were respectively discontinued; also, what salaries or other emoluments were paid the officers of such districts between the 12th of June aforesaid and the discontinuance of such districts—specifying the sums paid to each individual. And that the Secretary also report the amount of revenue that was paid to each receiver of such districts between the time of their discontinuance and the said 12th day of June, 1840.

PRIVATE BILLS.

The bill for the relief of Mary Tucker, of Arkansas, which was on yesterday ordered to be engrossed and read a third time, was read a third time, and passed.

The bill for the relief of Benjamin Adams and Company, and others, reported yesterday by the Committee of the Whole, was next taken up; and after some debate, in which Messrs. SALTONSTALL, DAWSON, WINTHROP, HOLMES, C. JOHNSON, W. THOMPSON, HABERSHAM, and EVANS participated,

Mr. C. JOHNSON moved to lay the bill upon the table.

The question was taken by yeas and nays, and decided in the affirmative.

So the bill was laid upon the table.

On motion of Mr. C. JOHNSON, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. BRIGGS in the chair,) and resumed the consideration of the bill for the relief of Nathaniel Goddard and others, owners of the ship Ariadne and her cargo.

After some debate thereon, the committee rose, reported progress, and asked leave to sit again.

And then the House adjourned.

IN SENATE,

MONDAY, January 11, 1841.

The transaction of the morning business occupied the Senate until near the hour of 1, p. m.

Various petitions and memorials were presented by Messrs. TALLMADGE, BUCHANAN, WEBSTER, WALL, WHITE, PORTER, SEVIER, and STURGEON.

Mr. ANDERSON presented the credentials of Mr. NICHOLSON, the newly appointed Senator from Tennessee, to supply the vacancy occasioned by the decease of the late FELIX GRUNDY. Mr. NICHOLSON appeared, was qualified, and took his seat.

Sundry bills were then introduced and read the first time. By Mr. WALL, for the relief of Lieut. John E. Bishop. After a short explanation by Mr. WALL, the bill was read the third time, and passed.

On leave, two several bills were introduced by Mr. SEVIER, and laid upon the table.

Mr. CLAY presented the certificate of the authorities of the State of Kentucky of the re-election of JOHN J. CRITTENDEN to a seat in the Senate; which was read, and placed on file.

Mr. GRAHAM asked and obtained leave to introduce a bill to abolish the port of delivery in the office of the surveyor of the customs at Currituck, North Carolina.

Mr. LINN submitted a resolution, which was adopted, giving certain instructions to the Committee on Private Land Claims.

Several reports of little magnitude, adverse to the allowance of certain private claims, were taken up, and agreed to.

The bill for the punishment of certain crimes against the United States, and for other purposes, was read the third time, and passed.

The unfinished business of Friday, the PERMANENT PROSPECTIVE PRE-EMPTION LAW.

This bill being again in order, THE PRESIDENT stated the question to be on

the motion of the Senator from Kentucky [Mr. CRITTENDEN] to recommit the bill with instructions.

Mr. CRITTENDEN said, when he offered his motion, he did not intend to delay the bill, and he would now leave gentlemen to dispose of it as they thought proper.

Mr. BENTON looked upon the proposition of the Senator from Kentucky, if adopted, as going to destroy the bill—not directly, but by loading it down with incongruous matter. There was a latitude usually allowed to Senators in their amendments of measures brought before them, and when it was desired to destroy the whole bill, it was customary to move to strike out all but the enacting clause, and to substitute other matter instead; but to include in a bill incongruous matter that was entirely foreign to its object, whatever might be the object of the mover, was directly to defeat the measure. He knew it was also a fair and parliamentary practice, where Senators approved of part of a bill, and disapproved of other parts, to move to strike out the objectionable matter; but what was the proposition then made? There was a bill to grant pre-emptions, which they had done for forty years under this Government—a question which was not only free from constitutional difficulties, but one, the benefits of which had been tested by experience—and for the first time, a gentleman who was hostile to the bill, offers a proposition to amend, not by striking out all after the enacting clause, for that would be parliamentary, but to amend by adding to it a scheme for the distribution of the public land revenue! Could any thing be more incongruous than this? The distribution of the land revenue brought up a question of the gravest kind—it involved a constitutional question of great importance—it would originate the inquiry whether the land revenue was not as much the revenue of the Government, when it came into the Treasury, as every dollar paid by the merchant on the importation of his goods; and then came up the consideration of the distribution of the revenue of the country at all; and that, if they had the right, whether it would be expedient to do it at any time, especially at the present time. Then would follow the whole question of their financial system, the income and the expenditures of the Government, and the inquiry whether it was possible for the Government to get along with the current payments without the land revenue; and then, if the Government could not get along without the land revenue, how was the deficiency to be supplied—whether by loans or taxes? Here, then, were questions of the greatest moment; some of them believed to be unconstitutional, and others mischievous, and all involving a vast mass of expenditure, which would bear heavily on the country. Now he repeated that it was contrary to all legislation—contrary to all customary rule of proceeding, thus to bring in a foreign and overpowering and overshadowing subject at such a time to sink and destroy an ordinary measure of legislation, as it passed along. He held that this ought not to be the mode in which an enemy of the bill should attack it; the Senator from Kentucky [Mr. CRITTENDEN] was the enemy of the pre-emption bill; and let him then attack it fairly—let him attack it in the front—let him give his reasons against it; but let him not, by this side movement, bury it under incongruous matter—let him not destroy it by a side blow, as the measure was passing along. Such a proposition as that by the Senator from Kentucky does not belong to the legislation of the Senate—it does not belong to the legislation of any body, and he (Mr. BENTON) denounced it as contrary to all fair legislation, wherever legislation was known.

This distribution policy commenced some years ago, and he then denounced it; he told them that if they commenced a division of the surplus, it would be but a little time before they divided that which was not the surplus. In one of his speeches, to which he had not thought it necessary to refer, he had told them that if the States once began to lick that blood, they would live on no other food from that time forth—if they began to look to the Federal Government for money, they would come in and take from that Government the means of its own support; and now had they not proved the

truth of his prediction? He had told them then that to distribute among the States what was called the surplus, which was then placed in the banks, would be either to make the deposit banks close their vaults, or to ruin their debtors; and he had told them, also, that it must be done to the exhaustion of the Treasury; but nothing would do, for the books called it "surplus." He told them if they took that first step, it would be the first plunge downward, from which there was neither retreat nor halt; and had they not now a proposition, in four short years from the time of his prediction, to abstract from the current income of the Government a sum of four millions of dollars per annum, at a moment when the Secretary of the Treasury showed them, in his report, that it was as much as could be done to make the annual outgoings and incomings balance each other—at a time, too, when gentlemen on the other side proclaimed a debt of twenty-seven millions of dollars which they intended to detect at their called session? What, then, were to be their feelings? Were they to look on and see the Federal Government stripped of every shilling of its revenues? Were they to see the States, when they found themselves in want of money, seize the means of the Federal Government, and tell it to take care of itself? Had it come to this? He denounced it as one of the most outrageous propositions that was ever made under our form of Government. Here was a proposition to withdraw one fourth part of the revenue in a time of difficulty, and at a period when one party was proclaiming a hidden, a secret debt of twenty-seven millions, and the gentleman who made the enormous proposition did not tell them what substitute he had to propose. Why did not the gentleman go on with his instructions, and direct the Finance Committee to borrow four million of dollars, or to issue four millions of Treasury notes, or to impose four millions of taxes to supply the place of the abstracted land revenue? And let him observe, they could not deceive others if they deceived themselves. If they deceived themselves they could not deceive others when they said: "We cannot constitutionally borrow money or raise money by taxes, to divide among the States; but one thing we can do, we can take the money we find in the Treasury, give it to the States, and impose a tax, or borrow, or strike Treasury notes to supply the place of that which we give away." And yet this was the proposition of the gentleman from Kentucky: qualify it as he pleased, defend it or shrink from its defence, as he pleased, it came to this: "here is a marked proposition to raise revenue by loan or tax for distribution among the States." In the mind of every candid man it was the same as a proposition to lay a tax for distribution among the States in the first instance.

The gentleman from Kentucky, in his amendment, proposed 320 acres of land to the pre-emptors, as part of the distribution bill. But he (Mr. BENTON) was not to be caught by tides. Now here was a proposition to give 320 acres of land! Would the Senator from Kentucky vote for 160? No: he would contend that it was too much; but if he would not give 160 acres, he would give 320. Was it to be supposed that this kindness overmuch would impose upon any body? The friends of the bill did not ask 320 acres, because they would have expected double the opposition from the other side of the House; and yet here was a proposition to add to the bill as much as to double what its friends proposed to give. And from whom did it come? From the enemies of the bill. And for what purpose? Why, to destroy the bill. And what then? Why, to show to the settlers that they voted for 320 acres, and that his (Mr. BENTON's) side of the House voted against the proposition. He had seen such legislation as this before, and he had laid it open to the public; and he had not seen a man occupying a real "log cabin" that could be found to be taken in by it. No, it took the inhabitants of the city "log cabins"—the silk stockings and kid glove gentlemen—to be deceived by it. This proposition would deceive no one that dwelt in a real log cabin; and he was not surprised that the gentleman hesitated to defend his proposition. It was an enormous proposition—it was an unparliamentary one—it was a hostile, deadly hostile one; and he

(Mr. BENTON) had denounced it as such the moment it came in, and he should continue to do so; and he should meet his constituents and tell them he voted against the 320 acre proposition, as part of the distribution bill, knowing the intention of its mover was to destroy the 160 acre proposition, which was then pending.

Mr. MANGUM spoke at length in opposition to the pre-emption policy.

Mr. LINN defended the bill. He said that this Government had been settled on the pre-emptive system from the beginning; and he wished to keep the beginning, the middle, and the end together. In allusion to the epithets applied by some gentlemen to the settlers, of "land stealers" and "squatters," and of the opinions of others in contradiction of his statement, that a small civil force, and an enforcement of the laws, would preserve the public land from encroachment, he said that it was a scriptural injunction to man to possess the earth, and replenish it; but if it were "land stealing," this was a nation of land stealers from the beginning, for they had either stolen it or cheated the Indians out of it; and therefore the appellation would apply equally to their forefathers. That the movement of the people would be onward, he again asserted; and he denied that the laws were a sufficient safeguard of the public lands. Jurors could not be found to convict in such cases, which were uniformly decided against the Government, at an expense of many thousand dollars. Would they, then, send an army to destroy the "squatter"? If he had an enemy in the world, (and he believed he had not many,) he would wish him no greater infliction than the scorpion stings of conscience, with which the execution of such a commission would be succeeded. It was not unusual by legislation, to heal breaches in the law. Charters were sometimes violated, and legislation was resorted to to heal the breach. Here, then, was a breach of the law by the settlers, and they were asked to pass this bill, to heal that breach.

Mr. CALHOUN wished to move an amendment to the amendment of the Senator from Kentucky. He hoped now the debate would take the widest range, and embrace all the subjects in connection with the great land question. He desired to state his views thereon, and he should occupy the Senate perhaps an hour.

Mr. CLAY of Alabama interposed, and requested the Senator from South Carolina to put his amendment into shape, so that it could be printed, and to give way for a motion to adjourn.

Mr. CALHOUN assented, and his amendment was ordered to be printed. Its object was to strike out all after the enacting clause, and to substitute his "bill to cede the public lands to the States in which they lie, on certain conditions."

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, January 11, 1841.

After the journal had been read,

The SPEAKER announced that the first business in order was the consideration of the report of the Committee of Elections relative to the

PENNSYLVANIA CONTESTED ELECTION CASE, between Messrs. INGERSOLL and NAYLOR.

Mr. NAYLOR being entitled to the floor, proceeded to reply to the remarks of Mr. INGERSOLL. After speaking for two hours and a half, he gave way to

Mr. SERGEANT, who moved that the House do adjourn.

At the request of Mr. J. W. JONES, the motion was withdrawn.

Mr. JONES, by general consent, reported from the Committee of Ways and Means a bill entitled An act making appropriations for the civil and diplomatic expenses of Government for the year 1841; which was read twice, referred to a Committee of the Whole on the state of the Union, and ordered to be printed.

The House then adjourned.

IN SENATE.

TUESDAY, January 12, 1841.

The business of the morning opened in the presentation of petitions by Messrs. NORVELL,

PIERCE, WALL, FULTON, HUBBARD, and BENTON.

Sundry bills were introduced by Messrs. RUGLES, SEVIER, CLAY of Alabama, PHELPS, YOUNG, &c.

Mr. YOUNG introduced a bill for the continuance of the Cumberland road through the States of Ohio, Indiana, and Illinois, which, on motion, was referred to the Committee on Roads and Canals.

Mr. TAPPAN made a few remarks in reference to the improper practice which had prevailed in the Senate in reference to private claims, to remedy which in future, he moved an amendment of the joint rules. The amendment was ordered to be printed.

THE GENERAL ORDERS were then taken up, when the following bills were passed, and ordered engrossed for a third reading:

The bill for the relief of John E. Bispham was read the third time and passed.

The bill confirming the claim of the heirs of Jos. Thompson, sr. deceased, to a tract of land in Missouri, was ordered engrossed, and read the third time.

The following bills were similarly disposed of:

For the relief of Joseph Bogy.

For the relief of Thomas B. Copes.

Confirming to George Tucker, his heirs or assigns, a certain tract of land in Alabama.

To authorize the Legislature of the State of Arkansas to sell the lands heretofore appropriated for the use of schools in that State.

For the relief of Francis Laventure, Ebenezer Childs, and Linus Thompson.

To perfect the titles to lands south of the Arkansas river, held under New Madrid locations and pre-emption rights under the act of 1814.

For the relief of Daniel Steinrod.

For the relief of James M. Morgan.

For the relief of Francis Gehon.

For the relief of James H. Relfe.

For the relief of Jubal B. Hancock.

In addition to an act to promote the progress of the useful arts.

For the relief of Charles M. Keller and Henry Stone.

For the relief of John C. Reynolds.

For the relief of Thomas Haskins and Ralph Haskins.

A message was received from the President of the United States,

When the special order, the

PERMANENT PROSPECTIVE PRE-EMPTION LAW, was again under consideration.

Mr. CALHOUN having the floor, proceeded, in that usually lucid, clear, forcible, and statesmanlike manner with which he meets all questions of such grave public import, to present his views upon the subject under discussion. He took a rapid glance at the present condition of the country, its past legislation upon the subject of the public lands, the little hitherto effected by that legislation, and the necessity that now demanded of Congress the speedy, the final, and the proper and appropriate settlement of this great national subject, so as to meet the interests and the wants of the country. He met the unsound and fallacious objections of the opponents of the bill, by pointing to the present actual situation and condition of the land revenue of the Union, and gave a condensed statistical reference to the prominent facts which the public records so fully exhibited, and which should be correctly understood by that body, and by the people, that a barrier might be erected to prevent the danger which threatened the nation.

Mr. CRITTENDEN replied to Mr. CALHOUN, and occupied the Senate for about two hours. He referred to the extraordinary course pursued towards him by the gentleman from Missouri, [Mr. BENTON] and by the gentleman from South Carolina, [Mr. CALHOUN,] the former having considered his proposition as most extraordinary and enormous; and the other as idle, ridiculous, and foolish.

Mr. C. took a general view of the whole subject of the pre-emption bill, and defended with much ingenuity and skill his proposed substitute and amendment.

Mr. BENTON again adverted to the arguments adduced by the enemies of the measure un-

der discussion, and particularly to the attempted defence of the gentleman from Kentucky, [Mr. CRITTENDEN.] His arguments were all enforced with his known ability, and his usual bold and commanding eloquence.

Mr. CRITTENDEN rejoined, and

Mr. BENTON again replied, and the debate was continued between them until the hour of adjournment.

HOUSE OF REPRESENTATIVES,

TUESDAY, January 12, 1841.

The first business in order was the consideration of the report of the Committee of Elections relative to the

PENNSYLVANIA CONTESTED ELECTION CASE

between Messrs. NAYLOR and INGERSOLL.

Mr. NAYLOR being entitled to the floor, was about to resume his remarks, when

Mr. ADAMS, on leave, presented the petition of two stone cutters, lately employed on the public buildings, complaining of their exclusion from work thereon, and protesting "against a system of favoritism which at present operates so much to their detriment;" which petition was referred to the Committee on Public Buildings.

Mr. GREEN asked leave to submit a resolution directing the Committee on Ways and Means to consider the expediency of reporting a bill imposing a tariff on wines, spirits, and other luxuries, for the purpose of meeting demands upon the Government.

Objection being made, the resolution was not received.

Mr. CAMPBELL asked leave to offer the following:

Resolved, That the SPEAKER of this House be requested to issue a subpoena duces tecum to Samuel Hart, esq. prothonotary of the court of common pleas for the city and county of Philadelphia, directing the said Samuel Hart, esq. to appear personally, or by deputy, before this House, at one o'clock, p. m. on Friday, the 15th instant, with the election returns and other papers on file in his office, relating to the Congressional election in the Third Congressional district in the State of Pennsylvania in 1838, there to be examined in evidence in the case of contested election now pending between C. J. INGERSOLL and CHARLES NAYLOR, from the said Congressional district.

Objection being made, it was not received.

Mr. NAYLOR here observed, that if it should be the pleasure of the House, he would have no objection to waive a continuation of his remarks until the expiration of the morning hour.

And such being the understanding,

IMPRISONMENT FOR DEBT.

Mr. SERGEANT, from the Judiciary Committee, to which had been referred the Senate bill amendatory of the act abolishing imprisonment for debt in certain cases, reported the same without amendment, as follows:

Be it enacted, &c. That the act entitled "An act to abolish imprisonment for debt in certain cases," approved February 28, 1839, shall be so construed as to abolish imprisonment for debt on process issuing out of any court of the United States, in all cases whatever where, by the laws of any State, imprisonment for debt has been, or shall hereafter be, abolished.

Mr. S. after some explanatory remarks, showing the necessity of the amendment to the original act, whereby its application would extend to non-residents of the State of New York, hoped the bill would be passed forthwith.

Mr. ADAMS urged some constitutional objections to the bill in its present form. He did not know what laws the States might hereafter adopt, by which, whatever they might be, Congress would be bound to abide. He therefore moved to amend, by striking out the words, "or shall be hereafter."

After some brief remarks from Messrs. MONROE, THOMPSON, and FILLMORE,

Mr. HUBBARD said, when it should be in order, he would offer a further amendment, so as to compel every man to make a surrender of his property before his release.

The question being on the amendment of Mr.

ADAMS, the discussion was further continued by Messrs. BARNARD, FILLMORE, VANDERPOEL, and POPE, involving split-hair distinctions in matters of law; when

Mr. HABERSHAM moved to recommit the bill with the following instructions:

"To report a bill to abolish imprisonment for debt under process issuing from the courts of the United States in all cases except where the judgment shall be against an officer of the United States for a defalcation in his office."

After some further explanation from Mr. SERGEANT in relation to the peculiar powers of the judiciary of the United States,

Mr. VANDERPOEL moved the previous question, which was seconded by the House, thereby cutting off the motion to recommit, and bring the House to a direct vote on the amendment of Mr. ADAMS.

The main question on the amendment was then ordered, and taken by yeas and nays, as follows:

YEAS—Messrs. Adams, John W. Allen, Andrews, Banks, Baker, Boardman, Calhoun, Casey, Garret Davis, Dromgoole, Everett, Fillmore, Galbraith, Gates, Habersham, Hopkins, Charles Johnston, Kemble, McKay, Marvin, Osborne, Parmenter, Peck, Randall, Reed, Saltonstall, Truman Smith, Underwood, Peter J. Wagner, Thomas W. Williams, and Lewis Williams—31.

NAYS—Messrs. Atherton, Barnard, Beatty, Bond, Boyd, Briggs, Aaron V. Brown, John Campbell, William B. Campbell, Carter, Chinn, Chittenden, Clifford, Connor, Crabb, Cranston, Crary, Crockett, Curtis, Dana, Edward Davies, John W. Davis, Dawson, Deberry, Dickerson, Dellet, Doan, Earl, Eastman, Ely, Evans, Fletcher, Floyd, Fornance, Garland, Gentry, Giddings, Goggin, Goode, Granger, Green, Griffin, Hall, Hand, Hawkins, Henry, Hill of Virginia, Hill of North Carolina, Hoffman, Hook, Hunt, James, Jameson, Jenifer, Joseph Johnson, John W. Jones, Kempshall, Kille, King, Lane, Leadbetter, Leet, Leonard, Lucas, McCarty, McClellan, McCulloch, F. Mallory, Marchand, Mason, Medill, Monroe, Montanya, Montgomery, Moore, Morgan, S. W. Morris, Naylor, Nisbet, Paley, Parris, Pope, Rariden, Reynolds, Ridgway, Edward Rogers, Samuels, Sergeant, Simonton, Slade, Albert Smith, Stanly, Starkweather, Stuart, Swearingen, Sweney, Taylor, Jacob Thompson, John B. Thompson, Tillinghast, Toland, Triplett, Vanderpoel, David D. Wagener, John White, Wick, Jared W. Williams, Joseph L. Williams, Christopher H. Williams, Winthrop, and Wise—110.

So the amendment was rejected.

The bill was then read a third time, and passed.

Mr. SERGEANT, from the Committee on the Judiciary, reported back to the House, without amendment, the following Senate bills, viz:

An act to prevent the counterfeiting of any foreign copper, gold, silver, or other coin, and to prevent the bringing into the United States, or uttering any counterfeit foreign copper, gold, silver, or other coin;

An act to confirm to the State of Indiana the land selected by her for that portion of the Wabash and Erie canal, which lies between the mouth of the Tippecanoe river and Terre Haute, and for other purposes; and

An act to amend an act entitled "An act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes;"

which bills were severally read, and referred to a Committee of the whole on the state of the Union.

On motion of Mr. SERGEANT, the Committee on the Judiciary were discharged from the consideration of the following Senate bills, viz:

An act in addition to an act for the relief of Walter Loomis and Abel Gay;

An act for the relief of John Moore; and

An act for the relief of Clements, Bryan, and Company;

which bills were transferred to the Committee of Claims.

Also, from the further consideration of an act for the relief of John Carter, which was transferred to the Committee for the District of Columbia.

Mr. SERGEANT, from the Committee on the

CONGRESSIONAL GLOBE.

26TH CONG.....2ND SESS.

THURSDAY, JANUARY 21, 1841.

VOLUME 9.....No. 7.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

Continued from No. 6.

Judiciary, reported "An act further to amend the act entitled an act to provide for taking the sixth census or enumeration of the inhabitants of the United States," approved March 3, 1839, with an amendment. The amendment was concurred in, and the bill read a third time, and passed.

Mr. CAMPBELL then renewed his attempt to introduce his resolution, previously noticed; but objection being made,

Mr. C. moved a suspension of the rules; the motion was negatived.

Mr. NAYLOR then took the floor, and resumed his remarks in reply to Mr. INGERSOLL. After speaking for some time, without concluding, he gave way for a motion to adjourn.

And the House adjourned.

IN SENATE,

WEDNESDAY, January 13, 1841.

A message was received from the House of Representatives, announcing that it had passed the bill from the Senate supplementary to an act to abolish imprisonment for debt in certain cases.

The PRESIDENT submitted a report from the Secretary of the Treasury of the names and compensation of the clerks in his Department; and

Also, a report from the Secretary of the Treasury, in compliance with the following resolution, submitted by Mr. BENTON on the 16th December last:

Resolved, That the Secretary of the Treasury be directed to cause to be prepared and communicated to the Senate, tables of the rates of exchange, foreign and domestic, and of the prices of bank notes and of specie, on or near the first day in each month, at New York and Philadelphia, during the year 1838, 1839, and 1840; and that he accompany the same with a synopsis of the rates of exchange, foreign and domestic, and the prices of bank notes and specie, at New York and Philadelphia, in previous years, so far as the last can be done from the materials now in the Treasury Department.

The communications were laid on the table and ordered to be printed.

Mr. MERRICK presented the credentials of the Hon. JOHN LEEDS KERR, elected by the Legislature of the State of Maryland, a Senator from that State, to supply the vacancy occasioned by the death of the Hon. JOHN S. SPENCER.

Mr. KERR appeared, was qualified, and took his seat.

Mr. BENTON called the attention of Senators to a report which was to be found in volume eight of the Executive documents of last session, which was calculated to throw considerable light on the subject now under discussion by the Senate. He alluded to a report by the Secretary of the Treasury of the amount of land purchased by this Government from the Indians, and the money paid therefor. It appeared from this document that the amount of land to which the Indian title has been extinguished, is four hundred and forty-two millions of acres, and the amount paid therefor eighty-two millions of dollars.

On motion by Mr. LINN, the memorial of the corporate authorities of the city of St. Louis, praying a reimbursement of moneys expended on their harbor, was referred to the Committee on Commerce.

On motion by Mr. ROBINSON, the petition and papers of Neil Moore and Company, now on file, were referred to the Committee on the Post Office and Post Roads.

On motion by Mr. PIERCE, the Committee on Pensions, to which was referred the petition of Howland Dyer, was discharged from its further consideration; and it was referred to the Committee on Naval Affairs.

Mr. PIERCE, from the Committee on Pensions, to which was referred the petitions of John Vance,

and the petition of E. Shaler, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. P. also, from the same committee, to which were referred petitions on the subject, reported

A bill for the relief of John McClanahan;

A bill for the relief of Margaret Jamison; and

A bill for the relief of Mary Neal, widow of Samuel Neal; which were severally read, and ordered to a second reading.

Mr. P. also, from the Committee on Military Affairs, reported a bill for the relief of the heirs of the heirs of Daniel Pettibone; which was read, and ordered to a second reading.

Mr. GRAHAM, from the Committee on Revolutionary Claims, to which was referred the bill to authorize the erection of monuments to Brigadier General Nash and Brigadier General William Davidson, reported the same without amendment.

The resolution submitted yesterday by Mr. TAPPAN, in relation to the rules, was taken up, and discussed by Messrs. HUBBARD, PIERCE, LINN, TAPPAN, and HUNTINGTON, and, on motion of the latter, was laid on the table.

BILLS PASSED.

The bill for the relief of John C. Reynolds;

The bill for the relief of Francis Laventure, Ebenezer Childs, and Linus Thompson;

The bill for the relief of Francis Gehon;

The bill for the relief of James H. Relfe;

The bill confirming to George Tucker, his heirs or assigns, a certain tract of land in Alabama;

The bill for the relief of Daniel Steenrod;

The bill for the relief of Thomas Haskins and Ralph Haskins;

The bill in addition to an act to promote the progress of the useful arts;

The bill for the relief of Charles M. Keller and Henry Stone;

The bill for the relief of Joseph Bogy;

The bill for the relief of Thomas P. Copes;

The bill for the relief of Jubal B. Hancock;

The bill for the relief of James M. Morgan;

The bill authorizing the Legislatures of Louisiana, Tennessee, and Arkansas, to sell the lands heretofore appropriated for the use of schools in those States;

The bill to perfect the titles to lands south of the Arkansas river, held under New Madrid locations and pre-emption rights, under the act of 1814; and

The joint resolution to authorize the Secretary of the Treasury to extend further indulgence to certain of the late deposit banks; were severally read a third time, and passed.

Mr. PHELPS submitted a resolution directing the Secretary of the Senate to pay, out of the contingent fund, to the widow of the late Stephen Haight, Sergeant-at-Arms of the Senate, the sum of five hundred dollars for the purpose of defraying the expenses incidental to his illness, and the removal of the body to Vermont for interment; and, also, to pay the widow the amount of salary accruing for the residue of the term for which he was elected.

The resolution, after some remarks in explanation by Mr. WRIGHT and Mr. PHELPS, was adopted.

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up, the question being on the amendment offered by Mr. CALHOUN to the motion to recommit the bill made by Mr. CRITTENDEN.

Mr. PRESTON submitted his views at much length in opposition to the amendment.

Mr. SEVIER said he wished to submit a few remarks to the Senate on the question now before them, and though he would not occupy much of their time, he would endeavor to hold a looking-

glass to some of the gentlemen who had been so loudly boasting of their friendship and generosity to the new States.

At the instance of several Senators, Mr. S. here gave way for a motion to postpone the further consideration of the subject until to-morrow.

The Senate then went into the consideration of Executive business,

And then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, January 13, 1841.

The first business in order was the consideration of the report of the Committee of Elections relative to the

PENNSYLVANIA CONTESTED ELECTION CASE, between Messrs. NAYLOR and INGERSOLL.

Mr. NAYLOR being entitled to the floor, was about to resume his remarks, when

Mr. GREEN asked him to give way for a few moments to enable him to again submit the resolution which he offered on yesterday, and to which objection had been made, directing the Committee of Ways and Means to consider the expediency of reporting a bill imposing a tariff on wines, milks, and other luxuries, for the purpose of meeting demands upon the Government.

Mr. NAYLOR said he gave way to half a dozen applications yesterday, but could not pursue a similar course to-day, as he had a desire to get through the matter now before the House.

Mr. N. then resumed his remarks, and spoke for some hours in reply to the arguments of Mr. INGERSOLL. Without concluding, at three o'clock, Mr. N. gave way to a motion to adjourn.

The motion to adjourn was, however, withdrawn, to permit the following Senate bills to be taken up; which were severally read a first and second time, and appropriately referred:

An act to continue in force the act for the final adjustment of private land claims in Missouri, approved 9th July, 1832, and the act supplemental thereto, approved 2d March, 1833;

An act to authorize the issuing of a patent to the heirs or legal representatives of Francis Revard, deceased;

An act for the relief of Mary Prettyman;

An act for the benefit of the Howard Institution of the city of Washington;

An act to refund to Noah Miller and others a part of the proceeds of the sale of the British sloop Mary and cargo, which were captured by them and labelled and sold for the benefit of the United States;

An act confirming the claim of the heirs of Joseph Thompson, jr. deceased, to a track of land in Missouri;

An act for the relief of Lieutenant John E. Bi-pham;

An act for the punishment of certain crimes against the United States, and for other purposes;

An act to authorize the accounting officers of the Treasury to settle the accounts of Francis Gehon, late marshal of Wisconsin;

An act for the relief of James H. Relfe;

An act for the relief of John C. Reynolds, late disbursing agent of the Indian Department;

An act for the relief of Thomas Haskins and Ralph Haskins;

A resolution to authorize the Secretary of the Treasury to extend further indulgence to certain of the late deposit banks;

An act for the relief of Francis Laventure, Ebenezer Childs, and Linus Thompson;

An act confirming to George Tucker, his heirs or assigns, a certain tract of land in Alabama;

An act for the relief of Thomas P. Copes;

An act for the relief of Joseph Bogy;

An act for the relief of Charles M. Keller and Henry Stone;

An act to perfect the title to lands south of the Arkansas river, held under New Madrid loca-

tions, and pre-emption rights under the act of 1814;

An act to authorize the Legislatures of the States of Arkansas, Louisiana, and Tennessee, to sell the lands heretofore appropriated for the use of schools in those States;

An act for the relief of Jubal B. Hancock;

An act in addition to an act to promote the progress of the useful arts;

An act for the relief of Daniel Steenrod; and

An act for the relief of James M. Morgan.

The SPEAKER laid before the House the following communications, viz:

1. From the Post Office Department, in compliance with the second section of the act of July 2, 1836, to reorganize the Post Office Department, enclosing estimates for the service of that Department for the year commencing July 1, 1841.

Referred to the Committee of Ways and Means.

2. From the Commissioner of Public Buildings, in obedience to the act of the last session of Congress, requiring him "to make to Congress annually, at the commencement of the year, a report of the manner in which all appropriations for the public buildings and grounds have been applied."

Referred to the Committee on Expenditures on the Public Buildings.

Mr. BRIGGS asked that his colleague, Mr. W. S. HASTINGS, be excused from serving on the Committee on Private Land Claims, in consequence of ill health; which request was agreed to.

Mr. CRABB presented the petition of a large number of the citizens of Pickens county, Alabama, for the establishment of a mail route from the town of Bridgeville, via the town of Fairfield in said county, to the town of Macon, in the county of Noxubee, Mississippi; referred to the Committee on the Post Office and Post Roads.

IMPORTED MANUFACTURED SILK.

Mr. ADAMS, after some introductory remarks on the importance of early action on the House bill, No. 311, for laying a duty on imported manufactured silks, hoped it would be made the special order for that day fortnight.

Mr. JONES of Virginia said he would be very glad to give his assent to the proposition of the gentleman from Massachusetts, especially as it was a measure that proposed to bring money into the public Treasury; but the process would be entirely too slow to answer any practical purposes at the present session. Besides, as he (Mr. J.) had already introduced a bill providing for a more speedy operation, (the Treasury Note bill,) he hoped the bill referred to by the gentleman from Massachusetts would not be taken up until the other measure had been before the House.

Mr. J. observed that several subjects had already been made the special order for certain days; and if the bill now referred to by the gentleman from Massachusetts should also be made the special order, and took up much time, as it undoubtedly would, he (Mr. J.) did not know when an opportunity would be afforded for considering the Treasury note bill, the pension bill, and other important measures requiring early action. He hoped, therefore, that gentleman would not press his request.

Mr. ADAMS observed that the bill he held in his hand was intended to devise means for repaying the proposed loan of Treasury notes; and as at this very time very large importations were making in the port of New York, he thought it highly necessary that the bill should be entered upon without delay.

Mr. JONES again adverted to the delay which must necessarily arise from the consideration of such a bill, and he was sure, if the gentleman from Massachusetts would reflect upon the condition of the Treasury, at the present moment, he would see the necessity of postponing the bill. It was highly important that a temporary supply should be made so as to enable the Treasury to meet the demands upon it during the present quarter; not but that the accruing revenue would enable the department to meet the demands against it during the year, but it would not enable it to meet them in time.

Mr. J. referred to the report of the Secretary of the Treasury in order to show the inequality of receipts and expenditures during the present year,

which would make it necessary that a temporary provision should be made to enable the Treasury to meet demands upon it which would be made before the funds appropriated to meet them should have been received. The report stated that unusually heavy expenses would fall due during the first quarter of the present year. "In addition to a full portion of the current expenses, and the whole pension payments for the first half of the year, and one-third of a million or more for all the annual fishing bounties, there will be imposed on it most of the charges for the whole year, connected with the session of Congress and private bills, as well as large payments for taking the census, and for the first instalment of the debt of this District, etc."

Mr. J. also referred to the following communication from the Secretary of the Treasury, laid on their tables this morning, as a further reason why no delay should take place in reference to the Treasury Note bill.

TREASURY DEPARTMENT, December 21, 1840.

SIR: I perceive that a new appropriation bill has passed at this session for sums exceeding \$400,000, considerable portions of which will probably be called for from the Treasury during the present year.

Another appropriation bill appears to have been reported, with a view to its immediate passage, which is supposed to be nearly double the amount of the other, and an addition proposed to it, on account of navy pensions, of a sum between \$150,000 and \$200,000, entirely new in its character. Much of this addition, if made, is likely to be drawn for the present month, as it may be needed on or before the 1st day of January, and probably some portions of the original bill as reported. These new charges on the present year are of such magnitude as (with the circumstances hereafter specified, and others referred to in the second, tenth, and eleventh pages of my recent annual report) to render it proper, in the opinion of the undersigned, that he should repeat the recommendation contained in that report—that they be accompanied by some early provision of additional means to meet the whole of them with promptitude.

The letters annexed, just received, show likewise some recent decisions of the courts, that appear to require the refunding of more duties from the Treasury, to a considerable amount.

Another communication is also annexed, which reached the Department to-day, and shows the extraordinary drawbacks about to be demanded in a single case, on refined sugars, extending probably to \$75,000 or \$80,000; a sum nearly equal to half of the nett revenue often collected in a week in the whole Union.

To meet calls like these, in addition to those first specified by the new appropriations, will probably much reduce the balance heretofore anticipated at the close of the year.

Under these circumstances, coupled with those referred to in my annual report rendering some provision proper, not only to cover ordinary contingencies and fluctuations, but especially to provide adequate means for meeting seasonably the large charges then explained to be imposed on the first quarter of the year 1841, and several of them as soon as the 1st of January, the hope is entertained that some such temporary provision will be made at the earliest day practicable.

Looking to the security and high standing of our national credit, it was deemed prudent, when that report was prepared, that it be done by the commencement of the year; and the occurrences since tend strongly to confirm the opinion then expressed, and are, therefore, now promptly and respectfully submitted to the consideration of the Committees of Ways and Means and on Finance in the two Houses.

The amount of means authorized might judiciously extend to the five or six millions which have usually been kept on hand in former years, as a balance to cover all contingencies and fluctuations, and it might be used as a substitute for that balance whenever the public wants should require during the year, and be all reimbursed before its close, if the revenue increases in the latter part of the year as is anticipated in the annual report.

My opinion, formerly expressed, on the most

convenient and economical mode of making such a temporary provision, remains unchanged in favor of an issue of Treasury notes, to be redeemed out of the revenue received before the end of the year, and to be provided for either by an amendment to some appropriate bill, or by a separate act of Congress.

Respectfully,

LEVI WOODBURY,
Secretary of the Treasury.

To Hon. J. W. JONES,
Chairman Committee of Ways and Means, H. R.

TREASURY DEPARTMENT, Comptroller's Office, December 17, 1840.

SIR: The Circuit Court of the United States for the district of Maryland having, at the November term, 1840, declared "soda ash" to be exempt from duty, I have to inform you, that I have directed to be refunded the duties paid under protest on that article as carbonate of soda.

I beg to request your instructions on the matter presented in the enclosed copies of letters from the district attorney and collector of the customs at Boston, in relation to recent decisions of the United States court in that city. If those decisions are acquiesced in by the department, (and I know not, after the expressed opinion of the district attorney, how they can be resisted,) the free admission of "gunny cloth" may materially interfere with, if not totally destroy, the domestic manufacture of cotton bagging. The honorable Mr. Clay, of the Senate, having, during the last session of Congress, called the particular attention of the department to this subject, I have thought it proper to submit it, in its present position, to your special notice.

I have the honor to be, very respectfully, your obedient servant,

J. N. BARKER, Comptroller.
Hon. LEVI WOODBURY, Secretary of the Treasury.

TREASURY DEPARTMENT, Comptroller's Office, December 18, 1840.

SIR: By a communication from the collector at New York, dated the 13th instant, a copy of which is herewith enclosed, it appears that the article worsted plush is added to the list of goods (heretofore paying goods under the construction of law by this department) exempted from duty by the decisions of the United States courts.

Before instructing the collector to refund duties paid under protest on this article, I have thought it proper, as in former cases, to submit the subject for your decision and sanction.

I have the honor to be, very respectfully,
Your obedient servant,
J. N. BARKER,
Hon. LEVI WOODBURY, Comptroller.
Secretary of the Treasury.

CUSTOM-HOUSE, New York, December 18, 1840.

SIR: The Messrs. Woolsey made an entry of refined sugar to-day, the bounty on which will be between seventy and eighty thousand dollars, if the vessel by which it is to be exported has sufficient capacity to take it all.

I have before called your attention to the important fact of the refiners having an advantage in this respect which I am quite sure the policy of the Government did not intend to confer, though Congress, by its legislation, has conferred it.

To illustrate the proposition, I will make below the calculation of duty on 100 pounds of sugar imported, costing, in a foreign port, four and a half cents,

100 pounds, at two and a half cents per pound duty,	\$2 50
Deduct, under compromise act, forty per cent.	1 00
	1 50
Add eight per cent. on cost, say \$4 50,	36
Actual duty on 100 pounds brown sugar,	\$1 86

The bounty, or drawback, on refined sugar, is five cents per pound, and has been so since 1829; at which time the duty on importation of raw sugar was three cents per pound, or three dollars the

hundred pounds; which now is but \$1 86 the hundred pounds: making a difference in the duty, between now and 1829, when the present bounty was fixed, of one dollar and fourteen cents on a hundred pounds.

The quantity imported into this district the three first quarters of this year was thirty-seven million six hundred and twelve thousand six hundred and twenty-three pounds, (say 37,612,623 pounds;) the difference on the duties upon which, at this time, compared with the duty in 1829, when the present bounty was increased, amounts to \$428,783 90.

As the refiners were willing to do business upon the basis the law placed that business in 1829, it seems to me that Congress ought now to interfere.

Very respectfully,

Your obedient servant,

J. HOYT, Collector.

Hon. LEVI WOODBURY,
Secretary of the Treasury.

TREASURY DEPARTMENT,
January 7, 1841.

SIR: I enclose, for the consideration of your committee, the copy of another letter from the collector of New York, concerning the large and unexpected amount of drawbacks paid and paying at that port. Other large drawbacks of this kind are demanded at Boston occasionally.

Coupling these payments with others before detailed to the committee, for refunding duties under recent judicial decisions, with the great demands for fishing bounties, the debt of this District, the census, pensions, Florida war, &c. (most of them referred to in the tenth and eleventh pages of my annual report,) and I do not see how it is possible to preserve the public faith in respect to them, and the other large current expenses of an ordinary character, without the additional means desired in that report to be furnished at an early day.

As more than a month has transpired since this was first desired and explained, any further delay will place the Department in daily jeopardy of not being able, at certain points, to raise available means sufficient to meet the public engagements at those points.

I trust, therefore, that the committee will excuse me for urging the speediest action possible on this important subject. Respectfully,

LEVI WOODBURY,
Secretary of the Treasury.

Hon. JOHN W. JONES,
Chairman of Committee of Ways and Means.

CUSTOM-HOUSE, New York, Jan. 5, 1841.

SIR: I am glad to learn that the question of bounty on refined sugar has been submitted to a committee of Congress.

We paid the Messrs. Woolsey to-day another bounty of over \$25,000; and one will mature in a few days for three times the amount.

Very respectfully, your obedient servant,

J. HOYT, Collector.

Hon. LEVI WOODBURY,
Secretary of the Treasury.

After some remarks from Mr. CUSHING, in which he discussed the propriety of making provision for the coming Administration, the motion for making the bill of Mr. ADAMS the special order for the 27th instant, having been made, the yeas and nays were demanded, and, being ordered, recited as follows:

YEAS—Messrs. Adams, John W. Allen, Andrews, Atherton, Boardman, Botts, Briggs, Calhoun, Carter, Casey, Connor, Crabb, Cranston, Cushing, Edward Davies, John Davis, Garrett Davis, Deberry, Dellet, Edwards, Fillmore, Galbraith, Granger, Graves, Grinnell, Hawes, Hoffman, James, Jenifer, Wm. Cost Johnson, Kempshall, Lincoln, McKay, Francis Mallory, Marvin, Mason, Monroe, Morgan, Morrow, Naylor, Osborne, Peck, Pope, Randall, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Taliaferro, Tillinghast, Toland, Triplett, Trumbull, Underwood, John White, Thomas W. Williams, Lewis Williams, Christopher H. Williams, and Winthrop—64.

NAYS—Messrs. Linn Banks, Black, Blackwell, Brewster, Aaron V. Brown, Burke, Bynum,

John Campbell, Carr, Chapman, Clifford, William R. Cooper, Crary, Cross, Dana, Dickerson, Doan, Doig, Earl, Eastman, Ely, Fine, Floyd, Garland, Goggin, Graham, Hand, John Hastings, Hill of Virginia, Holmes, Hopkins, Hubbard, John W. Jones, Kille, Leadbetter, Leonard, Lucas, Meredith Mallory, Medill, Paynter, Pickens, Reynolds, Rives, Edward Rogers, Samuels, Shaw, Strong, Sumter, Philip F. Thomas, Jacob Thompson, Vanderpool, Watterson, and Wise—52.

And there being no quorum,

The House adjourned.

IN SENATE,

THURSDAY, January 14, 1841.

The PRESIDENT submitted a report from the Secretary of the Treasury, in answer to the following resolution submitted by Mr. TALLMADGE on the 31st December last:

Resolved, That the Secretary of the Treasury report to the Senate a list of the drafts drawn by the Treasury Department, or by its order, that—between the 28th day of February, 1839, and the 4th day of July last, and also since the 4th day of July last—have been protested for non-payment, or that have been presented for payment, and remain unpaid; exhibiting in a tabular form, the date of such draft, the names of the payees, the names and office of the drawees; the place where payable; the time when payable; the amount; the time when presented, and the time when protested.

The report was laid on the table, and ordered to be printed.

Mr. ALLEN presented a memorial of inhabitants of Wood county, Ohio, praying the passage of a general bankrupt law.

Mr. CLAY of Kentucky presented a memorial of citizens of New York for the same purpose.

Mr. WRIGHT presented a memorial from citizens of Washington county, New York, for the same purpose.

These memorials, as a bill had already been reported in concurrence with the prayer of the petitioners, were laid on the table.

Mr. WHITE presented the petition of inhabitants of Indiana, praying the establishment a mail route; which was referred to the Committee on the Post Office and Post Roads.

RESOLUTIONS OF THE GENERAL ASSEMBLY OF ALABAMA ADVERSE TO A PROTECTIVE TARIFF.

Mr. CLAY of Alabama presented the following joint resolutions of the Legislature of Alabama; which were read:

Preamble and Resolutions of the General Assembly of the State of Alabama, responsive to certain resolutions of the State of Connecticut in favor of the protective policy.

Certain resolutions of the State of Connecticut have been communicated by the Governor of this State to this General Assembly, agreeably to a request contained in said resolutions which express sentiments in favor of what they designate "the protective policy of our Government," and contain a request to the Senators and Representatives in Congress from said States, to resist, by all constitutional means, every attempt to destroy or impair said policy, and to use their exertions to procure the passage of such laws as will effectually protect the labor of this country from the policy and legislation of foreign Governments; the said resolutions further signify, that it is the wish of our sister State to obtain from us an expression of our sentiments on the subject to which her said resolutions relate.

It becomes us in courtesy, under such circumstances, to make answers, which we proceed respectfully to do, as follows:

We presume we properly comprehend the State of Connecticut as intending, by the words "protective policy of our Government," in her aforesaid resolutions, a protective tariff; and by the words "labor of this country," the manufacturing labor of this country. So understanding our sister State, we cannot forbear expressing our surprise and regret to find that she should feel it incumbent on her to press this fruitful source of discord and distraction upon the attention of Alabama and the South, at this time—two years in advance of the expiration of that "compromise" which has, for a pe-

riod, allayed the fierce and angry passions to which "the" protective policy had heretofore given rise. But as she has thought proper to call upon us for our sentiments on this subject, we proceed to give them fully embodied in the following resolutions—the principles of which, we would kindly, but firmly, admonish our sister Connecticut that we are determined to maintain at every hazard.

Be it therefore resolved unanimously, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Government of the United States was established in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, and promote the general welfare, to, and among the several separate and sovereign States of this Union, and to secure the blessings of liberty to us and our children as citizens of said States.

SEC. 2. Resolved unanimously, That said Government never can establish justice, insure domestic tranquillity, or promote the general welfare of this widely extended Union, and the diversified interests and pursuits thereof, especially in view of their peculiar relations aforesaid, by enacting laws to foster, promote, and protect the industry and occupations of one portion of the States or people, to the disparagement, injury, and expense of another.

SEC. 3. Resolved unanimously, That a tariff for the protection of manufactures always was, and always must remain, obnoxious to the objections set forth in the foregoing resolution; and that consequently, every such measure always has been, and ever will be, in our estimation, unwise, unjust, and unconstitutional.

SEC. 4. Resolved unanimously, That in the solemn and deliberate opinion of this General Assembly, a successful attempt to re-establish the "protective policy," while it cannot fail to alienate the feelings of one portion of our happy Union from another, and provoke fierce political animosities between the North and the South, ultimately and irresistibly tends to a dissolution of the Federal compact between those States, and that in view of such consequences, we earnestly and affectionately dissuade our Northern brethren from any such attempt.

SEC. 5. Resolved unanimously, That the Governor of this State be requested to forward a copy of the foregoing preamble and resolutions to the Governor of the State of Connecticut, and the Governors of each of the other States, and also copies to each of our Senators and Representatives, the former of whom are instructed, and the latter requested, to use all honorable and proper means to sustain the principles therein set forth.

J. L. F. COTTRELL,
President of the Senate.

R. A. BAKER,

Speaker of the House of Representatives.

The resolutions were laid on the table, and ordered to be printed.

Mr. CLAY of Kentucky presented the memorial of the American Peace Society of praying that a special joint committee of Congress may be appointed to report on the various memorials from peace societies presented at the last and present sessions of Congress.

Mr. C. said that whilst every man must concur in the object of the petitioners, every one must see the difficulty attending it. The memorial asks for a special committee, and he was already so much involved in the business of the session, that he was afraid to ask for it. If any other Senator, however, felt a disposition to make the motion, he would most cheerfully vote for it. The memorial was laid on the table.

Mr. WRIGHT presented a similar memorial, which was disposed of in the same manner.

Mr. W. also presented a memorial from citizens of Albany county, N. Y. praying for the passage of a bankrupt law, with certain designated provisions; which was laid on the table, and ordered to be printed.

Mr. W. also presented the memorial of merchants and other citizens of New York, remonstrating against the passage of a bankrupt law at the present session; which was ordered to be printed.

Mr. W. also presented a memorial from manufacturers, merchants, mechanics, and other persons of New York, presenting in detail the provisions of a bankrupt law, which they think would be a proper one; which was laid on the table, and ordered to be printed.

Mr. RUGGLES presented the memorial of citizens of Bucksport, Maine, remonstrating against the repeal of the fishing bounties and allowances; which was read.

Mr. BENTON gave notice that in a few days he would make an effort to bring this question before the Senate, when he would show that two-thirds of these fishing bounties were a palpable violation of the Constitution of the United States. There is at present before Congress a proposition to borrow money by issuing Treasury notes, a portion of which must go to the payment of these fishing bounties. He repeated that he would conclusively demonstrate that to the amount of two-thirds of these allowances they were a naked bounty from the Treasury, and of course unconstitutional.

Mr. NORVELL presented a memorial from the heirs and legal representatives of the Chevolier de Repentigny, by C. E. Violet, their attorney; and a memorial from Agnes Slacke. The former memorial claims for the memorialists, citizens of France, jointly with Agnes Slacke, of Ireland, a tract of land at the Sault Ste. Marie, in the State of Michigan, "six leagues on the portage by six leagues in depth on the river separating the two lakes." This land (said Mr. NORVELL) is alleged to have been granted as a concession, in 1750, by the French Canadian authorities, to Captain de Bonne and the Chevalier de Repentigny, for the purpose of establishing thereon a seignory. The grant is further stated to have been ratified by the King of France in 1751. Agnes Slacke derives her claim to a moiety of this concession from sales or grants made by Captain de Bonne. Mr. NORVELL said that he had presented these memorials by request. He considered them as important to the claimants, important in their consequences to the State of Michigan, and important to the United States. He therefore moved that they be printed, and, with the papers which accompanied them, referred to the Committee on Private Land Claims. He would ask the particular attention of that committee to the subject, with as speedy action and as early a decision on it as might be consistent with their convenience.

The motion was agreed to.

On motion by Mr. CLAY, of Alabama, the petition and papers of Joshua Kennedy, as assignee of Laurendine, and of the heirs of Joshua Kennedy, now on file, were referred to the Committee on Private Land Claims.

Mr. HUNTINGTON, from the Committee on Pensions, reported a bill for the relief of Huldah Tucker; which was read, and ordered to a second reading.

Mr. WHITE, from the Committee on Pensions, reported a bill for the relief of William Rand; which was read, and ordered to a second reading.

On motion by Mr. PRENTISS, the Committee on Pensions, to which was referred the memorial of Robert P. Wainwright, was discharged from its further consideration, and it was referred to the Committee on Naval Affairs.

Mr. PIERCE, from the Committee on Pensions, to which was referred the petitions of Richard Elliot, of Isaac Hilton, of Catherine Howard, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. MERRICK, from the Committee on the District of Columbia, to which was referred the House bill making temporary provision for lunatics in the District of Columbia, reported the same with an amendment.

Mr. KING, from the Committee on Commerce, to which was referred the bill for regulating commercial intercourse between the port of Cayenne, in the colony of French Guiana, and to remit certain duties; and

The bill authorizing the Secretary of the Treasury to refund duties collected on the French ship *Alexandre*; reported the same without amendment.

Mr. LINN, from the Select Committee to which

was referred the joint resolution to authorize the adoption of measures for the occupation and settlement of the Territory of Oregon, and for extending certain portions of the laws of the United States over the same, reported the same without amendment.

The joint resolution directing the transfer to the State of Maryland of the stock in the Chesapeake and Ohio Canal, standing in the name of the United States, upon certain conditions, was then taken up.

Mr. MANGUM said, as this matter was of much importance to the citizens of the District, who had no representative here, and as a remonstrance against the passage of the bill, which he had presented some days since, had not yet returned from the printer, he hoped the further consideration of the bill would be postponed for a few days.

Mr. MERRICK urged the immediate action of the Senate as necessary to enable the Legislature of Maryland, who had the subject at this moment under consideration, to enable them to act understandingly. The stock at present was of no value, and Congress having in their wisdom determined to make no further appropriations to complete the work, their holding on to the stock only operated to deter Maryland from making efforts to complete the canal to Cumberland. As to the memorial of the corporate authorities of Washington, it was only remonstrating against the United States disposing of their own property, with which they had no more right to interfere than the citizens of any other portions of the Republic.

Mr. WALKER said several years since he had introduced a bill, somewhat similar to that now pending for the relinquishment of our stock in the Chesapeake and Ohio Canal to the State of Maryland. He had done this after a conference with a distinguished patriot, [Governor KENT,] then a Senator from Maryland, but now called to a higher and better world. At that time, he (Mr. WALKER) had called upon the Secretary of the Treasury to report what dividends the Government of the United States had received from its stock in all these canals, namely, this canal, the Chesapeake and Delaware Canal, the Dismal Swamp Canal, and the Ohio Canal at Louisville. The report then made showed that these stocks, with the exception of the last, had never yielded any dividend; that they had no market price, and in all probability never would yield any dividend, especially this stock in the Chesapeake and Ohio Canal. Under these circumstances, Mr. WALKER said he was in favor of dissolving this unprofitable partnership between this Government and this company, by the surrender of this stock to the State of Maryland. Mr. WALKER said whoever would read the early debates and reports on this subject in both Houses of Congress, could not fail to observe, that this Government had originally intended to proceed, *pari passu* with the State of Maryland, in subscriptions to this canal, considering it as a great national work, terminating in this District. This design was now abandoned, most happily, together with the whole internal improvement system by Congress; but, in the mean time, the State of Maryland, relying on the continued co-operation of this Government in the construction of this canal, had proceeded and expended enormous sums towards the completion of this great work; and whilst he (Mr. WALKER) would not, even under these circumstances, vote to appropriate more money to this or any other similar object of internal improvement by this Government, yet he thought it a mere act of justice to surrender this stock, (not without an equivalent,) but for the full equivalent provided in this bill, namely: the use of this canal forever, free of all toll, for the transportation of the troops and munitions of war of this Government; and upon similar terms Mr. WALKER was willing to surrender to the States in which they were located, all the stock he'd by this Government in all other canals, and thus to complete the divorce between this Government and the whole internal improvement system. In relation to the stock held by this Government in the Louisville canal, Mr. WALKER desired to cede our stock in that canal to the State of Kentucky, so as to be made auxiliary to the great object of ren-

dering that canal free of all toll, and thus remove that heavy taxation which was now imposed on those who travelled or transported products on the Ohio river. In relation to the opposition on the part of this city to this transfer, Mr. W. said he regretted it. The completion of this canal by Maryland would be of vast importance to this city, and she ought to support this bill as facilitating the completion of this work; and as to the idea that Maryland might, by obtaining the control of this stock, abandon the canal to this city, by carrying the canal from a point out of this District to Baltimore, it was delusive. Now, Mr. W. said, a survey for Maryland, by the accomplished head of our Topographical Bureau, had been made, by which it was demonstrated that all other routes for a cross cut from this canal to Baltimore had been found impracticable, except through this city. Mr. W. said that this bill had passed the Senate at the last session by a large majority, and he hoped it would now be permitted to pass without delay.

On motion of Mr. CLAY by Alabama, the for taking up the special order having arrived joint resolution was laid on the table.

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up, the question being on the amendment offered by Mr. CALHOUN to the motion to recommit the bill made by Mr. CRITTENDEN.

Mr. SEVIER addressed the Senate at length in favor of the amendment submitted by Mr. CALHOUN, and of the original bill, and in opposition to the substitute proposed by Mr. CRITTENDEN.

Mr. SMITH of Indiana followed in opposition to Mr. CALHOUN's amendment, and spoke for about an hour, when, without concluding, he yielded to a motion for adjournment.

And the Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, January 14, 1841.

After the journal had been read,

The SPEAKER stated that the first business in order was the motion of Mr. ADAMS to make House bill No. 311, providing for a duty on

FOREIGN MANUFACTURED SILK,

the special order of the day for the 27th instant (The question on this motion had been put on last evening, but no quorum voted.)

Mr. ADAMS moved a call of the House, but there was no second.

The question then being on the motion to make the bill the special order,

Mr. THOMPSON asked for the reading of the bill, and it was read accordingly.

Mr. WISE desired to know if it would require two-thirds to make it the special order.

The SPEAKER said it would.

The question was then taken on the motion of Mr. ADAMS, and decided by yeas and nays, as follows:

YEAS—Messrs. Adams, Andrews, Baker, Barnard, Beatty, Boardman, Bond, Briggs, Brockway, Calhoun, William B. Campbell, Carter, Casey, Chinn, Chittenden, Crabb, Cranston, Curtis, Cushing, Edward Davies, John Davis, John W. Davis, Garrett Davis, Deberry, Dellet, Doe, Edwards, Everett, Fillmore, Fornance, Galbraith, Gates, Gentry, Gerry, Goode, Granger, Green, Hall, Henry, Charles Johnston, Lane, Lincoln, McCarty, McClure, McCulloch, McKay, Francis Mallory, Mason, Moore, Morrow, Osborne, Parmenter, Paynter, Peck, Randall, Bariden, Reed, Ridgway, Edward Rogers, Russell, Saltonstall, Sergeant, Simonton, John Smith, Truman Smith, Stanley, Stuart, John B. Thompson, Tillinghast, Toland, Trumbull, David D. Wagener, Peter J. Wagner, John White, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Winthrop, and John T. H. Worthington.—78.

NAYS—Messrs. Alford, Atherton, Banks, Blackwell, Boyd, Aaron V. Brown, Burke, Sampson H. Butler, John Campbell, Carr, Carroll, Chapman, Clifford, William R. Cooper, Crary, Dana, Daw-

son, Dickerson, Doane, Dromgoole, Earl, Eastman, Fine, Fisher, Garland, Goggin, Griffin, Hammond, John Hastings, Hawkins, Hill of Va. Hubbard, Jameson, Cave Johnson, Kille, Leonard, Lowell, Lucas, McClellan, Marchand, Medill, Miller, Montgomery, Nisbet, Parrish, Pickens, Reynolds, Rhett, Rives, James Rogers, Samuels, Shaw, Shepard, Thomas Smith, Steenrod, Strong, Sweeney, Taliaferro, Philip F. Thomas, Jacob Thompson, Vanderpoel, Watterson, Weller, Jared W. Williams, and Wise—65.

So there not being two-thirds, the motion was not agreed to.

The report of the Committee of Elections relative to the

PENNSYLVANIA CONTESTED ELECTION, then coming up as the special order, and Mr. NAYLOR being entitled to the floor,

Mr. RIVES, chairman of the Committee of Elections, asked the gentleman from Pennsylvania to give way a moment in order to afford him (Mr. R.) an opportunity of renewing the following motion ineffectually made some days ago by the former chairman of that committee, Mr. CAMPBELL:

Resolved, That the SPEAKER of this House be requested to issue a *subpoena duces tecum* to Samuel Hart, esq. prothonotary of the court of common pleas for the city and county of Philadelphia, directing the said Samuel Hart, esq. to appear personally, or by deputy, before this House, at one o'clock, p. m. on Monday the 18th instant, with the election returns and other papers on file in his office, relating to the Congressional election in the Third Congressional District in the State of Pennsylvania in 1838, there to be examined in evidence in the case of contested election now pending between C. J. INGERSOLL and CHARLES NAYLOR, from the said Congressional district.

Mr. STANLY objected to the floor being given by Mr. NAYLOR.

Mr. RIVES hoped the gentleman from North Carolina would not object, as it was important that the papers required by the resolution should be had in season.

Mr. STANLY persisted.

[It will be recollected that it was Mr. CAMPBELL, of South Carolina, the chairman of the Committee of Elections, at the last session, who, a few days ago, attempted, on two occasions, to introduce the above resolution, Mr. C. being, as we are informed, in favor of the majority report. Both times objection was made by Messrs. STANLY, WILLIAMS, and other opposition members, who, it appears, have no desire that Hart should appear with the election returns, although they were called for by Mr. CAMPBELL, who, it appears, is in favor of Mr. NAYLOR. If the Whigs objected to the motion of one in favor of the majority report, it was hardly to be expected they would give way to the motion when made by a signer of the minority report.]

Mr. NAYLOR said he had not the slightest objection to the passage of that resolution; but inasmuch as the House had twice refused to entertain it, he did not deem it very respectful to again press it.

Mr. RIVES explained that it was a mistake to say that any vote had been taken on the resolution, for it had not yet been received.

Mr. NAYLOR persisted in his refusal, and was about to proceed, when

Mr. JONES of Virginia hoped the gentleman would yield the floor for one moment only, just to enable him to move that the Treasury note bill be made the special order for Monday next. Mr. J. observed that the condition of the Treasury was one which required immediate relief. The motion would take but a moment; and he trusted the gentleman would permit it to be made.

Mr. NAYLOR said if he gave way for one, he must for a dozen; so he must decline.

Mr. N. then proceeded with his remarks in answer to Mr. INGERSOLL.

After speaking until after three o'clock, Mr. N. concluded, and resumed his seat.

Mr. GREEN of Kentucky then asked leave to submit the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency and necessity of laying such duties, for

the purposes of revenue, upon wines and silks, and such other articles of luxury imported into the United States, as will meet the necessary expenditures of the Government, and pay off the debt already incurred by the issue of Treasury notes, and all such other debts as may be owing by the Government of the United States; and that said committee report by bill or otherwise.

Mr. CAVE JOHNSON moved to adjourn; but, after some conversation, the motion was withdrawn.

The question then being on the resolution of Mr. GREEN,

Objection was made to its reception; whereupon, Mr. GREEN moved a suspension of the rules, and demanded the yeas and nays; which were ordered.

Mr. WISE rose to a question of order. He desired to know if the gentleman from Pennsylvania [Mr. NAYLOR] was not entitled to the floor.

The SPEAKER informed him that Mr. N. had concluded his remarks.

Mr. RIVES presumed that the consideration of the contested election case would still go on as the special order.

The SPEAKER said certainly it would, and the other claimant (Mr. INGERSOLL) was entitled to the floor; the resolution of the gentleman from Kentucky, therefore, could only be entertained by a suspension of the rules.

Mr. JONES of Virginia wished to inquire of the gentleman from Massachusetts, whether the bill reported by the Committee on Manufactures, for imposing a duty on foreign silks, did not cover this resolution.

Mr. ADAMS replied that it would cover only a part of the resolution, namely, so far as related to silks.

The SPEAKER had observed that it was not in order to debate that question.

Mr. WISE did not wish to speak out of order, but would merely observe, that although the bill reported from the Committee on Manufactures referred only to silks, yet it was open to amendment and might thus be made to cover the whole ground.

The question on the motion to suspend the rules was then put, and decided in the negative as follows:

YEAS—Messrs. Adams, John W. Allen, Andrews, Baker, Barnard, Boardman, Bond, Botts, Briggs, Brockway, Calhoun, William B. Campbell, Carroll, Carter, Casey, Chittenden, Crabb, Cranston, Crockett, Curtis, Cushing, Edward Davies, John Davis, Garrett Davis, Edwards, Everett, Fillmore, Fornance, Galbraith, Gates, Goode, Granger, Graves, Green, Grinnell, Habersham, Hawes, Henry, Hoffman, James, Charles Johnston, Kempshall, King, Lane, Leet, Lincoln, McCulloch, Marvin, Mason, Monroe, Morgan, Morrow, Naylor, Osborne, Paken, Peck, Randall, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanly, Stuart, John B. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Warren, John White, Thomas W. Williams, Lewis Williams, and Winthrop—80.

NAYS—Messrs. Alford, Atherton, Banks, Beatty, Black, Blackwell, Boyd, Aaron V. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, Carr, Chapman, Clifford, Coles, Connor, William R. Cooper, Crary, Cross, Dana, John W. Davis, Dawson, Deberry, Dickerson, Doan, Doig, Earl, Eastman, Ely, Fine, Floyd, Goggin, Graham, Griffin, Hammond, John Hastings, Hill of Virginia, Holmes, Hopkins, Hubbard, Jameson, Josiah Johnson, Cave Johnson, John W. Jones, Keim, Kille, Leadbetter, Leonard, Lowell, Lucas, McClellan, McClure, McKay, Francis Mallory, Marchand, Medill, Montanya, Samuel W. Morris, Newhard, Nisbet, Parmenter, Pickens, Prentiss, Reynolds, Rives, Edward Rogers, James Rogers, Samuels, Shaw, Shepard, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Taliaferro, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Weller, and Wise—86.

So the House refused to suspend the rules.

Mr. JONES of Virginia, then asked the permis-

sion of Mr. INGERSOLL to permit him to offer a resolution, making the Treasury note bill the special order for Monday next, and for each succeeding day until it shall be finally disposed of.

And Mr. INGERSOLL assenting, Mr. JONES submitted the motion.

Mr. BARNARD moved to amend the motion as follows:

That the Committee of the Whole on the State of the Union be discharged from the further consideration of the bill in relation to Treasury notes, and that the subject of making provision for the wants of the Treasury be referred back to the Committee of Ways and Means with instructions—

1. To bring in a bill authorizing the Secretary of the Treasury to borrow ten millions of dollars on the credit of the Government, and to issue bonds or scrip therefor.

2. To bring in a bill imposing additional revenue on wines, silks, linens, spices, and other articles, being luxuries, imported into the United States, but in such manner as not to conflict with the principles, policy, and spirit of the act of 2d March, 1833, commonly called the "compromise act."

The SPEAKER decided that the amendment could not be received, as a motion to make a bill the special order did not open the merits of such bill.

Mr. BARNARD dissented from the opinion of the CHAIR, but did not appeal from the decision.

Mr. JONES of Virginia then demanded the yeas and nays on his motion, which were ordered.

Mr. DAWSON wished to inquire of the chairman of the Committee of Ways and Means whether the money required by the Treasury Note bill was wanted for immediate use.

Mr. JONES replied that a considerable proportion of the money would be required to meet demands upon the Treasury during the first quarter of the present year. A large portion was also required to pay pensions which would fall due after the 4th of March. Likewise to meet other demands which would fall due between this time and that period.

In reply to a further question by Mr. Dawson, Mr. JONES observed that it was proposed by the Committee of Ways and Means to make provision for all the wants of the Government during the present year up to the first of January next. And for himself, judging from the report of the Secretary, he believed that the means for the year would be sufficient to meet the expenditures. But, owing to the inequality of receipts and expenditures at different portions of the year, it was essentially necessary that a temporary provision should be made to enable the Treasury to meet demands upon it during the present quarter, and to transport money to remote quarters where it would be immediately required after the adjournment of Congress.

Mr. BARNARD wished to know what was the motion before the House.

The SPEAKER said it was the motion of the gentleman from Virginia [Mr. JONES] to make the Treasury note bill the special order for Monday next, which motion would require a vote of two-thirds.

After some debate of a conversational character between Messrs. BARNARD, BRIGGS, and others, the question was taken on the motion of Mr. JONES, and it was decided in the affirmative by yeas and nays, as follows:

YEAS—Messrs. John W. Allen, Atherton, Banks, Barnard, Beatty, Black, Blackwell, Boyd, Aaron V. Brown, Burke, Sampson H. Butler, Wm. O. Butler, Bynum, John Campbell, Carr, Carroll, Casey, Chapman, Clifford, Coles, Connor, William R. Cooper, Crary, Cross, Dana, John Davis, John W. Davis, Dawson, Dickerson, Doan, Doig, Duncan, Earl, Eastman, Ely, Fillmore, Fine, Floyd, Fornance, Galbraith, Garland, Griffin, Grinnell, Habersham, Hammond, Hand, John Hastings, Hawes, Hawkins, Hoffman, Holmes, Hopkins, Hubbard, Jameson, Jenifer, Cave Johnson, John W. Jones, Keim, Kille, King, Leadbetter, Leet, Leonard, Lowell, Lucas, McClellan, McClure, McCulloch, McKay, Marchand, Marvin, Medill, Miller, Monroe, Montanya, Morgan, Samuel W. Morris, Newhard,

Osborne, Parmenter, Peck, Pickens, Prentiss, Reynolds, Rives, Edward Rogers, James Rogers, Saltonstall, Samuels, Shaw, Shepard, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Sumter, Francis Thomas, Philip F. Thomas, Jacob Thompson, John B. Thompson, Turney, Vanderpool, David D. Wagener, Weller, Henry Williams, Lewis Williams, Winthrop, and Wise—108.

NAYS—Messrs. Adams, Alford, Andrews, Baker, Boardman, Betts, Briggs, Brockway, Calhoun, Carter, Chittenden, Crabb, Cranston, Cushing, Edward Davies, Garrett Davis, Deberry, Edwards, Everett, Goggin, Graham, Graves, Green, Henry, Hill of Virginia, James, Charles Johnston, Kempshall, Lane, Lincoln, Francis Mallory, Morrow, Naylor, Palen, Randall, Rayner, Reed, Ridgway, Russell, Simonton, Slade, Stanly, Taliaferro, Tillinghast, Toland, Triplett, Underwood, Warren, John White, and Thomas W. Williams—52.

Mr. BARNARD, from the Committee on the Judiciary, on leave, reported a bill to establish a **UNIFORM SYSTEM OF BANKRUPTCY** throughout the United States; which was read twice, referred to a Committee of the Whole on the State of the Union, and ordered to be printed.

Mr. BARNARD then moved that the bill be made the special order for this day fortnight; pending which motion,

The House adjourned.

IN SENATE,
FRIDAY, JANUARY 15, 1841.

Mr. HUNTINGTON presented the credentials of the Hon. THOS. CLAYTON, appointed by the Legislature of the State of Delaware a Senator from that State for six years from the 4th of March next; which were read, and placed on file.

The **PRESIDENT** submitted the credentials of the Hon. RICHARD H. BAYARD, appointed by the Legislature of the State of Delaware a Senator from that State for six years from the 4th of March, 1839, which were read, and placed on file.

Mr. YOUNG presented joint resolutions from the Legislature of Illinois, praying legislative action by Congress in regard to the remission of duties on railroad iron imported by that State; which were referred to the Committee on Finance.

Mr. HUBBARD presented the memorial of Alden Partridge, praying the abolition of the Military Academy at West Point; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. H. also presented another memorial from the same gentleman, proposing a plan of national education, to be supported by a distribution of the proceeds of the sales of the public lands for that purpose; which was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. WILLIAMS presented the memorial of the American Peace Society; which was laid on the table.

Mr. W. also presented the memorial of John M. Moody and Jerome Loring; which was laid on the table.

Mr. WALL presented a memorial of citizens of New York, praying the passage of a general bankrupt law; which was laid on the table.

Mr. BENTON presented a memorial from citizens of St. Louis, praying the passage of a general bankrupt law.

Mr. B. also presented a memorial of merchants and mechanics, asking, if Congress deem it necessary to pass a bankrupt law, that banks and other money incorporations may be included therein.

Mr. B. also presented two memorials of merchants, manufacturers, and others, designating certain provisions which they deem important to be incorporated in any bankrupt law that may be passed.

These memorials were all ordered to be printed, and laid on the table.

On motion by **Mr. ROBINSON**, the petition and papers of Peters, Moore and Company, now on file, were referred to the Committee on the Post Office and Post Roads.

On motion by **Mr. DIXON** the petition and pa-

pers of Caleb Mitchell were permitted to be withdrawn from the files of the Senate.

Mr. HUBBARD, from the Committee on Claims, reported a bill for the relief of D. G. Skinner; which was read, and ordered to a second reading.

On motion by **Mr. WRIGHT**, the petition of M. M. Quackenboss, now on file, was referred to the Committee on the Judiciary; and the petition of Enoch Hidden was referred to the Committee on Naval Affairs.

Mr. FULTON, from the Committee on the Public Lands, to which was referred the bill for the relief of Samuel Norris and Frederick Saugrain of Arkansas, reported the same without amendment.

The bill to regulate the land offices in Indiana and for other purposes, was read a third time, and passed.

UNIFORM BANKRUPT LAW.

Mr. CRITTENDEN moved that the Senate now take up the bill to establish a uniform system of bankruptcy.

Mr. KING asked the honorable Senator from Kentucky whether he made the motion for the purpose of submitting an amendment to the bill, or for the purpose of discussion by the Senate.

Mr. CRITTENDEN replied, that the latter was his object, and he called for the ayes and noes on the motion.

Mr. BENTON said he considered this a motion which would go to the destruction of the pre-emption bill, and if it were adopted, he should consider the pre-emption bill voted down for this session. The adoption of a motion of that magnitude, at this short session, would be equivalent to a declaration that the Senate would not again touch the pre-emption bill this session, and therefore he should vote against it.

Mr. WALKER was not willing that any Senator, whether friend or foe, should create an issue for him, or dictate his course here on this subject. He was in favor of a pre-emption law; he was also in favor of the cession bill; but much as he favored both, he knew there was no bill ever introduced into this body, in regard to a speedy action on which his constituents were so unanimous, as on the bankrupt bill. In the State of Mississippi, all parties, Whigs and Democrats, creditors as well as debtors, solvent or insolvent, were in favor of the passage of the bankrupt bill. If there was a single individual there that was opposed to it, he had not the honor of his acquaintance. Under these circumstances, he should feel it to be his duty to vote to take up the bankrupt bill; and he would go further, and say that if either the pre-emption bill or the bankrupt bill was to be delayed in its passage for want of time at the present session, he should undoubtedly prefer that the former should be delayed rather than the latter, for there was more unanimity in his State in favor of speedy action upon the latter, and more earnestness about its immediate passage; and for this reason he should vote for its being taken up. As the ayes and noes had been called on the motion made for that purpose, he had thought it proper to make these remarks.

Mr. KING was surprised at the course taken in regard to the bill which had been so long under discussion; if the motion now made should prevail, it would prevent final action on the pre-emption bill, although it had been discussed day after day, for so many days, and the discussion was now coming to a close. And yet when the bill was in that stage, a new subject was urged upon the Senate, which could not be passed at the present session without a discussion of some days. Were Senators then, in this state of affairs, in favor of throwing aside a measure already matured for final action, and every thing else, for a bill which would engage their attention so long?

Mr. WALKER. Yes, I am; for the Bankrupt bill having passed at the last session through the Senate, after several months' debate, might now be carried immediately through this body, and produce no injurious delay as to the pre-emption bill.

Mr. KING observed, the Senate had taken up a subject of great importance; it had been discussed with the calmness and with the minuteness which

its importance required; and now, at the close of the discussion, it was to be thrown aside, and final action was to be avoided, that they might take up another subject that would consume much of the remaining time of the session. If the Senator from Mississippi was friendly, as he said he was, to both these measures, he (**Mr. KING**) should conceive he would first pass one of them, take up the other, and pass that too as soon as possible; but the course pursued by the Senator from Mississippi would appear to betray but little friendship for the pre-emption bill, if, by voting for the motion of the Senator from Kentucky, he should give it the go-by.

Mr. WALKER said he intended to give what he knew would be the vote of his constituents, if they were on that floor; and notwithstanding the surprise of the honorable Senator from Alabama, he should persist in his intention to vote for taking up the bankrupt bill, whenever a motion was made to take it up, and to give it the precedence of all other bills on the calendar. His constituents were more deeply interested in the immediate passage of the bankrupt bill than any other. They were in favor of a pre-emption bill, and so was he; they were in favor of the cession bill, and so was he; but they were more deeply interested in passing the bankrupt bill at the present session.

Mr. BENTON. But one is ripe for final action.

Mr. WALKER. And so is the other, and had already passed the Senate at the last session, and he hoped could now pass the Senate without delay; and it seemed as though the debate on the pre-emption bill would be interminable.

Mr. YOUNG said it was known at the last session that he was in favor of the bankrupt bill, but he was not willing to give it precedence of all other bills. He was willing to give it precedence of all other business after the disposal of that which had been so long under discussion.

Mr. BENTON said the graduation bill was the next in order after the pre-emption bill; and as they had been discussed together, it was desirable that they should be disposed of together. But if they were to be thrown aside, and killed by a side blow, it was perfectly immaterial whether the blow came from friend or foe; death was death, come the blow whence it might. To throw, then, those bills by, after they had had a full discussion—for the discussion had gone to both—and to take up one of the magnitude of the bankrupt bill, on which several Senators would have something to say, was to throw them by altogether, and to kill them by a side blow.

Mr. LUMPKIN should vote against postponing the bills already discussed, to give precedence to the bankrupt bill; but he had no hesitation in saying that the Senate had abundance of time to act, and to act deliberately, on every subject then before the Senate. He should thus vote, because one important measure was ready for decision; and he acted on this principle, that when he had many things to do, he would do one thing at a time; and he would do the most important first.

Mr. WALKER had not made the motion then before the Senate, nor was he aware that the Senator from Kentucky was about to make it; but it having been made, he should give such a vote as his constituents would give if they were on this floor. He knew his constituents preferred immediate action on the bankrupt bill, and that delay, as to the passage of that bill, would be more injurious to them than delay as to any other measure; but he should not have made any remarks, if the proposition of compromise suggested by the Senator from Kentucky, to take up the bankrupt bill immediately after the pre-emption bill, had not been rejected by the opponents of the bankrupt bill, and a disposition manifested to prevent any action on that bill at this session. He said he had no fear that his constituents would misapprehend his course on this subject, or that any Senator on this floor could induce any one citizen of Mississippi to believe that he was taking a course hostile to the pre-emption system. The first act ever introduced by him into the Senate, immediately after taking his seat, was a bill containing a prospective pre-emption clause, and he had accompanied that bill with an elaborate report in its favor. At every

subsequent session he had introduced a prospective bill, and in 1837 such a principle had received the assent of a majority of the Senate. He hoped both the pre-emption and bankrupt bill would pass at the present session; but the pre-emption bill would benefit his constituents as much if passed a few months hence, as now; but if action were delayed much longer on the bankrupt bill, it would be of little use to debtor or creditor in the State of Mississippi.

Mr. BENTON observed that the graduation bill was the next in order.

Mr. WALKER said that would be death to the bankrupt bill, and therefore he felt bound to vote for the proposition of the Senator from Kentucky, though he should prefer such a modification of the motion as would give it precedence after the disposal of the bill which was ready to be disposed of, and that bill were pressed to an immediate vote.

Mr. HUBBARD was opposed, as was well known, to the bankrupt bill—he had never received even the first memorial from his own State for such a bill—but, from the last remark of the Senator from Mississippi, it would appear they were to have but one measure during the present session, and that measure was to be the bankrupt bill. Now he (Mr. HUBBARD) was in favor of both the pre-emption and graduation bills, and he sustained them in consonance with resolutions from his own State; and to him it appeared that they ought to act on the bill before them, (the pre-emption bill.) At the last session of Congress the Senate passed a bankrupt bill, and the House to which it was then sent for consideration had it now again under consideration; but what was the course adopted with it there (in the House of Representatives?) Why, it was even refused a consideration—it was not even referred to a committee—by a majority of seventeen. What would be its fate now, he (Mr. HUBBARD) knew not, but it would be an economy of time to wait for the action of the other House upon that bill, and therefore he hoped that the pre-emption bill would not be postponed.

Mr. WALKER endeavored to discharge his duty to his constituents, but he would agree to make the bankrupt bill the special order next after the pre-emption bill, if that compromise were assented to, and no other business then taken up till the bankrupt bill was passed.

Mr. HUBBARD said that would not be in order.

Mr. KING said it could not be made the special order next after the pre-emption bill; it could only be got at by postponing the other special orders.

Mr. NORVELL was in favor of both bills; and as the question now stood, he felt himself placed in a predicament, for he did not wish his vote to be misunderstood, and therefore if the bankrupt bill could be made the special order next after the pre-emption bill, he should be glad that arrangement were made.

Mr. CRITTENDEN did not understand why should not be made the special order next after the pre-emption bill.

Mr. CALHOUN said gentlemen might get at the bankrupt bill in one of two ways. It might be done by moving to discharge it from the special orders and put it on the general orders, and then it could be taken up at any time. The other mode was, to wait until one o'clock and then move the postponement of all special and general orders, to take up this bill. These were the only parliamentary modes of reaching it.

Mr. CRITTENDEN perfectly understood his position; he understood that a majority of the Senate had the right to make what order they pleased.

After some other observations from several Senators,

Mr. CRITTENDEN said he did not wish to embarrass any of the friends of the bill, and with the consent of the Senate, he would now withdraw his motion, but gave notice that he would renew it, and persist in it, as soon as the measure under consideration was disposed of.

Mr. KING. That is right.

Mr. BENTON. That is parliamentary.

The motion was then, by unanimous consent, withdrawn.

PERMANENT PROSPECTIVE PRE-EMPTION BILL.

The bill to establish a permanent prospective

pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up, the question being on the amendment offered by Mr. CALHOUN to the motion to recommit the bill made by Mr. CRITTENDEN.

Mr. SMITH of Indiana resumed and continued his remarks in opposition to the amendment of Mr. CALHOUN, and in favor of the distribution bill.

BANKS OF THE DISTRICT.

Mr. MERRICK then moved that the further consideration of the bill be postponed, and that the Senate take up the bill for the re-charter of the Banks in the District of Columbia.

Mr. CLAY of Alabama said if it was important to get the bill to which the honorable Senator from Maryland referred, before the other branch of Congress, it was much more important—it was all important, to act definitely as soon as possible on the bill the gentleman desired to postpone. He was sorry that the gentleman should think it necessary to occupy so much of the time of the Senate with motions to advance some and to thrust aside other measures. After some other observations he moved to lay the motion of the Senator from Maryland on the table.

Mr. MERRICK called for the ayes and noes thereon, which were ordered; and the motion of the Senator from Alabama was decided in the affirmative—ayes 25, noes 15, as follows:

YEAS—Messrs. Allen, Benton, Calhoun, Clay of Alabama, Fulton, Henderson, Hubbard, Linn, Lumpkin, Mouton, Nicholas, Nicholson, Norvell, Pierce, Porter, Roane, Robinson, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wall, Williams, and Wright—25.

NAYS—Messrs. Clay of Ky., Clayton, Crittenden, Huntington, Ker, Knight, Mangum, Merrick, Phelps, Prentiss, Preston, Ruggles, Southard, Tallmadge, and White—15.

Mr. SOUTHARD then rose, and addressed the Senate in opposition to the amendment proposed by Mr. CALHOUN; but before concluding, gave way to a motion for adjournment.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, January 15, 1841.

After the journal had been read,

The SPEAKER announced that the first business in order was the motion to make the bill to establish

A UNIFORM SYSTEM OF BANKRUPTCY, the special order for the 28th of the present month, and on which the yeas and nays had been ordered; and pending which motion, the House had adjourned.

The yeas and nays were then taken, and were, yeas 57, nays 96, as follows:

YEAS—Messrs. Adams, Alford, John W. Allen, Baker, Barnard, Boardman, Bond, Brewster, Briggs, Brockway, Calhoun, Carter, Chinn, Chittenden, Cranston, Cushing, Edward Davies, Dawson, Dellet, Edwards, Galbraith, Gates, Giddings, Goode, Granger, Grinnell, Hand, Henry, Hoffman, James, Charles Johnston, Kempshall, King, Lincoln, Meredith Mallory, Mason, Monroe, Morgan, Naylor, Nisbet, Osborne, Peck, Randall, Reed, Ridgway, Edward Rogers, Saltonstall, Sergeant, Simonton, Strong, Stuart, Jacob Thompson, Tillinghast, Toland, David D. Wagoner, T. W. Williams, and Winthrop—57.

NAYS—Messrs. Andrews, Atherton, Banks, Beatty, Black, Blackwell, Boats, Boyd, Aaron V. Brown, Burke, Sampson H. Butler, John Campbell, Carroll, Casey, Clifford, Connor, W. R. Cooper, Craig, Crary, Cross, Dana, Deberry, Dickerson, Doan, Doig, Duncan, Earl, Eastman, Ely, Fine, Fisher, Gariand, Gerry, Goggin, Graham, Griffin, Habersham, John Hastings, Hawes, Hawkins, Hill of North Carolina, Hopkins, Hubbard, Jameson, Cave Johnson, Nathaniel Jones, Kile, Lane, Leadbetter, Leonard, Lowell, Lucas, McCarty, McClellan, McClure, McCulloch, McKay Francis Mallory, Marchand, Miller, Montany, Montgomery, Morris, Parrish, Paynter, Pickens, Pope, Prentiss, Proff, Rariden, Rayner, Reynolds, Rives, James Roger, Russell, Samuels,

Shaw, Shepard, Thomas Smith, Steenrod, Swearingen, Sweney, Taliaferro, F. Thomas, Philip F. Thomas, Triplett, Trumbull, Turney, Warren, Watterson, Weller, J. W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, and Wise—96.

So the House refused to make bill the special order for the 28th instant.

Mr. INGERSOLL was then about to proceed, when

Mr. RIVES hoped the gentleman would yield the floor for one moment, in order that he might offer the following resolution, calling for papers connected with the case:

Resolved, That the SPEAKER of this House be requested to issue a subpoena duces tecum to Samuel Hart, esq. prothonotary of the court of common pleas for the city and county of Philadelphia, directing the said Samuel Hart, esq. to appear personally, or by deputy, before this House, at one o'clock, p. m. on Monday, the 18th instant, with the election returns and other papers on file in his office, relating to the Congressional election in the Third Congressional District in the State of Pennsylvania in 1838, there to be examined in evidence in the case of contested election now pending between C. J. INGERSOLL and CHARLES NAYLOR, from the said Congressional District.

Mr. WISE objecting,

Mr. RIVES said if the gentleman from Pennsylvania would give him the floor, he would move a suspension of the rules.

The SPEAKER observed that if any member objected, the gentleman from Pennsylvania could not yield the floor.

Mr. RIVES was again about to urge his request, when

Mr. WISE called him to order.

Mr. INGERSOLL then proceeded in his reply to the arguments of Mr. NAYLOR, and having concluded at a quarter past two o'clock,

Mr. NAYLOR made a brief rejoinder, after which, the question pending being on the resolution reported by the majority of the Committee of Elections, declaring Mr. NAYLOR to have been duly elected—

Mr. JAMESON believing that no good would arise from further discussion, moved the previous question.

Mr. MEDILL, a member of the Committee of Elections, hoped the gentleman would withdraw the call for the previous question, as he wished to offer—(The confusion which prevailed prevented the Reporter from hearing the remainder of the sentence.)

Mr. WISE hoped the Committee of Elections would be permitted to say any thing they thought proper on the subject.

Mr. JAMESON said he regretted that his sense of duty would not permit him to withdraw the call for the previous question; for if the committee were permitted to give their views, other members would wish to reply, and there would be no knowing where the discussion and excitement would end. He therefore persisted in his demand for the previous question.

The call for the previous question was then recorded by the House, and the main question, on agreeing to the resolution of the committee, ordered to be put.

Mr. FILLMORE, after observing that but few members were in their seats, moved a call of the House.

The SPEAKER said that a motion for a call of the House could not be entertained after the previous question had been ordered.

At the request of several members, the resolution was read, as follows:

Resolved, That CHARLES NAYLOR was duly elected a member of the House of Representatives for the Twenty-sixth Congress, from the Third Congressional District of Pennsylvania.

There not being a full attendance of members, and it not being in order to move a call of the House,

Mr. VANDERPOEL thought that, as this was an important question, the better plan would be to adjourn, and take the vote in the morning, when

there might be a full House. He therefore made that motion.

Mr. WISE asked if the time when the motion was made (half past two) would be entered on the journal.

The SREAKER said it would.

The question was then taken on the motion to adjourn, by yeas and nays, as follows:

YEAS—Messrs. Atherton, Beatty, Black, Blackwell, Brewster, Burke, Clifford, Coles, Wm. R. Cooper, Crary, Cross, Dana, Davee, Dickerson, Doan, Duncan, Earl, Eastman, Ely, Everett, Fine, Floyd, Fornance, Gerry, Hammond, Hand, John Hastings, Hawes, Hill of North Carolina, Hillen, Hubbard, Jameson, Keim, Kille, Leadbetter, Leonard, Lowell, Marchand, Medill, Montgomery, S. W. Morris, Parrish, Parmenter, Prentiss, Reynolds, Rives, Rogers, Shaw, Thomas Smith, Strong, Taylor, P. F. Thomas, Jacob Thompson, Turney, Vanderpoel, David D. Wagener, Jared W. Williams, Henry Williams, and Christopher H. Williams—58.

NAYS—Messrs. Adams, John W. Allen, Andrews, Banks, Baker, Barnard, Boardman, Bond, Botts, Briggs, Brockway, Aaron V. Brown, Sampson H. Butler, John Campbell, Wm. B. Campbell, Carroll, Carter, Casey, Chapman, Connor, Crabb, Cranston, Crockett, Curtis, Cushing, Edward Davies, John Davis, John W. Davis, Garrett Davis, Dawson, Deberry, Dellet, Doe, Edwards, Evans, Fillmore, Fisher, Garland, Goggin, Goode, Graham, Granger, Graves, Griffin, Habersham, Hawkins, Hill of Virginia, Hoffman, James, Jenifer, Chas. Johnston, Joseph Johnson, Wm. Cost Johnson, Cave Johnson, John W. Jones, Kempshall, King, Lane, Lincoln, Lucas, McClellan, McClure, McCulloch, McKay, Francis Mallory, Marvin, Miller, Monroe, Moore, Morgan, Nisbet, Palen, Paynter, Peck, Randall, Rariden, Rayner, Reed, Ridgway, James Rogers, Russell, Saltonstall, Samuels, Sergeant, Albert Smith, Truman Smith, Stanly, Suenrod, Stuart, Sumter, Taliaferro, Francis Thomas, Waddy Thompson, John B. Thompson, Tillinghast, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, Weller, John White, T. W. Williams, Lewis Williams, Joseph L. Williams, Winthrop, and Wise—111.

So the House refused to adjourn.

And the question recurring on the adoption of the resolution,

Mr. FILLMORE observed, it was highly desirable that there should be a full attendance before the vote was taken, and he hoped the House would consent to a call.

The SPEAKER said that such a motion could be entertained only by general consent, as it was not permitted by the rules.

And there being no objection,

Mr. FILLMORE moved that there be a call of the House; which motion was seconded, and a call ordered.

The CLERK called the roll; when 194 members answered to their names.

The doors were then closed, and the Clerk directed to call the names of the absentees.

Mr. MASON moved that all further proceedings in the call be dispensed with, and on that motion.

Mr. ATHERTON demanded the yeas and nays, which were ordered, and being taken were

YEAS—Messrs. John Q. Adams, Alford, John W. Allen, Andrews, Banks, Baker, Barnard, Bell, Blackwell, Boardman, Bond, Briggs, Brockway, Sampson H. Butler, Calhoun, John Campbell, Carr, Carroll, Carter, Casey, Chapman, Chinn, Coles, Connor, James Cooper, Crabb, Cranston, Crary, Crockett, Curtis, Cushing, John W. Davis, Garrett Davis, Deberry, Dellet, Doan, Doe, Edwards, Evans, Fillmore, Fisher, Gentry, Goggin, Graham, Granger, Graves, Green, Griffin, Grinnell, Habersham, Hall, Henry, Hill of Virginia, Hill of North Carolina, Hoffman, Hubbard, Hunt, Jenifer, Charles Johnston, Joseph Johnson, William Cost Johnson, Cave Johnson, Kempshall, King, Lane, Lincoln, Francis Mallory, Marvin, Mason, Monroe, Moore, Morgan, Samuel W. Morris, Morrow, Nisbet, Osborne, Palen, Paynter, Peck, Pickens, Randall, Rariden, Rayner, Reed, Ridgway, Edward Rogers, Russell, Saltonstall,

Sergeant, Simonton, Slade, Albert Smith, Truman Smith, Stanly, Stuart, Sumpter, Taliaferro, Waddy Thompson, John B. Thompson, Tillinghast, Triplett, Trumbull, Underwood, Peter J. Wagner, Warren, Waterson, John White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Winthrop, and Wise—115.

NAYS—Messrs. Atherton, Beatty, Boyd, Brewster, Aaron V. Brown, Burke, William O. Butler, Bynum, Clifford, W. R. Cooper, Cross, Dana, Thomas Davee, Edward Davies, John Davis, Dickerson, Duncan, Earl, Eastman, Ely, Everett, Fine, Floyd, Fornance, Galbraith, Gerry, Goode, Hammond, Hand, John Hastings, Hillen, Hopkins, James, Jameson, Kille, Leadbetter, Leonard, Lowell, Lucas, McClellan, McClure, McCulloch, McKay, Marchand, Medill, Miller, Newhard, Parrish, Parmenter, Prentiss, Reynolds, Rives, James Rogers, Samuels, Shaw, Starkweather, Steenrod, Strong, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Toland, Turney, Vanderpoel, Weller, Jared W. Williams, and Henry Williams—66.

So all further proceedings in the call were dispensed with.

The resolution was again read; after which

Mr. TAYLOR of Ohio moved to adjourn, but the motion was negatived by tellers as follows: yeas 86, nays 106.

Mr. WATTERSON moved to lay the whole subject on the table.

Mr. L. WILLIAMS demanded the yeas and nays.

Mr. WISE desired to know whether, in case the motion to lay on the table should prevail, the sitting member, Mr. NAYLOR, would not remain in his seat.

The SPEAKER said that would be the effect of the motion, should it prevail.

Mr. JENIFER wished to know whether, this being a privileged question, it could not be again called up at any time.

The SPEAKER said it could.

The motion to lay on the table was then withdrawn.

The question was then taken on the resolution, and decided in the affirmative by yeas and nays, as follows:

YEAS—Messrs. Adams, Alford, J. W. Allen, Andrews, Banks, Baker, Barnard, Bell, Boardman, Bond, Botts, Briggs, Brockway, S. H. Butler, W. O. Butler, Calhoun, John Campbell, William B. Campbell, Carr, Carroll, Carter, Casey, Chinn, Chittenden, James Cooper, Crabb, Cranston, Crockett, Curtis, Cushing, Edward Davies, John W. Davis, Garrett Davis, Dawson, Deberry, Dellet, Doe, Edwards, Evans, Everett, Fillmore, Fisher, Garland, Gates, Gentry, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Grinnell, Habersham, Hall, Wm. S. Hastings, Hawes, Henry, Hill of Virginia, Hill of North Carolina, Hoffman, Hunt, James, Jenifer, Charles Johnston, William Cost Johnson, Kempshall, King, Lane, Lincoln, Francis Mallory, Marvin, Mason, Monroe, Moore, Morgan, Calvary Morris, Morrow, Nisbet, Osborne, Palen, Peck, Pope, Randall, Rariden, Rayner, Reed, Rhett, Ridgway, Russell, Saltonstall, Sergeant, Shepard, Simonton, Slade, Truman Smith, Thomas Smith, Stanly, Stuart, Sumter, Taliaferro, Waddy Thompson, John B. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, P. J. Wagner, Warren, J. White, Thomas W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Winthrop, and Wise—116.

NAYS—Messrs. Atherton, Beatty, Blackwell, Brewster, Aaron V. Brown, Burke, Bynum, Chapman, Clifford, Coles, Connor, Wm. R. Cooper, Crary, Dana, Davee, John Davis, Dickerson, Doan, Doig, Duncan, Earl, Eastman, Ely, Fine, Floyd, Fornance, Galbraith, Gerry, Griffin, Hammond, Hand, John Hastings, Hawkins, Hillen, Hopkins, Hubbard, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Leadbetter, Leonard, Lowell, Lucas, McClellan, McClure, McCulloch, McKay, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parrish, Parmenter,

Paynter, Prentiss, Reynolds, Rives, Edw. Rogers, James Rogers, Samuels, Shaw, Albert Smith, John Smith, Starkweather, Steenrod, Strong, Swearingen, Taylor, Francis Thomas, Philip F. Thomas, Jacob Thompson, Turney, Vanperpoel, D. D. Wagener, Waterson, Weller, Jared W. Williams, and Henry Williams—85.

So Mr. NAYLOR was declared to have been duly elected, and, as such, entitled to a seat until the close of the present Congress.

The House then adjourned.

IN SENATE,

SATURDAY, January 16, 1841.

Mr. YOUNG presented two petitions of citizens of Illinois and Iowa, praying the establishment of certain mail routes; which were referred to the Committee on the Post Office and Post Roads.

Mr. SEVIER presented the memorial of the Legislature of Arkansas, praying for an appropriation for the improvement of the Washita river; which was referred to the Committee on Roads and Canals.

Mr. S. also presented the memorial of the same body, praying that inspectors of steamboats may be appointed for the rivers of the State of Arkansas; which was referred to the Committee on Commerce.

Mr. FULTON presented the memorial of the Legislature of Arkansas, asking that lands may be appropriated in lieu of those in the neighborhood of the salt springs owned by the United States; which was referred to the Committee on the Public Lands.

Mr. F. also presented a memorial from the same body, in favor of the passage of a bill ceding the public lands to the States in which they lie, on certain conditions. The conditions are similar to those prescribed by the amendment of Mr. CALHOUN, now under discussion. The memorial was read, and ordered to be printed.

Mr. MOUTON presented the memorial of the Red River Railroad Company, praying a remission of duties on railroad iron; which was referred to the Committee on Finance.

Mr. BUCHANAN presented the memorial of citizens of Luzerne county, Pa. praying the passage of a general bankrupt law; which, as a bill has been reported, was laid on the table.

Mr. NORVELL presented the memorial of citizens of Jackson county, Michigan, praying the passage of a general bankrupt law; which was laid upon the table.

Mr. WRIGHT presented the memorial of citizens of New York, remonstrating against the passage of a bankrupt law; which was laid on the table, and ordered to be printed.

Mr. MERRICK presented the memorial of Isaac Garrison; which was referred to the Committee on Claims.

Mr. CLAY of Alabama, from the Committee on the Public Lands, reported a bill for the relief of Jesse Carpenter; which was read, and ordered to a second reading.

Mr. CLAYTON, from the Committee on the Judiciary, reported a bill respecting the heirs of Agnes Dundas; which was read, and ordered to a second reading.

Mr. WALL, from the Committee on the Judiciary, to which was referred the memorial of M. M. Quackenboss, reported a bill to authorize the Secretary of the Treasury to make an arrangement or compromise with any of the sureties on bonds given to the United States by Samuel Swartwout, late collector of the customs for the port of New York; which was read, and ordered to a second reading.

Mr. HENDERSON, from the Committee on Roads and Canals, to which was referred the bill for the relief of the Eagle Railroad and Lumber Company, reported the same with an amendment.

Mr. YOUNG, from the Committee on Roads and Canals, to which was referred the bill for the continuation of the Cumberland road in the States of Ohio, Indiana and Illinois, reported the same without amendment.

On motion by Mr. ROANE, the petition and papers of Gen. Thomas Nelson, now on file, were referred to the Committee on Revolutionary Claims;

and the petition and papers of E. B. Sanders were permitted to be withdrawn from the files of the Senate.

Mr. SMITH, from the Committee on the Judiciary, to which was referred the bill to amend the act entitled "An act supplementary to the act entitled 'An act to amend the judicial system of the United States,'" reported the same without amendment.

Mr. CLAY of Kentucky submitted the following resolutions, which were considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate the plan of a permanent change in the tariff, the details and general principles of which he states, in his annual report of the 7th ultimo, he has considered, and on which he is ready to report, at any moment either House of Congress might express a wish to that effect.

Resolved, That the Secretary of the Treasury be also directed to report, as soon as practicable, a plan of assessing the value of goods, wares, and merchandise in the ports of the United States instead of foreign countries.

Mr. RUGGLES submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of providing by law for the registering and enrolment of such foreign ships as shall be sold to American citizens under the order or decree of any court of the United States, made on process of law, though the same may not have been built in the U. States.

Mr. TAPPAN submitted the following resolution for consideration, which lays over:

Resolved, That the Senate will proceed, on Monday next, at one o'clock, to elect a Sergeant-at-Arms in the place of Stephen Haight, esq. deceased.

SUGAR AND RUM DRAWBACKS, AND FISHING BOUNTIES AND ALLOWANCES.

Mr. BENTON rose to submit a resolution in relation to drawbacks on exported refined sugar and rum, manufactured out of foreign materials, and in relation to the fishing bounties and allowances; and as it was a subject on which he had heretofore moved, and that frequently, without effect, he said he felt it to be incumbent upon him to give some reasons to the Senate for again venturing to trouble them with it. Undismayed by former miscarriages, he would go on with his efforts, whether sterile or successful, until the evils were cured, or until his Senatorial service ceased; and he felt very certain of making out a case for legislative interference, whether he succeeded in procuring it or not. His resolution embraced three points of abuse, and he would take them up singly, in order to present his remarks with more distinctness and precision.

He began with the sugar drawback. He said it was now twelve years since our erroneous legislation began on that point, and he had the fate or fortune at that time to point out the error and to predict its consequences. This was in the year 1828, when the drawback on exported refined sugar, without any increase of duty on the foreign article out of which it was manufactured, was increased twenty per cent; that is to say, was raised from four cents to five cents a pound, the duty on imported brown sugar remaining at three cents a pound. To this increase he then objected, on the ground that it would restore more duty, in the shape of drawback, than had been paid on the imported sugar; that this excess of duty would be a naked bounty out of the Treasury on a manufactured article, and that the consequence would be a great increase in the importation of foreign sugar, to the prejudice of the home production, and a great increase in the amount of drawback paid, to the injury of the Treasury. These were the objections which he made to the act of 1828, and the proof of their correctness was quickly forthcoming. The increase in the imports of brown sugar nearly doubled in five years; it rose from 50,000,000 of pounds to 90,000,000. The increase in the drawbacks exceeded all calculation: it rose in three years from about \$2,000 (to be precise, \$2,045) to \$84,230! Such was the fruit of the first error committed in 1828.

The second error was committed seven years ago; it was committed in the famous compromise act of 1833. That act provided for a reduction of duties on all imported articles, to be made periodically, and to be brought down in 1842 to an ad valorem of 20 per centum, but it made no provision for a corresponding reduction of drawbacks, when the imported article was exported in a manufactured or altered shape. Looking upon this defect as an oversight in the framers of the bill, he ventured to propose an amendment to remedy the omission, when the bill was before the Senate. He submitted an amendment; it was voted upon by the Senate, and rejected. The compromise bill then went into operation, and gave increased vigor to the error of 1833. It increased the sugar importations in six years from near one hundred millions to near two hundred millions of pounds; and it increased the drawback from about \$80,000 to upwards of \$600,000. The amount paid in 1840 was \$611,000; with an indication of inordinate increase—the amount of \$75,000, being already drawn by a single refiner (Woolsey) at a single city (New York) in the first ten days of the present year. As the sugar duty is now reduced 40 per cent. under the compromise act, and the drawback was already too high by 20 per cent. under the act of 1828, it follows that six-tenths of all the drawback on refined sugar exported last year, was a naked bounty of the Treasury, in flagrant violation of the Constitution, to the great enrichment of a few individuals, and to the deep injury of the Treasury. Justice to the Constitution and the Treasury requires this evil to be stopped; it has certainly reached a point high enough to arrest the attention of the Legislature, and to command a remedy. If it has not, it will by next year, when the drawback will become nearly all clear bounty—when near two millions of dollars will be required to pay it—when the whole sugar revenue of the Union will be inadequate to the payment—and when moneys must be borrowed, or raised by other taxes, to meet the demand.

The next article he would mention was that of the rum drawback. It was small, in comparison to the drawback on sugar, but was still an evil deserving of legislative interposition. The error in this article began in the compromise act, and had been running on since its passage. The amendment which he then offered, and which he had referred to, was intended to embrace the rum, as well as the sugar drawback. It was rejected by the Senate; and consequently, as the duty on molasses went down, and the drawback remained stationary, a part of the drawback became clear bounty, and stimulated the distiller to earn more of it. The drawback on exported rum has, therefore, increased ten or twenty fold: it has risen from one or two thousand dollars to \$22,000. The molasses duty being reduced about 40 per centum, it resulted that four-tenths of this drawback was a naked bounty out of the Treasury, and to that extent was a violation of the Constitution, as well as a pecuniary loss. After 1842, if nothing is done, four-fifths of this rum drawback will be naked bounty.

The third and last article which he took up was the fishing bounties and allowances. The erroneous legislation on this point commenced, he said, in the year 1830, when the duty on salt was reduced one-half (by two annual reductions) and no corresponding reduction made in the fishing bounties and allowances founded upon that duty; and was continued by the compromise act which provided for further periodical reductions of the salt tax without any corresponding reduction of the fishing bounties and allowances. He had attempted to expose this error, and to correct it, on both these occasions, but without success. No diminution of the fishing bounties and allowances could be effected; consequently, they have been rising while the duty has been going down. The duty on salt has sunk about two-thirds, say from 20 cents per bushel to about six; the fishing bounties have risen about one-third, that is to say, from about \$220,000 to about \$330,000. Two-thirds of this sum ceases to be founded on the salt duty, consequently becomes a bounty act of the Treasury; and, like the excess in the sugar and rum drawbacks, becomes to that extent a gratuity from the Treasury, and an infraction of the Constitution.

For ten years the Treasury has been paying this gratuity to the cod fisheries, beginning at about \$100,000 of gratuity, and reaching last year about \$220,000 of gratuity. This year it will be still larger; and in 1842, when the compromise has reduced the salt tax to an ad valorem of twenty per cent. the amount paid will be still increased, and nearly the whole will be a naked gratuity, and the salt tax not sufficient to pay it. The tax, on our average importations of about one million of dollars' worth, will be only \$200,000; while the bounties and allowances, increasing as for some years past (and the temptation to increase becomes stronger every day) will be about \$400,000. The spectacle will then be presented of an entire nation taxed in its salt for the sake of presenting the amount to few thousand fishermen, and the product of the tax not being sufficient, other taxes must make up the deficiency.

He said he had been raising his voice "*solitary and alone*" for years past, to wake up the Senate and the country to the errors of our legislation in relation to the three points to which he now called attention—the sugar drawback, the rum drawback, and the fishing bounties and allowances. He had been raising his voice *solitarily* to this effect: he had been standing almost alone up to the present time; but at last other voices had come to his assistance. The collector of the port at New York, (Mr. Hoyt,) pours into the Treasury Department a continued succession of letters to show the alarming amounts of the sugar drawbacks, and the rapidity of their increase; the Secretary of the Treasury, (Mr. Woodbury,) both in his annual report on the finances, and in a late recommendation for the issue of five or six millions of Treasury notes, has called the attention of Congress both to the sugar drawbacks and the fishing bounties and allowances; and has earnestly called for some legislative action to protect the Treasury from their heavy drains. The drains were indeed heavy, and might well make the Secretary begin to cry out. They were near a million of dollars last year, will probably be near two millions next year, and three the year after if not arrested. Two-thirds of what is now drawn, is unjustly and unconstitutionally drawn; as the duties increase this proportion increases, and will soon be three-fourths or four-fifths. Mr. BENTON then submitted his resolution, as follows:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of reducing the drawbacks on refined sugar and rum, manufactured out of foreign materials, and exported, in proportion to the reduction which has taken place, and will take place, under existing laws, in the duties on imported sugar and molasses; also of reducing the fishing bounties and allowances in proportion to the reduction which has taken place, and shall take place, under existing laws, in the duty on imported salt.

The resolution was considered and agreed to.

The following bills were considered as in committee of the whole, and ordered to be engrossed for a third reading:

The bill supplementary to an act entitled "An act to encourage the introduction, and promote the cultivation, of tropical plants," approved seventh July, 1839.

The bill to confirm the survey and location of claims for lands in the State of Mississippi, east of the Pearl river, and south of the thirty-first degree of north latitude.

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up, the question being on the amendment offered by Mr. CALHOUN to the motion to recommit the bill made by Mr. CRITTENDEN.

Mr. SOUTHWARD resumed and concluded the remarks commenced yesterday in opposition to Mr. CALHOUN's amendment, and in favor of that of Mr. CRITTENDEN.

Mr. CLAY of Alabama then rose, and expressed his intention of submitting some remarks, but yielded to a general wish for adjournment.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, January 16, 1841.

After the journal had been read,
Mr. CAMPBELL of South Carolina asked leave to offer the following resolution:

Resolved, That Charles J. Ingersoll be paid the mileage and per diem of a member of Congress up to the time that the case of the contested election between himself and **CHARLES NAYLOR**, from the Third Congressional District of the State of Pennsylvania, was decided by the House.

Objection being made,

Mr. CAMPBELL moved a suspension of the rules, and thereupon called for the yeas and nays.

Mr. SMITH of Connecticut suggested to the gentleman from South Carolina the introduction of a clause providing for a deduction from the per diem allowance and mileage paid last session to **Mr. Ingersoll** for witnesses and taking testimony. If such a clause should be inserted, he, **Mr. S.** would vote for the resolution.

But the yeas and nays having been ordered, were then taken, and resulted—yeas 55, nays 85, as follows:

YEAS—Messrs. Alford, Atherton, Brewster, Briggs, Burke, Sampson H. Butler, John Campbell, Carroll, Chinn, Clifford, William R. Cooper, Craig, Crockett, Dana, John W. Davis, Dawson, Doig, Earl, Ely, Fine, Fisher, Floyd, Galbraith, Gerry, Hammond, Joseph Johnson, Kille, Lowell, McClure, Marchand, Miller, Montanya, Montgomery, Nisbet, Parrish, Pickens, Prentiss, Reynolds, Rhett, Edward Rogers, James Rogers, Shaw, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweeney, Philip F. Thomas, Jacob Thompson, Vanderpoel, Weller, Wick, Jared W. Williams, and Worthington—55.

NAYS—Messrs. Adams, Andrews, Banks, Baker, Barnard, Blackwell, Boardman, Bond, Botts, Breckenridge, Brockway, Calhoun, Carr, Carter, Casey, Chittenden, Connor, Cranston, Cushing, Edward Davies, Garrett Davis, Deberry, Dellet, Edwards, Evans, Everett, Fillmore, Garland, Gates, Giddings, Goggin, Goode, Granger, Green, Griffin, Grinnell, Hall, Henry, Hill of N. C. Hopkins, Hubbard, James, Charles Johnston, Cave Johnson, Kempshall, King, Lucas, McCarty, McClellan, McKay, F. Mallory, Marvin, Mason, Morgan, C. Morris, Morrow, Osborne, Peck, Profit, Randall, Kariden, Reed, Ridgway, Russell, Saltonstall, Samuels, Sergeant, Simonton, John Smith, Truman Smith, Thos. Smith, Stuart, Taylor, Waddy Thompson, John B. Thompson, Tillinghast, Toland, Trumbull, Turney, Waterson, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Winthrop, and Wise—85.

So the rules were not suspended.

Mr. PROFFIT asked leave to introduce a resolution calling upon the Secretary of the Treasury for information as to what particular appropriations that officer is of opinion may be dispensed with during the present year.

Objection being made,

Mr. PROFFIT moved a suspension of the rules; which motion was negatived.

Mr. RIVES, from the Committee of Elections, on leave, reported a resolution authorizing the payment to **Mr. Carlisle**, clerk of the committee, an extra compensation of \$2 per day for the great labor he was compelled to perform at the last session.

On motion of **Mr. CAVE JOHNSON**, the resolution was laid on the table.

REPORTS FROM COMMITTEES.

Mr. RUSSELL, from the Committee of Claims, reported back to the House, without amendment, Senate bills entitled

An act for the relief of Charles M. Keller and Henry Stone; and

An act for the relief of Lieutenant John E. Cispham; which were severally read a first and second time, and committed to a Committee of the Whole on the state of the Union.

On motion of **Mr. GIDDINGS**, the Committee of Claims was discharged from the further consideration of the petitions of George Fisher, William B. Whitehead, James Pennoyer, S. B. Tuck, Dr. F. Weedan, Lavina York, George W. Walton,

and William Clendening; which reports were ordered to lie upon the table.

Mr. J. W. WILLIAMS, from the Committee of Claims, made an unfavorable report on the petition of Dallam and Hamburg; which was ordered to lie upon the table.

Mr. CURTIS, from the Committee on Commerce, reported back to the House without amendment, Senate bill entitled "An act to refund to Noah Miller and others a part of the proceeds of the sale of the British sloop Mary and cargo, which were captured by them, and libelled and sold for the benefit of the United States;" which bill was read a first and second time, and committed to a Committee of the Whole on the State of the Union.

Mr. WINTHROP, from the same committee, reported

A bill for the relief of Thomas Eldridge;

A bill for the relief of the owners of the ship Lexington, of Nantucket; and

A bill for the relief of the schooner Joseph, of Wareham;

which were severally read a first and second time, and committed to a Committee of the Whole on the state of the Union.

Mr. HABERSHAM, from the Committee on Commerce, reported a bill to amend an act to extend the limits of the port of New Orleans, passed on the 9th day of February, 1837; which was read a first and second time, and referred to a Committee of the Whole.

Mr. H. also made an unfavorable report on the memorial of merchants and ship owners of Richmond and Petersburg, in the State of Virginia, in favor of a marine hospital at City Point; which report was ordered to lie upon the table.

Mr. CASEY, from the Committee on Public Lands, reported the following resolution, which was agreed to:

Resolved, That ten thousand extra copies of the annual report of the Commissioner of the General Land Office, together with the maps, be printed for the use of the House: *Provided*, The same plates can be used, upon which the same maps furnished the Senate have been printed, and without any additional expense for engraving.

Mr. CRARY, from the same committee, reported a bill to amend an act entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," passed the 18th day of April, 1806.

After some remarks by Messrs. **CAVE JOHNSON**, **WISE**, **MONTGOMERY**, and **LEWIS WILLIAMS**, the bill, with certain amendments, by general consent, was ordered to be printed.

Mr. JOHN W. DAVIS, from the Select Committee appointed on the 31st December ultimo, to which was referred the letter from **JOHN C. RIVES**, one of the firm of **BLAIR & RIVES, &c.** made the following report:

The Select Committee to which was referred the letter of John C. Rives, one of the Printers to this House, dated the 31st ultimo, and the memorial of Hugh A. Garland, Clerk to this House, dated the 4th instant, both communications referring to a controversy between the parties as to the powers of the Clerk to control the binding of Congressional documents and the printing of the special orders of the House, have given to the subject that attention which it seemed to demand, and now ask leave to report:

In the first paragraph of **Mr. Rives's** letter, complaint is made that the Clerk had not sent all the printing ordered by the House to Blair and Rives, as Printers to this body. The Clerk, under some examples to be found in the practice of this body within the last few years, felt authorized to contract with others than the Printers elect to this House, for such items of printing as were ordered by the special act of this body. Under this practice the Clerk felt himself at liberty to give to **Mr. Langtree** the printing of an index to the reports and documents ordered to be prepared in the year 1837, but which was not ready for the press until the last season. It is to the printing of this document that **Mr. Rives** refers in the first part of

his letter. The committee have examined, for both, the law and the precedents to justify this transfer of printing to others than the public Printers; and after proper investigation, are compelled to the conclusion that all the printing to be executed by the order of the House, of right belongs to the Printers elected by it; and that no special order of the House to the Clerk to have executed a particular item of printing, can in any manner vitiate the claim of the public Printer to execute such work. For example, if, by the contract between this House and the public Printers, the House has the right to demand the execution of such work of its Printers, they (the Printers) are in return entitled to receive it, if they desire it: and that such obligation does rest upon the Printers, is manifest from the fact that the condition of their bond (given for the faithful performance of their duty) expressly declares that "if they shall well and faithfully execute all the printing, &c."—which shows conclusively their obligation to perform all such service and also shows, in the estimation of the committee the right to receive all the printing ordered by this House. The committee, however, beg leave, to state, that as the printing of the index referred to, is in a state of forwardness at the office of **Mr. Langtree**, it should remain to be completed by him, according to the terms of the contract made by the Clerk with **Mr. L.** for the execution of that work. The committee have made this suggestion without compromising the principle which they have laid down, as to the claim of the public Printer to do all the printing, because the committee are not advised that ever that document has been ordered to be printed.

Upon the subject of binding the committee have searched in vain for any legal provision in relation to the matter. Until within the last twelve or fourteen years, little or no binding had been ordered by, or was executed for, Congress; and during that period it has always been executed either directly or indirectly by the Printers to the House, as appears both by testimony given to the committee, and the archives of the Clerk's office.

Your committee do not assume the position that binding constitutes any part of the business of a printer, or that it is even germane to that avocation; in fact, it is in evidence before us, that printing and binding are distinct and separate branches of business, and usual pursued as such. Notwithstanding, your committee are of opinion the practice which has obtained for the last twelve years should be adhered to, until Congressional legislation shall specifically assign this duty to some executive officer of the House, or provide for its execution in such mode or manner as may be thought most expedient. In order to show that the binding has been considered as a perquisite to the public printing, it is only necessary to refer to the reports made at the last session of Congress by a select committee, and the debate connected with them.

The following conclusions are submitted as the result of the deliberations of the committee:

First. That there is nothing in the character of the controversy, or the evidence submitted, to imply censure upon either of the parties, but seems to have been the result of a misapprehension of the legitimate sphere of their respective duties.

Second. That, by existing laws, all the printing ordered by the House should be executed by the public Printer.

Third. That, in accordance with the usage of the last twelve years, in the absence of any legal provisions, the binding of such documents as he may print should be executed by the public Printer as an incident to the printing.

The committee ask to be discharged from the further consideration of the subject.

Respectfully submitted.

JNO. W. DAVIS, Chairman.

The report was laid upon the table, and ordered to be printed.

The **SPEAKER** then laid before the House the following communications, viz:

1. From the First Comptroller of the Treasury, transmitting, in compliance with the provisions of the act of Congress, passed the 3d March, 1809, *First*. A statement of such officers as have not

rendered their accounts within the year, or have balances unaccounted for, advanced one year prior to the 30th September, 1840. *Second.* A statement of accounts in his office which have remained unsettled, or on which balances appear to have been due more than three years prior to the 30th September, 1840. *Third.* An abstract of money advanced prior to the 3d of March, 1809, on the books of the late Accountant of the War Department, and which remained to be accounted for on the books of his office on the 30th of September, 1840.

2. From the Secretary of the Treasury, transmitting a report in answer to a resolution of the House of the 16th of December ultimo, as to what subordinate custom-house officers have been dispensed with within the period of two years last past, and what had been the rate of compensation previously paid to such officers for their services, and also relative to the erection of custom-houses in New York and Boston.

3. From the First Comptroller of the Treasury, transmitting a statement of balances on the books of the Register of the Treasury which have remained unsettled for three years prior to the 30th September, 1840, made in obedience to the act passed 3d March, 1817.

4. From the Secretary of War, transmitting, in compliance with the fifth section of the act of the 3d of March, 1809, a report of the Third Auditor, showing the expenditure of the appropriation for the contingent expenses of the military establishment during the year 1840.

5. From the Secretary of the Navy, transmitting, in compliance with the ninth section of the act of 20th April, 1818, a statement showing the names of the clerks employed during the year 1840 in the offices of the Secretary of the Navy and the Navy Commissioners respectively, the time each clerk was actually employed, and the sum paid to each.

The above communications were severally laid upon the table, and ordered to be printed.

The Senate bill entitled, "An act supplementary to the act entitled, 'An act for the discontinuance of the office of surveyor general in the several districts, so soon as the surveys therein can be completed, for abolishing land offices under certain circumstances, and for other purposes,'" approved June 12, 1840, was read a first and second time, and referred to the Committee on Public Lands.

The House then resolved itself into a Committee of the Whole on the private bills on the calendar.

After some time spent therein, the following bills now reported, with an amendment, striking out the enacting clause.

A bill for the relief of Nothaniel Goddard and others.

A bill for the relief of the heirs and legal representatives of Don Carlos de Villemont.

A bill for the relief of Jeremiah Smith.

Also, the following bills, without amendment:

A bill to incorporate the Washington City Benevolent Society.

A bill for the relief of Sarah H. B. Stith and children.

A bill for the relief of W. B. Winston.

A bill for the relief of Elizabeth Jones and others.

A bill for the relief of Thompson Hutchinson.

A bill for the relief of Esther Parrott.

Also, a bill for the relief of Job Halsey.

Without coming to any decision thereon,

The following bills, reported without amendment, were then taken up by the House, and ordered to be engrossed for a third reading:

A bill for the relief of W. B. Winston.

A bill for the relief Elizabeth Jones and others.

A bill for the relief Thompson Hutchinson.

A bill for the relief of Esther Parrot.

The bill for the relief of the heirs and legal representatives of Don Carlos de Villemont was next taken up, and the amendment of the committee, striking out the enacting clause, concurred in.

The question then being on agreeing with the amendment of the committee, striking out the enacting clause of the bill for the relief of Nathaniel Goddard and others, the yeas and nays were ordered, when the House adjourned.

IN SENATE.

MONDAY, January 18, 1841.

The PRESIDENT submitted a communication from the Secretary of the Treasury, communicating a report from the Commissioner of the General Land Office, in reply to a resolution submitted some time since by Mr. CLAY of Kentucky, in relation to the sales of the public lands, which have been for several designated periods of time liable to sale at public entry; which was laid on the table, and ordered to be printed.

Mr. CLAY subsequently moved that one thousand additional copies should be printed; which, after some remarks by Messrs. WALKER, KING, and CLAY of Kentucky, was agreed to.

AMERICAN WATER-ROTTED HEMP.

The PRESIDENT also submitted a report from the Secretary of the Navy in reply to a resolution submitted by Mr. BENTON, some days since, in relation to the use of American water-rotted hemp in the navy of the United States.

Mr. BENTON moved that the report be printed, and referred to the Committee on Naval Affairs.

Mr. BUCHANAN expressed his gratification that the Senator from Missouri (Mr. BENTON) had introduced this subject to the attention of the Senate and the country. He himself, a number of years ago, had procured some hemp to be water-rotted in Lancaster county, Pennsylvania, the place of his residence, and to be sent to the navy yard in Philadelphia. After trial, it was found to be fully equal, if not superior, to the best Russian hemp. The process of water-rotting had, however, been abandoned, in that county, in consequence chiefly of an impression that it was unhealthy.

Mr. Myerle had written him several letters on this important subject. That gentleman, with a perseverance and energy which deserved all praise, had introduced extensively in Kentucky the process of water-rotting. He had conquered the prejudices which heretofore existed against it, and had, as he states, demonstrated that it was not unhealthy. This was a most expensive operation, in which he had risked his all; and he had thus rendered great service to his country. Why should we be dependent upon foreign nations for the article of water-rotted hemp, which is essential both to our navy, and to our merchant service? Mr. Myerle had demonstrated that our countrymen could supply this article in abundance. He had sent Mr. B. a specimen of his hemp, which had been submitted to those who were judges of the article, and had been pronounced equal to the best Russia hemp.

After Mr. Myerle had embarked his all in this business, it would be highly unjust to deprive him of the benefit of his exertions. The Navy Department, according to the existing laws, would be bound to grant the contract for American water-rotted hemp to the lowest bidder. It might thus happen, and Mr. Myerle was apprehensive it would happen, that some individual, taking advantage of the knowledge acquired by his toils and exertions, might underbid him a trifling amount, and thus impose upon him all the labor and expense of introducing the process of water-rotting hemp, whilst all the advantages would result to another. He thought it was no more than strict justice that the Department should be authorized to contract with Mr. Myerle for a reasonable quantity of hemp at a fair price, without advertising for other bidders.

He was glad that the Senator from Missouri had moved in this business, as it could not be under better auspices.

The motion to print and refer was agreed to.

Mr. BENTON presented a memorial of citizens of New York, remonstrating against the passage of any bankrupt law which does not contain a provision including banks; which was laid on the table, and ordered to be printed.

Mr. TAPPAN presented a memorial from citizens of Perrysburg, Ohio, in favor of the passage of a general bankrupt law; which was laid on the table.

Mr. HUNTINGTON presented a memorial of citizens of Connecticut, praying the passage of a general bankrupt law; which was laid on the table.

Mr. MOUTON, from the Committee on Commerce, to which was referred the memorials of the branch pilots of New York and New Orleans, reported a bill to repeal an act concerning pilots, approved March 2, 1837; which was read, and ordered to a second reading.

Mr. TAPPAN, from the Joint Committee on the Library, reported a joint resolution for the relief of Langtree and O'Sullivan; which was read, and ordered to a second reading.

Mr. KING, from the Committee on Commerce, to which was referred the petitions of Caleb Eddy and George W. Jones, made unfavorable reports thereon. After some remarks from Mr. KNIGHT and Mr. KING, the report was laid on the table.

Mr. WHITE gave notice that to-morrow he would ask leave to introduce a bill to provide for satisfying outstanding claims to military bounty land warrants.

Mr. PIERCE gave notice that to-morrow he would ask leave to introduce a bill relating to judicial courts for the district of New Hampshire.

Mr. HENDERSON presented the memorial of numerous shipmasters and others in the port of New Orleans, praying a slight modification of the laws relating to pilots, passed March 2, 1837; which was laid on the table, and ordered to be printed.

The resolution submitted on Saturday last by Mr. TAPPAN to go into an election of Sergeant-at-Arms, was, on Mr. T's motion, laid on the table.

Mr. CLAY of Kentucky submitted the following resolution; which was considered and agreed to:

Resolved, That the Secretary of the Treasury furnish the Senate with a statement, showing in tabular form the lands, the titles for which were closed under the relief laws of 31st March, 1830, and 25th February, 1831, giving the numbers of acres in each district which were sold at and under \$5 per acre; from \$5 to \$10 per acre; from \$10 to \$15; from \$15 to \$20; from \$20 to \$30; from \$30 to \$40; from \$40 to \$50; from \$50 to 60; from \$60 to \$70; from \$70 to \$80; from \$80 to \$90; from \$90 to \$100; and \$100 and upwards per acre; the amounts paid on such sales respectively and forfeited; the rates at which such sales were closed per acre; also, the gross amount of lands patented under each of these two laws in each district; the amounts in gross for which they were originally sold, the gross amounts paid on them and forfeited; and the gross amounts finally received for them.

BILLS PASSED.

The bill supplementary to an act entitled "An act to encourage the introduction, and promote the cultivation, of tropical plants," approved seventh July, 1838; and

The bill to confirm the survey and location of claims for lands in the State of Mississippi, east of the Pearl river, and south of the thirty-first degrees of north latitude; were severally read a third time, and passed.

The bill for the relief Gregoire Sarpy, or his legal representatives, was considered as in committee of the whole, and ordered to be engrossed for a third reading.

The bill making certain appropriations for the Patent Office was taken up, and after being explained by Mr. STURGEON,

Mr. CALHOUN moved to strike out an appropriation for collecting agricultural statistics, which he advocated at some length. The motion was opposed by Mr. STURGEON, Mr. WALKER, and Mr. PRENTISS; and, it being one o'clock, on motion by Mr. SMITH of Connecticut, the further consideration of the bill was postponed until to-morrow.

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log-cabin thereon, being the special order of the day, was taken up, the question being on the amendment offered by Mr. CALHOUN to the motion to recommit the bill made by Mr. CRITTENDEN.

Mr. CLAY of Alabama addressed the Senate at much length in favor of the original bill and the amendment of Mr. CALHOUN, and in opposition to the substitute proposed by Mr. CRITTENDEN.

On motion by Mr. WHITE, who intimated his intention of speaking on the subject, the bill was informally passed over; and

On motion by Mr. SEVIER,
The Senate went into Executive session.
And then adjourned.

HOUSE OF REPRESENTATIVES,

Monday, January 18, 1841.

Mr. CHINN, on leave, in pursuance of notice heretofore given, introduced two bills, viz:

A bill to revive an act entitled "An act to authorize the inhabitants of the State of Louisiana to enter the back lands;" and

A bill to unite the southeastern land district, and that of the district west of Pearl river, and east of the Island of New Orleans; and to form a new district thereof, and for other purposes; which were severally read a first and second time, and referred to the Committee on Public Lands.

The special order of the day being the consideration of the

TREASURY NOTE BILL,

On motion of Mr. J. W. JONES, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. ADAMS in the chair,) and took up said bill; which was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to cause Treasury notes to be issued for such sum or sums as the exigencies of the Government may require, but not exceeding the sum of five millions of dollars of this emission outstanding at any one time—to be reimbursed in the last quarter of the year, if the condition of the Treasury will permit it—and to be issued under the limitations and other provisions contained in the act entitled "An act to authorize the issuing of Treasury notes," approved the twelfth day of October, 1837, and as modified by an act entitled "An act additional to the act on the subject of Treasury notes," approved the 31st day of March, 1840, except that this law shall expire in one year from and after its passage.

Mr. JONES, of Virginia, said:

I propose, Mr. Chairman, very briefly, to assign to the committee the reasons which appear to me to render the passage of this bill necessary and proper; and if it shall appear that the means asked are really required to enable the Government punctually to meet its numerous pecuniary obligations, and to maintain, unbroken, its faith, it would appear to me, that no other reason need be assigned to entitle it to the favorable consideration of the committee. And, however we may differ among ourselves as to the mode in which relief should be furnished, it is, I am sure, an object which is very near the heart of every representative of the people, to save the Government of his own choice from the degradation into which it must necessarily sink, should that relief, which is really necessary, be withheld.

A careful examination of the report of the Secretary of the Treasury upon the state of the finances, submitted to Congress at the commencement of its present session, must, I think, satisfy every one, that this measure is not rendered necessary, and consequently is not intended to provide for any permanent deficiency which is expected to exist in the revenue of the Government at the close of the year, for if he be right in his estimates of receipts for the year, and the appropriations be kept within the estimates submitted, the receipts for 1841 will be sufficient to discharge as well all ordinary expenditures, as those parts of the outstanding debt, funded or unfunded, which may become due. But it is intended so to use the credit of the Government as to anticipate, and that for a short time only, the revenue of the Government; for it must be obvious, that thrown, as the receipts and expenditures are, most unequally, upon different periods of the year, while the receipts for the whole year may be amply sufficient, they may not, and probably will not, be realized in time to meet the liabilities as they are expected to arise. It is not common that the Government realizes its heaviest receipts until the third quarter of the year; produced principally by

the fall importations of woollens, on which cash duties are paid, which are immediately available.

The revenue for the first quarter of the year, exclusive of the balance in the Treasury on the first day of January, 1841, is estimated at \$3,500,000. The liabilities of the Government during the same period are estimated at \$5,430,000, as will more fully appear by reference to the following statement of receipts and expenditures for the first quarter of 1841.

A.	
Estimates for the first quarter of 1841, ending March 31st.	
1. RECEIPTS.	
From duties, considering the large drawbacks and refunding under new judicial decisions, unless the law is speedily amended, not over	\$3,000,000
From sales of lands, unless the banks resume specie payments immediately, not over	450,000
From miscellaneous sources, and from indebted banks, if further time is given to those in Natchez, and the United States Bank pays its balance, as expected, to a special object, and not for general purposes, about	50,000
	<u>\$3,500,000</u>
2. EXPENDITURES.	
Ordinary ones, including pensions, session of Congress, and usual number of private acts	\$4,500,000
District debt to Holland, principal first instalment and interest	80,000
Fishing bounties, either out of the Treasury, or reserved from the accruing revenue	300,000
Most of the expenses for taking the census	550,000
	<u>\$5,430,000</u>

So that if an available balance be kept in the Treasury, and the receipts for the first quarter of the year be realized, they will not be sufficient to meet the expenditures by one million nine hundred and thirty thousand dollars; and when you shall have applied the whole of the estimated balance in the Treasury on the first day of January, eighteen hundred and forty-one, if it were all available, and could be so applied, there would still be a deficiency of three hundred and twenty-nine thousand one hundred and forty-five dollars. But it is not all available, and cannot, therefore, be so applied. I say it is not all available, because one hundred and eighty thousand dollars due from the bank at Natchez, and included in the estimated balance, has not, as was expected, been paid; and not more than five or six hundred thousand dollars of the balance is in the eastern portion of the Union, where it could be made available in time to meet the heavy demands which have been already adverted to, and where three-fourths of the expenditures are required. The balance is in the land offices to the West, in the mints, and other smaller depositories, some seventy or eighty in number, scattered over the whole country. I might also add that the construction given to the tariff laws by the courts of the United States, which almost daily cause heavy amounts of duties to be refunded, and the drawbacks on refined sugars, and other articles, have contributed in no small degree to lessen the receipts from duties on foreign importations. But as no legislation could correct the mischief in time to afford reasonable relief, the committee have reported this bill.

I have, Mr. Chairman, as I promised, very briefly presented to you a statement of the estimated liabilities of the Treasury for the first quarter of the year, with its means for meeting those liabilities, from which I think it must manifestly appear that temporary provision at any rate is required at the hands of Congress. I have also pointed the committee to some of the causes which produce that deficiency. I am aware, sir, that it may be argued, that this deficiency is not temporary merely, but permanent; and consequently that provision should be made not for a temporary, but for a permanent deficiency in the Treasury. If such an assumption be well founded, the conclusion I admit would follow. But is the position, that the deficiency is permanent, a sound one? And in deciding the question, we should look to the most authentic sources of information within our reach. Now, sir, to whom should Congress and the country look for information upon this important subject? Why, it would seem to me, to that officer whose station opens to him every avenue of information; and whose duty charges him with the general superintendence and management of the financial affairs of the country—the Secretary of the Treas-

ry. Hence it is, that he is required to submit estimates both of the revenue and expenditures of the Government. He has hitherto been looked to, and properly I think, to furnish Congress information upon all subjects relating to the finances. This duty he has performed at the commencement of the present session of Congress. I beg leave to refer to his annual report. (Document Number three, page seven)—he says:

"It may be stated, from the best data in possession of this Department, that the receipts, under the existing laws, will probably be as follows:

From customs,	\$19,000,000
From lands,	3,500,000
From miscellaneous,	80,000
Add the expected balance in the Treasury available on the 1st January next,	<u>1,580,855</u>

The aggregate of ordinary means for the next year would then be, \$24,160,855

There will be nothing more, either of principal or interest, due from banks, which is likely to be made available, except about 220,000

A power will exist, under the act of 31st March, 1840, to issue Treasury notes till a year from its passage expires, but not to make the whole emission outstanding at any one time exceed five millions of dollars.

This will furnish additional means, equal to the computed amount which can be issued at the close of the present year, being about 342,618

Hence, there may be added from these several sources so much as to make the whole means for the next year 24,723,473

On the other hand, the expenditures for 1841, for ordinary purposes, if Congress make no reduction in the appropriations requested by the different Departments, are estimated at 19,250,000

This would leave a balance in the Treasury at the close of the year equal to 5,473,473

But certain payments must also be made on account of the funded and unfunded debt, unless Congress authorize contracts to be formed for extending the time of their payment. Thus there will be required:

On account of the funded debt, chiefly for the cities of this District 149,200

For the redemption of Treasury notes, if all the others be issued, which can be under the present law, as then the amount returned within A. D. 1841, will probably not exceed 4,500,000

\$4,649,200

Estimated balance in the Treasury at the close of the next year, after all payments whatever \$824,273

I think, sir, that I must have succeeded in demonstrating, from data which is authentic, and the best within my reach:

1st. That the resources of the Government for the year are not only sufficient to meet its liabilities for the year, including the redemption of \$4,500,000 of Treasury notes now outstanding, and the payment of that portion of the public debt, funded and unfunded, which will fall due; but that there will be a balance in the Treasury at the end of the year, of \$824,273.

2d. That such are the inequalities between the receipts and expenditures as to render temporary relief necessary in the first quarter of the year; and it is to guard the Treasury against these inequalities and fluctuations between the receipts and expenditures, that the present measure has been introduced.

That some measure calculated to obviate the difficulties arising from these causes was to have been expected, appears to me almost too obvious to require comment. I will refer the committee to pages 2, 10, and 11 of the Secretary's report; and I do this as an act of justice to a faithful public officer. The Secretary says:

"Previous to the close of the year, should Congress pass any new appropriations which may be immediately expended, an additional charge to that extent will thus be imposed on 1840; and if amounting to any considerable sum, it might prudently be accompanied by some provision of new means sufficient for its payment."

Again he says:

"It will be observed, however, that though, under either of these arrangements, enough might be obtained, within the whole of 1841, for the objects contemplated, yet not a due or sufficient proportion in the first quarter; because by that time all the measures are not likely to go into full operation, nor much of the anticipated increase to happen in the actual receipts of duties under existing laws. Unusually heavy expenses will also fall on that quarter in the next year. In addition to a full portion of most of the current expenses, and the whole pension payments for the first half of the year, and one third of a million or more for all the annual fishing bounties, there will be imposed on it most of the charges for the whole year connected with the session of Congress and private bills, as well as large payments for taking the census, and for the first instalment of

the debt of this District; several of them as early even as the first day of January.

"From these circumstances, and the considerations that all which is due from the banks may not be then paid, and that the balance in the Treasury, under the policy adopted by Congress of late years, will of necessity be small, while the fluctuations and inequalities are very great between the receipts and expenditures in different portions of the year, to which we are constantly exposed from causes that have on former occasions been explained at length, it must be obvious that entire safety requires a conditional power to be seasonably conferred on the Executive to obtain at any time within 1841 such subsidiary means as may be needed for a few months, and as may be sufficient to enable the Treasury punctually to discharge, during that year, all the liabilities imposed by Congress."

I am aware, sir, that we may be told the estimates are not to be relied upon; that those of the last year greatly exceeded the revenue of the year; but still they are mere estimates, based upon data which has hitherto furnished the rule that has governed the course both of the Secretary and of Congress; and from which I am not disposed to depart, unless I shall be satisfied that they are founded in error. And fortunate indeed will he be who will be enabled to make a tolerably near approach to exactness in these times of derangement in the monetary affairs of the country, when embarrassment seems to have spread almost over the whole land, and when revulsion succeeds revulsion in such rapid succession.

It is known to every gentleman, that the foreign commerce of the country constitutes the chief basis of the revenue of the General Government; and, with a knowledge of this fact, who can be at a loss for an explanation of the extraordinary diminution which has occurred in the revenue from customs during the last year? Who could have anticipated a falling off in the imports of more than fifty-seven millions of dollars?—the imports in 1839 (if I am right in my recollection) rising to more than \$160,000,000, and sinking in 1840 to less than \$105,000,000. We also know that the principal sources of our present revenue are sensibly affected by fluctuations, not only in commercial prosperity, but in the crops and in the banking policy and credit systems, both of our own country and of foreign nations; and the influence of these causes seems to become yearly more changeable and uncertain in its extent. Let those gentlemen who rely upon this ground of objection turn their attention to the year 1816—a time of profound peace—when there was a falling off in the regular receipts from duties from nine millions of dollars, in one quarter, to only three in the next; and in the sales of the public lands, from twenty-four millions of dollars, in 1836, or an amount over half of all received in the previous forty years, to less than three millions in 1838. In Michigan, alone, the sale of the public lands, in 1836, exceeded five millions of dollars. They fell in 1838 to \$154,284; and in Mississippi, where, in 1835 and 1836, they exceeded three millions each year, they fell in 1838 to only \$96,636. These extraordinary fluctuations result, in part, from the vacillating character of the sources from which our revenue is derived. But most of them are evils inseparable from the periodical contractions and expansions incident to the present defective system of banking, in a country so full of enterprise as ours, with such freedom in pursuits, such facilities of intercourse, and such strong temptations to rash speculation. I refer to these facts for the purpose of showing how difficult it is for any man, with even the best means of information before him, to arrive at any thing like exactness, under the circumstances in which the country is placed.

But, sir, I will not anticipate objections. If the estimates are to be regarded, it appears to me, that with a sufficiency of accruing revenue during the year to meet the current expenses of the year, there will certainly be a deficiency to meet them during the first quarter, and possibly for a longer period; certainly for a longer period, unless timely provision be made by Congress; and the question arises, as to what is the best mode of furnishing the relief required. I know, sir, that much diversity of opinion exists among the members of this House on this subject. I know that it has been so on all previous occasions, when similar measures have been introduced. The friends of the measure, regarding the deficiency in the Treasury as merely temporary, propose to anticipate for a short time only, the revenue of the Government, which cannot be received

in time to meet its liabilities as they may arise. Gentlemen standing opposed to us, regarding the deficiency not as temporary, but permanent, will in all probability propose on this occasion, what has been before proposed in similar cases—to make permanent provision for it by contracting a loan; and thus, in all probability, lay the foundation for a permanent national debt. I need scarce say to you, sir, that I am opposed to a permanent national debt, unless demanded by circumstances of overruling necessity. Whether the deficiency now to be provided for, be temporary or permanent, must be judged of by us from the best information within our reach; that a deficiency exists has, I think, been clearly shown by the documents referred to; and that it is temporary merely, we have the authority of the Secretary of the Treasury, whose report points us distinctly to the means deemed by him sufficient to meet all the charges upon the Treasury during the year; and in this view of the question we are called upon to determine whether it would be best to issue Treasury notes or negotiate a loan; the one mode will afford prompt and speedy relief, the other may not; one is certain, the other uncertain; the one is within our grasp, the other beyond our control.

But it has been shown, that in whatever form the relief asked for may be furnished, such is the condition of the Treasury as to require that it should be speedily provided; such are the pressing demands upon it at this time, and so large the amount to be provided by the 4th of March, when more than \$1,000,000 for pensions will be payable, that if there was a certainty of procuring the amount by a loan, the delay to which the officer charged with the subject would be subjected in giving notice, advertising, receiving sealed proposals, and negotiating the loan, would, in all probability, postpone it to a period too remote to meet the exigency against which it is intended to guard. In the face of these difficulties, it does appear to me both wise and politic, to adopt the measure proposed, which has hitherto proved effectual to furnish in the most convenient form, and in the speediest possible manner, the contemplated relief.

But is it certain that a loan could be negotiated at all? To my mind it appears exceedingly doubtful. Now, sir, let it be borne in mind, that from the most authentic data, the deficiency to be provided for, is temporary merely, and not permanent: it is expected to be reimbursed at the close of the present year; and if this be so, there certainly can exist no sufficient reason why we should borrow for a longer period, since it would impose upon the Government the obligation of paying interest upon a debt, which its wants would not require. The question then recurs, could you be likely to negotiate a loan for so short a period? The capitalist, I presume, in making his investments of money, would look first to the security of the investment itself; and, secondly, to the time for which it is to continue—and hence that an investment in Government securities extending through a series of years, would perhaps be more desirable than any other; but the fact, that it would be redeemed within a year, would strip from it all its attractions, since the capitalist to whom the Government would look to take the loan, would, in all probability, have to sell out his stock in the funds, or draw in his money secured by trust deeds and mortgages: for I presume that no judicious capitalist would ever keep a very large amount of money locked up idle in his desk, when it could be judiciously invested. And what prudent man would be willing to change these securities for such a contingency as this? It were idle to expect it.

Again, can you certainly rely upon procuring the amount required, by a loan, upon reasonable terms, at a time when the people are in debt, the States of this Union in debt, and nations are in debt?

The next resort would be to the banks. Should we procure it from that quarter. Remember we may possibly want \$5,000,000, and that in specie, or its equivalent, convertible paper, if there be any such thing. Why, sir, we know that the banks are now, as they have been for nearly three years, unable to redeem their own notes in specie.

And although the time is at hand, when by the enactments of the Legislatures of States, they are required to resume specie payments, the strong probability is, that they will either not resume, or if they do, that it will be followed very quickly by another suspension. At any rate it would, in the present crippled condition of the banks, be a very unsafe reliance.

But pass this bill and it operates directly to relieve the banks. It will furnish, in the form of Treasury notes, to the extent of the issue under it, a substitute for specie. These notes will soon find their way to our Atlantic cities, and be received at the custom-houses in payment of duties. They will also find their way to the West, and go into the land offices in payment for the public lands; and so far from operating injuriously to the banks, the effect will be to sustain and relieve them.

In the remarks which I have now submitted, I have endeavored to present the subject before the committee, in a financial view alone, apart from those exciting political topics so often introduced into the debates in this House.

The means provided by the bill now under consideration are considered amply sufficient to enable the Government to meet punctually all its liabilities during the year; and I have only farther to express the hope that those into whose hands the administration of the Government must shortly pass, may be enabled so to direct the ship of State as to preserve, in their purity, our Republican institutions, advance the prosperity of our common country, and promote the happiness of its citizens.

Mr. BARNARD then took the floor in opposition to the bill. He submitted the following amendment; but on a question arising as to its being in order, it was, for the present, withdrawn.

Resolved, That the Committee of the Whole on the state of the Union be discharged from the further consideration of the bill in relation to Treasury notes, and that the subject of making provision for the wants of the Treasury be referred back to the Committee of the Ways and Means with instructions—

1. To bring in a bill authorizing the Secretary of the Treasury to borrow ten millions of dollars on the credit of the Government, and to issue bonds or scrip therefor.

2. To bring in a bill imposing additional revenue on wines, silks, linens, spices, and other articles, being luxuries, imported into the United States, but in such manner as not to conflict with the principles, policy, and spirit of the act of 2d March, 1833, commonly called the "compromise act."

Without concluding, Mr. B. gave way to a motion that the committee rise; which motion prevailed.

And the House adjourned.

IN SENATE.

TUESDAY, January 19, 1841.

Mr. BAYARD appeared, was qualified, and took his seat in the Senate.

The PRESIDENT laid before the Senate a report from the Secretary of the Treasury in compliance with a resolution of the Senate in relation to the land granted to the State of Indiana for the Wabash and Erie Canal; which was laid on the table.

REVISION OF THE TARIFF.

The PRESIDENT also submitted the following report of the Secretary of the Treasury in part reply to a resolution of the Senate of the 16th inst:

TREASURY DEPARTMENT,

January 18, 1841.

SIR: I have the honor to submit the following report, in compliance with the first branch of a resolution, which passed the Senate on the 16th inst. in these words:

"*Resolved*, That the Secretary of the Treasury be directed to communicate to the Senate, the plan of a permanent change in the tariff, the details and general principles of which, he states in his annual report of the 7th ultimo, he has considered, and on which he is ready to report at any moment either House of Congress might express a wish to that effect."

Foreseeing in my annual report of December, 1839, that the subject of a revision of the present

tariff might be safely postponed, I then stated, that it was not my intention to examine it at that time, being "a topic involving considerations of so difficult and agitating a character." But as some of the Committee on Manufactures afterwards expressed a wish for a plan of such a revision to be prepared by the session of 1840 and 1841, and as the large reduction which is to take place in the duties at the close of this year, and of June 1842, appeared in the view of many to render such a revision imperative, as a fiscal measure, before those times arrived, I deemed it a duty, for these and the reasons mentioned in my last annual report, to make the preparations expected, so that a system might be in readiness for the consideration of the committee or Congress, should it appear to them that the public interests required action on the subject at the present session.

A call being now made for it by the Senate, and supposing, from the language used, and the advanced period of the session, that an early reply is desired, I submit, without material alteration, the plan referred to, with its "details and general principles."

It is believed that the reduction in the duties on imports, which, by the existing tariff, will take place in the year 1842, cannot vary much from five millions of dollars. For reasons assigned in the last two annual reports on the finances, the expectations of the undersigned are, that if the expenditures are properly and seasonably diminished, it will not be necessary to raise all this amount by taxation in any form. But should Congress think differently, and conclude to obtain it by revising the present laws in relation to duties, it is believed that certain facts and principles are highly important for consideration, in deciding what kind of a revision is competent and most appropriate. In stating these facts and principles, with a view to explain the plan called for by the resolution, all possible brevity, consistent with the importance of the subject, will be employed.

The chief legislation, which now exists in force, bearing on this inquiry, is contained in an act passed March 21, 1833. That act is supposed to have been, not an ordinary measure of legislation, but the result of a compromise between certain great and conflicting interests on the difficulties then involved in the agitating matter of the tariff. Hence, though the act was in the form of a law, and therefore liable, in a proper case, to any future modification or repeal of its provisions, it is understood that the parties most concerned, contemplated thereby a permanent arrangement of the leading principles that should afterwards control the whole subject. The importance of the emergency which occasioned the passage of the law—the distinguished individuals who participated more immediately in adjusting its provisions, and the salutary influence of their operation up to the present time, in imparting a degree of stability to our manufacturing enterprise, sought in vain through the previous fluctuations of legislation, have probably contributed to strengthen this impression.

But however that fact may have been, and subject to subsequent alterations, as all laws must properly be considered, yet, to change the limitations in this one, so peculiarly situated, and to do it against the wishes of persons most interested, or without the apology of some public exigency or necessity of State, would surely seem to be unnecessary and, at least, of doubtful propriety.

Hence, at this period of peace abroad, of tranquillity at home, of great exemption from public debt, and of unquestionable ability to raise ample revenue without encroaching upon the plain import of the compromise, the undersigned cannot hesitate, while considering what would be the most appropriate revision of the tariff for the wants of 1842, to recommend one which shall not violate the stipulations contained in that compromise. What, then, are those stipulations or restrictions?

1. The first seems to be, that a reduction, by instalments, of the former rate of duties, when exceeding twenty per cent. should forthwith commence and continue uninterrupted until July 1st, 1842; so that when that period arrived, no duties whatever should exceed twenty per cent. The leading section of the act is explicit upon this

point. Hence, to defer or repeal, as some have proposed, the two reductions now remaining, and which are to take effect in 1842, would keep many duties higher than twenty per cent. and thus be in direct violation of this general provision. But if these last reductions should create a deficiency in the revenue, the 6th section of the act would allow it to be supplied in a different way. Because this section provides, that in such an event, nothing contained in the law shall prevent "altering the rates of duty on articles, which, by the aforesaid acts of 14th July, 1832, are subject to a less duty than twenty per cent."

2. It will be seen, however, that this provision contains a second restriction, by limiting any revision made before 1842, for an increase of the tariff, to only such articles as pay less duty than twenty per cent.

3. The next and third restriction on a revision is, that though one may be made before 1842, for purposes of revenue, if, when increasing the duties, it be confined to articles paying less than twenty per cent. yet it should not raise the tariff on those above that rate, even for revenue, much less probably for any other purpose. The close of the 6th section seems to be express, that the duty on articles paying a less rate than twenty per cent. if changed before 1842, shall be altered "in such manner as not to exceed that rate."

What would be deemed the proper disposition of this limitation, if a duty of twenty per cent. on all imports would not yield sufficient for the legitimate purposes of revenue, must be settled when the case shall arise. But it is believed that, with proper economy, there is no likelihood of such a case ever occurring in a period of peace.

4. Another restriction, supposed to have been intended, is, that if a revision be made to operate after June 30th, 1842, instead of before, still, as a general rule, none of the duties shall be then raised above twenty per cent. Thus, the close of the 5th section provides that "all imports on which the 1st section of this act may operate, and all articles now admitted to entry free from duty, or paying a less rate of duty than twenty per cent. *ad valorem*, before the said 30th of June, 1842, from and after that day, may be admitted to entry subject to such duty not exceeding twenty per cent. *ad valorem* as shall be provided by law." A change could then be made at pleasure from twenty per cent. downwards to entire freedom from any impost, but no increase was to be permitted to go above that rate.

Indeed, the inference would seem to be that the compromise was intended to prevent any duties from being assessed, even after 1842, exclusively for the purpose of distribution, or protection, whether below or above twenty per cent. in amount. Because a clause in the 3d section provides, that after 1842 "duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the Government," but is silent as to recognising or sanctioning an authority to do it for any other purpose. The raising such a revenue was the great object of granting any power in the Constitution to lay taxes and imposts. And it would be difficult to find, in a limited grant of powers, like what is contained in that instrument for laying imposts, a warrant to impose them for other and distinct objects, and especially, if the operation of such a measure, apparently under an assumed authority, and on a subject so delicate and momentous to mankind as taxation, should tend to enrich particular classes or sections, at the expense of others. In truth the tariff is as much a system of taxation as a land tax, a stamp tax, or a direct tax of any kind; and is chiefly distinguishable from them by being more subtle and less obnoxious in its form. The confining of all duties, hereafter, to a low rate, was, therefore, desirable to the great mass of the people, because it was confining taxes to a low rate. It was further supposed, without doubt, that though comparatively low, they would yield, with the other ordinary receipts, an ample supply of revenue for such an "economical administration" as is contemplated by this section of the act. It is also probable, that many sound principles of political economy and a mutual desire to arrange perma-

nently the tariff controversy, united to persuade Congress, not only to reduce the duties lower, but to provide that they should always be kept lower. It must have been foreseen, that this would avoid the useless vacillation, if not folly, of first diminishing all the duties to twenty per cent. by 1842, with a view afterwards of again immediately raising them above it. It was obvious, too, that, by keeping the imposts more reduced, the tariff would operate more advantageously to free trade, and the procurement of reciprocal favors abroad. By confining, in substance, any future change to purposes of revenue alone, and within twenty per cent. instead of a wide range of thirty, fifty, eighty, and even more, at times, previously in practice, and frequently for protection, it would likewise impart greater permanency and prosperity even to manufacturing, and, with that, to all other descriptions of industry. It is well known, from recent experience, that such stability in our system of duties would be better for the manufacturer, as well as the merchant, and the community at large, than even a higher rate exposed to constant changes, because in the former case intelligence and foresight could make more accurate calculations for the future. A more uniform thrift, a more regular reward to industry, and a higher tone of moral feeling, would everywhere take the place of constant fluctuations, mere gambling speculations, and a dangerous overaction from renewed hopes of high profits—often so very fallacious. Business and the currency would then be steady, and be regulated, as they should be, rather by the great laws of trade, than by banks or politicians. Nor is this permanency injurious to the laborer and artisan any more than to others; as all trades and regions of this country are open to enterprise, and a larger share here, than abroad, of the income in any one branch of business must, and should, uniformly go to wages rather than capital, or the workman will, under our free institutions, quit it for more lucrative employment. On the contrary, if an unusually large share go to him, for a time, in any particular pursuit or place, others will soon rush in, participate, and reduce it by competition even below the average. Uniformity and steadiness are, therefore, not injurious to any, though engaged in labor or manufactures, but useful to all, except the mere speculating classes.

Two other restrictions exist in the 3d section of the compromise act, which seems to have been intended more especially for the benefit of the manufacturers and of the revenue.

5. One is, that, after June, 1842, "all duties on imports shall be collected in ready money, and all credits now allowed by law in the payment of duties, shall be, and are hereby, abolished." This was regarded at that time, as a change likely to be very favorable to the manufacturing class, by making the twenty per cent. in cash operate, virtually, as a higher protection than twenty per cent. on a credit as now, of three and six months, without interest. In point of fact it was, also, a provision, prophetic as to evils to come, under an excessive credit system, and will be possessed of much importance in curing them, and in securing the Government, and through it, the community at large, against losses by credit to merchants for duties, and by defaults of collectors, district attorneys, and marshals, caused by indulgence from them in collecting bonds for duties. After June, 1842, the importers of goods will, in this respect, stand on the same foundation with the purchasers of public lands. While no complaint can then be made by either, of favor or discrimination, the revenue will thus be rendered much safer, and public and private morality improved by the removal of one great source of speculation and bankruptcy.

6. The other restraint requires the duty, after 1842, to be imposed on the value of the merchandise "at the port where the same shall be entered." This will render the twenty per cent. still more important to both the manufacturers and the revenue, by being more secure against frauds and evasions, and being another virtual increase of duty on the same articles; as the latter are usually worth much more here than abroad. Whether the value of them here being not uniform at different ports, would, if taken as the guide in assessing the

duty, be justly open to any constitutional objection, it is not deemed appropriate on this occasion to discuss. From these various considerations the following deductions are made:

That the present tariff laws should be as little disturbed by any revision as possible, consistent with the public wants, and an adherence to sound principles; that changes should be made chiefly, if not solely, for purposes of revenue; that these changes, when raising the duty, whether operating before or after July 1, 1842, should, as a general rule, be confined to articles not paying a duty as high as twenty per cent.; that except in extreme cases, it should never raise them above that rate; and, lastly, that the existing provisions for the payment of duties in cash, and the assessment of them on the value of the merchandise at the port of entry after 1842, are too important to be disregarded.

A principle deemed useful in carrying out these views, is this: In raising the sum needed, if it does not become necessary to subject all free articles to a duty, or to one as high as twenty per cent. and a discrimination can therefore be indulged within the restrictions of the compromise act, it is doubtless a sound axiom to select for highest taxation articles of luxury, rather than of necessity. Under similar circumstances it is, also, not only competent, but expedient, to select such of the former as compete most with similar articles of American growth or manufacture, though not to raise the duty on them above the limitation of twenty per cent. And another discrimination, sometimes useful, might be to select those articles, in certain cases, for an increased impost, not usually exceeding the same limitation, which may be proper for countervailing injurious imposts, placed on our own productions by any foreign power. The broad and well settled ground on which these distinctions rest, cannot require on this occasion much detailed illustration. For the luxuries of life are enjoyed by the few, rather than the many—the rich instead of the poor—and their use tends rather to effeminacy and pleasure, than to what invigorates or makes useful. In a form of Government like ours, these principles apply with peculiar force, as an excessive indulgence in luxuries always operate as a bane to republican manners, and, in time, to republican principles. On the contrary, articles of universal use, and considered as the necessities of life, are beneficial to all, and are to be cheapened as much as possible to promote the comforts of all. So what is American, may well be supposed entitled to receive, within the limitations stipulated, more incidental favor than what is foreign, because obtained with more readiness and certainty as well as being more safe and independent in its use. Nor can any other country complain with justice, if we counteract its high taxation on any of our products, by imposing some corresponding impost on theirs; and however unprofitable such conflicts usually prove to all concerned, yet when such a measure becomes convenient for our own fiscal purposes, or is required by proper self respect, and is kept within due restrictions as to the amount of duty, it is believed to be entirely justifiable. The present tariff is, in many of these respects, an anomaly. Being designed to get rid of revenue when it was too abundant, and to diminish a supposed protection to manufactures, deemed unreasonably high, as well as to establish certain general rules for keeping all duties lower in future, it sometimes omitted to make useful discriminations, and, as a system, does not sufficiently discountenance luxuries or favor the necessities of life. Indeed, the former have already become free in many cases, and in others will be taxed lightly, under the reduction now in progress; while the latter, though at the expense of the consumer, however poor, will in almost every instance, bear as high, if not higher burden, than the greatest superfluity. In proposing a plan to raise the sum desired, one cardinal object is, therefore, to obtain the money in a manner that shall not prolong any improprieties or incongruities in principle: and another is, to do it, and still preserve faithfully the limitations and stipulations of the compromise as before explained. To furnish some data for practical legislation, which may accomplish these designs harmoniously, two tabular statements have been prepared, which will next be briefly explained.

The first one gives the names and value of all free articles imported into the United States in A. D. 1838, after deducting such of them as were exported. (See A.) Taking the imports of that year as a guide, and perhaps nearer an average, for some time to come, than any other, though probably too low, and the value of all the free articles, (excluding, of course, specie, and the amount of others re-exported,) would be about \$38,161,583. A duty on these, indiscriminately, of fifteen per cent. would yield a net revenue not far from the five millions that may be needed in 1842. But this would embrace several articles which, under the principles before suggested, might judiciously be left free, or at a lower rate of duty than fifteen per cent. Another mode of raising the same amount of revenue, would, therefore, be preferable, if it could be accomplished without including those articles. Suppose, then, that there should be selected from the free articles those which may be regarded most as luxuries, though not, in every respect, belonging exclusively to that class. Such are teas, coffee, and silks. Should we then add to them others, conflicting with similar American productions, such as worsteds, laces, &c. and the aggregate, deducting the amount re-exported, would be \$29,026,448. (See the second table, B.) A duty of twenty per cent. on those, after paying the expenses of collection, would yield about the same amount of five millions. This seems to contain the general data for the most eligible and unexceptionable revision. If a less sum than five millions should prove to be needed, as it is presumed will be the case under the diminished expenditures and increased importations, anticipated and explained in the recent annual report on the finances, as well as from the further augmentation of revenue likely to happen from the new mode of assessing the value of merchandise, any suitable modifications can be made in these details, without departing from the principles believed to be the most appropriate to govern the subject.

So some articles of luxury not now free, but paying a less duty than fifteen or twenty per cent. might very properly be taxed to that extent; and some necessities of life so situated, might be made free or be taxed lower, instead of them. Among the former may be mentioned wines, though when any of them cannot at present be made to pay an additional duty without violating some treaty stipulation, they should, of course, be exempted during the period agreed upon. Where any articles appear, also, to require an increased impost merely as a countervailing measure, such an one could be imposed without materially changing the general result as to revenue, if the increase was not made otherwise exceptionable, by exceeding the limitations in the compromise. Nor will difficulty probably exist, in any event, in permitting what is so very desirable, that some of the articles of necessity, which, by the present laws, will, after 1842, still pay a duty of 20 per cent. should be then exempted from all, or a part of it. But whatever plan may, in the end, be approved, it is apprehended that enough has been stated to explain the details of the one now offered, as well as the limitations and principles which ought, in the opinion of the undersigned, to govern all legislation on the subject. Nothing further will, therefore, be added as to any measure to be adopted for relief in 1842, except that half the amount of increased duty should be made to accrue only from the 1st of January in that year, and the residue commence the 1st of July after, as those are the periods when the great future reductions begin, which the new duties are intended to supply.

In connection with a permanent revision of the tariff, if made in the manner here recommended, it would be proper, under a plan of cash duties for all imports, to enlarge the liberty now enjoyed for depositing goods for a time in public stores. Indeed, the warehousing system, which exists in some other countries, might, in that event, be usefully revised, and so far as the new circumstances required, be adopted here.

As the higher class of duties, which exist under the present laws, will be reduced in 1842, so as virtually not to exceed an impost of twenty per cent. on the value of the merchandise imported, it might

also be expedient to provide for the assessment of the whole of them afterwards on the *ad valorem* principle. At the same time, if not done previously, some of the large drawbacks and bounties, now allowed, could be regulated with more justice, and with much benefit to the revenue, by reducing them so as to correspond in their proportions with the reduced duties.

Some other particulars might be suggested in connection with a general and permanent revision of the tariff. But they are not of such a character as to occur readily to all familiar with the subject, and after the length to which this report has already extended, it is not deemed necessary to prolong it further, by an enumeration and explanation of them.

The other branch of the resolution in respect to the new mode of valuing the imports will be answered at the earliest day practicable.

Respectfully,

LEVI WOODBURY,
Secretary of the Treasury.

Hon. R. M. JOHNSON,
President of the Senate of the United States.

A.

Value of Merchandise, "free of duty," consumed in 1838.

Articles for the use of the United States	\$3,316
Philosophical apparatus, specially imported for Philosophical societies, colleges, schools, &c.	11,629
Books, maps, and charts for do.	21,394
Statuary, busts, casts, &c. for do.	3,086
Paintings, etchings, and engravings	5,768
Botany, specimens of	7,209
Antimony, regulus of	3,346
Spelter or zinc	68,525
Burr-stones unwrought	27,999
Brims'one and sulphur	37,446
Bark of the cork tree	3,467
Clay unwrought	4,421
Rags of all kinds	465,448
Furs undressed	300,045
Hides and skins	1,940,325
Plaster of Paris	131,876
Barilla	82,196
Wood, dye	
manufactured	282,702
Animals for breed	26,337
All other	150,218
Pewter, old	923
Tin, in pigs and bars	128,995
in plats and sheets	988,543
Brass, in pigs and bars	38,006
old	1,696
Copper, in pigs and bars	812,170
in plats and sheets for sheathing	526,792
old	78,590
Bullion, gold	230,694
silver	390,343
Specie, gold	10,703,926
silver	3,387,048
Teas	2,559,246
Coffee	7,138,010
Cocoa	
Fruits, almonds	47,299
currants	22,117
prunes	7,996
figs	33,453
raisins	462,117
Spice, mace	7,032
nutmegs	51,207
cinnamon	26,406
cloves	21,989
pepper	
pimento	18,657
cassia	23,219
ginger	1,735
Camphor	
Silks, lace veils, shawls, shades, &c.	156,034
other manufactures of	7,897,343
Silk and worsted goods	1,520,154
Camlets of camel's hair, &c.	89,032
Worsted stuff goods	3,878,941
Linens, bleached and unbleached, &c.	3,098,557
Ticklenburgs, osnaburgs, and burlaps	333,024
Sheetings, brown and white	148,554
Belting cloths	26,528

Wool costing less than 8 cts per lb.	-	438,669
Quicksilver	-	56,746
Opium	-	67,073
Crude salt petre	-	119,606
All other articles	-	3,854,966

\$52,967,250

Deduct excess of exports our imports:

On dye wood	-	15,533
cocoa	-	52,946
camphor	-	15,183

Excess in value on pepper 9,994 — 93,656

\$52,873,594

Deduct specie - 14,712,011

Balance consumed - \$38,161,583

B.

Selection of certain free articles consumed in 1838.

Silk, and manufactures of	-	\$7,897,343
Silk and worsted,	-	1,520,154
Worsted stuffs,	-	3,878,941
Linens, bleached, &c.	-	3,098,557
Ticklenburgs, &c.	-	333,024
Sheetings,	-	148,554
Bolting Cloths,	-	26,528
Wool, under 8 cents per lb.	-	438,669
Crude Saltpetre,	-	119,606
Animals, not for breed,	-	150,219
Furs, undressed,	-	300,045
Coffee,	-	7,138,010
Tea,	-	2,559,246
Copper, in pigs,	-	812,170
sheeting,	-	526,792
old	-	78,590

\$29,026,448

The report was laid on the table, and ordered to be printed.

Mr. LUMPKIN presented resolutions of the Legislature of the State of Georgia in relation to the depredations of the Creek Indians in 1836, and asking compensation therefor.

Also, resolutions of the same body in relation to the claim of Dennis Hills.

The resolutions were severally referred to the Committee on Claims.

Mr. LUMPKIN also presented various resolutions of the Legislature of Georgia, asking for the establishment of mail routes from Dahlonega to Blairsville; from Brunswick, Ga. to Tallahassee or Chattahoochee, in Florida; from Lafayette to the county seat in Dade county; from Clarksville, Ga. to Ashville, N. C.; from Irwinstown to Penderton; from Augusta to Carnesville; from Newman, Ga. to Lafayette, Ala. The resolutions were referred to the Committee on the Post Office and Post Roads.

Mr. YOUNG presented resolutions of the Legislature of Illinois, instructing their Senators and requesting their Representatives to use their exertions to prevent the repeal of the Independent Treasury law; and to vote against all bills having for their object the establishment of a National Bank. The resolutions were read, and ordered to be printed.

Mr. HUNTINGTON presented the petition of Mark Burnham, representative of Robert Rogers, deceased; which was referred to the Committee on Private Land Claims.

Mr. MERRICK presented the memorial of citizens of Baltimore, praying an appropriation by Congress for the construction of a fortress on Soldier's Point Flats; which was read, referred to the Committee on Military Affairs, and ordered to be printed.

On motion by Mr. ANDERSON, the papers in relation to the claim of Clemens, Bryan and Company, were permitted to be withdrawn from the files of the Senate.

Mr. RUGGLES presented the memorial of ship owners and others interested in the navigation of Long Island Sound, praying for the erection of a light-boat on Execution Rock; which was referred to the Committee on Commerce.

Mr. KING presented the memorial of the Mobile and New Orleans Railroad Company, praying for

an extension of time for the payment of duties on imported railroad iron; which, as a bill has been already reported on this subject, was laid on the table.

Mr. PORTER presented a petition of citizens of Michigan, praying the passage of a general bankrupt law; which was laid on the table.

Mr. CRITTENDEN, from the Committee on Revolutionary Claims, to which the memorial on the subject was referred, reported a bill for the relief of the legal representatives of John De Treville, deceased; which was read, and ordered to a second reading.

Mr. FULTON, from the Committee on the Public Lands, to which a memorial on the subject had been referred, reported a bill directing warrants to issue for the bounty land due on account of the services of Major General Duportail, Brigadier General Armand, and Major De La Colombe; which was read, and ordered to a second reading.

Mr. WHITE, in pursuance of previous notice, asked and obtained leave to introduce a bill to provide for satisfying outstanding claims to bounty lands for military services during the late war with Great Britain; which was read twice, and referred to the Committee on the Public Lands.

Mr. SEVIER, in pursuance of previous notice, asked and obtained leave to introduce in a bill for the relief of the heirs of Samuel Mackey; which was read twice, and referred to the Committee on Indian Affairs.

Mr. PIERCE, in pursuance of previous notice, asked and obtained leave to introduce a bill in relation to the judicial courts of the District of New Hampshire; which was read twice, and referred to the Committee on the Judiciary.

On motion by Mr. TAPPAN, the bill from House making temporary provision for lunatics in the District of Columbia was taken up as in committee of the whole, and after being amended, was ordered to be engrossed for a third reading.

On motion by Mr. LUMPKIN, the bill for the relief of Avery, Saltmarsh and Company, was taken up as in committee of the whole, and ordered to be engrossed for a third reading.

On motion by Mr. KING, the bill regulating commercial intercourse between the port of Cayenne, in French Guiana, and for the remission of certain duties; and

The bill to authorize the Secretary of the Treasury to refund the duties collected on the French ship Alexandre; were severally considered as in committee of the whole, and ordered to be engrossed for a third reading.

On motion by Mr. NORVELL, the bill authorizing the President of the United States to cause surveys of the lakes and lake coasts to be made, was considered as in committee of the whole, and ordered to be engrossed for a third reading.

BILLS PASSED.

The bill for the settlement of the claims of the State of New Hampshire against the United States; and

The bill for the relief of Gregoire Sarpy or his legal representatives, were severally read a third time, and passed.

On motion by Mr. KNIGHT, the report of the Committee on Commerce, adverse to the petition of Caleb Eddy, was taken up; and after some remarks by Mr. KNIGHT and Mr. KING, the report was recommitted.

On motion by Mr. STURGEON, the bill to make certain appropriations for the Patent Office was taken up; and the question being on the amendment proposed by Mr. CALHOUN to strike out the appropriation for the collection of agricultural statistics, it was decided in the negative—ayes 14, nays 23, as follows:

YEAS—Messrs. Allen, Benton, Calhoun, Clay, of Alabama, Crittenden, Graham, Hubbard, King, Mangum, Preston, Roane, Sevier, Smith of Indiana, and Tappan—14.

NAYS—Messrs. Buchanan, Clay of Kentucky, Clayton, Dixon, Fulton, Huntington, Knight, Linn, Lumpkin, Merriek, Mouton, Nicholas, Norvell, Phelps, Porter, Prentiss, Robinson, Ruggles, Sturgeon, Tallmadge, Walker, White, and Young—23.

The bill was then ordered to be engrossed for a third reading.

PERMANENT PROSPECTIVE PRE EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up, the question being on the amendment offered by Mr. CALHOUN to the motion to recommit the bill made by Mr. CRITTENDEN.

Mr. WHITE addressed the Senate at great length in opposition to the amendment of Mr. CALHOUN and in favor of that of Mr. CRITTENDEN.

The question was then taken on the amendment offered by Mr. CALHOUN (proposing a cession of the public lands to the States in which they lie on certain conditions) and decided in the negative—ayes 18, nays 22, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Calhoun, Clay of Alabama, Fulton, King, Linn, Lumpkin, Mouton, Nicholson, Norvell, Robinson, Sevier, Smith of Connecticut, Tappan, Walker, and Young—18.

NAYS—Messrs. Buchanan, Clay of Kentucky, Bayard, Crittenden, Dixon, Graham, Hubbard, Huntington, Ker, Knight, Mangum, Merriek, Phelps, Pierce, Porter, Prentiss, Preston, Ruggles, Smith of Indiana, Tallmadge, White, and Wright—22.

The question was then taken on the proposition of Mr. CRITTENDEN, (to recommit the bill, with instructions to report a bill to distribute the proceeds of the sales of the public lands among the several States,) and decided in the negative—ayes 17, nays 24, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Crittenden, Dixon, Graham, Huntington, Ker, Knight, Mangum, Merriek, Phelps, Prentiss, Ruggles, Smith of Indiana, Southard, Tallmadge, and White—17.

NAYS—Messrs. Allen, Anderson, Benton, Buchanan, Calhoun, Clay of Alabama, Fulton, Hubbard, King, Linn, Lumpkin, Mouton, Nicholson, Norvell, Pierce, Porter, Preston, Robinson, Sevier, Smith of Connecticut, Tappan, Walker, Wright, and Young—24.

The question was then taken on the proposition of Mr. PRENTISS as a substitute to the original bill: "strike out all after the enacting clause, and insert the following: That every actual settler on any of the public lands to which the Indian title has been extinguished, except such as are hereinafter reserved, being the head of a family, or over twenty-one years of age, who was in possession and a housekeeper, by personal residence thereon, at the time of the passing of this act and for four months next preceding, shall be entitled to a pre-emption in the purchase of the land so settled upon, not exceeding one quarter-section, at the minimum price now established by law"—and decided in the negative—ayes 17, nays 25, as follows:

YEAS—Messrs. Bayard, Calhoun, Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Huntington, Ker, Knight, Mangum, Merriek, Phelps, Prentiss, Preston, Ruggles, and Southard—17.

NAYS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Alabama, Fulton, Hubbard, King, Linn, Lumpkin, Mouton, Nicholson, Norvell, Pierce, Porter, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Tallmadge, Tappan, Walker, White, Wright, and Young—25.

Several Senators then called for the question on ordering the bill to be engrossed for a third reading; when

Mr. HUNTINGTON rose and said he had several amendments to offer, which, if it was the wish of the Senate, he was prepared to submit and have a vote taken on them, and he would promise not to detain the Senate long by his remarks in favor of them.

Mr. CLAY of Alabama said the friends of the bill were willing and anxious to take the vote to day. The subject had been before the Senate since the commencement of the session, and had been discussed to the almost entire exclusion of all other business. He thought further procrastination of the debate could lead to no useful results, and hoped the question would be disposed of this evening.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

Continued from No. 7.

Several Senators coincided audibly in these remarks; but

Mr. MERRICK moved an adjournment, which was carried, ayes 21, nays 19.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, JANUARY 19, 1841.

After the journal had been read, the following
SENATE BILLS

were severally a first and second time, and referred to the Committee on Public Lands, viz:

The bill supplementary to an act entitled "An act to encourage the introduction, and promote the cultivation, of tropical plants," approved 7th July, 1838; and

The bill to confirm the survey and location of claims for lands in the State of Mississippi, east of the Pearl river, and south of the thirty-first degree of north latitude.

Mr. FRANCIS MALLORY, on leave, offered the following resolution, which was adopted:

Resolved, That the Secretary of War be directed to furnish this House with a comparative view of the average cost of the army proper for each individual, taking the aggregate of the officers, professors of the military academy, cadets, and enlisted men in the service of the United States for the years 1837, 1838, 1839, and 1840, for subsistence to soldiers, clothing, quartermasters' and medical stores, and other articles embraced under the general character of supplies for the army not fixed by law; adopting as the plan of his report a communication to the House of Representatives from the Secretary of War, of March 5, 1832.

Mr. REYNOLDS offered the following resolution; which was read for information:

Resolved, That from and after next Saturday, the House of Representatives will meet at 11 o'clock of each day to the end of the session.

Objection being made,

Mr. REYNOLDS said he would try a vote upon it, and for that purpose moved to suspend the rule.

Mr. DAVIS of Pennsylvania called for the yeas and nays; which were not ordered.

The question was then taken on the motion to suspend the rules; and it was decided in the negative.

Mr. WATTERSON asked leave to submit a resolution having reference to the subject of pension agencies.

But leave was not granted.

[Mr. WELLER presented the petition of George Watt and 149 other citizens of Preble county, Ohio, praying an appropriation to the national road; which, on motion, was referred to the Committee of Ways and Means.]

TREASURY NOTE BILL.

The SPEAKER then announced the first business in order to be the consideration of the bill authorizing a further issue of Treasury notes; and the House having resolved itself into a Committee of the Whole upon the bill,

The SPEAKER requested Mr. ADAMS to take the chair; but

Mr. ADAMS asked to be excused, as he had some important business to transact in the course of the day.

Mr. DAWSON was then requested to take the chair; but he was likewise excused, in consequence of a great press of private correspondence.

Mr. BANKS was then named, but also asked to be excused, as he must necessarily be absent for a portion of the day, for the purpose of attending to some business in which many of his constituents were deeply interested.

Mr. CASEY then took the chair; and the committee resumed the further consideration of the bill before the House.

Mr. BARNARD, being entitled to the floor, resumed his remarks in opposition to the bill. In the

course of his speech, he contended that the present Administration was bound to furnish all the means necessary to meet the outstanding liabilities of the Government. In his opinion, the sum asked for in the present bill would not be near sufficient. He objected to the issue of Treasury notes as unconstitutional, and was in favor of a direct loan. He also contended that in case the present Administration failed to make the ample provision which he deemed necessary, then the whole responsibility of calling an extra session of Congress would devolve upon it. Mr. B. concluded by moving to strike out the enacting clause of the bill, observing that if the motion should prevail, and be reported to the House, he would then immediately move the adoption of the resolution which he sent to the CHAIR on yesterday.

Mr. EVANS then took the floor on the same side, at concluded at half past three o'clock.

Mr. BELL followed, but gave way to a motion that the committee rise; which motion prevailed.

So the committee rose, and reported progress; and,

on motion of Mr. LINCOLN, it was

Resolved, That the Secretary of the Treasury be directed to inform this House, whether the patents for lands, which have issued from the office of the Commissioner of the General Land Office, since the passing of the act of the 25th April, 1812, entitled "an act for the establishment of a General Land Office, in the Department of the Treasury," have in all cases, in satisfaction of military land warrants, or otherwise, been issued, in conformity with the requisitions in the eighth section of said act, "in the name of the United States," and been countersigned by the Commissioner of said office; and if these requirements have been omitted or departed from—in what particular, at what time, and under what authority the omission or variance has been authorized: and that he transmit, with his answer thereto, an exemplified copy of the form of patents which are now issued from said office, with the manner of their authentication.

At the request of Mr. CLIFFORD, the report from the Select Committee—to which was referred the letter of John C. Rives, one of the Printers to this House, dated the 31st ultimo, and the memorial of Hugh A. Garland, Clerk of the House, dated the 4th instant, both communications referring to a controversy between the parties as to the powers of the Clerk to control the binding of Congressional documents and the printing of the special orders of the House—was recommitted to that committee, for the purpose of making a verbal correction.

Several petitions were presented by Messrs. ATHERTON and HOFFMAN.

Mr. STANLY submitted the following as an amendment to the Treasury note bill; which was ordered to be printed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the day of on the importation of articles hereafter mentioned, there shall be levied, collected, and paid the following duties, that is to say:

On all manufactures of silk, or of which silk shall be a component part, coming from beyond the Cape of Good Hope, twenty per cent. *ad valorem*.

On all manufactures of silk, or of which silk shall be a component part, coming from this side of the Cape of Good Hope, ten per cent. *ad valorem*.

On all wines, except the wines of France, twenty per cent. *ad valorem*.

On all wines of France, as soon as the treaty with France will allow, a duty of twenty per cent. *ad valorem*.

On all bleached and unbleached linens, table linen, linen napkins, and linen cambrics, twenty per cent. *ad valorem*.

The foregoing duties being in accordance with

the terms and the spirit of the act of March 2d, 1833.

And be it further enacted, That all laws inconsistent with this act are hereby repealed.

The House then adjourned.

IN SENATE,

WEDNESDAY, JANUARY 20, 1841.

The PRESIDENT submitted a message from the President of the United States, in reply to a resolution of the Senate of the 20th July last; which was laid on the table.

The PRESIDENT also submitted a report from the Secretary of War, with a statement of the contracts entered into by that Department during the year 1840; which was laid on the table, and ordered to be printed.

Mr. WRIGHT presented the memorial of a number of citizens of New York, remonstrating against the passage of any bankrupt law during the present session; which was laid on the table, and ordered to be printed.

Mr. BENTON presented two memorials numerously signed by mechanics, merchants, and others of New York, praying that if any bankrupt law shall be passed by Congress, that banks, and other money corporations, may be included; which were laid on the table, and ordered to be printed.

Mr. MERRICK presented the memorial of the watchmen and assistant watchmen of the Executive Departments, praying extra compensation; which was referred to the Committee on the Contingent Expenses of the Senate.

Mr. ROBINSON, from the Committee on the Post Office and Post Roads, to which was referred the memorial of Solomon Andrews, asking that his padlock may be substituted for those now in the public use, reported that, as the Postmaster General had ample powers over this subject, they asked to be discharged from the further consideration of the subject, without expressing any opinion on the merits of the invention; which was agreed to.

Mr. HENDERSON, from the Committee on the Post Office and Post Roads, to which was referred the memorial of Stokes and Purdon, made an adverse report thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. SMITH of Indiana, from the Committee on the Judiciary, to which was referred the bill in relation to the judicial courts of the district of New Hampshire, reported the same without amendment, and said he was instructed to ask that the bill should be taken up at the present time.

On Mr. SMITH'S motion the bill was then taken up, and considered as in committee of the whole, and ordered to be engrossed for a third reading.

Mr. PRENTISS, from the Committee on Pensions, to which was referred the memorial on the subject, reported a bill for the relief of John McNiel; was read, and ordered to a second reading.

On motion by Mr. CLAYTON, the bill for the relief of the heirs of Agnes Dun-das, was taken up and considered as in committee of the whole, and ordered to be engrossed for a third reading.

On motion by Mr. WRIGHT, the bill to authorize the Secretary of the Treasury to make an arrangement or compromise with any of the sureties on bonds given to the United States by Samuel Swartwout, late collector of the customs for the port of New York, was taken up and considered as in committee of the whole, and ordered to be engrossed for a third reading.

On motion by Mr. WALL, the bill for the relief of the heirs of Francis Newman, was taken up, and considered as in committee of the whole, and ordered to be engrossed for a third reading.

On motion by WALKER, the bill to relinquish to the State of Mississippi the two per cent. fund accruing by the act for the admission of said State into the Union, was taken up as in committee of the whole, and ordered to be engrossed for a third reading.

BILLS PASSED.

The bill from the House, making temporary provision for lunatics in the District of Columbia, was taken up.

Messrs. WRIGHT, SMITH of Connecticut, HENDERSON, and CALHOUN opposed its passage on the ground of the want of power under the Constitution to appropriate moneys from the Federal Treasury for local purposes. It was advocated by Messrs. TAPPAN, MERRICK, KING, LUMPKIN, and WALKER, who denied that there was any constitutional question involved, and averred that justice and humanity loudly called for its passage. The question being taken on its passage, it was decided in the affirmative—ayes 41, noes 6, as follows:

YEAS—Messrs. Allen, Anderson, Bayard, Benton, Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Dixon, Fulton, Graham, Huntington, Ker, King, Knight, Linn, Lumpkin, Mangum, Merrick, Mouton, Nicholas, Nicholson, Norvell, Phelps, Porter, Prentiss, Preston, Roane, Robinson, Ruggles, Sevier, Smith of Indiana, Southard, Tallmadge, Tappan, Walker, Wall, White, Williams, and Young—41.

NAYS—Messrs. Calhoun, Henderson, Hubbard, Smith of Connecticut, Surgeon, and Wright—6.

The bill to make certain appropriations for the Patent Office;

The bill authorizing the President of the United States to cause surveys of the lakes and lake coasts to be made;

The bill for the relief of Avcry, Saltmarsh and Company;

The bill regulating commercial intercourse between the port of Cayenne, in French Guiana, and for the remission of certain duties; and

The bill to authorize the Secretary of the Treasury to refund the duties collected on the French ship *Alexandre*, were severally read a third time and passed.

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up.

Mr. HUNTINGTON submitted several amendments, which will be more particularly designated when the debate to which they gave rise will be published, some of which were in substance as follows:

Strike out the word "eighteen," and insert "twenty-one," so as to confine the provisions of the bill to persons, heads of families, of twenty-one of age and upwards.

Upon this question the ayes and noes were demanded, and resulted as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Henderson, Huntington, Ker, Knight, Mangum, Merrick, Nicholas, Phelps, Pierce, Prentiss, Preston, Roane, Ruggles, Smith of Indiana, Southard, Webster, White, and Williams—24.

NAYS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Alabama, Fulton, Hubbard, King, Linn, Lumpkin, Mouton, Nicholson, Norvell, Porter, Robinson, Sevier, Smith of Connecticut, Surgeon, Tallmadge, Tappan, Walker, Wall, Wright, and Young—24.

THE VICE PRESIDENT. The result of the vote is ayes 24, noes 24: my vote is No: so the amendment is lost.

Mr. HUNTINGTON then moved to amend the bill so as to limit its operation to two years.

Mr. MERRICK moved an adjournment.

The ayes and noes on adjournment being demanded, it was determined in the negative—ayes 23, noes 24, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Hubbard, Huntington, Ker, Knight, Lumpkin, Merrick, Nicholas, Porter, Prentiss, Preston, Roane, Ruggles, Smith of Indiana, Southard, Tallmadge, Webster, and White—23.

NAYS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Alabama, Fulton, Henderson, King, Linn, Mangum, Mouton, Nicholson, Norvell, Pierce, Robinson, Sevier, Smith of Con-

necticut, Sturgeon, Tappan; Walker, Wall, Williams, Wright, and Young—24.

The question then recurring on Mr. HUNTINGTON'S motion, it was decided in the negative—ayes 18 noes 23, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Huntington, Ker, Knight, Mangum, Merrick, Prentiss, Preston, Roane, Ruggles, Smith of Indiana, Southard, and Tallmadge—18.

NAYS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Alabama, Fulton, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Nicholson, Norvell, Pierce, Porter, Robinson, Sevier, Smith of Connecticut, Surgeon, Tappan, Walker, Wall, White, Williams, Wright, and Young—28.

Upon Mr. TALLMADGE'S suggestion, and by general consent, the word "white" was stricken out of the bill, as free persons of color were allowed to hold property in all the States of the Union.

The amendments of the committee of the whole being concurred in by the Senate,

Mr. CRITTENDEN said he wished now to renew the proposition, which was voted down in committee—to recommit the bill with instructions to report a bill to distribute the proceeds of the sales of the public lands among the several States.

Mr. CLAY of Alabama and Mr. BENTON suggested that the motion to recommit would be perfectly in order after the bill was engrossed, and hoped the Senator from Kentucky would take that course, and permit them to have the vote upon engrossment this evening.

Mr. HUNTINGTON moved an adjournment, and a division being called for, it was negatived—ayes 21, noes 23.

The question was then taken on ordering the bill to be engrossed for a third reading, and it was decided in the affirmative—ayes 30, noes 17, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Alabama, Fulton, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Nicholson, Norvell, Pierce, Porter, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Walker, Wall, White, Williams, Wright, and Young—30.

NAYS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Huntington, Ker, Knight, Mangum, Merrick, Phelps, Prentiss, Preston, Roane, Ruggles, and Southard—17.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, January 20, 1841.

Mr. EVANS presented a petition of the officers and members of the American Peace Society, praying Congress to take measures for convening a Congress of Nations for the purpose of settling the principles of international law, and of organizing a Court of Nations to examine and decide upon all disputes that may arise between two or more contending nations, and thus settle international quarrels without resort to war; which petition was referred to the Committee on Foreign Affairs.

Mr. E. also presented a petition of inhabitants of the town of Bucksport, in the State of Maine, praying for reform in the administration of the Government.

Mr. JONES of New York presented a petition of a portion of the inhabitants of Orange county, New York, and of Sussex county, New Jersey, for a post route from Unionville, New York, along the "Clove road," to Deckertown, New Jersey, and from the latter place along the "Drowned Land road," back to Unionville. Also, a petition of inhabitants of Wantage, New Jersey, for a post route from Unionville, New York, to Deckertown, New Jersey, on the "Clove road" route; which petition was referred to the Committee on the Post Office and Post Roads.

Mr. PECK asked leave to introduce a resolution, which was read for information, and is as follows:

Resolved, That the Secretary of War be directed to report to this House, the number of treaties and amended treaties held and concluded with, or proposed to, the New York Indians, or any portion of them, since the 1st day of January, 1834, and to

which the United States were a party, and the place where such treaties and amended treaties were negotiated and concluded, respectively, and when, and the name of the person or persons representing the United States therein: And also, the names of all other persons (if any) who now are, or at any have been a party to, or interested in said treaties or amended treaties, or any of them; together with a detailed account of all expenditures, whether in money or otherwise, connected therewith; specifying particularly the several items of such expenditures, and by whom, and to whom, and when the same were made, and on what account, respectively: And whether the Ogden Land Company, or any member or agent of said company, have defrayed, or at any time, did agree to defray any portion of such expenditure; and if so, what portion, and when, and to whom. And that the Secretary of War also communicate to this House copies of all contracts or agreements between the United States and said land company, or any member thereof, and in any manner connected with, or relating to, said treaties, or amended treaties, or any portion of any of them. And that he also communicate to this House copies of all correspondence between the said Secretary or any other officer or agent of the United States and the said land company, or any member, attorney, or agent thereof, in relation to said treaties or amended treaties, or any of them, or in relation to the aforesaid expenditures, or any portion of them.

Objection being made to the introduction of the resolution,

Mr. PECK moved a suspension of the rules; but the motion was negatived.

The House then resolved itself into a Committee of the Whole on the state of the Union, Mr. CASEY in the chair, and resumed the consideration of the

TREASURY NOTE BILL.

Mr. BELL being entitled to the floor, resumed his remarks. He did not exactly agree with the views expressed on yesterday by his friends from New York and Maine [Messrs. EVANS and BARNARD.] For while on the one hand he condemned a spirit of mean parsimony in the Government, he would with equal care avoid a system of extravagance. There was a proper medium between the two, which was a just system of economy. After adverting to the efforts of the present Administration to restrict within certain bounds the expenditures, he contended that this was like a death bed repentance, and did not accord with its previous course.

Mr. B. said the true state of the question was not so much the present deficiency in the Treasury, but what provision ought to be made to meet the deficiency which would arise in 1842. In that year it was clearly foreseen that there would arise a permanent deficiency in the revenue, and in his opinion it was their duty to discuss that important question now. If the friends of the Administration should, however, neglect to provide for such an emergency, upon them must rest the responsibility of an extra session. He did not care so much about the form in which the present deficiency should be supplied. As the issue of Treasury notes had been fixed upon by the friends of the Administration, he had no objection to vote for it; but if any of his friends should move to amend by substituting a loan, he would rather support the measure. He was, however, perfectly willing to acquiesce in any mode which should be supported by the majority.

Mr. B. said, this was the first time for forty years that a new Administration, about to come into power, had to be restricted in their measures for the ensuing three quarters of the year, by the acts of the Administration going out of power. He then proceeded to contend that the expenditures of Government ought never to be reduced by the omission to carry into effect the appropriations made by Congress. After appropriations had been made, he urged that there was a moral obligation devolving upon the Administration to carry them into effect. Mr. B. then stated his opinion, that if all the appropriations authorized by Congress should be applied during the present year, the deficiency, instead of being but five millions, would amount to ten or perhaps twelve millions. He argued that if the expenditures were to be cut

down, so as to bring them within the limit stated by the Secretary of the Treasury, then the army, navy, and other public interests, must necessarily suffer.

After some further remarks, Mr. B. contended that for the last two years the Administration had proceeded upon the "staving off" system, both as regarded the appropriations and expenditures; whereas, previous to 1838, the "go ahead" system was pursued.

Mr. B. then proceeded to examine and criticize in detail the report of the Secretary of the Treasury, and to argue that a large portion of the balances referred to were due to the former unexpended appropriations.

At this stage an incidental discussion arose between Mr. B. and Messrs. EVANS and WISE, as to the true meaning of the Secretary in his remarks relating to the unexpended appropriations, &c. It appeared that each gentleman had taken different views of the subject. Having, however, come to an understanding,

Mr. B. proceeded, and endeavored to show that the actual demands against the Government in the year would far exceed that estimated by the Secretary of the Treasury. He then reviewed the means proposed by the Secretary for meeting the demands, and argued that a good part of them consisted in the mere speculations of that officer, and he believed not more than one half would be good for cash.

He contended that even the chairman of the Committee of Ways and Means himself did not rely upon the means referred to by the Secretary; for the introduction of the present bill proved that, notwithstanding the alleged means, good care was taken to get five millions of Treasury notes for the present quarter.

Mr. B. then proceeded, at some length, to consider the merits of the various measures suggested by the Secretary for meeting the deficiency which would arise in 1842. While on this head, he complained that the Whigs were the subjects of inconsistent charges from their opponents. For while at one time they were charged with being the tools of Britain, and acting under British influence, in the next breath they were accused of raising a high tariff as a commercial retaliatory measure upon the same country.

Mr. B. also adverted to various other topics; and having concluded at a few minutes past three,

Mr. WADDY THOMPSON took the floor, but gave way to a motion that the committee rise, which motion prevailed.

So the committee rose and reported progress.

Petitions, on leave, were presented by Messrs. DELLET, WARREN, RARIDEN, BELL, WILLIAMS of Connecticut, TRUMBULL, DOE, and REYNOLDS.

[Mr. REYNOLDS presented the memorial of the General Assembly of the State of Illinois, praying for a remission of the duty on railroad iron purchased for the State of Illinois.]

Several other gentlemen asked leave to present petitions; but

Mr. ADAMS would object, unless petitions were called for by States.

On motion of Mr. LINCOLN,
The House then adjourned.

IN SENATE,

THURSDAY, January 21, 1841.

Mr. PIERCE presented the petition of Elizabeth Colburn; which was referred to the Committee on Pensions.

Mr. PORTER presented the memorial of citizens of Washtenaw county, Michigan, praying the passage of a general bankrupt law; which was ordered to be laid upon the table.

On motion by Mr. STURGEON, the petition and papers of Hannah M. Baldwin, now on file, were referred to the Committee on Naval Affairs.

Mr. MANGUM presented the memorial of Lot Stricklin; which was referred to the Committee on Pensions.

Mr. TALLMADGE presented the memorial of Thomas Owen, praying that the duties on certain goods destroyed by fire may be refunded; which was referred to the Committee on Finance.

Mr. LINN presented the petition of Captain J.

Throckmorton; which was referred to the Committee on Claims.

Mr. SEVIER, from the Committee on Indian Affairs, to which was referred the bill for the relief of the heirs and legal representatives of Samuel Mackey, reported the same without amendment.

On motion by Mr. S. the bill was then considered as in committee of the whole, and after being explained and advocated by him, it was ordered to be engrossed for a third reading.

Mr. MERRICK, from the Committee on the District of Columbia, reported a bill to extend the charter of the Bank of Alexandria.

On motion of Mr. M. the bill was then taken up and considered as in committee of the whole, and ordered to be engrossed for a third reading.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the petition of Enoch Hidden, reported a bill for his relief; which was read and ordered to a second reading.

Mr. W. from the same committee, to which was referred the petition of Robert P. Wainwright, made an adverse report thereon, and asked to be discharged from its further consideration; which was agreed to.

Mr. PRENTISS, from the Committee on Pensions, to which was referred the petition of Robert Arheart, asked to be discharged from its further consideration; which was agreed to.

Mr. KING, from the Committee on Commerce, to which was referred the bill from the House to authorize the enrolment and registering of the schooner *Amistad*, reported the same without amendment.

Mr. K. from the same committee, to which was referred the bill to abolish the port of delivery, and the office of surveyor of the customs at Currituck Inlet, North Carolina, reported the same without amendment.

On motion by Mr. K. the bill was then considered as in committee of the whole, and ordered to be engrossed for a third reading.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which was referred the petition of Howland Dyer, made an adverse report thereon, and asked to be discharged from its further consideration; which was agreed to.

BILLS PASSED.

The bill to relinquish to the State of Mississippi the two per cent fund according to the act for the admission of said State into the Union;

The bill for the relief of the heirs of Agnes Dundas;

The bill for the relief of the heirs of Francis Newman;

The bill to authorize the Secretary of the Treasury to make an arrangement or compromise with any of the sureties on bonds given to the United States by Samuel Swartwout, late collector of the customs for the port of New York; were severally read a third time and passed.

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log-cabin thereon, was taken up, and having been read through, the question being on its passage—

Mr. CRITTENDEN then submitted the proposition which was negatived when the bill was as in committee of the whole—to recommit the bill, with instructions to report a bill for the distribution of the proceeds of the sales of the public lands among the States.

Mr. C. said he wished to have a full vote of the Senate on this proposition, and, as there were some Senators now absent who would be here in a few days, he would move that the further consideration of the subject be postponed until Monday.

Mr. CLAY of Alabama said he was very reluctant to refuse any proposition in the nature of an appeal to postpone, if he thought that any change in the result would be produced by it. But if the absent Senators from Virginia and Massachusetts were both here, in his opinion, no change would be produced by their votes. The Senator from Massachusetts might indeed vote for the proposition of the Senator from Kentucky; but the Senator elected from Virginia has again and again voted against

the proposition heretofore, and he believed on constitutional grounds. The friends of the pre-emption bill were anxious for its passage, as a measure of good to the new States, and beneficial to the whole Republic; and in his opinion, a further postponement of the bill would endanger its passage, from a want of time to consider it in the other House. For himself, therefore, he was opposed to, and would vote against, any further postponement of the bill.

After some further remarks from Mr. CRITTENDEN,

Mr. BENTON said the friends of the pre-emption bill had ever been desirous to keep it separate from the other propositions, that they might all have a separate consideration on their respective merits; but gentlemen opposite were endeavoring to load it down with matter that was foreign to it, and that would have the effect of overshadowing it. The bill had already been delayed in its passage about one entire month by those propositions to cede the public lands on the one side, and to divide our land revenue on the other; and a new debate had sprung up and then another, to overshadow the pre-emption bill entirely. Now he held it to be unparliamentary to bring on important propositions of this kind, to override a measure that was under discussion; and he held that each of these propositions should be made to rest on its own merits. All fair legislation would require this; and he denounced such a practice as had here been resorted to, as unparliamentary; and he held it to be much more so to push aside the present bill, or to delay it by such propositions, for the purpose of getting up a new measure, or to delay it for the purpose of getting new members to vote upon it. Suppose he were to ask gentlemen to wait on any particular measure until Senators, who might be detained by sickness, either of themselves or in their families, should arrive, would he be deemed by them to be in order, or would such a course be considered parliamentary? The whole would at once be declared to be unparliamentary. But what was the history of these measures relating to the public land? The first bill ever brought into the Senate on the subject was fourteen years ago. That bill contained the three principles (which were stated as well in the title as in the body of the bill) of graduation of the price, the right of pre-emption, and the cession of the remainder, after a certain period, to the States in which it lay. He (Mr. BENTON) brought in the bill himself, and the three principles—graduation, pre-emption, and cession, were all there; but what was the result? Why on a consultation among the friends of the bill, it was deemed more wise to separate the question of cession from those of graduation and pre-emption, and to allow that question to be brought in as a separate measure, and not to overshadow a small proposition with one of greater magnitude, and therefore they cast it off. But they afterwards found that they could get along with pre-emption much better when it was not connected with graduation, and they therefore made another separation. And what had been the result? Why, since they had made these divisions of the original measure, which he (Mr. BENTON) brought in in the year 1826, they had passed three or four pre-emption laws, not one of which would have passed if the propositions had all been kept together. The whole three questions which were brought in to close and wind up the whole land system between the Federal Government and the States, it was deemed at that early period essential to separate, and on that principle the friends of this bill were acting now, and already there were two propositions before the Senate—the one for pre-emption and the other for graduation, and gentlemen attempted to force on the former, which was then under consideration, a proposition of a totally different character. By the vote of last night, they saw there were two to one in its favor, and yet they were not satisfied with having delayed it a month on its passage, but they sought to lay it over still further, and for what? For the purpose of waiting until other Senators could come, whose votes in opposition would not change the result. On what then was their proposition for delay based? Could not

the gentlemen go on with their distribution bill as a separate measure? Was it not absurd to suppose that the Kentucky bill to divide the land revenue could not get along unless they detained the pre-emption bill? When the friends of the bill saw such absurdities, it became them to speak out like men.

They had heard much said there against pre-emption and graduation—these two measures had been presented to the Senate and to the country as the most odious and intolerable of all schemes; epithets had been applied to them, and arguments brought to oppose them, as the most odious enormities; he asked then to be permitted to show that these "enormities" had not been thought unfit for the legislative action of that Senate on previous occasions, and that they had not always been deemed so opprobrious. He then read to the Senate a proposition which had been made four years since by Mr. CLAY of Kentucky, which contained the principles of graduation and pre-emption—graduation as low as fifty cents per acre, and pre-emption to 150 acres—and was that bill the "total destruction of our beautiful land system?" Was that bill odious and abominable? And was the country called upon to revolt against that bill? Where was the difference between that bill and the bill then before them? And yet the proposition which was now denounced as leading to the "total destruction of our beautiful land system," as going to debauch the population of the States, was once deemed wholesome legislation. Let the gentlemen opposite bring their proposition forward as an independent one, and not attempt by it to overlay one of less importance. He had voted for the second proposition to amend, by striking out the instructions of the gentleman from Kentucky, and inserting the bill reported by the Senator from Michigan, [Mr. NORVELL,] but he had done so for the purpose of using that measure as a hammer to knock the other one in the head, and with no idea of overlaying the pre-emption bill with either of them. He was willing to defeat the distribution with the cession bill, and then he should have been ready to lay aside that also; but he was not willing to have the pre-emption bill laid aside. He hoped they should have the ayes and noes on the question of postponement. He was desirous to bring this matter to a close, but he was satisfied that, to use a remark of the Senator from Alabama [Mr. CLAY] last night, no pre-emption bill could be passed but by candlelight, and he therefore notified the messengers to have the lamps in preparation.

The question was then taken on the motion to postpone, and decided in the negative—ayes 18, noes 28, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Huntington, Ker, Knight, Mangum, Merrick, Phelps, Preston, Ruggles, Smith of Indiana, Southard, Tallmadge, and White—18.

NAYS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Alabama, Fulton, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Nicholson, Norvell, Pierce, Porter, Roane, Robinson, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wall, Williams, Wright, and Young—28.

The question then recurring on the motion to recommit, Mr. CRITTENDEN addressed the Senate at much length, reviewing in detail the measures of the present Administration.

Mr. WRIGHT followed in reply, and was succeeded in the debate by Mr. WEBSTER, who was followed by Mr. BENTON, and at 5 o'clock

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, January 21, 1841.

On motion of Mr. CARR, the rules were suspended for one hour, for the purpose of calling for petitions by States.

Petitions were then presented by

Mr. BURKE, of New Hampshire.

[Mr. BURKE presented the memorial of Alden Partridge, President of the University at Norwich, Vermont, in relation to the Military Academy at West Point, and praying that young men educated

at other military institutions, be admitted on equal terms with the young men educated at West Point. Also, the memorial of Alden Partridge, praying Congress to take measures with a view to the establishment of a general system of education for the youth of the Republic.]

Messrs. BRIGGS, PARMENTER, LINCOLN, WILLIAMS, CALHOUN, and ADAMS, of Massachusetts.

Mr. ADAMS presented and moved the reference of a petition, asking the abolition of slavery in this District, and in the Territories; also, that no new Territory, tolerating slavery, may be admitted into the Union.

Mr. CONNOR moved to lay that portion of the petition which came under the standing rule on the table.

Mr. ADAMS asked how that was to be done, for the petition must then necessarily be cut in two.

Mr. WARREN observed that, if the petitioners thought proper to attach objectionable matter, not receivable by the House, to their petition, they ought not to complain if the whole was rejected. He was therefore in favor of the rejection of the whole.

That portion of the petition coming under the rule, having been laid on the table *sub silentio*,

Mr. BLACK moved to reconsider the vote, for the purpose, in case it should be reconsidered, of moving the rejection of the whole, as he contended that no part of it ought to have been received.

On that motion, Mr. ADAMS demanded the yeas and nays, which were ordered.

Mr. WISE rose to a point of order. He desired to know whether any portion of that petition could be received under the rule. The latter portion, relating to the admission of new Territories into the Union which tolerated slavery, was, in his opinion, as much within the spirit of the rule as the former portion of the petition; and he, (Mr. W.) had his attention been called to it at the time, would have combated the decision of the Speaker, by which the latter portion was received. His point of order was, that as the whole of the petition came under the rule, a motion to lay on the table a part of it could not be entertained.

After some debate of a conversational character, the rule relating to the rejection of abolition papers was read, as follows:

"No petition, memorial, resolution, or other paper, praying the abolition of slavery in the District of Columbia, or any State or Territory, or the slave trade between the States or Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever."

Mr. WISE again urged his point of order, and contended that the whole of the petition evidently came within the spirit of the rule. He conceived that the object of the rule was to dispose of all papers tainted with this abominable heresy.

The question then being taken on the motion of Mr. BLACK to reconsider the vote by which a portion of the petition had been laid on the table, it was decided by yeas and nays, as follows:

YEAS—Messrs. Alford, Andrews, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Aaron V. Brown, Burke, Sampson H. Butler, John Campbell, Carroll, Chapman, Chinn, Clifford, Coler, Connor, William R. Cooper, Crabb, Craig, Crockett, Cress, John Davis, John W. Davis, Garrett Davis, Dawson, Deberry, Dennis, Dellet, Earl, Eastman, Fisher, Galbraith, Garland, Gentry, Goggin, Graham, Graves, Griffin, Hammond, Hawkins, Hill of Virginia, Hill of North Carolina, Hillen, Holmes, Hopkins, Hubbard, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, King, Lane, Leadbetter, Leet, Leonard, Lucas, McCarty, McClellan, McClure, McKay, Marchand, Miller, Montgomery, Moore, Samuel W. Morris, Parish, Pope, Prentiss, Reynolds, Rhett, Rives, Jas. Rogers, Samuels, Shaw, Albert Smith, Thomas Smith, Stanly, Steenrod, Stuart, Swearingen, Swency, Taliaferro, Philip F. Thomas, Waddy Thompson, Jacob Thompson, John B. Thompson, Triplett, Turney, Vroom, Warren, Waterson, Weller, John White, Jared W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Wise, and Worthington—103.

NAYS—Messrs. Adams, Baker, Boardman, Briggs, Brockway, Calhoun, Casey, Chittenden, Cranston, Edward Davies, Doe, Edwards, Evans, Fillmore, Gates, Giddings, Granger, Hall, Henry, Hunt, James, Charles Johnston, Kempshall, Lincoln, Meredith Mallory, Marvin, Calvary Morris, Morrow, Osborne, Palen, Parmenter, Peck, Randall, Rariden, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Truman Smith, Starkweather, Tillinghast, Toland, Trumbull, Peter J. Wagner, Thomas W. Williams, Henry Williams, and Winthrop—51.

So the vote was reconsidered.

Mr. BLACK here rose and was about to submit his motion for rejecting the whole of the memorial, when

Mr. ADAMS wished to make an observation.

Mr. WISE, I claim the floor.

Mr. BLACK. As the vote was reconsidered on my motion, I am entitled to the floor.

Mr. ADAMS. No, sir, I claim the floor.

The SPEAKER was understood to say that the gentleman from Virginia had the floor.

Mr. ADAMS. But I have the floor on a point of order which I desire to make.

The SPEAKER then decided that as the gentleman from Massachusetts rose to a point of order, he of course was entitled to the floor.

Mr. ADAMS was understood to say that as the vote to lay on the table had been reconsidered, his motion of reference of the whole subject would necessarily come up again for consideration.

Mr. WISE again rose to claim the floor.

Mr. ADAMS persisted in his claim to it, and was proceeding, when

Mr. WISE, in a very loud tone, said he cared not what the gentleman from Massachusetts claimed, for he (Mr. W.) claimed the floor, and wished to inquire of the CHAIR what it was that had been laid on the table, the vote on which has just been reconsidered.

The SPEAKER informed him that it was that portion of the petition coming within the rule; and the question then pending was on the motion previously made to lay it on the table.

After some further debate of a conversational character, and which, owing to the confusion which prevailed, could not be distinctly heard—

Mr. CONNOR explained; that when the petition was presented by the gentleman from Massachusetts, he (Mr. C.) was just taking his seat, and moved to lay on the table that portion which came within the rule; but he was afterwards convinced that the whole of the petition came within the rule, and he therefore now withdrew his motion to lay a part only on the table.

Mr. BLACK having succeeded in getting the floor, asked whether it would not now be in order for him to move the rejection of the whole of the petition.

Mr. WISE. No, for it is already rejected under the rule.

Mr. BLACK said it was a mistake, for the motion of the gentleman from Massachusetts to refer was still pending, and a motion had been made by some one to lay a portion of the petition on the table, he cared not by whom, but—

Mr. WISE. But the motion cannot be made, for it is already laid on the table, under the rule.

Mr. BLACK wished to explain, when

Mr. WISE persisted in urging his point of order, that the petition had already been laid on the table, under the standing rule of the House.

Mr. BLACK said he wished to move the rejection of the whole of the petition, on the ground that a certain portion of it had been decided by the Speaker as not coming within the rule. If it should be permitted that petitions should be received, a part of which came within the rule and a part of which did not come within the rule, that would be nothing less than a fraud upon the House. He was, therefore, for rejecting the whole.

Mr. WISE could not see how a motion to reject the whole could be in order; for one portion of the petition had already been rejected by the decision of the Chair. But he (Mr. W.) contended that no part of it ought to have been received. After some further remarks, Mr. W. said if the gentleman from Georgia would alter his motion so as to embrace

only that part of the petition which the Speaker had decided could be received, he would go with him.

Mr. ADAMS here rose, and in the course of some remarks, the whole of which the uproar did not permit the Reporter to hear, denounced the standing rule of the House prohibiting the reception of Abolition papers, as an infamous and unconstitutional rule.

Mr. CRAIG rose to a point of order. He contended that the question as it then stood was not debatable.

Mr. ADAMS. No: only on one side.

Mr. CRAIG said the question, as it now stood, was precisely the same as if no vote had been taken on the original motion of Mr. ADAMS.

Many members here attempted to speak at once, and much confusion prevailed.

After order had been restored,

The SPEAKER was understood to say that the debate was not in order except on that portion of the petition which he conceived did not come within the rule.

After some brief remarks from Messrs. WISE and BLACK—

Mr. ADAMS again took the floor and said he had presented the whole of the petition, and so long as he had a voice in the House, he would continue to present them. Mr. A. was proceeding to make some remarks in relation to the observations of Mr. WISE that "he would have combated the decision of the SPEAKER, had his attention been called to the petition when presented," when

Mr. WISE called the gentleman from Massachusetts to order for a disorderly expression. Mr. W. then stated what he understood the member to charge, viz: that he, Mr. W. had said he would have dictated to the Speaker. Such was not the fact; as every gentleman on the floor knew that he had said no such thing.

Mr. ADAMS explained that he had not made such a charge. What he said was in relation to what the member from Virginia *did*, and not what the member *said* he would have done.

Mr. WISE denied that he ever said he would have dictated to the Speaker, or that such was his intention. Mr. W. made some further observations which could not be distinctly heard.

Mr. ADAMS explained that the gentleman from Virginia had mistook his meaning. What he (Mr. A.) had reference to was the manner in which that gentleman usually addressed the Speaker.

Mr. WISE said he regretted nothing so much a personal quarrel with the venerable gentleman from Massachusetts; but he must be permitted to say that there was no man in the House more capable of exhibiting dictatorial feelings than that gentleman; and he was now setting an example for the younger members.

The SPEAKER, in reply to a question from Mr. BLACK, decided that a motion to reject could apply only to so much of the petition as had been decided did not come under the rule.

From this decision Mr. BLACK took an appeal, and contended that the petition could not be separated, for it was one and the same thing.

Mr. B. then commenced reading the petition with a view of proving his proposition.

Mr. ADAMS desired to inquire of the gentleman whether it was in order to read that which the House had determined it would not receive.

Mr. BLACK said he was reading the petition with a view of showing that the Speaker had committed an unintentional error in not rejecting the whole.

The SPEAKER observed that the reading of that portion of the petition which came within the rule, could not be read but by general consent.

Mr. ADAMS said that unless the whole subject should be thrown open to debate, he would object.

The SPEAKER then remarked that, as objection had been made, the gentleman from Georgia would not be in order in reading the petition.

After some debate on this point between Messrs. BLACK, WISE, and CRAIG, the noise was so great that several members rose to order.

Mr. WINTHROP called for order all over.

Mr. BLACK again contended that one portion of the petition could not be rejected without the other; and if one part was received, so must the

other be. Besides, if this practice was to be adopted, then thousands of petitions might be introduced into the House like so many fire brands, in defiance of any resolution that might be adopted.

The hour having now expired, the House proceeded to the orders of the day.

And the bill authorizing the issue of

TREASURY NOTES,

being the special order, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. CASEY in the Chair, and resumed the consideration thereof.

Mr. WADDY THOMPSON being entitled to the floor, proceeded at some length to criticize the report of the Secretary of the Treasury, and to give his views in relation to the contemplated means of meeting any deficiency in the revenue.

Mr. RHETT followed, and was about to show that there was no need either of a loan, or the imposition of a tariff on wines, silks, etc. as contended by some; but that the present bill would afford ample means for relieving the Treasury; when

A motion that the committee rise, was made, and prevailed.

So the committee rose, reported progress, and asked leave to sit again.

The House then adjourned.

IN SENATE.

FRIDAY, January 22, 1841.

The PRESIDENT laid before the Senate the following reports:

A report of the Secretary of War, made agreeably to law, accompanied by statements of the expenditures for that Department during the year 1840; and the balances remaining in the Treasury at the close of the year.

A report of the Secretary of War, exhibiting the number of clerks in that Department during the year 1840, and the sum paid each.

A report of the Secretary of War, made in compliance with a resolution of the Senate, showing the number and kind of United States troops stationed on the Western frontier, from Fort Snelling to Fort Jesup.

A report of the Secretary of the Navy, made agreeably to law, exhibiting a statement of the contracts made by the Commissioners of the Navy during the year 1840.

The reports were severally laid on the table, and ordered to be printed.

Mr. HUBBARD submitted the following resolution:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of granting to George Johnson a pension, for a disability incurred by him during the last war, while in the military service of the United States, and in the line of his duty.

The resolution was agreed to; and the papers connected with the case were referred to the Committee on Claims.

Mr. HENDERSON presented a memorial of citizens of Claiborne county, Mississippi, praying the passage of a general bankrupt law; which was laid on the table.

Mr. MERRICK submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of abolishing imprisonment for debt within the District of Columbia.

Mr. HUBBARD, from the Committee on Claims, to which was referred the memorial of Capt. J. Throckmorton, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. H. also, from the same committee, to which was referred the petition of Peter H. Greene, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. KING, from the Committee on Commerce, to which was committed the petition of Caleb Eddy, reported a bill for his relief; which was read, and ordered to a second reading.

The bill for the relief of the heirs and legal representatives of Samuel Mackey;

The bill to extend the charter of the Bank of Alexandria; and

The bill to abolish the port of delivery and the

office of surveyor of the customs, at Currituck Inlet, North Carolina, were severally read a third time, and passed.

On motion by Mr. HUBBARD, the bill for the relief of Daniel G. Skinner of Alabama was taken up, and considered as in committee of the whole, and ordered to be engrossed for a third reading:

ORDERS OF THE DAY.

The following bills were taken up and considered as in committee of the whole, and ordered to be engrossed for a third reading:

The bill to provide for taking evidence in the District of Columbia and in the Territories of the United States, in certain cases.

The bill for the relief of the executor of Thomas Cooper, deceased.

The bill for the relief of the legal representatives of Aaron Vail, deceased, late consul at L'Orient.

The bill to confirm claims to lands in the district between the Rio Hondo and Sabine rivers.

The bill for the relief of Charles Morgan, of Louisiana.

The bill for the relief of Charles Morgan.

The bill to confirm certain land claims in the Ouachita land district, in the State of Louisiana, being taken up, was, on motion by Mr. MOUTON, amended by adding to it

The bill confirming certain land claims in Louisiana; and

The bill to confirm certain land claims in the Greensburg land district, State of Louisiana; and was then ordered to be engrossed for a third reading.

The bill for the relief of Juan Belgar was taken up, and after a debate in which Messrs. MOUTON, LINN, and KING, advocated the bill, and Mr. CLAY, of Kentucky, opposed acting on it at present, the bill was laid on the table.

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, was taken up, and having been read through, the question being on the motion of Mr. CRITTENDEN to recommit the bill with instructions to report a bill for the distribution of the proceeds of the sales of the public lands among the States,

Mr. BUCHANAN addressed the Senate at length, answering fully and satisfactorily the charges of extravagance against the present Administration made yesterday by Mr. CRITTENDEN.

Mr. CRITTENDEN replied at length; and after some further remarks from Messrs. BUCHANAN and CRITTENDEN,

Mr. CALHOUN obtained the floor, and after some remarks on the subject of Executive and party responsibility for extravagance in expenditure, he announced his intention of discussing the subject before them—the distribution bill in connection with the protective system—but many Senators requesting him to yield to a motion for adjournment, he assented,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 22, 1841.

Mr. BLACK inquired whether the first business in order was not the appeal which he took from the decision of the CHAIR on yesterday, (who decided "that so much of the petition as prays that no new State may be admitted into the Union, the Constitution of which may tolerate slavery, did not come within the prohibition of the rule, and that, therefore, that part of the petition has been received.")

The SPEAKER replying in the negative,

Mr. BLACK moved to suspend the rules, in order that the unfinished business of the morning hour of yesterday might be disposed of.

Mr. J. W. JONES hoped that the motion would not prevail, and that the House would proceed to the consideration of the special order, viz: the Treasury note bill.

Mr. BLACK then submitted his motion in writing, that the morning hour be appropriated to the disposition of the appeal which he took on yesterday from the decision of the CHAIR relative to the reception of certain petitions then presented.

Mr. ADAMS said that he understood this to be

a motion to resume the presentation of petitions. He had a bundle of petitions, and wanted to get rid of them, and he knew that that was the case with the gentleman [Mr. CARR] who asked to present petitions yesterday, to which he (Mr. A) objected, because petitions were not called for in order.

The question was taken on the motion to suspend the rules, and decided in the negative.

Mr. J. W. JONES then moved that the House go into Committee of the Whole on the Treasury Note bill.

Mr. RUSSELL said that as this was the day appropriated by the rules to the consideration of private business, he would move to suspend the special order until Monday next, for the purpose of taking up the private calendar.

But the motion of Mr. JONES having precedence, the question was taken thereon by yeas and nays, as follows:

YEAS—Messrs. Alford, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Brewster, Briggs, Aaron V. Brown, Burke, Sampson H. Butler, William O. Butler, John Campbell, Carr, Carroll, Casey, Chapman, Clifford, Connor, William R. Cooper, Crabb, Crary, Cross, John Davis, John W. Davis, Dickerson, Dellet, Doan, Doig, Earl, Eastman, Ely, Fine, Fisher, Floyd, Fornance, Galbraith, Gerry, Graham, Griffin, Hammond, Hand, John Hastings, Hawkins, Hill of N. C. Hillen, Holmes, Hopkins, Hubbard, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lowell, Lucas, McClellan, McKay, Meredith Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Nisbet, Parrish, Parmenter, Parris, Pickets, Reynolds, Rives, Edward Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Taliaferro, Taylor, P. F. Thomas, Jacob Thompson, Vanderpoel, Vroom, Weller, Wick, Jared W. Williams, Henry Williams, Lewis Williams, and Wise—104.

NAYS—Messrs. Adams, Andrews, Barnard, Bond, Calhoun, Wm. B. Campbell, Chinn, Chittenden, James Cooper, Cranston, Crockett, Cartis, Cushing, Edward Davies, Garrett Davis, Dawson, Deberry, Dennis, Everett, Fillmore, Garland, Gates, Gentry, Giddings, Goeign, Granger, Green, Habersham, Hall, Henry, Hill of Va. Hoffman, Hunt, James, Jenifer, Charles Johnston, Wm. Cost Johnson, Kempshall, King, Lane, Lincoln, McCarty, Francis Mallory, Marvin, Monroe, Moore, Morgan, Calvary Morris, Osborne, Peck, Pope, Proffit, Randall, Rariden, Rayner, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonon, Slade, Truman Smith, Stuart, Tillinghast, Toland, Triplett, Trumbull, Warren, and John White—70.

So the House determined to resolve itself into a Committee of the Whole on the

TREASURY NOTE BILL,

and accordingly resumed the consideration thereof, (Mr. CASEY in the chair.)

Mr. RHETT being entitled to the floor, resumed his remarks from yesterday, in which he had commenced an argument to show that neither a loan of ten millions, nor a new tariff on silks, etc. would be necessary; but that the present bill would furnish ample means for relieving the Treasury.

Mr. R. proceeded to controvert the arguments of Mr. EVANS, in relation to the amount of expenditures chargeable on the present year. He adverted to the item referred to by Mr. E. of two and a half millions chargeable upon 1841, for the forces in Florida. Now, he, Mr. R. contended that the charge had not yet arisen, nor would it arise, unless Congress should pass the bill, authorizing the enlistment of 1500 mounted men and 500 foot.

Mr. EVANS explained that this charge had already been incurred, and was designed chiefly for the pay of two thousand militia, called into the regular service in Florida, under the law authorizing the acceptance of the services of militia for three months. These men, he urged, had been thus engaged from three months to three months, and it was for the payment of forces already taken into the service that the money was due.

Mr. RHETT was understood to maintain that here was nothing in the estimates to show that

these militia were now in the service, and for all he or the gentleman knew, they might have been disbanded. Mr. R. contended that, however that might be, the item for the Florida war was not necessarily a portion of the expenditure for the present year. For, as the present Administration went out of power on the 4th of March, it was not certain that the next Administration would continue that war. So thus it did not necessarily follow that this item should be charged upon the expenditures of 1841, as urged by the member from Maine.

Mr. R. then proceeded to vindicate the Secretary of the Treasury in the views that officer had taken in respect to the appropriations for the present year, and the unexpended balances of former appropriations.

As regarded an assertion that a million of dollars for the Post Office would be chargeable on the expenditures of 1841, Mr. R. contended that such would not be the fact. He read extracts from the report of the Postmaster General, to show that although the Department might occasionally require a temporary assistance, yet, upon the whole, it was capable of maintaining itself from its own resources.

Having adverted to the great amounts set down in the estimates for the Florida war, the navy pension fund, etc. which could not be strictly chargeable to the expenditures until actually required, and passed upon by Congress, Mr. R. next proceeded to review the means calculated upon by the Secretary of the Treasury for meeting the engagements of Government for the present year, and which he maintained would be most ample.

Mr. R. said he could not help but notice the inconsistency of the opponents of the present Administration. For when he first took his seat on that floor, the cry of those gentlemen was "retrenchment," "retrenchment," and they were blaming the Administration for alleged extravagance. But how was it now? Why, they had turned round and were at this time loud in their denunciations against the Administration for meanness and parsimony. He, Mr. R. if he did not mistake the signs of the times, thought he foresaw, as soon as the new Administration should come into power, that the country would be deluged with a full tide of extravagance.

Mr. R. after some further remarks in relation to the course he anticipated the next Administration would pursue, proceeded to combat the idea entertained by some, that a tax upon luxuries would not diminish their consumption. He admitted, however, that a tax upon necessities would have that effect, as the case of the poor English laborer proved, when at least two-thirds of his hard earnings were taken by taxation.

Mr. W. THOMPSON said, if the gentleman referred to his remarks on yesterday, he would explain what he meant. It was that wines and silks, being articles of luxury, were consumed by the rich; and, so far as they were concerned, an advance of price would furnish an additional recommendation for their use, instead of diminishing the consumption.

Mr. RHETT proceeded, and went into a long argument to show how injuriously a tariff on silk would affect the commerce between the Eastern States and France. He contended that if this commerce shall be interrupted in any degree, it must necessarily operate injuriously upon the South; for, if the French people could not send their silks in return for the millions of the raw material of cotton imported by them from this country, how could it do otherwise than affect the interests of the cotton growers. If a duty should be laid upon the French silks, how could they pay for the seventeen millions of exported cotton? By placing a duty on silks, would any gentleman undertake to say that it would not diminish the value of cotton?

A tax upon imports would always effects the exports of a country, and if the views of those gentlemen in favor of laying a tariff on silk should be carried out, the effect must necessarily be to reduce the price of that staple by which the commerce was carried on. For it would be admitted by all, that cotton was, in fact, the currency with which the

whole commerce of this country was carried on; and if a tax should be laid on what that cotton brought into the country, it must necessarily derange the prices of it?

Mr. R. then proceeded to argue that, in the first place, there existed no necessity for raising any additional means; and if there did, there was no necessity for raising it on this particular article, silk.

Until yesterday he had been utterly at loss to conceive why this project of laying a duty on silk had been introduced. But from the remarks of an honorable Senator he now comprehended the drift. It appeared that the revenue from this source was to supply the deficiency which would arise from the contemplated distribution of the proceeds of the public lands. Here the mystery was explained. He now understood it well, and in that case there would be a necessity for some such measure. But in the present condition of the Treasury, there was no call for it.

Mr. R. then gave, at some length, his views in relation to the compromise act, its intent and character. He controverted the argument assumed yesterday by his colleague from South Carolina, [Mr. W. THOMPSON,] that that act was a permanent arrangement—a settled principle of action beyond the day assigned by the limitation on the face of it. Once, indeed—taking his views rather from the speeches of honorable gentlemen than from a close scrutiny of the act itself—he had been under the impression that it was permanent. Such, however, was not his opinion now. So far from regarding it as fixing a permanent and illimitable principle, he declared his conviction that it did not live one day beyond the 6th of March, 1842; and that, after that day, not a single dollar could be collected from customs under its provisions. He believed the law to be unconstitutional, and he did not regard it as binding upon him. These views Mr. R. discussed at great length.

In conclusion, he expressed the opinion that the tariff question ought not to be touched now—that it should lie over to the next session of Congress, when there ought to be a general re-modelling of duties. The proper course was, to let the incoming administration take up that question, and give us their *project* in regard to it, if they had any. Sufficient means would, in the interim, be found in the Treasury to answer all their purposes during the year 1841.

He declared his intention to give a fair and honest chance to the administration of General Harrison. No man had ever heard him (Mr. R.) speak speak disrespectfully of that gentleman. And he now avowed that if General Harrison, in the course of policy he might mark out, should stand upon the great Republican principles of '98 and '99, he (Mr. R.) would give him his hearty support. But if he trod in the path of the Federalists of '89—if he advocated a National Bank—the throwing open of the public purse to extravagant expenditures—and the consolidation of this Government in its several branches—he (Mr. R.) would oppose his administration, feeble as his opposition might be, to the utmost extent of his power.

Mr. NISBET was not prepared to say whether or not he would vote for the bill now before the House. He did not know whether the necessity for the measure was as pressing and urgent as has been represented. But there were other questions besides this. The tariff had been alluded to. Now, he (Mr. N.) was not the advocate of a tariff for protection; if he were, he would belie his constituents who sent him here. He had heard from his infancy that it was unjust in its character and destructive to the permanency of the Confederacy, and he hoped he would never change his opinion in regard to that subject.

Mr. N. contended that the remarks of the gentleman from South Carolina, [Mr. R.] in relation to protective duties, was quite foreign to the subject under debate, and had not been called out by any remarks previously made. Mr. N. then proceeded to argue that unless the proposed duty on silks amounted to a prohibition of that article, then the argument of the gentleman amounted to nothing. And the question was, whether the proposed duty of 20 per cent. would amount to a prohibition. But, for his part, he disclaimed all prohibi-

tory duties, and if, when he came to vote on the imposition of any duties, he imagined they would operate as such, he would vote against them.

Mr. N. remarked that there was a particular kind of cotton imported for this country by the French, and from which they manufactured their rich laces and muslins so extensively used here. So that in case of a tariff on silk, we should, in those articles, consume an equal portion of our own cotton manufactured by the French themselves.

Mr. N. went on to say that there were but three sources of revenue; First, the public lands; second, from direct taxation; and third, by imposts on importations. As for the public lands, it appeared very little reliance was to be placed on that source, for all classes of politicians were making propositions for yielding the proceeds to the States. These lands were nothing but a bone of contention—a political football, bandied about first by one party and then the other.

As for direct taxation, the recorded wisdom of ages had proved that no plan was more odious or more unequal in its operation. The public mind disowned it, and the sympathies of the Union were against it.

Then the raising of revenue from imports was by far the more reasonable, and he hoped that the coming Administration would announce now, through their accredited organs, that if money should be wanted, they would raise it through the provisions of the compromise act.

After a very glowing appeal in behalf of the poorer classes of this country, and the justice of taxing the rich in all cases where taxes were required at all, Mr. N. recapitulated the three points of his speech, viz: first, that he would vote for no revenue but what the wants of the Government required. Second, that the fact of the Government wanting money being conceded, they had better raise it under the provisions of the compromise act of 1833; and third, when they laid any imposts, let them be so light as not materially to affect the importations, and not to exceed the wants of the Government.

Mr. THOMPSON of Mississippi next obtained the floor, but, without proceeding, he gave way to a motion that the committee rise, which prevailed.

So the committee rose, reported progress, and asked leave to sit again.

Mr. EVERETT offered the following:

Resolved, That the Secretary of the Treasury be directed to lay before the House a statement of the different articles imported which are now subject to duty at a less rate than twenty per cent. *ad valorem*, the value of such articles, and the rate per cent. and amount of said duties, based on the imports of 1838.

Before any question was taken on the resolution,

Mr. GRIFFIN moved that the House adjourn.

Mr. CARR called for the yeas and nays.

But they were not ordered.

And the House then adjourned.

IN SENATE,

SATURDAY, January 23, 1841.

Mr. WRIGHT presented the memorial of the Board of Underwriters of the city of New York, remonstrating against the repeal of the pilot law of 1837; which, as a bill has been reported, was laid on the table, and ordered to be printed.

Mr. W. also presented a memorial of citizens of Wayne county, New York, praying for the passage of a general bankrupt law; which was laid on the table.

Mr. W. also presented the memorial of citizens of New York, remonstrating against the passage of a general bankrupt law; which was ordered to be printed, and laid on the table.

Mr. W. also presented two memorials of citizens of New York, praying that if Congress deem it expedient to pass any general bankrupt law, banks and trading incorporations may be included therein; which were laid on the table, and ordered to be printed.

Mr. KNIGHT, from the Committee on the Contingent Expenses, to which was referred the memorial of the watchman of the Executive Depart-

ments, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. NICHOLAS, from the Committee on Military Affairs, reported a joint resolution authorizing sets of the standard weights and measures to be furnished to the War Department; which was read, and on motion of Mr. N. it was read a second time, considered as in committee of the whole, and ordered to be engrossed for a third reading.

Mr. KING, from the Committee on Commerce, reported a bill for the relief of Robert Roberts; which was read, and ordered to a second reading.

Mr. CLAY of Alabama presented the memorial of Isaac Welborn; which was referred to the Committee on Indian Affairs.

Mr. WEBSTER presented two memorials, from citizens of Ohio, and from citizens of Mississippi, praying the passage of a general bankrupt law; which were laid on the table.

Mr. DIXON presented a memorial of persons engaged in navigation by steam vessels, praying for a modification of the law of July 7, 1833; which was ordered to be printed, and laid upon the table.

Mr. WHITE presented resolutions of the Legislature of Indiana in favor of restricting the eligibility of the Executive to a single term; which were read, ordered to be printed, and laid upon the table.

On motion by Mr. ROANE, the papers in the case of Mrs. Vance were permitted to be withdrawn from the files of the Senate.

MINERAL LANDS OF THE UNITED STATES.

Mr. WALKER said he had received from the War Department the report of Dr. King, the agent of the United States for the Lead Mines. This was a report of great research and uncommon ability. It related to the manner of disposing of our mineral lands, and to the development of the resources of the mineral region. This subject had heretofore been referred by the Senate to the Committee on Public Lands, and he had reported a bill for the sale of these lands, which had received the sanction of the Senate. The subject was one of the greatest interest. The mineral region of Missouri and of the Northwest, was already ascertained to exceed the entire area of the great State of Pennsylvania; and by the more recent explorations of those most talented geologists, Dr. Owen and Col. Nicolet, in addition to those of Dr. King, this entire mineral region was believed to exceed the superficies of the two largest States of the Union. It was the most fertile in soil, as well as the richest and most extensive mineral region in the world. Among other valuable minerals in this great region, were iron, lead, copper and zinc. In lead, the quantity produced had augmented from 335,000 pounds in 1823, to 33,000,000 of pounds in 1839; worth, at New York, \$1,500,000. We had thus risen in less than a quarter of a century, from nothing to the third on the list of the nations which produced lead; and at the same ratio of augmentation, we should, in twenty years, stand at the head of the list, when it was hoped we might, as we now do, not only supply our own market, but that lead would become a large article of export. As to copper, the importance was still greater. Our imports of copper in 1839 amounted to within a small fraction of \$2,000,000. When we considered copper, not only as a coin for small change, but its many valuable uses in manufactures, the importance of the subject would be perceived. To specify no others, the amount of copper used in boilers on steam cars, and for steamboats on the lakes, rivers and ocean, was very great, and increasing every day; and transportation by steam upon the land, and navigation by steam on the water, to a great extent, depended on the use of this valuable mineral. As connected with steam vessels for the navy, the subject was one of the highest national importance, connected intimately with the honor and defence of the country. The copper region of the United States was believed to be richer and more extensive than in any other part of the world. The mining and smelting of this mineral in our country had but recently commenced, but under such circumstances as to promise the most auspicious results. The development of our mineral re-

sources in this whole great region, depended chiefly upon improvements—first in mining, secondly in smelting, and thirdly in the manner of disposing of the mineral lands; and it was to this last subject that he desired to call the attention of the Senate, and upon which very much depended, and which he hoped would be finally adjusted at the next session, after full and mature deliberation. Mr. WALKER said he would only at present move the printing of this valuable report, and of five hundred additional copies for the use of the Senate.

Mr. LINN expressed the pleasure he felt at the introduction of the document. It was certainly a matter of vast importance to the country generally to have the mineral lands disposed of, and the sooner it was effected the better. So long as these lands remained the property of the Government, little would be realized from them. He considered it the worst policy in the world for the Government to hold on for the mere purpose of obtaining a trifling rent. If they were put up for sale, individual enterprise and capital would go to work in developing the mighty resources of the West. The people of the Eastern and Middle sections of this country did not appear to have any adequate idea of the great magnitude of the mineral wealth of the West. Why (said Mr. L.) the mineral region of copper, lead, zinc, manganese, etc. extends from Lake Superior until it falls off into the lower altitudes of a portion of the States of Illinois, Missouri, and the Territory of Wisconsin and Iowa, where the vast coal fields and salt formations commence from the banks of the Ohio to the foot of the spurs of the Rocky Mountains, where you again ascend from this great basin into the Ozark chain of hills. It again commences on the borders of the Mississippi and Missouri, taking a southwestern direction, enabling you to trace the chain through the country of the Keoways, and a portion of the country occupied by the wandering Comanches, where it unites with the mountains bordering on the Rio del Norte. Throughout this vast extent are scattered mineral wealth, inexhaustible in quantity, whole mountains of iron ore, etc. At this time, England is the greatest lead country in the world, producing annually 100,000,000 pounds, while the rest of Europe did not produce more than 50,000,000. In seventeen years the United States had raised from 6,000,000 to 30,000,000. What, with such boundless resources, might not be anticipated in seventeen more? He left for those to answer who could form a proper estimate of this region of country.

Mr. WALKER said he would, at the next session, most cheerfully co-operate with his friend, the Senator from Missouri, [Mr. LINN] in devising a system for the sale of the mineral lands, and he most heartily concurred with that Senator in the opinion that these lands should be sold, and not leased, and that in the sale the development of the mineral region was vastly more important than the revenue from the sales; for as to leasing, the nett revenue was little or nothing. The lands must be in the hands, not of lessees, but of proprietors, in order to augment the amount of mineral. In the hands of lessees, we should have little more than those scrapings of the surface of the soil called *diggings*, which had so extensively prevailed in this region, the power of steam and of the accompanying and improved machinery, never having been employed here, as Mr. W. believed, but in a single instance.

The motion to print was then agreed to.

Mr. NORVELL submitted the following resolution for consideration:

Resolved, That the Secretary of the Navy communicate to the Senate a statement of the cost of building, in materials and labor respectively, of the ships of the line Columbus, Ohio, Delaware, and North Carolina; the frigates United States, Constitution, Potomac, and Brandywine; the sloops of war John Adams, Boston, Lexington, Vincennes, Warren, Natchez, Falmouth, Fairfield, Vandalla, St. Louis, and Concord; the brigs Porpoise, Dolphin, Pioneer, and Consort; the schooners Grampus, Shark, Enterprise, and Boxer; and the steamship Fulton; and the periods at which those vessels were respectively built. Also, the number of times each of those vessels have been repaired; where so

repaired, and the cost of repairing each, both in materials and labor. Also, the first cost of the schooners Pilot and Active, the cost of repairs of the same, and the sums for which the said schooners were sold. Also, the cost of the several navy and dock yards, including the sites, the cost of the buildings and fixtures at each, and the repairs of the same.

BILLS PASSED.

The following bills were read a third time and passed:

The bill to provide for taking evidence in the District of Columbia and in the Territories of the United States, in certain cases.

The bill for the relief of the executor of Thomas Cooper, deceased.

The bill for the relief of the legal representatives of Aaron Vail, deceased, late consul at L'Orient.

The bill to confirm claims to lands in the district between the Rio Hondo and Sabine rivers.

The bill for the relief of Charles Morgan, of Louisiana.

The bill for the relief of Charles Morgan.

The bill confirming certain land claims in Louisiana.

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, was taken up, and having been read through, the question being on the motion of Mr. CRITTENDEN to recommit the bill, with instructions to report a bill for the distribution of the proceeds of the sales of the public lands among the States.

Mr. CALHOUN addressed the Senate at much length on the distribution bill, the tariff policy, &c. and was replied to by Mr. WEBSTER.

After some further remarks by Messrs. CALHOUN and WEBSTER,

Mr. ALLEN obtained the floor, but yielded to a motion for adjournment,

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, JANUARY 23, 1841.

After the journal had been read,

Mr. J. W. JONES moved that the House resolve itself into a Committee of the Whole, and proceed to the special order of the day.

Mr. FILLMORE hoped the gentleman would give way, to enable him to report a bill from the Committee of Elections, regulating the taking testimony in cases of contested elections, and for other purposes.

Mr. JONES said he would do so, provided the bill would not take up the morning hour.

Mr. CARR would object, unless all should have an opportunity of presenting their petitions.

Mr. FILLMORE said the bill was a matter of vast importance, and would prove highly beneficial hereafter; and therefore he hoped no objection would be made to its consideration.

Objection being made,

Mr. FILLMORE moved to suspend the rule; but the motion did not prevail.

Mr. RUSSELL remarked that, as this was the day set apart for the consideration of private business, he hoped there would not be a solitary objection to postponing the bill before the House until Monday, and proceed now to the reception of petitions.

The objection not being withdrawn,

Mr. RUSSELL called for the yeas and nays; but the motion of Mr. JONES having precedence, the question was taken thereon, and decided in the affirmative.

So the House resolved itself into a Committee of the Whole on the state of the Union. (Mr. CASEY in the chair,) and resumed the consideration of the bill authorizing the issue of

TREASURY NOTES.

Mr. THOMPSON of Mississippi, being entitled to the floor, after some preliminary remarks, proceeded to say that he should support the present measure before the committee, and oppose all others. He believed the sum asked for by the bill

would be more than sufficient to meet the wants of the Treasury.

After showing the fallacy of the constitutional objections raised by some gentleman to the issue of Treasury notes, he went on to show how much more beneficial their issue would be to our own people, whereas a loan would benefit foreign capitalists. In reply to the objections in relation to the notes being bills of credit, he quoted the definition of Chief Justice Marshall of a bill of credit, and showed that the objection could not apply. These notes now asked for, were not intended as money, but merely to raise money. And if Congress had not the power to issue them, neither had it the power to issue bonds or script.

Having satisfied his own mind of the constitutionality of this measure, Mr. T. proceeded to say that it had been clearly demonstrated by the gentleman from South Carolina [Mr. RHETT] on yesterday, that five millions would be enough, and even more than would be wanted.

But he could not help being amused at the different conclusions to which gentlemen of the Opposition had come.

In the first place, the gentleman from New York [Mr. BARNARD] had put down the anticipated deficiency at about seven or eight millions of dollars. Next came the gentleman from Maine, who arrived at a different conclusion. Then followed the gentleman from Tennessee, [Mr. BELL] who prophesied that the deficiency would be ten, twelve, or very like fifteen millions. For his own part he was unwilling to go into the various calculations of the gentlemen, although he could not but be amused at their various conclusions.

Last year the Secretary of the Treasury deviated only two millions in the amount of the estimates; and considering the fluctuation of trade and other causes, that was tolerably accurate. And if the Secretary should deviate but two millions in his estimates for the coming year, than the means now asked for, would afford ample means for carrying on the Government.

But here was the grand secret. Here was the main spring of this movement for higher expenditures. Gentlemen of the Opposition were desirous of coming to a sudden conclusion that an extra session must be called. This was the secret spring of action on this matter.

The gentleman from Tennessee [Mr. BELL] had a wonderful talent for figures; but on referring to the speech of the gentleman in 1837, when advocating a deposit of the surplus revenue with the States, he stated that there was no question but that at the end of the year, the surplus revenue would amount to between ten and twelve millions of dollars. But now look at his *quo animo*. At that time the gentleman was desirous to make the surplus revenue appear as large as possible; but now it was his aim to make it appear as small as possible.

As regarded the calculations of the gentleman that there would be a deficiency of between ten and fifteen millions at the end of the present year, he Mr. T. believed them all uncertain. They depended on a variety of causes beyond the reach of human foresight, such as the fluctuations in trade, commerce, and other matters, when no one could foresee the result.

Mr. T. then recapitulated the statements of the Secretary of the Treasury in relation to the receipts and expenditures for the present year, and said that were the present Administration to continue in power, so well satisfied was he of those estimates in the report, that he would not go for more than three millions instead of five millions of Treasury notes. But, as an adverse Administration was about to come into power, he was willing to give them two millions more than was necessary.

Mr. T. next proceeded to notice the glaring inconsistency of the Opposition in their charges against the Administration within the space of the last twelve months only. For, said he, the party with whom I act are now charged with "mean parsimony;" not more than one year ago, on this floor, we were charged with reckless extravagance, and the cry was echoed and re-echoed from one end of the country to the other.

He was willing to admit that, in his own opinion,

the expenditures of the Government before that time had been too large; but what he always contended for was, that the Congress of the United States ought to be treated precisely as a father ought to treat a spoiled boy at college. And what was that way? Why, to cut down the supplies.

Now the supplies were cut down by the necessary operations of trade; and during the whole reign of the present Administration, the taxes had been taken off the people. But now, under the operation of that system, there was no money in the Treasury. Were they, however, to blame the Secretary of the Treasury? Certainly not; for, on the contrary, that officer deserved the thanks of the people.

Mr. T. as a further and most striking illustration of his charge of inconsistency, adverted to the outpouring of Mr. OGLE, last summer, in relation to the furniture of the President's House. That document, said Mr. T. was circulated through Mississippi, and to the remotest part of this Union; and according to it, the furniture was "gorgeous," "regal," "princely," etc, and far too good for any Republican. But we were now told by the gentleman from New York [Mr. BARNARD] in substance, that the furniture of this same White House was unfit for the place, unsuitable for a gentleman, and that it ought to be sold, and new furniture of American manufacture purchased in its stead!

Now, continued Mr. T. would the country submit to such inconsistency? Would the people suffer the gentleman to blow hot and cold in the same breath? Last year this furniture was cried down from one end of the country to the other, as "regal," "splendid," etc, and too rich for any Democratic citizen in this country; but now the same party were about to take a man from his log cabin, and sell out the same rich furniture as unsuitable for a gentleman, and to refit the whole.

Mr. T. then expressed, with some severity, the unfounded charges in relation to the Choctaw Indians. He was surprised at the charge that the payment of these Indians had been postponed for the purpose of meeting the expenditures of 1841. The gentleman from Tennessee [Mr. BELL] might rest assured that full justice would be done to the Choctaws. But there was another fact in relation to the payment of these Indians. When paid, they were not to be paid in money, but in land. So the argument of the gentleman amounted to nothing.

A more extended report of the remarks of Mr. THOMPSON is in course of preparation.

Mr. LANE said that he did not intend to argue the question before the House as a Harrison man or a Van Buren man, but as a man who had a country to serve. He took it for granted that there was a deficit in the Treasury, and there must continue to be, unless some remedy should be adopted to supply it. He regarded the deficit not temporary, but permanent, and was opposed to the expedient of Treasury notes, which he considered to be bills of credit, and interdicted by the Constitution. But even if it were constitutional to issue them, it would be better to resort to a direct loan to supply the deficit; which, in his opinion, was caused by the paralyzing influence of the Independent Treasury.

Mr. L. replied at some length to the remarks of Mr. THOMPSON, expressing his opinion that a Bank of the United States was constitutional, and said that whenever an opportunity should be presented, he would vote for one. He would vote in favor of distributing the proceeds of the sales of the public lands among the several States, and also vote for levying duties on imports for the purpose of revenue, but not for protection, although he believed Congress had the constitutional power to do so.

Mr. L. concluded by saying that what was right to be done, ought to be done openly and directly, and not indirectly and covertly; and he was, therefore, in favor of raising ten millions by a direct loan.

Mr. DUNCAN then obtained the floor, and was proceeding in his remarks; when,

On motion, the committee rose, reported progress, and asked leave to sit again.

Mr. EVERETT moved that the House now

take up his resolution, which, on yesterday, was read for information as follows:

Resolved, That the Secretary of the Treasury be directed to lay before the House a statement of the different articles imported which are now subject to duty at a less rate than twenty per cent. *ad valorem*, the value of such articles, and the rate per cent. and amount of said duties, based on the import of 1838.

Objection being made,

Mr. EVERETT called for the yeas and nays.

Mr. WISE moved that the House adjourn, and thereupon called for the yeas and nays; which were ordered, and were—yeas 41, nays 47.

So the House refused to adjourn.

The question then recurred on the motion of Mr. EVERETT,

But, finding itself without a quorum,

The House adjourned.

IN SENATE.

[MONDAY, January 25, 1841.

Mr. PRESTON submitted the following report and resolutions of the Legislature of South Carolina upon Federal relations; which were read:

IN THE HOUSE OF REPRESENTATIVES,
December 18, 1840.

The Committee on Federal Relations, to whom was referred so much of the message of his Excellency the Governor, No. 1, as relates to the election of President of the United States, in the construction of the Constitution, and the future arrangements as to the tariff of duties on imports, have had the same under consideration, and the subject may be divided and considered under the following heads:

1st. The propriety of South Carolina uniting in the election of President and Vice President, especially when, by so doing, she will give expression to her true principles.

2d. The causes which have led to the overthrow of the administration of Mr. Van Buren, whose policy and avowed principles of action are in accordance with the doctrines maintained by this State. This head will properly embrace an inquiry into the pecuniary embarrassments which have induced the people to lend a willing ear to those misrepresentations which have contributed to the success of the Opposition. The policy and constitutionality of a bank, chartered by the United States: The causes of that combination of the different elements, which united to produce a change of administration: This discordant character of those elements: The security which the avowed policy of the Administration afforded to the peculiar interests and institutions of the South; and the strange delusion which has distracted so many of the Southern States, and led them to unite and make common cause with parties, whose avowed principles are at war with the best interests of the South: And, lastly, the confident expectation, that a development of the inconsistent interests and views of this coalition, will in the end vindicate the wisdom and policy of the Democratic Administration.

3d. The growing corruption of our Federal elections.

4th. The resolutions from Connecticut, relating to a tariff of protection.

Upon the first matter, your committee concur with his Excellency, that every State in the Union is bound to unite in the Federal elections, without regard to the fact, whether the successful candidate agrees with us or not, for candidates can always be found, whose principles and character will well merit such an expression of approval; and the conduct of the State, at the present session, has illustrated the propriety of such a course.

Second. The complicated difficulties which embarrass our monetary affairs, arise from the perversion of banks to purposes wholly incompatible with a sound circulation, and an utter disregard to the elementary principles of banking. No idea is more fallacious than the belief that an abundant circulating medium increases the real value of property. The kindly fruits of the earth, and human labor, bestowed in adopting materials in their original state to the use of man, are the only sources of wealth; and trade, or commerce, consists simply in exchange of them. Barter is

rendered more convenient by fixing on some one article of exchange as an universal property, exchangeable for every other, and this is called money. Gold and silver have, by general consent, become that universal property, so that he who has it, may exchange it for whatever other property he wants. Thus, if a man has an ox to spare, and wants a horse, he sells his ox for gold or silver, and then he exchanges that for a horse. This is trade and the use of money. It is clear then, that money must be itself valuable. It costs labor to procure it. It is useful for furniture and the arts. So that money only facilitates barter, by being exchangeable for all articles. No more money then is needed, than is sufficient for that purpose, and to thus facilitate all the exchanges of a community. Wherever a country has more money than its exchanges require, it will find its way abroad, to be exchanged for other property. A bank note is not money: it has no value. Money can be used—you can convert a dollar into a silver spoon—but you can make nothing out of a five dollar bill. Like every other promissory note, its value depends upon the fact, that the bank which made it has the ability to redeem its promise, by exchanging it for coin when required. It follows, then, an increase of bank paper is not an increase of money, and when more is used than the bank has means to redeem, the bills become depreciated. It is not true, that an abundance of paper money raises the value of property. It is a mere deception. It only makes paper money cheap. The actual exchanges of a country require a given amount of money; and when banks issue their paper only on real transactions, founded on an actual exchange of property, there will be no redundancy of circulation, and property will retain its natural value; but when the banks lend their notes on mere accommodation paper, they are not represented by actual value, and thus swell the circulation, and give a fictitious value to property. This caused all the derangement of our circulating medium. Banks loaned money, or rather their promises to pay money, when no real exchange had taken place, and consequently their notes being more abundant than the actual business of the country required, depreciated exactly in the ratio of the surplus. Men supposed they were richer because they received more for their property in these notes. Suppose bank notes to be ten per cent. below gold and silver, and two men each have a thousand bushels of wheat to sell; one sells his for a dollar a bushel, and gets bank notes in payment; the other sells his for ninety cents and gets specie. It is clear, the first has made no better bargain than the last, for he who got nine hundred dollars in specie, can exchange it for a thousand dollars in bank paper, and he who got a thousand dollars in paper, can exchange it for no more than nine hundred in specie. When banks exchange or loan their own notes for notes of persons who gave them merely to raise money, and not for actual property transferred, they render the circulation redundant. All loans to Government and corporations for speculative operations; all loans for the purchase of fixed property, as distinguished from mercantile property promptly exchangeable, unless confined to such small portions as may be redeemed by the income or produce, tend to increase the liabilities of a bank beyond its available means, and consequently lead directly to the suspension of specie payments, even supposing the banks to be perfectly honest, and their loans perfectly secure. The Pennsylvania Bank of the United States suspended on 9th October, 1839, and most of the banks South and West did the same. The statement of the situation of the banks on 1st January, 1840, will prove that this general suspension can be traced to a total disregard of the principles of safe banking, and the most unjustifiable use made of the bank capital. On that day the whole bank capital of the Union was \$358,442,692, of which but \$33,155 was in coin; yet their immediate liabilities were, for their circulation, \$106,968,572; deposits \$75,696,857; making an aggregate of \$182,665,429. It is not astonishing, then, that they suspended specie payments when they owed \$149,560,274 more than their specie; yet the public owed the banks at that time \$462,896,523. If

the public had paid their debt, the banks would have had ample means to have redeemed their circulation and deposits. But no small part of this enormous debt due to the banks was for loans to Governments and to corporations, who were trying experiments, and individuals who borrowed money to buy property on speculation, at prices swelled out of all proportion by these very loans, which augmented the circulation beyond the exchanges, and thus gave a fictitious value, not by making property dear, but money cheap. These fictitious values have given way, but the notes of the borrowers from the banks must be paid in specie or its equivalent. Hence that pecuniary embarrassment, which, by being falsely ascribed to the measures of the General Government, enabled the old adversaries of Democracy, under the new disguise of Whigs, to delude the debtor portion of the community into the belief that a change of Administration would restore that redundant paper circulation which swelled the nominal price of property, and enable them to extricate themselves from their embarrassments. They are promised a United States Bank; a measure, which, if it was possible to carry it into effect, would not fail to bring every State into ruin. But a short time is necessary to expose this imposition, and bring down upon its authors the bitter denunciations of its victims. There are but two modes of creating a United States Bank. The first is a new subscription, which would, if taken from the specie capital of the present banks, about \$33,000,000, effectually destroy their ability to continue specie payments. The next is, by a species of legislative galvanism, to resuscitate the old Bank, give it a Federal charter, and constitute it to the depository of the public revenue, under some guarantee to be furnished by its foreign stockholders, for the safety of the public moneys. This necessarily supposes the resumption of specie payments by that Bank, and her control over all State banks. This measure will give the control of all the revenue of the Union to the foreign holders of that stock, and thus perpetuate the Federal dynasty who have so successfully employed the means placed in their hands. It would enable the wealthy capitalists to bring the property of the debtors of the State banks to the hammer, at depreciated prices, and thus swell the fortunes of the rich at the expense of the public. Such an institution is so utterly at variance with the whole nature and provisions of the Constitution, that it is to be hoped the representatives of the people will resist it. It is clear that the new dynasty must stand or fall on the bank question. If there is created a United States Bank, the Independent Treasury will be abandoned, and the people must at the next election decide on the justice of its fate. If no such bank is created, the only alternative is to deposit the revenue in the State banks, a measure repudiated by a majority of both the great Federal and Democratic parties, or to continue the very measure of Mr. Van Buren's administration, in opposition to which was rallied the celebrated coalition called the Whig party; a proceeding which would at once place in bold relief the flagrant injustice done to that statesman. While your committee duly appreciate the value of banks, when properly conducted, they consider any connection between them and Government, except in the ordinary course of dealing as customers, of the most sinister consequences, and inconsistent with the purity and independence of both. The true objects of banks should be known, as on their conduct depends the future welfare of our whole country; and a right understanding of the subject will prevent unfounded prejudice on the one side, which may refuse to the public the benefits which, properly regulated, they can bestow; and, on the other hand, ward off those evils which their abuse has already spread over our whole country. The real uses of banks are, 1st. To afford safe places of deposit for money; 2d. Expeditious and safe means of payments, by checks in lieu of counting; 3d. By requiring a smaller amount of coin to conduct exchanges, by dispensing with a part of their specie, and substituting their bills, when, by judicious management, the credit of the bank is preserved unquestioned. The money thus released,

is actually employed as capital; and by temporary loans, gives renewed and reiterated activity to trade. The very fact, that they issue bills exceeding their money capital; requires that their loans should be short, that they may be always ready to redeem their circulation as fast, as in the round of business, it is brought in. A loan office only lends its actual capital, and as long as the interest is punctually paid, requires no change of investment. 4. They enable commercial men to extend their dealings beyond their actual capital. Thus if a merchant has ten thousand dollars capital to invest in an enterprise, he can safely borrow thirty thousand dollars, and the bank can securely loan it if his known character for prudence, warrant, that by insurance and other precautions, he will not lose, if unsuccessful, more than a fourth of the amount embarked in the enterprise. In a word, money is only a machine to circulate property, and paper costing little or nothing, is a cheaper machine, but it always supposes its redemption in coin unquestionable. These are the legitimate uses of banks. They are not designed to loan money to Government, and when employed for that purpose, it is a fraud upon the people, and operates as a forced loan, if it is made in bills of the bank. Money loaned to Government, represents no property. It is expended in gunpowder; and leaves, when once used, nothing behind, any more than the powder itself, after it is exploded. But it swells the circulation, and thus depreciates its value, and when carried to a great extent, leads to the measure adopted in England, a legalized suspension of specie payments, and a compulsory tender of bank promises, instead of real, actual money. The prevailing notion, even among merchants, that banks are necessary to facilitate exchanges between the States, especially that a United States Bank is so necessary, is a fallacy, which is capable of demonstration to those who will forget their prejudices and submit themselves to the guidance of reason. First, then—banks never have been used, and are not intended to deal in exchange between nation and nation. The quantity of exchange depends on the amount of property transmitted, generally speaking, and bills originate with the merchant. If a merchant in Charleston transmits a thousand bales of cotton to Liverpool, he has funds to draw upon, and the importer who owes for a cargo of English goods, seeks that bill to remit in payment. It is a proper duty of a bank to discount the bills coming to maturity, where its own capital is located. Thus, the Bank of England discounts bills payable in London; but a bill payable in Charleston, would not be discounted at the Bank of England; neither should a bill payable in London, be discounted in Charleston. It tends to swell the current of exchange beyond the actual transactions of trade, and introduces that species of bills termed *kites*, by which two parties at each end of the line, by drawing and redrawing, use exchange as a species of accommodation paper to raise money, not to facilitate exchange of actual products or merchandise. All legitimate exchange is calculated upon the basis of specie; the only money of commerce. There is no real difference between the several States of this Union, and the several countries of the world, who deal together. The value of the bills of the Bank of England or France, does not effect exchange. It is not necessary to the trade between France and England, the bills of either kingdom should be current in the other. They are not so in fact, and exchanges are not impeded. The truth is, bank paper, not convertible at will into specie, is no currency at all, but is worse than a delusion. If every State permitted no bank paper not redeemable; if suspension was death, as it ought to be every where, a United States Bank is altogether useless. But even a United States Bank would not make its bills redeemable, except at the branches where they were issued. The former bank, to avoid this, even in relation to five dollar bills, drew five dollar drafts on its branches, which, of course, became payable only where accepted. The command of the exchange of the country, gave that bank the opportunity of making bills of exchange the substitute for local discount, thus overburdening the exchanges, enhancing the prices, and thus avoiding the restriction on the rate of discounts, and causing

the balances of exchange to depend, not on the balance of trade, but the balance of kiting. When the revolution of 1837 took place, millions of the fictitious exchange was brought to light. It is not wanted to loan its promises to Government, for when Government is under the necessity of borrowing, which ought never to be, except under temporary emergencies, its own security, by being taken as an investment, would not derange the currency, and is the legitimate security for public loans. The privilege of having the notes of a United States Bank, whenever redeemable, receivable for duties, would at once enable it to cripple the State Banks: they, in turn, must insist on the payment of the four hundred millions due them by the people, and in less than two years, the bitter fruits of Whig experiments would be tasted. So far from making money plenty, it would reduce the circulation of the State banks, and reduce property to its value under the hammer. The unfounded allegation that Gen. Harrison's election would raise the value of property, is already in part exposed. He is elected, and yet money remains the same; property the same. The more cunning part of his advocates, are hoarding their means to buy at a sacrifice, the estates of the dupes who united with them in clamoring for change. The mild and gradual effect of the separation of the Government from banking, the gradual return to the collection of the revenue in money, and the Independent Treasury, were efficacious remedies for a redundant circulation. The hope that any change of Administration could save one whose obligation, payable by the laws and Constitution, in specie, is outstanding, for property brought at prices swollen by speculations and a depreciated circulation, from the consequent loss, was too fallacious for an honest Democratic Administration to hold out; and the proposal to cripple all the State banks by placing a regulator, with chartered privileges, to compel them to call in four hundred millions of debts, is the most cruel mockery; and the curses of a ruined country, deep and loud, too, will fall upon its authors. The Independent Treasury, and a well advised general bankrupt law, applicable to all dealers, was the true means of relief. Now, the wealthy capitalists alone, have any prospect of profiting by this reiterated experiment of a Federal rule, which has always ended in disappointment to the people. Not only is a United States Bank unnecessary, but the idea of its money being in fact any better than the money of specie paying banks of the States, where its branches are situated, is chimerical, except for the unjust monopoly of being receivable in payment of duties, although not redeemable in specie where so paid; a monopoly, the fruits of which are reaped by foreign stockholders. Such an institution is evidently unconstitutional, and the existence of such a bank is only a proof how pressing emergencies form an excuse for a departure from principle, and how readily good men slide into the foul heresy in morals, that "the end justifies the means."

The constitutional objection to a bank, chartered by the United States, has never been fairly met; and as human reason is just as clear now as ever it was, the time has arrived when the people will again resort to first principles, and test the point by sound and connected argument. Let us trace the history of this institution from its first embryo. In 1780, during the Revolutionary war, the Bank of North America was chartered by the continental Congress. The inducement was, that the bank was to furnish the army 3,000,000 rations, and 370 hhds. rum, and receive in payment bills of exchange on our Minister in Europe. The subscription or capital was to be in gold and silver. Even then so jealous were the statesmen of that day, that they required "every evening except Sundays, a statement of the cash account, and of notes issued and received, to be delivered to the superintendent of the finances of America." The exigencies of the country were the excuse, and the States were requested to carry into effect its provisions by State laws. Thus, a United States Bank was known prior to the Constitution, and was the subject of the debate in the convention. This bank took a charter from Pennsylvania afterwards. The question generally of giving to Congress power to grant acts of incorporation,

and also to incorporate a bank, Mr. Madison says was fully considered, and the power refused; and now the question arises, has Congress that power? As to the array of great names in favor of the position, it is enough to say, the present generation are endowed with the same intellectual powers as their predecessors, and with the same facts before them, can arrive at as wise a conclusion; and the pressure of State necessity being removed, they have a better prospect of arriving at the conclusions of unbiassed reason. The United States, and its Congress, possess no inherent power or original existence, as a body politic, but is supposed solely of such sovereign powers as the States have by the Constitution granted. It results that the omission to grant is a prohibition to the exercise of any of the powers appertaining to a Government. The people of the several States, as independent and sovereign powers, possessed all the attributes of nations, and so much and no more of those attributes as are in terms surrendered to it, by the instrument which created the United States Government, appertains to it.

It is admitted that the United States is a Government capable of sustaining its existence, and not a mere league; but the limits of its authority are delineated in the Constitution, without which it has no existence, and beyond which it can exercise no legitimate authority. Let us then look into this instrument for the authority to create a body corporate, and grant to it the monopoly of having its promises to pay in coin received in every quarter of the Union for the duties and dues of the United States, and the use of its revenues to be loaned out on the promissory notes of individuals, and to receive the interest, for the equivalent of paying the deposits where required. Power was refused when asked in direct terms, and let us apply the celebrated rule, "to ask the law-giver what he meant," and it is clear that he did not intend that to be implied which he had expressly refused. But independent of this refusal, the terms of the Constitution cannot be construed to imply such a power. It has been inferred from the power "to lay and collect taxes for the general welfare." To incorporate a bank, lays no tax for any purpose. Alexander Hamilton, the great originator of such a bank, told the honest truth as to what it was intended to be: "It is to be considered that such a bank is not a mere matter of private property, but a political machine of the greatest importance to the State." Congress has no power to raise money to invest in a bank, any more than in a whaling voyage, or any other money making business. The term "general welfare" is used to designate the object of raising taxes. If every thing that will bring money into the public purse, is authorized under the power to raise taxes, then charters to fishing companies, fur companies, and companies for all purposes of trade and manufacture, by requiring a bonus, would bring money into the public purse. Yet no such charters were ever applied for. To exact a bonus for a charter is not a tax, but the price of a Government grant of a monopoly; and a monopoly is so much taken from the mass of the people, to be conferred on a privileged class. The right does not result from the power "to borrow money." A bank charter borrows no money. It is a fearful stretch of construction to imply it is a "necessary and proper" way to borrow money, to call into existence a corporation to lend it—not to lend its money, but its promissory notes. The power is to borrow money. Now, by the Constitution, Congress may "coin money, and regulate the value thereof, and of foreign coin." No other money was then known. Paper bills of credit, were never known as money, but a substitute for it. Who ever heard of engraving money? Neither is it "necessary and proper," or either, to create a corporation, to aid in laying and collecting taxes, or to create a lender, that Congress may borrow. It would apply as well to trust companies, loan offices, and whaling companies. These might be taxed, or they might lend their notes, or even their money; but are they both "necessary and proper?" The people may be taxed, and money may be borrowed of individuals. The States have the right to prohibit the circulation as money of any thing but

gold and silver; and yet if Congress have the power to incorporate a Bank, they must protect its issues, punish the forgery of them, and thus usurp a clear State right, by implication. Every implication of a grant is confined to such as are direct and both necessary and proper, in the usual and natural acceptance of the terms, else it leads to unlimited power. Every means become in its term an end, and thus justifies the use of means still more remote, until absolute power is attained; and this is pure Federal doctrine. Thus, the United States may borrow money. To borrow money, it is necessary and proper, that there should be an accumulation of capital. To accumulate capital we must have a bank, with power to engrave bank notes. There can be no bank of limited responsibility without a charter, and prudent men will not unite in a general responsibility; and therefore, Congress, having the power to borrow money, has, by necessary implication, the power to incorporate stockholders with limited responsibility. Thus, the charter is the means of creating the bank. The bank is the means of collecting the capital, and multiplying it thence to ten fold, and this is the means of enabling the bank to lend, and the United States "to borrow money." There is no power which the most unprincipled ambition might covet, which could not be attained by the same course of reasoning. Apply it to the power to lay taxes; a corporation may be taxed, but to tax we must create it; therefore, under the power to lay taxes, Congress may create a manufacturing company, and impose a tax or bonus. Impressment into the navy, and a conscription for the army, are legalized in the same way. This is Federalism, now in the ascendant. Strict construction is the polar star of Democracy, destined again to emerge from its eclipse.

A corporation is a new creation: it is a person not before existing, and its creation is an act of sovereign power, not delegated. Had it been either necessary or proper, it would have been as expressly granted as it was positively refused. An idea once prevailed that the prohibition, to the States, to emit bills of credit, by implication, conferred that power on Congress, and so it might create a bank to emit paper money. If so, all bills of State banks are unconstitutional. But, in the first place, a chartered bank is not Congress, and delegated power cannot be sub-delegated. But the whole error is founded upon a misapprehension of what "bills of credit" are. They are promises based on the credit of a State, and not notes based on a bank capital. This has been decided and admitted. The argument chiefly relied upon, by the advocates of a national bank, is that of the late Chief Justice Marshall, venerable for his wisdom and experience; but that gift of God which is bestowed upon mankind in every age—the power of reason—is still more venerable. An individual may be influenced by motives, or deluded by the pressure of circumstances; but right reason, when unclouded by prejudice, is more to be relied on than the authority of any human being. Great and good men have maintained some monstrous doctrines. Judge Marshall's argument is all condensed in these words: "The Government, which has a right to do an act, and has imposed on it the duty of performing that act, must, according to the dictates of reason, be allowed to select its means," and any exception must be proved. This doctrine leads to the inevitable conclusion that Congress is supreme. It must raise an army; conscription is a means; there you must show that it is prohibited. It can borrow money; therefore it can incorporate companies, and grant monopolies, within the States, to obtain a bonus. It at once breaks down every barrier of the Constitution, and makes the United States a consolidated nation; for of course the States cannot gain say what the United States select as a means. Had such a doctrine been uttered by the dying breath of Washington, it would be our duty to challenge it, as treason, to the sovereignty of the States.

Your committee conclude that the uncompromising hostility of the Democratic Administration to a National Bank deserves our most cordial approbation; and that the adoption of that measure, as a leading and fundamental principle of the new Administration, stamps it indelibly, as in its very

essence, the legitimate exponent of Federalism, and calculated to inflict upon the country lasting misery and ruin.

Your committee consider the Independent Treasury as strictly in accordance with the Constitution, and well calculated to place the commerce, manufactures, and agriculture of the country upon a permanent and prosperous basis. By withdrawing from all connection with trade, it leaves the banking interests to be regulated by the States. By collecting the revenue in the coin of the country, it neither opposes or fosters these institutions, but leaves them to be estimated by those who deal with them. If their notes are equal to specie, those who possess them have no difficulty in converting them into money when required for duties. If they are not so convertible, then they are not equal to money, and the United States ought not to receive doubtful paper in payment of debts due to the public. There would have been no outcry against the collection of the revenue in money, but from the consciousness that the bills of specie paying banks are not as good as specie. A specie paying bank to-day, may be a suspended bank to-morrow. Returns and exhibits have proved no security. A bank which is guilty of a fraudulent issue of paper, beyond its ability to redeem it, will hesitate little to cover that fraud by false statements. When we see the largest bank in the Union, and once graced with a United States charter, circulating the bills of an extinct institution, based on no capital, what confidence can be placed in the mere integrity of banks, or the fidelity of their statements? It then results, that either in the United States must guaranty the continuance of the solvency of the banks, or the persons who pay the duties must ascertain it by the actual exchange of the bills for money; a proceeding which can cause no difficulty, except where the banks are really not deserving of credit.

The right to lend money collected as duties or taxes, and thus convert it into notes under any guarantee, is in conflict with the letter and spirit of the Constitution.

The next general feature of the administration of the present Chief Magistrate, deserving the cordial approbation of every slaveholding State, was the determined policy early avowed, to withhold his sanction to any measure impairing the reserved rights of the South, in relation to her slave population. While we feel an abiding confidence in the readiness and ability of our State to protect its rights by those means which God and Nature have accorded to us, and never doubted the noble spirit and elevated patriotism of our citizens, to meet any emergency, and repel any aggression, and are resolved not to discuss rights which we permit no one to question, we must cordially approve that faithful and just adherence to the Constitution, which will save our citizens of other States from endangering the Union by their folly and fanaticism, and involving themselves in a conflict that will not be abandoned as long as Carolina has one faithful citizen left to die in defence of her integrity as a State, her interest, or her honor.

Your committee unite with the Executive in amazement at that delusion which could induce any Southern State to abandon an Administration which adhered most faithfully to the doctrines which they have struggled to maintain since 1800, and hazard their interest by coalescing with a party to which is allied the Federalists and Abolitionists; the advocates of a National Bank, and the persevering solicitors of a tariff of protection; and while we rejoice to find ourselves associated on the one side with Virginia, the very nursery of Democracy and State rights, and on the other, by our own offspring, the enlightened people of Alabama, we feel no unkindness towards our immediate neighbors, and are confident, relying on their general good sense and right feelings, that the moment the development of the true character of the combined and allied opponents of Democracy is exposed, they will promptly and cheerfully unite once more with us in sustaining a common cause, with a sincerity and zeal worthy of their elevated character, and their devotion to the rights and interests of the South. And your committee concur with his Excellency in the belief that the people of every sec-

tion of the Union, firm in their principles, and resolved in their purposes, will once more rally in the great cause of Democracy, and reinstate in office its original and unwavering disciples.

That the late election for President of the United States was corrupt and indecent—wholly unworthy of a sober and discreet public, and calculated to degrade our country in the eyes of the world, observation and rumor, too well founded, it is believed, induces us to lament. The resort to silly pageantries, ridiculous emblems, and vulgar dissipation, was an insult upon the dignity of freemen, and could only proceed from an utter contempt of their intelligence, and a readiness to degrade them to the level of the servile populace of transatlantic monarchies. That funds to a vast amount were lavished, was palpable; and when it is recollected that the prize to be gained by opposition, was the control of the revenues of the Union, the resuscitation of an expiring moneyed institution, whose stock is so largely owned abroad, and, above all, the delusive hope that there was a magic in change that would relieve men from the losses of improvidence or misfortune, there is great reason to conclude that the elective franchise was polluted by most extensive bribery and corruption.

There was a feature too, in the late election, still more odious. Men high in station, and surrounded by the respect of the public, going about the country, inflaming the passions, alarming the fears, and misleading the judgment of the people, was a spectacle degrading to the whole country, degrading to us as a moral and high minded people, and can only be ascribed to that peculiarity in the human character, which leads men, banded together for a common purpose, to do what, as individuals, they would revolt at and repudiate. When men of character would assert, in the face of day, that the distribution of the public treasure, raised by the Representatives of the people and paid away by appropriations made by law, was usurping "the power of the purse," which every one knows to be the power to raise money without the consent of the people; and, still more absurd, that they should represent militia men, called out to drill, ten days in the year, as a standing army, we are amazed at the self-complacency that did not blush at the deception. No; the unpardonable sin of the present Administration was, its repudiating a chartered monopoly, to receive and loan the public treasure, and retaining it in the Treasury of the United States—its gradual return to a sound constitutional currency—and its resolution, not to entangle Government with any money dealers or stock-jobbers—but to leave to the States to regulate their banking institutions as they deem best; and upon the wisdom and policy of this great measure, South Carolina concurs with it, and is ready to renew the expression of its sanction and approval.

This State has only to repeat her objections to a tariff for a protection, and when the tariff compromise ends, she expects a fair adjustment of a new tariff for revenue, in name and in fact. The result of the election of President has not shaken the faith of South Carolina, in her long cherished principles, and your committee recommend the adoption of these resolutions:

1. *Resolved*, That, in the opinion of this Legislature, a bank, chartered by the United States, and whose notes are made receivable in payment of the public dues, is contrary to the spirit and intent of the Constitution; is not warranted by any express grant of power to Congress; and is unnecessary and impolitic.

2. *Resolved*, That the collection of the revenue of the United States in gold and silver coin, is strictly constitutional, and well calculated to preserve a sound circulating medium; and the keeping the public funds in the Treasury of the United States, instead of entrusting them to the custody of any incorporated company, is in conformity to the provisions of the Constitution, and is politic and safe.

3. *Resolved*, That the power given to Congress, to lay and collect taxes, duties, and imposts, does not authorize Congress to collect money, except for revenue, and that a tariff to protect the industry of one portion of the community, at the expense of another, is a violation of the spirit and let-

ter of the Constitution of the United States; and when such a case occurs, the several States will decide for themselves the mode and measure of redress.

4. *Resolved*, That the general principles and policy of the administration of Martin Van Buren, are approved by this Legislature, and are well calculated to preserve the perpetuity of the Union, by an equal and just protection of the rights of every section; thus avoiding the necessity of any State resorting to her own means of self-defence, to secure unimpaired her institutions and her rights.

5. *Resolved*, That this State has seen, with great satisfaction, the steady and consistent adherence of her Senator, John C. Calhoun, to the well known, avowed, and mature principles of the State, and they accord to him their deliberate and strong approval, for vindicating and upholding the settled and well known doctrines of the State from which he holds his high commission.

6. *Resolved*, That the people of this State have cause to congratulate themselves, that the party feuds which lately weakened the vigor of its counsels, have happily ceased, and that South Carolina now presents to the enemies of her policy and peace, an undivided front; and is prepared, as she is resolved, to repel, by all proper means, every aggression upon her rights as a sovereign republic, the instant that aggression is attempted.

7. *Resolved*, That the Governor be requested to transmit copies of the foregoing Report and Resolutions, to our Senators and Representatives in Congress, with instructions to submit them to that body.

Resolved, That the House do agree to the report. *Ordered*, that it be sent to the Senate for concurrence.

By order: T. W. GLOWER, C. H. R.

IN THE SENATE, December 18, 1840.

Resolved, That the Senate do agree to the report. *Ordered*, that it be returned the House of Representatives.

By order: WM. E. MARTIN, C. S.

On motion by Mr. PRESTON, the resolutions were laid on the table, and ordered to be printed.

Mr. CALHOUN presented the memorial of the Chamber of Commerce of New Orleans, praying the passage of a general bankrupt law.

Mr. C. said that while he took pleasure in presenting this memorial, his own opinions on the subject were unchanged. He believed that the passage of a voluntary bankrupt law by the Federal Government, would be unconstitutional; and the passage of a law with the involuntary principle, impolitic and inexpedient at the present time.

The memorial was laid on the table, and ordered to be printed.

Mr. CLAY of Alabama presented the memorial of the Legislature of Alabama, in favor of a law for compensation for French spoliation prior to 1800; which was referred to the Committee on Foreign Relations.

Mr. CLAY of Kentucky presented a preamble and resolutions of the Legislature of Kentucky. The resolutions were as follows:

1. *Be it resolved*, That the General Assembly of the State of Kentucky deem a Bank of the United States, so constituted and organized as to secure to the nation the maintenance of a sound, wholesome, and convenient currency, indispensable to the prosperity of the country; and that the nation cannot dispense with such a Bank, without a certain prospect of private and public distress.

2. *Be it further resolved*, That the public lands of the United States are not, of right, the property of the particular States in which they lie, nor that of the people of such States; and therefore the Congress of the United States ought not to cede such lands to such States, or any of them, or to appropriate such lands for any purpose whatever, but in behalf and for the benefit of the people of all the States.

3. *Resolved, further*, That, in the opinion of this General Assembly, public policy requires, and the interests of the people will be greatly promoted, by a just and equitable distribution of the proceeds of the sales of the public lands to the States respectively, according to Federal population.

4. *Resolved*, That copies of the foregoing resolutions be forwarded by the Governor to each of our Senators and Representatives in the Congress of the United States, with a request that they will lay the same before each branch of the National Legislature.

Mr. CLAY said these resolutions were passed in one House by a unanimous vote, and in the other with but four dissentients, and expressed, he believed, the sentiments of nine-tenths of the people of the State.

On Mr. C's motion, the resolutions were laid on the table, and ordered to be printed.

Mr. CLAY also presented the memorial of the Chamber of Commerce, remonstrating against the passage of any bankrupt law that acted retrospectively, (which, in Mr. C's opinion, was the principal merit of a bankrupt law;) which was laid on the table, and ordered to be printed.

Mr. BUCHANAN presented a memorial of Lewis Brown and other merchants of Philadelphia, praying the reimbursement of a portion of the duties paid by them on certain articles of hosiery; which was referred to the Committee on Finance.

Mr. WEBSTER presented the petition of a number of citizens of Nantucket, for indemnity for French spoliation prior to 1800; which was laid on the table.

Mr. W. also presented the memorial of Benjamin Brain, praying compensation for Revolutionary services; which was referred to the Committee on Revolutionary Claims.

Mr. MERRICK presented the memorial of citizens of Baltimore, praying the passage of an appropriation for the erection of a fort on Soller's Point Flat; which was referred to the Committee on Military Affairs.

On motion of Mr. WRIGHT, the petition and papers of William Whitehead, now on file, were referred to the Committee on Finance.

Mr. WRIGHT presented the memorial of merchants and others remonstrating against the passage of any bankrupt law at the present session; which was ordered to be printed.

Mr. W. also presented a memorial of citizens of New York, asking, if Congress deem it expedient to pass a bankrupt law, that banks and trading corporations may be included in its provisions; which was ordered to be printed.

Mr. W. also presented a memorial of mechanics and laborers of New York, asking, if Congress pass a bankrupt law, that laborers and mechanics may be entitled to the benefit of its provisions; which was ordered to be printed.

Mr. W. also presented the memorial of the Temperance Society of New York, praying that the spirit portion of the navy ration may be abolished; which was referred to the Committee on Naval Affairs.

Mr. LINN presented the petition of Absalom Link, praying confirmation of his title to a tract of land.

Mr. NORVELL presented the memorial of citizens of the State of Michigan, praying the passage of a general bankrupt law; which was laid on the table.

Mr. BENTON presented a letter from the Secretary of War, enclosing a communication from the Chief Engineer, on the creation of a company of sappers and miners; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. B. submitted the following resolution; which, with accompanying papers, was referred to the Committee on Military Affairs:

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of taking measures to settle and quiet the title of claimants to the Pea Patch island in the Delaware river.

Mr. WALL presented the memorial of the Marine Insurance Company of the city of New York, remonstrating against a repeal of the pilot law of 1837; which was ordered to be printed.

Mr. TAPPAN presented the memorial of citizens of Ohio, praying the passage of a general bankrupt law; which was laid on the table.

Mr. KING presented joint resolutions of the Legislature of Alabama, praying the removal of the

land office at Mardisville to a convenient location in the Cherokee purchase; which, as the subject has been passed upon by this body, was laid upon the table.

Mr. K. also presented resolutions of the same body, asking the passage of a law to authorize the adjustment of the claims of Alabama for money actually advanced by that State to aid in the prosecution of the Creek war; which, as a bill had been already reported, was laid on the table.

Mr. NORVELL, from the Committee on Commerce, reported a bill for the relief of the owners and crew of the schooner Twin; which was read, and ordered to a second reading.

On motion by Mr. KING, the bill authorizing the settlement and payment of certain claims of the State of Alabama was taken up and considered as in committee of the whole, and after explanation by Mr. K. it was ordered to be engrossed for a third reading.

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, was taken up, and having been read through, the question being on the motion of Mr. CRITTENDEN to recommit the bill, with instructions to report a bill for the distribution of the proceeds of the sales of the public lands among the States,

Mr. ALLEN addressed the Senate at much length in favor of the original bill.

Mr. MANGUM then obtained the floor, but yielded it to

Mr. WALL, upon whose motion the Senate went into Executive session,

And afterwards adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, January 25, 1841.

After the journal had been read,

Mr. CUSHING presented a memorial from C. T. James, of Newburyport, Massachusetts, upon the subject of steamboat explosions; which was referred to the Committee of the Whole, and ordered to be printed.

Mr. J. W. JONES then moved that the House resolve itself into a Committee of the Whole, and proceed to the special order.

Mr. BLACK inquired when the appeal which he had taken from the decision of the Chair, in reference to an Abolition petition, would be in order?

The CHAIR replied that it would be in order on the first petition day, unless some special order should interfere.

The SPEAKER then laid before the House the following communications, viz:

1. From the President of the United States, transmitting a report, with accompanying papers, from the Secretary of State, in answer to the resolution of the House of the 16th of December, calling for copies of all documents showing the origin of any political relations between the United States and the empire of China: referred to the Committee on Foreign Affairs, and ordered to be printed.

2. From the Secretary of War, transmitting, in obedience to the act of April 21, 1808, and March 3, 1809, statement of all contracts which were made by that Department during the year 1840: referred to the Committee on Naval Affairs, and ordered to be printed.

3. From the Postmaster General, in compliance with the provisions of the act of 2d July, 1836, transmitting, 1. A statement of all such land and water mails as have been established or ordered within the year preceding the 1st of July, 1840, other than those let to contract under the advertisement of the year; 2. A report of all contracts made for the transportation of the mail within the year aforesaid; 3. A report of additional allowances made to mail contractors within said year; and 4. A report of all curtailments of mail service and pay ordered within the same time: referred to the Committee on the Post Office and Post Roads.

4. From the Secretary of War, in compliance with the act of May 1, 1820, transmitting a statement of the second Comptroller, of the appropriations and expenditures for 1840, and balances re-

maining in the Treasury on the 31st of December of that year: laid upon the table, and ordered to be printed.

5. A letter from the Secretary of the Navy, transmitting a statement of the contracts made by the Commissioners of the Navy during the year 1840: laid upon the table, and ordered to be printed.

6. From the Secretary of the Treasury, transmitting, in compliance with the resolution of the House of the 19th inst. a report of the Commissioner of the General Land Office, accompanied by a statement exhibiting the amount paid into the Treasury annually on account of public lands, from the opening of the land offices to the end of the third quarter of the year 1840, at each land office; the aggregate received at each office, and the aggregate at all the offices, and by the Treasurer of the United States, for the whole period; also, a statement of acres of public land entered by pre-emption, at each of the land offices, from the first of July, 1820, to the date of the latest returns for the year 1840, discriminating between those under acts of 1838 and 1840, and those under prior acts: laid upon the table, and ordered to be printed.

7. From the Secretary of the Treasury, transmitting a report from the Commissioner of the General Land Office, in compliance with a resolution of the House of the 9th instant, in relation to the discontinuance of certain land districts under the act of 12th June, 1840: referred to the Committee on Public Lands.

8. From the Secretary of War, transmitting a statement of the names of the clerks employed in the Department of War in the year 1840, the time each clerk was employed, and the sum paid to each: laid upon the table, and ordered to be printed.

9. From the President of the United States, as follows:

I transmit herewith to the House of Representatives of the United States a report from the Director of the Mint, exhibiting the operations of that institution during the year 1840, and I have to invite the special attention of Congress to that part of the Director's report in relation to the over-valuation given to the gold in foreign coins by the act of Congress of June 28, 1834, regulating the value of certain foreign gold coin within the United States.

Applications have been frequently made at the Mint, for copies of medals voted at different times by Congress to the officers who distinguished themselves in the war of the Revolution and in the last war, the dies for which are deposited in the Mint; and it is submitted to Congress whether authority shall be given to the Mint to strike off copies of those medals in bronze or other metal, to supply those persons making applications for them at a cost not to exceed the actual expense of striking them off.

M. VAN BUREN.

WASHINGTON, 22d Jan. 1841.

On motion of Mr. BRIGGS, that part of the message which relates to the Mint was referred to the Committee of Ways and Means; and that which relates to medals, to the Committee on the Library.

SENATE BILLS.

The following bills from the Senate were read a first and second time, and appropriately referred, viz:

An act to extend the charter of the Bank of Alexandria, in the city of Alexandria;

An act for the relief of Avery, Saltmarsh, and Company;

An act authorizing the President of the United States to cause certain surveys of the lakes and lake coasts to be made;

An act for the relief of the heirs of Francis Newman;

An act for the relief of George Sarpey, or his legal representatives;

An act respecting the heirs of Agnes Dundas;

An act to relinquish to the State of Mississippi the two per cent. fund accruing by the act for the admission of said State into the Union;

An act to make certain appropriations for the Patent Office;

An act to abolish the port of delivery and the of-

fice of the surveyor of the customs at Currituck Inlet, in North Carolina;

An act regulating commercial intercourse with the port of Cayenne, in the colony in French Guiana, and to remit certain duties;

An act to authorize the Secretary of the Treasury to refund the duties collected on the French ship *Alexandre*;

An act to authorize the Secretary of the Treasury to make an arrangement or compromise with any of the sureties on bonds given to the United States by Samuel Swartwout, late collector of the customs for the port of New York;

An act for the relief of the heirs of Samuel Mackay;

An act relating to the judicial courts in the district of New Hampshire.

The amendment of the Senate to House bill making provision for the lunatics confined in the jails in the District of Columbia, was concurred in by the House. The amendment is as follows: "Provided said expenses shall not exceed, in the whole, \$3,000 per annum."

Mr. MARVIN obtained leave to present sundry petitions, (praying for a bankrupt law,) in behalf of his colleague, (Mr. CLARK,) who was confined to his room by indisposition.

The resolution offered by Mr. EVERETT on Friday coming up for consideration, Mr. E. said he would not press it, as it could now answer no useful purpose.

Mr. POPE asked leave to lay upon the table certain resolutions of the Legislature of Kentucky.

Mr. CARR said he had the resolutions of the Legislature of Indiana on the subject of amending the Constitution of the United States, so as to restrict the eligibility of the President of the United States to a single term.

Mr. CHAPMAN of Alabama moved that the rules be suspended one hour, for the purpose of presenting petitions and memorials which would not give rise to debate.

Mr. J. W. JONES again moved that the House go into Committee of the Whole; when

Mr. BANKS asked Mr. JONES to give way to enable him to submit a resolution; which, he said, would not occupy one moment. But

Mr. JONES persisting in his motion, The question was then taken, and decided in the affirmative.

So the House resolved itself into a Committee of the Whole on the state of the Union, and resumed the consideration of the bill authorizing the issue of

TREASURY NOTES.

Mr. DUNCAN being entitled to the floor, announced that he should, in the course of the remarks he intended to make, take the liberty of answering various charges which gentlemen of the Opposition had thought proper to make against the Administration. Whether these charges had been made in order or not, he would not then undertake to decide; but as they had been made, whether in order or not, he considered it his right, nay, his imperative duty, to reply.

Mr. D. then proceeded to say that the whole history of nations and Governments satisfied him that never, since the establishment of civil institutions, had there existed a Government without two parties, one desirous for it to possess more power, and the other less. He then explained the nature of Monarchical, Aristocratical, and Republican forms of Government, the latter of which was the form under which we lived, and by which the people had the right to make, adjudicate and execute their law, either by themselves or by their Representatives.

In this Republican form of Government the people had a privilege, which was recognised by the Constitution, and which could not be wrested from them. That privilege was the right of instructing their Representatives to carry out their will. Therefore he contended when any Representative was elected, or officer of whatever character or description, if he was elected upon any question, or test, or measure, or principle, such officer or Representative was bound to carry out such question or measure in which he had been elected. Such was the bounden and sacred duty to the people who elected him. He was bound, by every principle of govern-

ment and constitutional law, to support that measure for which he had been elected. And whenever any officer, whether the President or the humblest individual, had been thus elected, and failed to perform this duty, it was a gross breach of faith to the people.

After some further remarks on this head, Mr. D. said his object was to lead to the inquiry whether, at the recent election, any special instruction had been given by the people through the ballot boxes, whether in relation to this or the coming Administration.

Mr. D. then proceeded to notice the report of the Secretary of the Treasury and the estimates furnished by that officer for the present year.

After reading the numerous items, Mr. D. said it would appear from the report of the Secretary that the estimated balance in the Treasury at the end of the present year, after making every payment, would be \$824,273.

But the question had been asked, that as there was to be this balance in the Treasury at the close of the year, what necessity was there for the issue of these Treasury notes? His answer was, that a portion of the receipts referred to by the Secretary of the Treasury would not probably be paid in, such, for instance, as the item for the Bank of Natchez. But there was another reason, and that was the great inequality of receipts, and the inequality of the expenditures in the course of the year. It had been already shown, that, during the present quarter, a great amount became due before the funds for meeting the demands had been paid in. It therefore became necessary that a temporary provision should be made to enable the Treasury to anticipate for a short period its receipts. But let gentlemen wait until the end of the year, when the receipts and expenditures should be put together, and they would then see how much reason they had for their objections.

It might also be asked why such an amount of Treasury notes had been asked for in the bill. His answer was, that considering the great revolutions of trade, and the fluctuation of money matters, it was better to provide a sufficiency at once.

The Secretary of the Treasury informed them, that during the last year, the Treasury had met every demand which had been made upon it. Now some gentleman of the Opposition had thought proper to deny this, and to assert that the Government had been going on tick. He could, however, boldly assert that such had not been the case, and he felt assured that he could prove what he said to the satisfaction of the House.

Mr. D. then alluded to the charges made by Mr. BARNARD on this subject, and who had alleged that the work on the public buildings in this city had been suspended, and the payment of money due to the workmen postponed until the first of April next.

In order to be satisfied as to the truth of this charge, Mr. D. said he had addressed a letter to the Secretary of the Treasury on the subject, and a bill was read at the Clerk's table. The answer of the Secretary was also read, and stated in substance, that all the work done on the public buildings of this city, during the last year, to the best of his knowledge, had been paid for as soon as done. But the appropriation having been exhausted, as a matter of necessity during the present month, he believed the Committee on Public Building had received an application from some laborers to be permitted to go on with their work at their own risk, until a further appropriation should be made. The Board of Commissioners had not interfered in the case, and neither they nor the Department had proposed any reduction of wages.

Thus, said Mr. D. the appropriation having run out, the laborers themselves, at their own risk, during the present month, have made the application to be permitted to go on with the work. So much for the Government going on tick.

Mr. D. then gave a similar satisfactory explanation in reply to the objection raised in relation to the works at Old Point, both by Mr. BARNARD and Mr. WISE. After having read, at the Clerk's desk, a letter from the War Office on the subject, and which placed the matter in its proper light,

Mr. D. said it was thus he disposed of the objection of the gentleman from New York, who unfortunately had gone off half cocked. The gentleman from Virginia had also done the same, although, in a general way, he took fire before he went off.

Mr. D. then proceeded to reply to other objections raised by Mr. BARNARD in relation to the great amount alleged to be owing by the Government. He (Mr. D.) denied the correctness of the conclusions to which that and other members had come; and he desired to know if the Opposition fancied the people would be so foolish as to take their bare words, without facts or figures, against the facts and figures of the Secretary of the Treasury.

If there had been any expression at the ballot box against this mode of raising money by Treasury notes, he (Mr. D.) would acknowledge that it ought not to be done. So with a National Bank; and he would be the last man to support either against the will of the people. But he denied there had been any such expression against the measure contemplated by the bill, and that being the case, he considered it the duty of the Democratic party to carry out the principles by which they had so long been bound.

Mr. D. then proceeded to make some remarks as to the principles of the coming Administration, and the sacred duty of all officers, whether high or low, to act faithfully to the people who elected them.

In the course of his speech, Mr. D. alluded to the conduct of General Harrison and the course pursued by him at a certain meeting in Ohio. At that public meeting, said Mr. D. you find General Harrison telling the assembled thousands that he was opposed to a National Bank, on the ground that Congress has not constitutional power to incorporate it. But in the very same speech, and before the same assembled thousands, he tells them that if Congress should think proper to pass such a bill he would not veto it.

Now said Mr. D. look at this. Here on the 4th of March next, General Harrison will be sworn into office. He will lift up his hand and swear before God that he will faithfully support the Constitution. Yes, his lips will press the Holy Evangelists, and he will solemnly declare that the Constitution shall be preserved inviolate. And yet, according to his own words, should Congress see proper to pass a bill, which he believes to be unconstitutional, he will not veto it.

Mr. BOND here rose and desired to know what speech his colleague alluded.

Mr. DUNCAN was understood to say that he believed it was the speech at Cleveland.

Mr. BOND said he would undertake to say, that upon the Sub-Treasury bill, General Harrison had declared before the assembled multitude, that so far as he could he would have that measure repealed, because he was utterly opposed to it.

After some remarks from Mr. DUNCAN in reply, which were not distinctly heard—

Mr. BOND stated that he would undertake to say that General Harrison had not said he would not exercise the constitutional power of veto. But he had attested over and over again that he would hesitate before he exercised that power on a mere question of expediency. Mr. B. had never heard General Harrison say that he would relinquish the veto power upon what he believed to be against the Constitution. He (Mr. B.) believed that his colleague was mistaken when he said that Harrison had, at any time, failed to give an expression of his opinion to any public measure. He was above concealment; and if there was any man in the nation, whose heart was in his hand, it was William Henry Harrison.

Mr. DUNCAN. Yes, his heart is in both hands, or he has a heart in each hand, or that his heart has been in the hands of a Committee, as I will presently show.

Mr. BOND again asserted that General Harrison had never refused to give his opinion on any public measure.

Mr. DUNCAN wished to understand from the gentleman whether he meant to say that Harrison had ever answered through the newspaper columns.

Mr. BOND repeated that the General had no concealment.

Mr. DUNCAN. That is no answer to the question. I ask if General Harrison has ever thought proper to place his hand to any explanation in the newspapers.

Mr. BOND could not say whether the General had ever placed his hand to such explanation or not; but whenever he had been called on by letter, he had, Mr. B. believed, given an answer. It was not to be expected that he would answer every letter containing the same thing over and over again, but he had given an answer in a satisfactory way.

After some further conversation, which, owing to the disorder which prevailed, could not be reported with accuracy—Mr. DUNCAN asked Mr. BOND if he could furnish a single document signed by Harrison within the last year, either in relation to a United States Bank, Abolition, the assumption of State debts by the General Government, the distribution of the public lands, or any such important questions, and in which he, General Harrison, had given a final answer to such questions. Let the gentleman say yes or no.

Mr. BOND said that when he had such serious interrogatories propounded to him, he took it for granted that it was reasonable he should be allowed time to make a response.

Mr. DUNCAN finally proceeded with his remarks, in which he undertook to comment upon the military and other talents of General Harrison in a severe manner.

For this Mr. D. was called to order by members of the Opposition. He replied, that he would contrive to keep in order, but if he was to be called to order for holding up the military glories of Harrison, why were not other members called to order when they called Van Buren a jackass?

[The remarks of Mr. D. will be given hereafter in extenso.]

Without concluding, Mr. D. gave way for a motion that the committee rise.

On the question being taken, no quorum voted; and

The committee rose, and reported that fact to the House.

Mr. BEATTY moved that the House adjourn.

The yeas and nays were called for; but they were not ordered.

And then the House adjourned.

IN SENATE,

TUESDAY, January 26, 1841.

Mr. SMITH of Indiana presented a memorial of citizens of Indiana, praying Congress to take measures for the recognition of the independence of Hayti, and the establishment of commercial relations with that Republic.

Mr. S. also presented a memorial of citizens of Indiana, praying such an amendment to the Constitution as to make white freemen the basis of representation.

The question of receiving these memorials, was, on motion by SEVIER, laid on the table.

Mr. BUCHANAN presented the memorial of D. W. Prescott, praying that the duty on certain goods destroyed by fire may be refunded; which was referred to the Committee on Finance.

Mr. MERRICK presented the following memorial signed by a large number of the citizens of Washington:

To the Honorable the Senate and House of Representatives:

The undersigned citizens of the United States, inhabitants of the city of Washington, beg leave respectfully to protest against the passage, in its present shape, of the bill now before the Senate, entitled "a bill to amend and continue in force the act to incorporate the inhabitants of the City of Washington;" 1st. Because it proposes to give the right of suffrage to all persons, with no qualification other than a twelve month's residence, and with no protection against fraudulent voting by previous registry, and other sufficient safeguard: 2d. Because it proposes to make all persons eligible to the Mayoralty and to the Boards of Aldermen and Common Council, without any property qualification, or other stake or interest in the city than mere residence; thus, in an incorporation of property, placing the power of taxation, and the property of

the fixed and permanent inhabitants of the city, at the disposal and mercy of those who have nothing themselves, and are often mere birds of passage: 3d. Because it proposes to submit the appointment of magistrates, and other police officers, to popular election, with no checks on them, no responsibility, no power of removal for misconduct or delinquency, and no corrective whatever of those conservators of the peace and order of the city, other than what is furnished by the said popular election: And because the said bill does not contain, as it ought, various powers and provisions which experience under the existing charter has shown to be necessary and proper for the better protection of property, and the better preservation of public order. For these reasons, (and for others which might be urged, but with which it is not necessary to trouble your honorable bodies, as these are insuperable and sufficient,) the undersigned respectfully pray that the said bill may not pass into a law, and that no other may be passed which has not the assent and concurrence of the people of Washington, for whose government the act is designed, and whose wishes, it is presumed, ought therefore to be consulted.

The memorial was read, and ordered to be printed.

Mr. HUBBARD, from the Committee on Claims, reported a bill for the relief of Andrew J. Johnson and Samuel M. Love; which was read, and ordered to a second reading.

Mr. MERRICK, from the Committee on Claims, reported a bill for the relief of the heirs of Robert Fulton; which was read, and ordered to a second reading.

On motion by Mr. LINN, the bill supplementary to an act entitled "An act to amend an act for the appointment of commissioners to adjust the claims to reservations of land under the treaty of 1830 with the Choctaw Indians," was taken up, and recommended to the Committee on Private Land Claims.

Mr. MERRICK presented the memorial of a number of citizens of Prince Georges county, Maryland, engaged in the planting and cultivation of tobacco, praying the adoption of measures by the General Government for the purpose of relieving their staple from the burdensome duties imposed in foreign countries.

Mr. M. accompanied the presentation of the memorial with some remarks, which were replied to by Mr. CALHOUN, when, without taking the question on its reference, the Senate passed to the consideration of the special order—the

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log-cabin thereon, was taken up, and having been read through, the question being on the motion of Mr. CRITTENDEN to recommit the bill, with instructions to report a bill for the distribution of the proceeds of the sales of the public lands among the States.

Mr. MANGUM addressed the Senate at much length in opposition to the bill, and in favor of the recommitment.

Mr. BENTON followed, confining his remarks principally to the establishment of the fact of foreign interference in the recent Presidential election.

Mr. TALLMADGE replied, and on motion by Mr. CRITTENDEN, The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, January 26, 1841.

Mr. TILLINGHAST, on leave, from the Committee on Manufactures, reported a bill to repeal so much of the act entitled "An act to alter and amend the several acts imposing duties on imports," approved July 14, 1833, as exempts pins of foreign manufacture from the payment of duties; and proposes to subject them, when imported, after the first day of April next, to a duty of twenty per cent. *ad valorem*.

The bill was read a first and second time, and committed to a Committee of the Whole on the state of the Union.

Mr. POPE asked the consent of the House to present the resolutions of the Legislature of Kentucky, on the subject of the public lands, etc. that they might lie on the table, and be printed.

Objection being made,

Mr. POPE moved to suspend the rules for that purpose; but the motion was negative.

TREASURY NOTE BILL.

On motion of Mr. J. W. JONES, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. CASEY in the Chair, and resumed the consideration of the bill authorizing the issue of five millions of

TREASURY NOTES.

Mr. DUNCAN being entitled to the floor, resumed his remarks from yesterday in favor of the bill, and in reply to the numerous charges of the opposition against the financial policy of the Administration. With this view, he took a review of the corrupt transactions of the United States Bank, and showed how far its supporters were qualified to act as judges against the present party in power.

Mr. D. then at some length went into an examination of the banking system in general, and the exclusive privileges and superior advantages which such incorporated institutions possessed over individuals. He denied that the banking system was the offspring of the Democratic party, and in proof thereof referred to the vote taken at the last session on the bill for re-chartering the District Banks. The record would show that the Democratic party in the House refused to grant a renewal of the charters with the usual privileges, unless those banks would first pay their debts.

In the course of his remarks, Mr. D. intimated that by way of illustrating his arguments in relation to the Whigs, he had taken the liberty of calling upon his poet.

Several members desired that the poetry might be read.

Mr. DUNCAN said no, it would not do; for were he to attempt to read it there, he would be called to order. Besides, the poetry was to be sung.

A member desired to know if it would be in order to have the poetry sung. If so, he should desire it.

Mr. DUNCAN could not oblige the gentleman; but they would see the poetry in print, when his remarks were published. But he had no objection to inform them that the poetry was set to the tune Roslin Castle.

Before concluding, Mr. D. adverted to a letter from Mr. Kelly, which appeared in the National Intelligencer some time ago, denying that General Harrison had refused to give pledges, etc. Mr. D. produced evidence from an authentic source, showing that the statements of said letter were not true, all which will be given when the speech shall be published in full.

"When Mr. DUNCAN had finished his remarks, he read from the Intelligencer the following, as reported in that paper:

"Mr. W. C. JOHNSON submitted to the Chair whether it was in order for an individual to charge General Harrison with cowardice, who had himself been branded as a coward on this floor?"

"This paper was put in his hand a moment before he commenced speaking. He had deferred saying any thing on the subject until he should finish his remarks, expecting that some denial would be made, or some correction of the report ordered. But that not being done, he denounced its author (pointing to Mr. WM. COST JOHNSON,) a base liar, a contemptible puppy, a scoundrel, and an infamous coward. Now, sir, said Mr. D. I heard no part of the matter so reported, as applied to myself; and I ask the chairman, who was nearer to Mr. JOHNSON, whether or not he heard the member so express himself?"

"The chairman [Mr. CAMPBELL] responded that he heard no such remark.

"Then, said Mr. D. if said at all it must have been muttered, and not intended to be heard.

"Mr. JOHNSON rose and said he was correctly reported. He had made the remark, and justified it. He read a part of a speech which purported to have been delivered in support of the resolution which had been introduced to expel Mr. D. for the publication of certain letters, posing certain

members therein named. Mr. J. made some other remarks in justification.

"Mr. DUNCAN said that resolution and its support was founded in base cowardice. It was manufactured, as he was informed, and had reason to believe, in a caucus; and the object was to relieve the members posted in the said letters from disgrace, which they had not the courage to relieve themselves from. When the resolution was introduced, it was intimated that the publication of these letters was postponed until after the passage of the law against dueling. As soon as that intimation was uttered, Mr. D. said he pronounced the man who imputed such a motive to him, a base scoundrel and a liar. The member from Kentucky, [Mr. MENNIEP] intimated the same; he, too, said Mr. D. I pointed out instantly, and pronounced a contemptible scoundrel, and told him that the duelling law only operated over ten miles square; and in ten or twelve short days we would be out of these ten miles square, and any gentleman who felt himself aggrieved, might call on him: he should be met, and have such redress as he might have the courage to ask. Mr. D. disclaimed having charged General Harrison with cowardice, in any remark he had made; he had presented no fact or statement but what the political history of the country and of the last war warranted and sustained. Those who heard him, and those who might read him, could draw their own conclusions. And to conclude, once for all, said Mr. D. I repeat and fix upon the member [Mr. JOHNSON] the charge I made upon him. He is welcome to make the best of it."

Mr. DAVIS of Kentucky next obtained the floor, and went into an examination of the estimates submitted by the Secretary of the Treasury; contending that, at the close of 1841, there would be a deficit of ten millions of dollars, and that it was the duty of Congress to make more ample provision for the present year than had yet been proposed. Mr. D. spoke at some length in favor of fortifying the country, and increasing the strength of the navy, &c. and concluded by expressing his that the amendment of Mr. BARNARD (to tax wines, silks, etc.) was the best means yet proposed for raising the necessary revenue to carry on the operations of the Government for the present year.

The committee then rose, reported progress, and asked leave to sit again.

Mr. CRABBE, on leave, presented the preamble and resolutions of the Legislature of the State of Alabama, protesting against the revival of a protective tariff; which were laid on the table, and ordered to be printed.

Mr. C. also asked leave to present a memorial having reference to claims for military services.

But objection being made,

Mr. C. moved to suspend the rules.

Pending which motion,

The House adjourned.

IN SENATE.

WEDNESDAY, January 27, 1841.

The VICE PRESIDENT laid before the Senate a letter from the Secretary of War, transmitting fifty-two copies of the official Army Register in compliance with the resolution of the 13th December, 1815; which was read.

Mr. WALKER submitted a communication from the Secretary of the Treasury, relative to the claim of the village of Carondelet, in Missouri, to a tract of land; which was referred to the Committee on the Public Lands.

Mr. W. also presented the petition of a number of the inhabitants of Noxubee county, Mississippi, praying that the right of pre-emption to a tract of land may be extended to Christopher Nations, a settler on the public lands; which was referred to the Committee on Public Lands.

Mr. W. also presented the memorial of a number of the citizens of Natchez, Mississippi, praying the passage of a general bankrupt law; which was laid on the table.

Mr. RUGGLES presented the petition of a number of the citizens of Maine, praying that the fish-

ing bounties and allowances may not be discontinued; which, with former memorials on the subject, was referred to the Committee on Finance.

Mr. WRIGHT presented the petition of Hannah Page, widow of a Revolutionary soldier; which was referred to the Committee on Pensions.

Mr. BAYARD presented the memorial of a number of citizens of Philadelphia, praying the erection of a new custom-house at that place; which was referred to the Committee on Commerce.

Mr. B. also presented the memorial of citizens of Philadelphia, praying the erection of a light house on Brandywine Shoal; which was referred to the Committee on Commerce.

Mr. PORTER presented the petition of a number of citizens of St. Clair county, Michigan, for a general bankrupt law; which was laid on the table.

Mr. SEVIER presented the memorial of the General Assembly of Arkansas, asking an appropriation for completing the military road from Memphis to Little Rock; which was referred to the Committee on Military Affairs.

Mr. FULTON presented the memorial of the General Assembly of the State of Arkansas, praying an appropriation for completing the road from Helena to Cache; which was referred to the Committee on Roads and Canals.

Mr. F. also presented a memorial of the same body, asking a donation of land to aid the White River Turnpike Company; which was referred to the Committee on Public Lands.

Mr. WALL, from the Committee on the Judiciary, to which was referred the memorial of James Allen, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. W. also, from the same committee, reported a bill for the relief of Thomas L. Winthrop and others, directors of an association called the New England Mississippi Land Company; which was read, and ordered to a second reading.

BILLS PASSED.

The bill authorizing the settlement and payment of certain claims of the State of Alabama; and

The bill directing sets of the standard weights and measures to be placed in the War Department; were severally read a third time, and passed.

The memorial of a number of citizens of Prince Georges county, Maryland, engaged in the planting and cultivation of tobacco, praying the adoption of measures by the General Government for the purpose of relieving their staple from the burdensome duties imposed in foreign countries, which was not disposed of yesterday, was taken up, and Mr. MERRICK replied at considerable length to Mr. CALHOUN's remarks yesterday. He was briefly replied to by Mr. CALHOUN, who was followed in the debate by Messrs. LINN and PRESTON; when, without coming to a conclusion, on motion by Mr. CLAY of Alabama, the Senate proceeded to the consideration of the special order, the

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands who shall inhabit and cultivate the same, and raise a log-cabin thereon, was taken up, the question being on the motion of Mr. CARRITTENDEN to re-commit the bill, with instructions to report a bill for the distribution of the proceeds of the sales of the public lands among the States.

Mr. LUMPKIN said he rose to make but a very few remarks. As usual, he felt indisposed to address the Senate, wherever his views were presented by others; but upon the present occasion, he considered it his duty to speak briefly for himself. The subject had, in its progress, assumed a magnitude, and gathered around it an importance, rarely equalled on the floor of the Senate. The original proposition or bill, which gave rise to this discussion, provided, and was simply intended to secure to actual and humble settlers on the public lands, the right of pre-emption to one hundred and sixty acres of the public land, at the Government price of \$1 25 per acre. But the various topics of discussion introduced here, had embraced almost the entire range of party measures, and party politics, known to our country. For himself, he had neither taste or disposition to enter upon a par-

tisan controversy on the floor of the Senate. Ripe years, and an abiding sense of the dignity of the station which he had the honor to occupy, forbade his entering on a course which might change the appropriate sphere of the Senator into that of the mere partisan. If he felt himself prepared to enter upon the discussion of all the subjects brought into this debate, he should certainly at this time forbear from doing so. He felt none of that spirit of party triumph which we have seen exhibited more than once in this chamber, since the commencement of the present session. No, sir, (said Mr. L.) taking the late elections for a test, I am in the minority in my own State, and in the Union. Well, if the people will it, be it so. But if he was in a majority, he would sound no shouts of triumph here; he would wear his honors with becoming modesty.

Since the commencement of the present session, an honorable Senator expressed the opinion that he considered the Senators from nineteen States instructed to vote for the repeal of the Independent Treasury. I suppose, sir, (said Mr. L.) I am one of the Senators included in this count, and therefore he would take that occasion to state, that he had no special instructions whatever. His instructions were embraced in those general obligations which devolve on every Senator. His opinions remained unchanged upon the subject of the Independent Treasury, and every other important measure which had agitated the country for several years past. And he would add, that he believed a majority of the people of Georgia this day concurred with him upon all these important measures. True, a majority had not concurred with him in selecting men for office. A majority of the late Legislature of Georgia were the supporters of General Harrison for the Presidency. Why did they not instruct him (Mr. L.) to vote for the repeal of the Independent Treasury, and for the establishment of a National Bank? Such resolutions were introduced into the Legislature of Georgia, but prudence was considered the better part of valor. The Harrison party, though in a majority, feared to pass them. Therefore, he hoped it would hereafter be understood that he was unnumbered with any special instructions from his immediate constituent body, or from the people of Georgia. Sir, (said Mr. L.) I verily believe, this day a large majority of the people of Georgia concur with me in regard to the public measures and policy of the country—while they have differed with me in the selection of the man to carry out these measures and policy. The short time I remain here, my course upon all great measures will remain unchanged, and I shall return to my constituents with a full confidence that I have represented the wishes of a very large majority of them.

As he had already intimated, he would not detain the Senate by entering upon any one of the great questions which have incidentally grown out of the discussion of the policy of the pre-emption bill. His views had been presented by different Senators, with whom he had voted upon these several subjects, and consequently he should not travel over the same ground.

He would only say, in conclusion, that he had always thought, and still thought, that the best possible disposition which could be made of the public domain was for the Government to sell it, at a fair price, to actual settlers, in small quantities—in quantities suited to the wants and abilities of the settlers. He had long since been disgusted with the auction system; he had witnessed the operations of that system. It secured to capitalists, moneyed combinations, and speculators, the whole of the best lands, to the exclusion of honest, humble industry. He was pleased with the prospective character of this pre-emption bill. It was a call to the poor and needy, but industrious and enterprising, from every part of the country, to go forward, cultivate, work, multiply, and replenish the earth.

Sir, (said Mr. L.) I would not only open the door to male citizens of the United States over twenty-one years of age, but to male and female over and under twenty-one years of age; and neither would he require that they should be naturalized citizens. Actual *bona fide* settlement and improvement is all

that he would require, in addition to the prompt payment of the Government price for a small piece of land. This policy would benefit the Government, as well as administer to the wants of humanity. It provides for the poor and the needy, who are willing to work and cultivate the soil, whether male or female, naturalized citizen or foreigner. He had no apprehensions of evil consequences from the husbandman. No, sir, (said Mr. L.) this fertile, this highly favored land, has no evil to apprehend from the tiller of the soil. Agricultural pursuits, properly conducted, never fail to make the best of citizens. His only hope for the permanent prosperity of this country was based upon the virtue, intelligence, and industry of our agricultural population.

Mr. ANDERSON briefly replied to some of the remarks of Mr. MANGUM yesterday.

Mr. WRIGHT then took the floor, and spoke until nearly 4 o'clock in opposition to the distribution policy; when, without concluding, he yielded to a motion for adjournment.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, January 27, 1841.

The SPEAKER stated the first business in order to be the motion made by Mr. CRABB on yesterday to suspend the rules, to enable him to present a memorial; pending which motion the House had adjourned.

The question was taken and decided in the affirmative; and

Mr. CRABB presented the memorial and resolutions of the General Assembly of the State of Alabama, claiming reimbursement for certain large advances made by her in carrying on the late war with the Creek Indians in Alabama; which were referred to the Committee on Military Affairs.

Mr. EASTMAN, on leave, presented additional evidence in the case of Mark Burnham; which was referred to the Committee on Private Land Claims.

On motion of Mr. J. W. JONES, the House resolved itself into a Committee of the Whole on the State of the Union, (Mr. CASEY in the chair) and resumed the consideration of the bill authorizing the issue of

TREASURY NOTES.

Mr. POPE being entitled to the floor, said his real object in obtaining the floor, was to advise his Whig friends not to make any further delay in the passage of the bill. It had been conceded by all that the bill ought to pass, and he therefore saw no necessity for discussing subjects which had been debated on every stump for the last four years. Mr. P. observed that they had a great deal of private and other business to act upon at the present session, and he therefore suggested whether it would not, for the present, be best to have a cessation of hostilities on party questions, and take the question at once on the passage of the bill.

Several members here said, "agreed," "agreed."

But Mr. WISE and other Opposition members intimating that they would claim their right to address the committee,

Mr. POPE said as that was the case, and his Whig friends persisted in continuing the debate, he had no alternative but to proceed.

Mr. P. then took a review of the means reported by the Secretary of the Treasury for meeting the demands against the Government for the present year, and contended that the calculations had been made without sufficient data. He then gave, in detail, his views as to the real amount that was to be expected from the customs, the public lands, and other sources referred to by the Secretary in his report.

In speaking of the tariff question, Mr. P. gave it as his opinion that before long the States of the South themselves would be in favor of a protective tariff on tobacco and other articles raised in the South. He referred to a memorial, now on their tables, from the Tobacco Convention, asking for the protection of that interest, and in which convention were men from Maryland, Virginia, Tennessee, and Kentucky.

Mr. P. was opposed to the reduction of any of the expenditures for the navy or other public works

He reviewed the growing power of England, her daring ambition, the increase of her navy by steam ships, etc. and contended that our only means of securing ourselves was to make liberal appropriations for the erection of steam batteries, and the increase of our naval power. In his opinion, the only effectual way in which we could speak to England, would be through our guns.

As for British gold, and British influence, the only way to counteract that was to arm ourselves with a sound currency.

Mr. P. then at some length urged that the only mode of obtaining a sound currency was the re-establishment of a National Bank.

He then went on to tell how the coming Administration would put all those matters to rights, and how the currency, under their guidance, would be firm, stable, and not liable to depreciation.

He also gave his views in relation to log cabins and log cabin policy, as connected with the distribution of the proceeds of the public lands. He contended that any policy which screwed the money out of the pockets of the laboring man, was a bad policy. He desired that the road to a home in the Western wilderness might be still kept open for the poor. He maintained that a great portion of the Western lands was scarcely worth any thing, and the gentlemen who imagined they were giving away the public lands by selling them at a dollar and a quarter an acre, were much mistaken. The fact was, that in many cases the land was not worth that price. He therefore objected against any system which would increase the price.

He took the ground that the General Government ought not to look upon the Western lands as a source of revenue, and it was in this view that he was in favor of a distribution.

After speaking for two hours, Mr. P. said he was exhausted, and would now give way to his friend, the gentleman from Virginia, [Mr. WISE,] who ought not to complain of his having occupied so much time; for he, (Mr. P.) had once sat and listened patiently to a four hours' speech of the gentleman, when scarcely any body else remained in the House.

Mr. WISE then took the floor, but gave way to

Mr. W. COST JOHNSON, who desired to make a statement in relation to certain remarks of Mr. DUNCAN in the Globe of last evening. (Mr. DUNCAN at this time was not in his seat.)

Mr. J. then read the following extract from House report of yesterday:

"But that not being done, he denounced its author (pointing to Mr. WM. COST JOHNSON) a base liar, a contemptible puppy, a scoundrel and an infamous coward."

Now he Mr. J. wished to say that this language imputed by the Globe to the member from Ohio was not used by him, as every gentleman in the House could testify. The statement was entirely false. After some further remarks in relation to the principles which influenced his own conduct, Mr. J. concluded by repeating that the language put in the Globe was not used by the gentleman from Ohio, and there was no gentleman of any party in the House who would rise and say that it was used.

[The Reporter, as an act of justice to himself, states that he is in no way responsible for that portion of the report disclaimed by Mr. JOHNSON.]

Mr. WISE regretted that, on this occasion, he felt compelled to take the floor, being physically unfit to talk for two or three hours on the bill under consideration. If his friends had chosen to vote in silence, without condemning the vote which he intended to give, he would gladly have said nothing. He would, too, much rather have preferred, before the debate arose on this question, that his friends should have met together as brothers, and reconciled their differences; and regretted exceedingly to differ from any one of them. They had advanced opinions not only for themselves, but for their party; and had taken upon themselves to advance opinions on this question from which he was obliged to dissent. Whether they would be the opinions of the coming Administration, remained to be seen. But he notified gentlemen that, as far as his voice was heard—in the House, in the forum, on the floor of Con-

CONGRESSIONAL GLOBE.

26TH CONG.....2ND SESS.

FRIDAY, FEBRUARY 5, 1841.

VOLUME 9.....No. 9.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

Continued from No. 8.

gress—wherever he had any influence—he disclaimed speaking for the coming Administration. If some of his friends had differed from him, they must not complain if he should express opinions different from theirs—especially must they not complain when no two of them had agreed with each other; for, if what they said was true, we should indeed should have a motley policy.

Mr. W. said, from the signs of the times now before him, he intended to vote for the bill under consideration, to which he intended to offer an amendment. He had heretofore voted against the issue of Treasury notes; because it was too easy a means for raising funds to carry on the Government, and because it was difficult to convince the people that it was a public debt. He conceded the constitutional power, but thought it ought to be used only in cases of great emergency. To be candid and plain, he would vote for the bill for the reasons, first, as a friend of the coming Administration, to provide it with the means to carry on the Government after the 4th of March; secondly, because it was the best means to prevent a called session of Congress; thirdly, to prevent, during the year 1841, the premature revision of the compromise act, or tariff; and at the same time prevent the seizure of the proceeds of the sales of the public lands for distribution.

Mr. W. noticed a letter, published recently in the Richmond Enquirer, under date of Washington, January 14, 1841, in which it was intimated that Mr. Wise was disaffected towards the coming Administration, which assertion Mr. W. pronounced an infamous slander, whether coming from friend or foe.

After speaking of the various parties which had united to defeat the present Administration, Mr. W. avowed himself a plain Republican of the Madison school, and warned his friends in the House that he would go with them as far as he could, but told them to mark that he should contend for Republican tenets and Republican policy. One of the Republican tenets which he would exact was, *General Harrison shall not be ruled by a party*; if he should, the country would be misruled; for the election of General Harrison was not a party triumph, but a glorious national triumph, and it was the duty of the President elect to be the President of the nation and not of a party, &c.

Mr. W. was understood to contend for an issue of five millions of Treasury notes after the 31st of March; in short, that the coming Administration might enjoy the same benefit under the bill now before the committee as the present Administration possessed under the act of 1840.

Mr. JONES of Virginia said he would take the occasion to state that it was not expected by the Secretary of the Treasury that more than one million of dollars would be used before the 4th of March; the greater proportion of which would be required to pay pensions which will fall due after the 31 of March. It will not, therefore, be required to meet liabilities falling upon this Administration, but upon that which is to succeed it; so that General Harrison's administration will have the full benefit of five millions of dollars for one year after the 31 of March. A similar bill was deemed necessary for the present administration under like circumstances at the commencement of the last year; and Mr. J. considered it just and proper now to make a similar provision.

Mr. WISE, without concluding his remarks gave way for a motion that the committee rise and

The committee then rose, reported progress, and asked leave to sit again.

Mr. EASTMAN gave notice that he would tomorrow, or as soon thereafter as it might be in order, ask leave to introduce a bill to extend for five years the act entitled an act granting half-pay and pensions to certain widows, approved July 7, 1838.

Mr. BOARDMAN, on leave, introduced the following resolution, which was agreed to:

Resolved, That the Secretary of State be directed to communicate to this House an abstract of the returns of the marshal of the District of Connecticut, showing the number of slaves within the said district a by the census of 1840. And to ascertain and report to this House whether the captives taken from the schooner *Amistad* were included in the number of slaves.

The House then adjourned.

IN SENATE,

THURSDAY, January 28, 1841.

The VICE PRESIDENT submitted a message from the President of the United States, transmitting the twelfth annual report of the Board of Inspectors of the Penitentiary of the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. SMITH of Indiana presented a resolution of the General Assembly of his State, instructing their Senators and Representatives "to procure, if possible, by their exertions, at as early a day as may be in their power, a repeal of a bill passed at the last session of Congress, known as the Independent Treasury bill; which was read, and ordered to be printed.

Mr. CLAY of Alabama presented a report and resolutions of the General Assembly of the State of Alabama, in relation to the controversy between the States of Georgia and Maine, growing out of the refusal of the latter State to deliver certain fugitives from justice who fled from punishment for offences committed within the jurisdiction of Georgia; which were read, and ordered to be printed.

Mr. TALLMADGE presented three memorials of citizens of New York, severally praying the passage of a bankrupt law; which were laid on the table.

Mr. T. also presented the memorial of the Philanthropic Law Relief Association of the city of New York, praying the passage of a bankrupt law; which was ordered to be printed.

Mr. T. also presented the memorial of the Chamber of Commerce of New York, remonstrating against the repeal of the act of March 2, 1837, concerning pilots; which was ordered to be printed.

Mr. T. also presented the petition of a number of merchants and other citizens of New York, praying the substitution of tea and coffee for the spirit now allowed to the seamen in the navy ration; which was laid on the table.

Mr. BENTON presented the memorial of Mary W. Thompson, widow of Colonel Thompson, late of the United States army; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. TAPPAN presented the memorial of a number of citizens of Ohio, praying the passage of a bankrupt law; which was laid on the table.

Mr. STURGEON presented the petition of John Brooks; which was referred to the Committee on Revolutionary Claims.

Mr. NORVELL presented the memorial of citizens of Michigan, praying the passage of a bankrupt law; which was laid on the table.

Mr. PORTER presented the memorial of citizens of Western Michigan, praying an appropriation to complete the harbor of St. Josephs; which was referred to the Committee on Commerce.

On motion by Mr. HUNTINGTON, the petition of E. W. and H. Smith, now on file, was referred to the Committee on Claims.

On motion by Mr. LINN, the memorial of Wm. A. Slacum, now on file, was referred to the Committee on Foreign Relations.

Mr. PRESTON, in pursuance of previous notice, asked and obtained leave to introduce a bill to secure to the authors of dramatic works their interest therein; which he asked might be referred to the Committee on the Judiciary.

Mr. CLAY of Kentucky said he had formerly introduced a bill on the subject of copy-right, which he would have again presented but from the

apprehension there was little prospect of its passage at the present session. He would give notice, however, that if he was a member of the body the next session, he would take an early opportunity of pressing the matter upon the attention of the Senate.

The bill was then referred.

On motion by Mr. HUBBARD, the Committee on Pensions were instructed to inquire into the propriety of granting a pension to Daniel Peck for disabilities incurred during the last war, while the line of his duty.

Mr. H. presented papers in relation to the above which were referred to the Committee on Pension.

Mr. PIERCE submitted a resolution instructing the Committee on the Post Office and Post Roads to inquire into the expediency of reducing postage on letters and newspapers—the propriety which he illustrated and enforced at considerable length. The resolution was agreed to.

Mr. PRESTON submitted the following resolution; which was considered and agreed to:

Resolved, That a committee be appointed to select such committee as may be appointed by the House of Representatives, to ascertain and report a mode of examining the votes for President and Vice President of the United States, and of notifying the persons elected of their election.

PERMANENT PROSPECTIVE PRE-EMPTION LAW

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands who shall inhabit and cultivate the same and raise a log-cabin thereon, was taken up, the question being on the motion of Mr. CRITTENDEN to recommit the bill with instructions to report bill for the distribution of the proceeds of the sales of the public lands among the States.

Mr. WRIGHT resumed and concluded his remarks in opposition to the distribution policy.

Mr. CLAY of Kentucky took the floor at 6 o'clock, and, without concluding, at half past gave way to a motion for adjournment.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, January 28, 1841.

Mr. HOLMES asked leave to offer a resolution that so much of the report of the Secretary of Treasury as proposes the rebuilding of the arsenal at Charleston, South Carolina, be referred to Committee on Military Affairs.

Objection being made,

Mr. HOLMES moved to suspend the rules; the motion was negatived.

The SPEAKER laid before the House the following communications, viz:

I. A letter from the Postmaster General, transmitting a report of all fines imposed, and deductions made from the pay of contractors during year ending June 30, 1840.

II. A letter from the Postmaster General, transmitting, in obedience to a resolution of the House of Representatives, passed at the last session, a list of the new post routes named in the petitions and resolutions presented at the last session of Congress, with the estimate of the probable expense putting each of them in operation.

III. A letter from the Postmaster General, transmitting a list of the new post routes in the State of Michigan, with an estimate of the expense putting them in operation, which was omitted the above list.

IV. A letter from the Postmaster General, transmitting, in obedience to a resolution of the House of Representatives, a list of all the post roads of the United States in operation on the 30th June 1840, showing the kind of service on each, the receipts of each office for the year ending 30th June 1840, and the annual cost of transportation there respectively. Also, diagrams delineating said routes and distinguishing them by their different grades of service; which list comprises the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode

Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, and Maryland.

Which communications were severally referred to the Committee on the Post Office and Post Roads.

V. A letter from the Secretary of War, transmitting, in compliance with the resolution of the 1st of February, 1840, 250 copies of the Official Army Register for 1841; which was laid on the table.

PRIVATE BILLS.

The following bills from the Senate were then read a first and second time, and appropriately referred, viz:

An act for the relief of Daniel G. Skinner, of Alabama.

An act to provide for taking evidence in the District of Columbia and in the Territories of the United States, in certain cases.

An act for the relief of the executor of Thomas Cooper, deceased.

An act for the relief of the legal representatives of Aaron Vail, deceased, late consul at L'Orient.

An act to confirm claims to lands in the district between the Rio Grande and Sabine rivers.

An act for the relief of Charles Morgan, of Louisiana.

An act for the relief of Charles Morgan.

An act confirming certain land claims in Louisiana.

On motion of Mr. J. W. JONES of Virginia, the House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. CASEY in the chair,) and resumed the consideration of the bill authorizing the issue of five millions of

TREASURY NOTES.

The question pending was on the motion of Mr. BARNARD to strike out the enacting clause of the bill.

Mr. WISE being entitled to the floor, was about to resume his remarks from yesterday, when he gave way to

Mr. DUNCAN, who said that in the Globe of yesterday morning, which he held in his hand, was the following report:

"When Mr. DUNCAN had finished his remarks, he read from the *Intelligencer* the following, as reported in that paper:

"Mr. W. C. JOHNSON submitted to the Chair whether it was in order for an individual to charge General Harrison with cowardice, who had himself been branded as a coward on this floor?"

"This paper was put in his hand a moment before he commenced speaking. He had deferred saying any thing on the subject until he should finish his remarks, excepting that some denial would be made, or some correction of the report ordered. But that not being done, he denounced its author (pointing to Mr. WM. COST JOHNSON,) a base liar, a contemptible puppy, a soundrel, and an infamous coward."

After reading the above, Mr. DUNCAN proceeded to say that in the *Intelligencer* of this morning he was astonished to see a positive denial that he had used the offensive language in question to the gentleman from Maryland, [Mr. JOHNSON.] Mr. D. then stated that he did use every word of the language. There was, however, one word in it which he was not quite certain he used, viz: the word "puppy." He was not quite certain that he used that word, but a member now near him was confident that the word was used in connection with the others. But he, Mr. D. did use the words; it was a correct report and he could prove it.

Mr. D. was not disposed now to make a new issue out of the matter, but when it came to scanning the character of gentlemen here, he might present some facts which should set them fair before the public.

Mr. D. continued, that he merely rose to assert that the language denied by the gentleman from Maryland was used, and he now reiterated it; yes, every word of it he reiterated.

Mr. D. then disclaimed any knowledge of the technicalities of the *duello*, but trusted that whenever occasion should call, he would not be deficient in courage to meet the man who gave him cause.

Mr. D. repeated that he used every word of the language attributed to him in the report of the Globe, and that he should publish it and put his name

to it, as having been used, and reiterated. He would take this opportunity of saying that he would trouble the committee no more with this matter, as he had said all he intended to say. If he should have occasion to take any further notice of the matter, it should be done out of the House, when he would address the public through the columns of the newspapers. He would be heard there and read by the people.

Mr. D. said that he would further remark, that the duelling law of this District had as little terror for him as it appeared to have to others. The member from Maryland might rest assured that he would have nothing to fear from him (Mr. D.) in relation to that law.

After an ineffectual attempt by Mr. STANLY to obtain the floor,

Mr. W. C. JOHNSON sent to the Clerk's table a letter, which the Reporter to this paper had addressed to him, stating that the remarks of Mr. DUNCAN were revised by that gentleman previous to their going to press. [The unmerited censure cast upon the Reporter by several members, induced him to take that step.]

The letter having been read,

Mr. JOHNSON proceeded to make some brief retaliatory remarks, in which he contended that Mr. DUNCAN had not relieved himself from the charge.

Mr. DUNCAN said that the remarks in the Globe were precisely what he said.

Mr. WISE said he would never again yield the floor for the purpose of allowing gentlemen to indulge in personalities, and alluded to the passage of a certain law of Congress, and the predictions he then made in regard to it—the fruits of which the House were daily witnessing. He again referred to the letter in the *Richmond Equiter*, speaking of his opposition to W. C. RIVES. Although Mr. W's personal feelings in this matter remained unchanged, he was, nevertheless, glad that Mr. R. was sent back to the Senate of the United States, and hoped he would pursue the Republican tack of his great patron, Mr. Jefferson.

Mr. W. recapitulated his reasons why he would vote for the Treasury note bill; one of which was that it would banish all excuses for a called session. If one should be called, nothing would be done; the country would be dissatisfied, and the Administration blamed. This was the case in 1837, when two months were consumed in debate, and nothing was done; and if an extra session were to be called in 1841, the country would be left where it was, except subjected to some additional expense of two or three hundred thousand dollars.

After urging further objections against an extra session, Mr. W. said he hoped the majority in the House would leave the Whigs the means to carry on the Government until December next, and let them go home and consult with their constituents on the very important measures which he feared would be prematurely brought forward at a called session; wait the development of events; wait to see the importations of the country, and not anticipate them; go home and feel the pulse of the people on the subject of a bank, the public lands, &c.

Mr. W. said he was called on to do that which he never expected to do on God's earth, and gentlemen must not smile when he had to praise a report of Levi Woodbury! At all events it was an able paper; from the Nazarene, from whom he never expected any good. Every gentleman, of all sides, did justice to the report, made in compliance with the resolution of the Senate of the 16th inst. calling upon the Secretary of the Treasury to communicate to the Senate the plan of a permanent change in the tariff, and its details and general principles. Mr. W. remarked that gentlemen would find his sentiments precisely in the report of the Secretary, for which he humbly and respectfully thanked him.

Mr. W. spoke at some length in regard to the compromise act and other subjects connected with the revenue; but, without concluding, gave way for a motion that the committee rise.

The committee then rose, reported progress, and asked leave to sit again.

Mr. PROFFIT moved that the House again resolve itself into a Committee of the Whole, and

take up the bill confirming to the State of Indiana a grant of land on the Wabash and Erie canal.

Objection being made.

Mr. PROFFIT moved a suspension of the rules but no quorum voted, and

The House then adjourned.

Mr. BLAIR will please publish the annexed note of Mr. Hunt, (your Reporter,) which I herewith enclose you. I send it as an offset to the note upon which Mr. JOHNSON relied to prove that I did not denounce him as reported in last Wednesday's Globe. The enclosed note will show what Mr. Hunt remembers of the language used towards Mr. JOHNSON. Mr. Hunt was right in disclaiming responsibility. I revised his notes as reported, and inserted what he neglected or forgot to insert. I made the report correspond with what I said.

A. DUNCAN.

HOUSE OF REPRESENTATIVES.

January 29, 1841.

SIR: Having, as an act of justice to myself, addressed a letter to the Hon. W. C. JOHNSON, stating that certain reported proceedings in the "Globe" were revised by you, at your request, I now state the language I understood you to use to that gentleman, and which would have appeared in the report had it not been revised.

In the first place you read from the *National Intelligencer* the following:

"Mr. W. C. JOHNSON submitted to the Chair whether it was in order for an individual to charge General Harrison with cowardice, who had himself been branded as a coward on this floor."

After expressing your astonishment at the above, and stating that you heard no such remarks, you turned towards Mr. JOHNSON, and said, in substance, that "if the language was used, you had no hesitation in denouncing the man who uttered it as guilty of a base falsehood, and an infamous liar."

I did not hear the terms "contemptible puppy," "soundrel," and "infamous coward," as applied to Mr. JOHNSON, but understood them as having reference to what you stated had taken place between yourself and Mr. Menefee, on a former occasion.

Very respectfully, your obedient servant,

WM. HUNT, Reporter to the Globe.

Hon. ALEXANDER DUNCAN.

IN SENATE.

FRIDAY, January 29, 1841.

Mr. WHITE presented resolutions of the Legislature of Indiana in favor of holding the Presidential election on the same day throughout the Union; which were laid on the table, and ordered to be printed.

A NATIONAL BANK.

Mr. WHITE also presented resolutions of the same body in favor of the creation of a National Bank. Mr. W. gave his views on the subject at considerable length, expressing himself strongly in favor of the measure recommended, and his confidence that the Administration about coming into power would do its duty in regard to it. The resolutions were laid on the table, and ordered to be printed.

Mr. NORVELL presented a petition of citizens of Michigan in favor of a general bankrupt law; which was laid on the table.

Mr. TALLMADGE presented a petition of citizens of Utica, N. Y. for the passage of a bankrupt law; which was laid on the table.

Mr. HUBBARD, from the Committee on Claims, reported a bill for the relief of E. W. and H. Smith; which was read, and ordered to a second reading.

Mr. GRAHAM, in pursuance of previous notice, asked and obtained leave to bring in a bill directing a survey to ascertain the practicability and expense of constructing a passage from Albatraz Sound to the Atlantic Ocean; which, after some remarks from Mr. G. was read, and ordered to a second reading.

On motion by Mr. HUBBARD, the bill for the relief of Greene and Emerson was taken up and considered as in committee of the whole, and, after being explained by Mr. H. was ordered to be engrossed for a third reading.

On motion by Mr. KING, the bill increasing the pay of certain officers of revenue cutters, while serving in the navy of the United States, was taken up, and, after some remarks from Mr. K. and Mr. LINN, it was ordered to be engrossed for a third reading.

PERMANENT PROSPECTIVE PRE-EMPTION LAW:

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands who shall inhabit and cultivate the same, and raise a log cabin thereon, was taken up, the question being on the motion of Mr. CRITTENDEN to recommit the bill with instructions to report a bill for the distribution of the proceeds of the sales of the public lands among the States.

Mr. CLAY of Kentucky having concluded his remarks,

Mr. TAPPAN rose and addressed the Senate as follows:

Mr. President: Before I proceed to remark upon the extraordinary attack made by the Senator from Kentucky upon my colleague and myself, I wish to ask that Senator who it is that he charges with "having made a proposition to reduce wages."

Mr. CLAY said he did not mean to be understood as saying that any one had made such a proposition.

Mr. TAPPAN. Such is the language you used, sir.

Mr. CLAY. I did not intend to charge any one with more than sustaining in argument a policy, the inevitable tendency of which would be to reduce wages; and this was done by many gentlemen whom I do not think I am called upon to name. I do not recollect using the word proposition.

Mr. TAPPAN. I am satisfied, sir, with this explanation; the Senator's construction of arguments made by others does not affect me. The Senator from Kentucky on yesterday charged my colleague and myself with voting for a proposition, the effect of which would be to give away 160,000,000 of acres of land, justly belonging to Ohio, for 800,000 acres, and ordered us to go home and account to our constituents for this gross sacrifice of the interests of Ohio. This charge of the Senator is not founded in truth, as I shall show; but let me not be misunderstood. I do not say that the Senator has intentionally stated a falsehood on this floor; he would not do this, and yet it is strange that he, or any other less experienced legislator, should so misconceive our vote on that occasion as he seems to have done. The case was this: the Senator's colleague [Mr. CRITTENDEN] had moved to recommit the bill with instructions to strike out all after the enacting clause and to insert what has gained the name of "Mr. CLAY's land bill," upon which the Senator from South Carolina nearest to me [Mr. CALHOUN] moved to amend the motion of the Senator from Kentucky, by substituting his [Mr. CALHOUN's] bill for disposing of the public lands to the States, so that if the motion to recommit should prevail, the plan of the Senator from South Carolina should be reported back to us instead of the Kentucky Senator's bill. Now, who does not see that the question here, was not whether we should agree to adopt either of those projects; but it was a mere question of preference, and surely an opinion may be given in good faith, that of two plans, one is better than another without any intention of adopting either. Such was this case; of the two plans, I preferred the one offered by the Senator from South Carolina, and so voted, not with a view of expressing any approbation of the plan proposed by the Senator from South Carolina, but to defeat the motion to refer with instructions made by the Senator from Kentucky on my right. These are the views in which my colleague and myself concur, as was expressed by him on yesterday, in his reply to the remark of the Senator from Kentucky, [Mr. CLAY:] and I think if the question should ever again come up while I have the honor of a seat here, I shall continue to give the same preference, notwithstanding the denunciation of the Senator from Kentucky. I give no opinion upon the abstract merits of the plan proposed by the Senator from South Carolina, because it is not and has not been before us on the final question of adopting it; but I will say that I am not inclined to make important changes in our land

system; that system has heretofore worked well, and I see no necessity for a radical change of it. Sir, the Senator charges us upon this side with "opposing in advance the measures of the next Administration"—with making war upon it; and he quotes Shakspeare, "Come on McDuff," as though we were actually in battle array against him. We have opposed the Senator's unconstitutional project for distributing amongst the several States the revenue arising from the public lands, and Senators upon this side have given as their opinion, and have demonstrated, that a special session of Congress will not be necessary. We have been told by Senators on the opposite side that these things, with some others, would be supported by the next Administration. We have seen and heard the Senator from Kentucky when he has assured us that his land bill (as he calls it) "would pass" when that gentleman and his friends came into power; that unless we repealed the Independent Treasury bill, the next Administration would call an extra session of Congress to repeal it. We have also heard the Senator describe, in his graphic way, how the next Administration would make a clear sweep of all office holders, with probably no exceptions; but we have been ignorant of the Senator's authority to pronounce *ex-cathedra* upon the course to be pursued by General Harrison; and for myself, I confess that having some knowledge of General Harrison, I had my doubts whether he was to be governed, dictated to, and led by the nose by the honorable Senator, as he seemed to promise us. He exhibited to us no authority for the assumption of the dictatorship. If the Harrisburg Convention, in nominating one of the gentlemen and rejecting the other, did secretly determine that while one should be viceroy over the good people of these United States, the other should be viceroy over him, how were we to know that important fact? You gave us no evidence of this. We are excusable then, I should think, for opposing such measures as the Senator's land bill, which we think unconstitutional, without being chargeable with anticipated hostility to the next Administration.

But the Senator bids us go home! and account to our constituents for our conduct here. Go home! We obey no such orders. We submit to no such dictation. Who gave the Senator from Kentucky authority over us? Autocrat of Kentucky, let him issue his orders there to his obsequious slaves; but with Ohio and her representatives he has nothing to do. Sir, I repeat with scorn this matchless insolence.

Here Mr. CLAY called Mr. TAPPAN to order, and he sat down.

The VICE PRESIDENT, after some remarks, which we did not hear distinctly, said that it was out of order to use the word insolence in the way Mr. TAPPAN had used it.

Mr. TAPPAN rose, and continued. Sir, I will repel insolence and insult, come from what quarter they may.

Mr. CLAY then rose and declared that in what he had said, he had not the remotest intention of insulting the Senators from Ohio; that in using the words, go home, &c. he meant no more than to advise those Senators to consult their constituents on their return home as to their wishes upon this great question of disposing of the public lands.

Mr. TAPPAN then observed: The Senator's explanation is satisfactory. From the vehemence of his manner, and the loudness of his intonation, I thought the Senator in earnest, and that he meant what he said. It seems that in this I was mistaken. I therefore let that pass; I will not knowingly treat any Senator with disrespect; my age and my habits lead me to a courteous demeanor towards all with whom I have business to transact, and I will not willingly deviate from this course; but insolence and insult I shall not put up with, and I am glad to find that on this occasion nothing of that nature was intended.

Mr. President, having disposed of this matter, (without intending to engage at large in this debate, so protracted and interesting,) I will express my views on one or two points only. The Senator from Kentucky [Mr. CLAY] read to us the first paragraph of the 8th section, 1st article, of the

Constitution: "The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States;" and gave us his opinion that this taxing power did not authorize Congress to raise money for distribution amongst the States. I coincide fully with the Senator in this opinion, but does he not perceive that by this sound construction of the Constitution, he concedes to us the whole matter in controversy as to his land bill? I know how the Senator thinks to get this power: it is not in this clause, indeed, but he tells us it is contained in these words:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

From the grant of power to dispose of the land, he infers the power to dispose of the proceeds of the land. Congress have, indeed, by this clause, the power to dispose of the public land for the benefit of the United States; and it is under this clause alone that the constitutionality of all the grants of public lands which have been made to the individual States, can be maintained. If we admit (which I do not, however) that by this clause in the Constitution, Congress has the unlimited power to do whatever it pleases with the territory of the United States—that it may grant the whole or any part to some or all of the States, that it may give it away to actual settlers; or, that it may sell and dispose of it for money, making it an object of revenue; still, Congress cannot raise revenue for the purpose of distribution. The public lands are sold for money. A part of the revenues of this Government are derived from that source. It matters not whether you raise your revenue from the customs, from the sale of your ships, from a tax on land, or the sale of your land; when that revenue reaches the public Treasury, there is no ear-mark on it to distinguish the quarter from which it came. It is the money of the nation, to be used for national purposes. If there is any clause in the Constitution which gives you authority to make a distribution of it amongst the States, it is the clause first quoted; but this, says the Senator, and so say I, contains no such power. Congress is not required by the Constitution to sell the public lands to make the territory of the Union an object of revenue. The manner of disposing of that territory is no where expressed. It is implied only that Congress shall dispose of it for the benefit of the whole, and not select part of the Union. Congress have thought best to sell their land for money; have for more than forty years thought that to raise a part of their ordinary revenues by thus disposing of it, was to execute their power of disposing of it in the manner best calculated to promote the interest of the nation. I will not argue the question whether it might not have been as well to have authorized Congress to make a division by the States or otherwise of the money received for land, for we are not making a Constitution; but I will say that a power to grant or sell land does not carry with it the power to dispose of the money received for such land—when the land is sold, the power to dispose of it is executed; for the power to dispose of the money you must look elsewhere.

As to the bill before the Senate, it varies but little from what has become the settled policy of this Government—it proposes that instead of temporary laws on this subject, we pass a permanent act, permanent as it can be, to remain until the wisdom and experience of our successors may change or repeal it. We should find it difficult to prevent people from occupying the public land on the extensive frontier; there is a large class of men who have been the pioneers of civilization and settlement in this country for many years, probably ever since the settlement of the country commenced—they are the Daniel Boones who choose to keep a little in advance of law and gospel both; they subsist more by hunting than the labors of agriculture; yet they build cabins, and clear and plant fields, and are always ready to sell their improvements to the man who moves on the frontier with his family

and his stock to make a permanent settlement. It is a great advantage to the settler in a new country who has a family to provide for, to find a cabin and a clearing already made for him, and purchaseable at a moderate price; and what injury does the public interest sustain by granting these pioneers the exclusive right to purchase the land they occupy? Before this privilege was granted to them, it was quite common for mean and sordid men to hunt out the places so occupied, and purchase them at the land office, not for the sake of getting better land than they could find elsewhere, but that they might appropriate to themselves the hard earnings of the poor pioneer for nothing. Protect the poor man by a pre-emption right, and he would soon gain money enough to pay for his land; or, instead of being a prey to the heartless speculator, this latter would have to purchase his improvements, since he could not drive him off, and take forcible possession of his property. I have said that pre-emption laws, instead of being injurious to the public, are highly beneficial. They greatly facilitate the settlement of your territories, by opening the road to your lands to men with families and property, whose habits have not fitted them for settling in the wilderness. These men compose the great agricultural population of the West. Some men think, sir, that to allow land to be selected, the choice tracts to be taken up for the minimum price, is granting a great favor to the poor pioneer. I do not think so; the man who will take his axe and his rifle, and go into the frontier, forests, or prairies; far from roads, from mills and schools, and places of worship; far from all the comforts and advantages of society, pays for the pre-emption right you give him very dearly. Yes, sir, the settler, in a new country, pays the full value of the best land in the privations he endures in the hardships he encounters, and the labor he performs.

On this matter I must be allowed to speak from experience; and I know that, except in rare instances, from peculiarly fortunate location, the first settler would not be paid for the toil and suffering he has to endure, by the gift of a quarter section of land. I hear Senators speak of land in a state of nature worth from ten to fifty dollars per acre; I have never seen such land; it is not to be found in any of the fine bottoms of the West: it is an El Dorado, which exists only in the fancy.

It has been proved, I think, that Government does not get much more than the minimum price for land at the public sales; so that there is nothing to balance against this natural and long practised mode of settling your public lands. I am therefore in favor of this bill—of adopting it into our permanent land system.

Mr. WRIGHT, who also replied to some remarks of Mr. C. personal to himself, which were explained by Mr. CLAY.

Mr. LINN also followed in explanation, and also urged the propriety and necessity of appropriating money for the purpose of putting the nation in a position to maintain her honor, and defend herself from foreign aggression, instead of dividing her revenues among the States.

Mr. TALLMADGE contended that by dividing the money among the States to be devoted to the purposes of internal improvement, the best means means for national defence was adopted.

Mr. BUCHANAN said he had but a very few words to say. The Senator from Kentucky, [Mr. CLAY] in the course of his remarks to day had asserted that Senators friendly to the present Administration had argued at the last session in favor of the reduction of the wages of labor. When called upon by the Senator from Ohio, [Mr. TAPPAN] to mention the names of any such Senators, he declined to comply with the request, he (Mr. B.) presumed from courtesy to those implicated in the charge. His speech at the last session in favor of the Independent Treasury Bill, so far as related to the wages of labor, had been so extensively misrepresented, out of this House, that even at the risk of having it suggested that he had made an application of the remark of the Senator to himself, he rose to disclaim any such argument. He had never risen in the Senate, he never could rise in the Senate, and use an ar-

gument in favor of reducing the wages of the poor man's labor. He was incapable of advocating any such proposition. He had disclaimed any such argument, over and over again at the last session, and he should ever disclaim it as often as it might be imputed. If the Senator from Kentucky, or any other Senator, should at any time think proper to examine his speech, and attempt to fix such a charge upon him, he should at all times be prepared to repel it, and prove that no such doctrine was contained in his speech.

Mr. CALHOUN rose and said he had but a few remarks to make; but a very general wish for adjournment being expressed,

The Senate adjourned.

HOUSE OF REPRESENTATIVES,

FRIDAY, January 29, 1841.

Mr. BURKE asked the consent of the House to offer a resolution, that the select committee appointed at the last session on the subject of stationery and the letter of the Clerk, be reappointed.

Objection being made,

Mr. BURKE moved to suspend the rules; but the motion was negatived.

Mr. MORRIS of Ohio asked leave to introduce a bill entitled "An act to repeal an act entitled an act to provide for the safe-keeping, transfer and disbursement of the public money," approved July 4, 1840.

Objection being made,

Mr. MORRIS moved to suspend the rules, and thereupon called for the yeas and nays; which were ordered.

Mr. MEDILL inquired of it would be in order to call for the reading of the bill.

The SPEAKER replying in the affirmative,

Mr. MEDILL said that he would then call for the reading of it, as he was very anxious to know what substitute his colleague proposed for the law now in force, and which was sought to be repealed.

[The bill was then read. It proposed no substitute.]

The question was then taken, and resulted—yeas 79, nays 87, as follows:

YEAS—Messrs. Alford, John W. Allen, Andrews, Baker, Boardman, Bond, Botts, Briggs, Casey, Chinn, Chittenden, James Cooper, Crabb, Cranston, Crockett, Cushing, Edward Davies, Garrett Davis, Dawson, Deberry, Dennis, Deller, Doe, Edwards, Everett, Fillmore, James Garland, Gentry, Giddings, Goggin, Granger, Green, Grinnell, Hall, Hawes, Henry, Hoffman, Hunt, James, Charles Johnston, Kempshall, Lane, Lincoln, McCarty, Francis Mallory, Marvin, Mason, Mitchell, Monroe, Moore, Morgan, Calvary Morris, Osborne, Pope, Proffit, Randall, Rariden, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stanley, Stuart, Talliaferro, John B. Thompson, Tillinghast, Toland, Triplett, Trumbull, Peter J. Wagner, Warren, Thomas W. Williams, Lewis Williams, Christopher H. Williams, and Wise—79.

NAYS—Messrs. Adams, Banks, Blackwell, Boyd, Aaron V. Brown, Burke, Sampson H. Butler, William O. Butler, Bynum, Carr, Carroll, Chapman, Clifford, Mark A. Cooper, William R. Cooper, Craig, Crary, Cross, Thomas Davee, John Davis, John W. Davis, Doan, Doig, Dromgoole, Earl, Eastman, Ely, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, Griffin, Hammond, Hand, John Hastings, Hawkins, Hillen, Homes, Hubbard, Jameson, Jenifer, Cave Johnson, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leonard, Lowell, Lucas, McClure, McCulloch, McKay, Meredith Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Parrish, Parmenter, Pickens, Prentiss, Reynolds, Rives, Edward Rogers, James Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thos. Smith, Steenrod, Strong, Sweney, Jacob Thompson, Turney, Vroom, Weller, Jared W. Williams, Henry Williams, and Worthington—87.

So the rules were not suspended.

Mr. JONES of Virginia moved that the House resolve itself into a Committee of the Whole on the state of the Union, and resume the consideration of the Treasury note bill.

Mr. DAWSON moved that the special order be postponed until Monday next, in order that the House might go into a Committee of the Whole on private bills.

But the motion of Mr. JONES having precedence, the question was taken thereon by yeas and nays, as follows:

YEAS—Messrs. Alford, Anderson, Banks, Beirne, Boyd, Brewster, Briggs, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, Wm. O. Butler, Bynum, John Campbell, Carr, James Carroll, Zadok Casey, Chapman, Clifford, Coles, Connor, Wm. R. Cooper, Crabb, Craig, Crary, Cross, Thomas Davee, John Davis, Dickerson, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Evans, Fine, Fisher, Fletcher, Floyd, Fornance, Galbraith, Gentry, Gerry, Goggin, Graham, Griffin, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Hubbard, Jameson, Jenifer, Joseph Johnson, Cave Johnson, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leonard, Lowell, Lucas, McCarty, McClellan, McClure, McCulloch, McKay, Meredith Mallory, Francis Mallory, Marchand, Medill, Miller, Montanya, Montgomery, S. W. Morris, Parrish, Parmenter, Pickens, Prentiss, Reynolds, Rhett, Rives, Edward Rogers, John Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Sweney, Jacob Thompson, Turney, Vroom, Weller, Jared W. Williams, Henry Williams, Lewis Williams, Wise, and Worthington—110.

NAYS—Messrs. Adams, John W. Allen, Andrews, Baker, Blackwell, Boardman, Bond, Calhoun, Chinn, Chittenden, James Cooper, Mark A. Cooper, Cranston, Crockett, Edward Davies, John W. Davis, Garrett Davis, Dawson, Deberry, Dennis, Doe, Edwards, Everett, Fillmore, Gates, Giddings, Granger, Green, Grinnell, Hall, Henry, Hoffman, Hunt, James, Chas. Johnston, Wm. C. Johnson, Kempshall, King, Lane, Lincoln, Marvin, Mason, Monroe, Manroe, Moore, Morgan, Calvary Morris, Osborne, Peck, Pope, Proffit, Randall, Rariden, Reed, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Slade, Truman Smith, Stuart, John B. Thompson, Tillinghast, Toland, Triplett, Trumbull, Peter J. Wagner, Warren, Thomas W. Williams, Joseph L. Williams, and Christopher H. Williams—70.

So the House resolved itself into Committee of the Whole on the state of the Union, (Mr. CASEY in the chair,) and resumed the consideration of the

TREASURY NOTE BILL.

Mr. WISE then took the floor, and was about to resume his remarks, but gave way to

Mr. RHETT, who wished to ask the gentleman from Virginia, whether the remark made by him on yesterday, that there was now a member of this House, who was in the South Carolina Convention, and who proposed a dissolution of the Union, was applied to him?

Mr. WISE replied in the affirmative, and said that such was the impression prevailing in the country in 1832; and if the newspapers at that time were to be believed, Mr. R. had actually proposed, or talked of proposing a dissolution of the Union.

Mr. RHETT said that the gentleman was entirely misinformed; neither he nor any other member of the convention of South Carolina ever proposed a dissolution of the Union, nor was any such proposition ever made or discussed in the convention.

Mr. WISE was glad he had made the remark, for it had given the gentleman from South Carolina an opportunity of contradicting it; and hoped, so far at least as the South was concerned, that that section of the Union would stand vindicated from the charge forever.

Mr. W. gave his views at some length in relation to the public lands, and argued against a distribution of the proceeds among the States. Rather than do so, he maintained that it would be much better to appropriate the money for the defence of the Western frontier; or, if they did not choose to do that, the lands might be disposed of for the increase of the navy, the building of steamships, &c.

He argued with much earnestness against the patronage of the Executive over the public lands, which in one year had amounted to not less than

twenty-five millions of dollars. He considered it dangerous in the extreme, and as absorbing in its grasp even the State power.

While speaking on this head, Mr. W. said he would suppose that the ghost of Cicero had arisen, and was walking in the streets of Rome at midnight.

He would suppose the shade of the illustrious statesman as meeting with an inhabitant of modern Rome in the street at night, and asking him how long it would be before day.

The inhabitant pulls from his pocket a chronometer, to see the time.

"Oh! what's that?" says the ghost.

"It is a chronometer; an instrument invented by the Germans for measuring time."

"Indeed!"

The inhabitant then takes from his pocket an almanack.

"Oh!" says the ghost, "what's that?"

"It is an almanac; it is the art of printing, the wonderful means of rapidly transmitting human thought, and also invented by the Germans."

"O! how wonderful!" exclaims the ghost.

The ghost and the inhabitant then knock at the door of several citizens, but they are all asleep, and cannot be awakened.

The inhabitant then takes from his pocket a pistol, and fires it.

The ghost starts and is almost frightened back to his grave. What's that? says he, in the greatest alarm.

"Why, it is a pistol," says the inhabitant, "and explains the invention of gunpowder; also invented by the Germans."

"All invented by the Germans?" says the ghost. "and what have the Italians been doing?"

At that moment a lazy lazzaroni comes gaping up, just awoke from his sleep. "This," says the inhabitant, "is what they have been doing."

Mr. W. then applied this imaginary scene to the present state of things, in relation to Executive patronage, which, like the Germans, had been absorbing every thing, while the people, like the lazzaroni, had been gaping the while.

In concluding, Mr. W. proceeded to say that, if he differed from his friends on the present occasion, it was an honest difference arising from the conviction of his own mind that he was right. He had expressed himself in this manner because he felt bound to put himself right.

Having spoken against a tariff, and the distribution system, it would be asked, what then would he do? Why he would say, that constrained against his will, he would vote for the issue of these Treasury notes, as a temporary remedy for the present year, or at least until the meeting of the next Congress in December.

It might be asked, what would he do for the future? Why, he would fold his arms and wait. It was possible that he might never come back to that House again, and perhaps some of his friends would be very glad if he never did come back. He had this to say, however, that he could either come back or let it alone, just as he pleased. He wished it understood, though, that he was a candidate until he should say publicly that he was not. As to whether he returned or not, that would all depend upon private considerations. But if not, then his friends might depend that he would, at home, follow out the same great principles on which he had acted here.

As regarded the compromise act, that, in his opinion, ought to be left alone, until an actual and not an artificial necessity should arise. The tariff question ought not to be touched on account of a temporary deficiency.

Mr. W. then proceeded to state how, in his younger days, he had voted for General Jackson, and how he had split from him when that person, in his opinion, failed to support the principles on which he was elected. He had said, that although General Jackson was master of millions, he (Mr. W.) was master of himself. This he would say again in relation to General Harrison.

Mr. W. then contended that the proper means of sustaining the Treasury was to husband their resources at this time. Let there be no distribution, no giving away; for there could be no such thing

as giving away from a beggar. The Treasury was in a state of beggary; it was empty, and there was nothing to give away. Let them be honest and pay their debts before they thought of giving any thing away. The common law would permit no will to be executed before the debts were first paid. Let them pay, then, all their honest debts before they talked of a distribution of the public lands.

The next means of relieving the Treasury was to push a vigorous system of reduction. His friend from Maine, [Mr. EVANS] who in other matters was as clear sighted a man as any in the House, could not see, the other day, how they were to get a supply by reducing the expenditures. Why, that old philosopher, Benjamin Franklin, proved that "a penny saved was a penny got," and he was surprised that his friend from Maine could not comprehend it.

But it was contended that there could be no reduction. This was not so. There could be a reduction, and a great reduction, too. He had said this before the election, and he again asserted it now. There could be a very great reduction, and that reduction ought to be pushed rigorously.

Mr. W. then noticed, as one means of reduction, a reformation among the office holders. He urged that office holders ought no longer to be permitted or expected to take part in politics. They ought, said he, to be compelled to remain at their desks, with their heads upon their business, and the pen in their hands, and to be required to mind that business. If this plan should be adopted, and every neglect, in point of time, or other inattention, however small, punished with instant dismissal, then the Government would be benefited to a great degree even in this matter. Here alone would be a great saving. But, said Mr. W. let the abominable system of proscription for political opinion be abolished. For his part he did not like this constant changing of office holders for opinion's sake, by which men were frequently brought in who were not capable of performing the duties. If a man was found to be competent, and minded his business, why not let him remain, instead of having these constant removals, by which the Government was put to a great expense by the appointment of incompetent persons. He had always denounced this system of proscription, and would they, after condemning its practice by the *Loce Focos*, be guilty of it themselves?

Mr. W. concluded by expressing his opinion that a National Bank would be the only effectual means of preserving a sound currency, and his belief that General Harrison would be his own President and act for himself.

Mr. HUBBARD then obtained the floor, but gave way for a motion that the committee rise; and

On the question being taken, there were—ayes 45, noes 72, no quorum voting.

The committee then rose and reported that fact to the House.

Mr. ANDREWS moved a call of the House, but it was not ordered.

Mr. RIVES said, that since the vote had been counted, a sufficient number of members had come in to constitute a quorum.

On motion of Mr. STANLY, the House again resolved itself into a Committee of the Whole, and resumed the consideration of the bill authorizing the issue of Treasury notes.

Mr. HUBBARD then commenced his remarks in favor of the bill, and in reply to several gentlemen on the opposite side who had preceded him; but, without concluding, gave way for a motion that the committee rise; and

On that question a division was called for, when there appeared—ayes 19, noes 20—no quorum.

The committee then rose and reported that fact to the House.

Mr. ADAMS asked leave to offer the following resolution, which was adopted:

Resolved, That the instructors of the pupils of the asylum for the deaf and dumb and the education of the blind, be authorized to exhibit the progress of their said pupils in this Hall for one hour and a half on Monday morning next, before the meeting of the House.

Mr. VANDERPOEL moved that the House adjourn; and thereupon

Mr. ANDREWS called for the yeas and nays; which were ordered, and were—yeas 51, nays 22. So the House adjourned.

NOTE.—Mr. BEATTY was in the House, but not in his seat, when his name was called on the motion of Mr. JONES of Virginia, to go into Committee of the Whole. If Mr. B. had been present, he would have voted in the affirmative.

IN SENATE.

SATURDAY, January 30, 1841.

Mr. TALLMADGE presented the credentials of the Hon. WILLIAM C. RIVES, elected by the General Assembly of the State of Virginia a Senator from that State for six years from the 4th of March, 1839; which was read.

Mr. RIVES then appeared, was qualified, and took his seat in the Senate.

Mr. KNIGHT presented the credentials of the Hon. JAMES F. SIMMONS, elected by the Legislature of the State of Rhode Island a Senator from that State for six years from the 4th of March next; which were read, and ordered to be placed on file.

The VICE PRESIDENT submitted a message from the President of the United States, showing the necessity of a further appropriation for the completion of the preparatory survey and exploration of the Northeastern boundary of the United States; which was referred to the Committee on Finance and ordered to be printed.

Also, a communication from the Navy Department, with a statement of the appropriations for naval service during the year 1840; which was laid on the table, and ordered to be printed.

Mr. RUGGLES presented the memorial of citizens of Maine, remonstrating against the repeal of the fishing bounties; which was referred to the Committee on Finance.

Mr. MOUTON presented the memorial of E. Gonon, praying the adoption of a system of telegraphs to be established between the cities of Washington and New York; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. ALLEN, in pursuance of previous notice, asked and obtained leave to introduce a bill to continue in force the first section of an act entitled "An act to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office, approved July 7, 1838; which was read twice, and referred to the Committee on Public Lands.

On motion by Mr. PIERCE, it was ordered that Christian Orandorf have leave to withdraw his petition and papers.

Mr. PHELPS, from the Committee on Roads and Canals, to which was referred a bill to amend an act entitled an act to grant certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers, approved May 23, 1828, and the several acts supplementary and amendatory thereto; reported the same without amendment.

The bill for the relief Juan Belgar; and The bill for the relief of the legal heirs and representatives of William Conway, were severally considered as in committee of the whole, and after being amended, on motion by Mr. MOUTON, were ordered to be engrossed for a third reading.

The joint resolution for the relief of Langree and O'Sullivan was taken up, and was advocated by Messrs. TAPPAN and PRESTON, and opposed by Messrs. CLAY of Alabama and SEVIER; but without coming to any conclusion thereon—

On motion of Mr. CLAY of Alabama, the Senate proceeded to the consideration of the special order—

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands who shall inhabit and cultivate the same, and raise a log-cabin thereon, was taken up, the question being on the motion of Mr. CRITTENDEN to recommit the bill with instructions to report a

bill for the distribution of the proceeds of the sales of the public lands among the States.

Mr. CALHOUN, who was entitled to the floor, replied at length to the arguments of Messrs. CLAY of Kentucky and WEBSTER, and demonstrated the unconstitutionality of the distribution measure, and vindicated the measure of cession from the attacks of those gentlemen.

He was followed in the debate by Messrs. MANGUM and WEBSTER, and replied to those gentlemen.

Mr. YOUNG then took the floor, and after a few explanatory remarks, proposed as an amendment to Mr. CRITTENDEN'S motion to substitute for it the bill of Mr. CALHOUN, proposing to cede the lands to the States within which they lie, upon certain conditions, which he hoped would be ordered to be printed, and the further consideration of the subject postponed until Monday.

Mr. CLAY of Alabama assented to this course, but hoped as the debate on this question had already lasted four weeks, that it would be finally disposed of on Monday evening.

And the Senate then adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, January 30, 1841.

Mr. PICKENS, by consent, introduced the following resolution:

Resolved, That the President be requested to communicate to this House, if not incompatible with the public interest, any information or correspondence he may have in relation to recent seizures or search of any of our vessels upon the coast of Africa, or elsewhere, by British cruisers or authorities, and the cause of such search or seizure, and the authority under which they have been made.

Mr. ADAMS moved to amend the resolution by adding the following:

"And also copies of all correspondence between the Governments of the United States and Great Britain relating to the African slave trade, from the 3d of March, 1837, and of despatches from Nathaniel P. Trist, Consul of the United States at Havana, to the Department of State, relating in any way to the said African slave trade."

Mr. PICKENS accepted this amendment as a modification of his resolution.

And the resolution, thus amended, was adopted.

On motion of Mr. CUSHING, the House concurred in the following resolution of the Senate, adopted on the 28th inst.

Resolved, That a committee be appointed to join such committee as may be appointed on the part of the House of Representatives, to ascertain and report a mode of examining the votes for President and Vice-President of the United States, and of notifying the persons elected of their election.

The SPEAKER laid before the House the following communications, viz:

I. From the Treasury Department, in compliance with the resolution of the House of the 17th of December, as to the manner in which the Independent Treasury has been carried into effect.

Laid on the table, and ordered to be printed.

II. From the Navy Department, in obedience to the resolution of the House of the 8th inst. calling for information in regard to the Navy pension fund.

Laid on the table, and ordered to be printed.

III. From the same Department, in accordance with the provisions of the second section of the act of Congress of May 1, 1820, entitled "An act in addition to the several acts for the establishment of the Treasury, War, and Navy Departments; showing the annual statement of the appropriations for the naval service for the year 1840, and the amount appropriated under each specific head, the amount expended under each, and the balances remaining in the Treasury on the 31st of December, 1840.

Laid on the table, and ordered to be printed.

IV. From the Treasury Department, in compliance with the resolutions of the House of the 22d of December, calling upon the Secretary to report to the House the amount of Treasury notes and drafts that have been issued, and drawn since the first of January, 1840, with the respective dates at which such notes and drafts have been issued

and drawn; together with the names of the persons to whom, or in whose favor, and for whose benefit such drafts have been drawn, and the service, consideration, or object for which they have been drawn; also, at what time or times, and what amount of Treasury notes, if any, have been deposited with any of the banks; and if any, which of such banks, and at what time; what amount and what description of funds, if any, were received from the banks in which such deposits were made, and whether said money was left in deposit in said banks, or transferred to the Independent or Sub-Treasury, as directed by law, and at what time the interest commenced on the notes thus deposited.

Laid on the table, and ordered to be printed.

V. From the State Department, in compliance with the resolution of the House of the 27th instant, relative to the census returns from the Marshal of the district of Connecticut.

Laid on the table, and ordered to be printed.

VI. From the President of the United States, as follows:

To the Senate and House of Representatives of the United States:

In compliance with the act of Congress of the 3d of March, 1829, I herewith transmit to Congress the twelfth annual report of the Board of Inspectors of the Penitentiary of the District of Columbia.

M. VAN BUREN.

WASHINGTON, January 29, 1841.

Referred to the Committee for the District of Columbia, and ordered to be printed.

VII. Another message from the President, viz:

To the House of Representatives:

By the report of the Secretary of State, herewith communicated, and the accompanying papers, it appears that an additional appropriation is necessary, if it should be the pleasure of Congress that the preparatory exploration and survey of the North-eastern boundary of the United States should be completed.

M. VAN BUREN.

WASHINGTON, Jan. 29, 1841.

Referred to the Committee on Foreign Affairs, and ordered to be printed.

VIII. From the Navy Department, in compliance with a recent resolution of the House of Representatives, transmitting copies of naval courts martial in the cases of Commodore Smoot and Lieutenants Sharpe and Stallings.

Laid on the table, and ordered to be printed.

The following bill and resolution from the Senate were then read a first and second time, viz:

An act authorizing the settlement and payment of certain claims of the State of Alabama: referred to the Committee of Claims.

A resolution authorizing sets of the standard weights and measures to be furnished to the War Department: referred to the Committee on Military Affairs.

TREASURY NOTE BILL.

On motion of Mr. JONES of Virginia, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. CASEY in the chair,) and resumed the consideration of the bill authorizing the issue of five millions of dollars in Treasury notes.

Mr. HUBBARD being entitled to the floor, resumed his remarks from yesterday in favor of the bill. He went on to show that in the course of the debate, there was no necessity for going into the merits of the last election and other matters. The only question was on the merits of the bill then before the committee, and to that alone ought the debate to be confined. But inasmuch as members on the other side had gone into the merits of other subjects, he would consider himself as justified in slightly noticing them. He then gave his views on the subject of the distribution of the public lands and taxation, both direct and indirect.

Mr. H. then showed the great profits that a National Bank must derive from the keeping of the public deposits. The enemies of the Sub-Treasury system had urged that, by that scheme, Government would keep all the money. But would not a National Bank keep all the profits from the use of the immense amount of the public money? Certainly it would. That being the case, the bank, if established, ought to be required to pay a proper bonus,

so that the people might have the worth of their money.

In regard to the false charge of the Opposition, that this Administration wished to reduce the price of labor, Mr. H. said this was in conformity with the old rule of the Opposition, in charging the Administration with what they were aiming to do themselves. He then argued that the enormous expenditures he anticipated would be made when General Harrison came into power, would be a sure means of reducing the price of labor.

Speaking of the proposed loan, advocated by some gentleman on the other side, Mr. H. declared that the State of Alabama would not accept a loan which would make her condition worse than it was before. Besides, the present distressed condition in the money market in France and England, rendered it extremely doubtful whether a loan could be obtained, if authorized.

After some further remarks in relation to the public lands, Mr. H. alluded to the specie circular of the late President Jackson. He showed that if that circular had not been issued, the whole public domain would have been swept away by worthless bank paper, and then the Opposition party would have blamed the Executive for permitting it.

Mr. JENIFER next obtained the floor, and spoke against the issue of Treasury notes, and in favor of a loan.

After some remarks in relation to the arguments urged by Mr. WISE against an extra session, Mr. J. proceeded to contend that if Gen. Harrison should call an extra session at the earliest practicable period, he would be carrying out the principles on which he was elected. If an extra session should be called only to repeal the Sub-Treasury law, that would be of itself a sufficient reason.

Mr. J. went on to express his regret that in the three days' speech of the gentleman from Virginia, [Mr. WISE] that gentleman had not assumed a single position which could be sanctioned by his political friends.

Mr. J. then proceeded at some length to controvert the conclusions drawn by Mr. W. in relation to the effects of a tariff on foreign wines, silks, &c. He (Mr. J.) argued that this course ought to be pursued by us as a matter of self-defence, and that to act upon this principle would be sound policy. If France had the right to lay restrictive duties on American goods, then we had the same right to lay an impost on her wines and silks; for he contended that the introduction of silks here was a benefit to France, and an injury to the cotton planter.

Mr. J. then went into the merits of the tobacco interest, and referred at great length to the policy of this country and France in relation to it.

Mr. VANDERPOEL next obtained the floor, but yielded it to

Mr. CUSHING, who made a brief explanation, to the effect that the views of the North on the tariff question were conciliatory.

Mr. VANDERPOEL was then about to proceed, when, at the solicitation of his friends, he again yielded the floor; and a motion was made that the committee rose.

A division being called, no quorum voted.

The committee then rose, and reported that fact to the House.

A motion was then made to adjourn, and it was decided in the affirmative, as follows; yeas 53, nays 29.

So the House adjourned.

IN SENATE,

MONDAY, February 1, 1841.

The VICE PRESIDENT submitted a report from the Secretary of War, transmitting abstracts of the general returns of the militia of the United States, and of their arms, accoutrements, and ammunition for the year 1839; which was laid on the table, and ordered to be printed.

The following are the numbers of the militia in the respective States and Territories, as given in the Adjutant General's return:

Maine	46,338
New Hampshire	23,762
Massachusetts	90,857
Vermont	26,307
Rhode Island	4,491

Connecticut	43 176
New York	162,172
New Jersey	39,171
Pennsylvania	202 281
Delaware	9,229
Maryland	46,864
Virginia	105 522
North Carolina	65 218
South Carolina	48 817
Georgia	57,312
Alabama	44 332
Louisiana	14,808
Mississippi	36,084
Tennessee	60,932
Kentucky	82 335
Ohio	146 428
Indiana	53 913
Illinois	27,386
Missouri	34,856
Arkansas	2,028
Michigan	5,476
Florida Territory	827
Wisconsin	5,223
Iowa	
District of Columbia	1,249

Total 1,492 444

Also, a communication from the Governor of Iowa, transmitting resolutions of the Legislative Council on various subjects; which were referred to the appropriate committees.

Mr. CALHOUN presented a memorial very numerous signed by merchants of Charleston, remonstrating against the passage of a bankrupt law; which was laid on the table, and ordered to be printed.

Mr. WRIGHT presented a memorial of citizens of Oneida county, remonstrating against the passage of any bankrupt law which will be retroactive in its operation; which was laid on the table, and ordered to be printed.

Mr. W. also presented a memorial signed by a very large number of the merchants and business men of the city of Albany, against the passage of a bankrupt law similar to that of the last session; which was laid on the table, and ordered to be printed.

Mr. BUCHANAN presented a memorial from citizens of the borough and county of Erie, asking an appropriation to complete the construction of the harbor at that place. Mr. B. adverted to the great importance of this harbor, in case difficulties should arise with our neighbor on the northern side of the lakes, and said that without further appropriations were made to complete it, all that had been heretofore spent would have been spent in vain. He asked that the memorial might be printed, and referred to the Committee on Commerce.

Mr. KING remarked that the Committee on Commerce had already taken this subject into consideration, and would report the result of their deliberations at an early day. The memorial was then referred and ordered to be printed.

Mr. BAYARD presented resolutions of the Legislature of the State of Delaware in favor of a distribution of the proceeds of the sales of the public lands among the States. Mr. CLAYTON and Mr. BAYARD submitted some remarks in connection with this subject, in the course of which Mr. B. intimated his intention at the next session to submit a motion to expunge the expunging resolution. The resolutions were laid on the table and ordered to be printed.

Mr. YOUNG presented memorials of citizens of Greene and Scott counties, Illinois, praying the establishment of certain post routes; which were referred to the Committee on the Post Office and Post Roads.

Mr. Y. also presented a memorial of citizens of St. Louis, asking for aid in the construction of the Mount Carmel and New Albany Railroad Company, which was ordered to be printed.

Mr. CLAY of Kentucky presented the memorial of citizens of Logan county, Ohio, asking for the recognition of Hayti and the establishment of diplomatic relations therewith. Mr. C. said as nothing could be done with this subject at the present session, if indeed any thing ought to be done at all,

he would move that the memorial should be laid on the table; which was agreed to.

Mr. STURGEON said he held in his hand resolutions passed by the Legislature of Pennsylvania, instructing his colleague and himself to vote for a distribution of the proceeds of the sales of the public lands among the States agreeably to their ratio of representation. He should obey the general tenor of the resolutions, and vote for the amendment of the Senator from Kentucky, [Mr. CRITTENDEN] to the bill now before the Senate.

Although he was not among those who had implicit faith in legislative instructions, nor would he yield them implicit obedience, yet while he held a seat in the Senate of the United States, he should feel disposed to conform in his vote to the wishes of the people of the State which he had the honor in part to represent; and as he was inclined to believe that a majority of the people of the State of Pennsylvania may be at this time in favor of a distribution of the proceeds of the sales of the public lands, he was disposed to take the resolutions of the Legislature as collateral evidence, and collateral evidence alone, of the fact. He should cast his vote accordingly.

The resolutions were read, laid on the table, and ordered to be printed.

Mr. BUCHANAN presented the memorial of a number of citizens of Pennsylvania, asking that a duty may be imposed on foreign silk, for the protection of the American silk grower. Mr. B. said he was entirely favorable to the object of the memorialists, but as he had stated at the last session, the Senate had no power to originate a revenue bill. The memorial was referred to the Committee on Finance.

Mr. GRAHAM presented a memorial of citizens of Orange county in favor of a bankrupt law; which was read, and laid on the table.

Mr. MOUTON presented resolutions of the Legislature of Louisiana in favor of the passage of a general bankrupt law, which were read, and ordered to be printed.

On motion by Mr. MOUTON, the petition and papers of the heirs of Peter Walker, and the papers of the heirs of Antonio Gras, were referred to the Committee on Private Land Claims.

Mr. WHITE presented memorials of citizens of Indiana, Illinois, and Iowa, praying the establishment of mail routes; which was referred to the Committee on the Post Office and Post Roads.

Mr. NORVELL presented resolutions of the Legislature of Michigan, in favor of the passage of a bill making appropriations for the completion of all lake harbors commenced by the Government of the United States; which were read, referred to the Committee on Commerce, and ordered to be printed.

Mr. WRIGHT, from the Committee on Finance, to which was referred the memorial of William A. Whitehead, reported a bill for his relief; which was read, and ordered to a second reading.

Mr. KING, from the Committee on Commerce, to which was referred the bill directing a survey to ascertain the practicability and expense of constructing a passage from Albemarle Sound to the Atlantic Ocean, reported the same with an amendment.

Mr. K. also, from the same committee, to which was referred the memorial asking for the erection of a new custom house at Philadelphia, moved to be discharged from the further consideration of the subject.

On motion by Mr. BUCHANAN, the motion to discharge the committee was laid on the table.

BILLS PASSED.

The bill for the relief of Juan Belgar; and
The bill for the relief of the legal heirs and representatives of William Conway,
were severally read a third time and passed.

ORDERS OF THE DAY.

The bill for the relief of Pierre Babin,
The bill for the relief of George De Passau, of Louisiana,

The bill for the relief of John Compton, assignee and representative of Garrigues Flaujac,
The bill for the relief of Jean Baptiste Comeau,

The bill confirming the claim of Jean Baptiste Comeau to a tract of land in Louisiana, and

The bill for the relief of the legal representative of Therese Malette, widow of Gaspard Phiole, were severally considered as in committee of the whole, and ordered to be engrossed for a third reading.

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, was taken up, the question being on the motion of Mr. CRITTENDEN to recommend the bill, with instructions to report a bill for the distribution of the proceeds of the sales of the public land among the States, which Mr. YOUNG had on Saturday proposed to amend by a motion to substitute for it the bill of Mr. CALHOUN, proposing to cede the lands to the States within which they lie, upon certain conditions.

Mr. YOUNG addressed the Senate at length in favor of his motion, and in defence of the pre-emptive policy.

Mr. FULTON followed on the same side, who advocated the cession bill as a measure of justice due to sovereign States.

Mr. HUBBARD then obtained the floor, but, being late, yielded to a motion for adjournment.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 1, 1841.

After the journal was read,

The Hon. HINES HOLT, of Georgia, elected to fill the vacancy occasioned by the resignation of the Hon. W. T. COLQUHITT, appeared, was qualified and took his seat.

MILEAGE.

The SPEAKER stated that a member from Kentucky, Mr. S. WILLIAMS, who was confined to his room by indisposition, had presented to him an account for short mileage at a previous Congress. He did not feel authorized to issue a warrant for the payment of the account, as it related to a time when the chair was not occupied by the present incumbent. Such cases as this had formerly been adjusted by the Committee of Accounts; but since the creation of the Committee on Mileage, the committee considered its duties on the subject superseded. The present Committee on Mileage did not conceive that it could go behind the present Congress; and the SPEAKER said he was left the only alternative of submitting the matter to the House for their disposal.

Mr. WISE moved that the SPEAKER settle and adjust the account. But,

After some remarks by Messrs. SMITH of Maine, JOHNSON of Virginia, THOMPSON of South Carolina, MORGAN, WILLIAMS of Connecticut, and WHITE of Kentucky,

On motion of Mr. GRINNELL, the subject was laid upon the table.

TREASURY NOTE BILL.

On motion of Mr. JONES of Virginia, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. CASEY in the chair, and resumed the consideration of the bill authorizing the issue of Treasury notes.

Mr. VANDERPOEL being entitled to the floor, observed that there was no member of the committee who had the least doubt but that the bill would pass; and yet, although there was an immediate necessity for its passage, honorable gentlemen had selected it as a mark at which to commence a sort of fire against the Administration. At such a time, when the Treasury was in immediate want of relief, he would leave it to their own consciences to say how magnanimous was such conduct.

Mr. V. then proceeded to notice the unfounded charges of the Opposition in relation to the report of the Secretary of the Treasury. A gentleman from Maine [Mr. EVANS] had contended that the Secretary had given no previous intimation that the Treasury would require relief. Such was not the case. At the last session of Congress, the Secretary had again and again called the attention of Congress to the fact, and asked the adoption of such measures as would afford relief. But no attention was paid to the warning; a deaf ear was turned to every remonstrance, and the Secretary had to go

through the year as well as he could. Such charges, therefore, were unfair and unjust.

As a matter of justice to the Secretary, Mr. V. read the following extract from the annual report, to show that the attention of Congress had been again called to the matter at the commencement of the present session:

"It will be observed, however, that though, under either of these arrangements, enough might be obtained within the whole of 1841 for the objects contemplated, yet not a due or sufficient proportion in the first quarter; because by that time all the measures are not likely to go into full operation, nor much of the anticipated increase to happen in the actual receipts of duties under existing laws. Unusually heavy expenses will also fall on that quarter in the next year. In addition to a full portion of most of the current expenses, and the whole pension payments for the first half of the year, and one-third of a million, or more, for all the annual fishing bounties, there will be imposed on it most of the charges for the whole year connected with the session of Congress and private bills, as well as large payments for taking the census, and for the first instalment of the debt of this District; several of them as early even as the first day of January.

"From these circumstances, and the considerations that all which is due from the banks may not be then paid, and that the balance in the Treasury, under the policy adopted by Congress of late years, will of necessity be small, while the fluctuations and inequalities are very great between the receipts and expenditures in different portions of the year, to which we are constantly exposed from causes that have on former occasions been explained at length, it must be obvious that entire safety requires a conditional power to be seasonably conferred on the Executive to obtain at any time within 1841 such subsidiary means as may be needed for a few months, and as may be sufficient to enable the Treasury punctually to discharge, during that year, all the liabilities imposed by Congress."

How, then, could the gentleman say that no intimation had been given that the Treasury would require relief?

Mr. V. then proceeded to notice the glaring inconsistencies of those members of the Opposition who had spoken on the bill. One contended that the amount asked for was extravagant, while another would contend that it was not enough. What answer could be given when such inconsistencies were exhibited—when hot and cold were blown in the same breath.

After some further remarks on this head, Mr. V. observed that a gentleman from Tennessee had pronounced the Administration as a "niggardly" Administration. Also, that the Administration coming into power was the first one that had to depend on the Administration going out for its sustenance during the year. As for the charge of being "niggardly," said Mr. V. we are too deeply impressed with the wants of the coming Administration to be niggardly. But however large might be the sum appropriated, it would not be near sufficient to satisfy the swarm of lean, lank, ravenous expectants, who were hastening onwards. But although it was essential that a supply to the coming Administration should be made with liberality, yet it would not do to act with prodigality. When young men come into possession of their estates, it was proper that they should be restrained in the spending of their money at first, otherwise they would run into extravagant expenditures, which would soon prove ruinous.

So, while some gentlemen were denouncing the present Administration for extravagance, here was the gentleman from Tennessee complaining that the appropriations were "niggardly." It was a great pity, observed Mr. V. that the gentlemen did not take the precaution to examine each other's briefs, before they commenced the attack, and were guilty of such discrepancies, and palmed them upon the House.

The great end aimed at by all was to show there was a great debt, although they all travelled by different roads to attain that end. He (Mr. V.) was at first embarrassed to know what could be the

object of those gentlemen, in their great anxiety to show the existence of a debt. But he generally found it the case that our wishes go hand in hand with our anxieties; and he now saw clearly the objects aimed at in the attempt to prove the existence of a debt, viz: a National Bank, and an extra session. Gentlemen well knew that they could never succeed in establishing a National Bank, unless Government should put its shoulder to the wheel; so there must be a national stockholder and a national debt.

As for expecting to fill up the capital of such an institution from the capitalists of the United States, it was fallacious. The distress in the money market forbade the idea. Where was the capital to be procured? Would foreign capitalists come forward? No: for the suspensions, the revulsions, and reverses, presented a spectacle that would destroy the confidence of such men. Besides, what inducement could foreign capitalists have to invest in the stocks of an institution under the control of irresponsible individuals, when they could purchase stocks of the States, where the faith of the States was pledged for their redemption.

But if they could get a national debt, and a charter for a National Bank from Congress, the difficulty would be at an end. Here was the grand secret.

In the course of his remarks, Mr. V. observed that it had been gravely determined that an extra session must be called. The dominant party could not wait the due course of time before they came into the full fruition of their power, but all the visions which, for the last six or eight months, had been dancing before them, must be realized without delay. The sub-Treasury law was to be repealed, and the money of the people taken from under the power of the law and placed under the control of the dominant party.

After advertent to the warnings of Mr. Wise on the subject of calling an extra session, Mr. V. observed that if he were acting merely as a party man, he could desire nothing better than an extra session, for nothing could be more adverse to the party coming into power. He then proceeded to show what they would have to expect from the disappointed, who would be by far more numerous than the appointed. Also how gentlemen would be compelled to show their hands, for then they could no longer play General Mum. To call an extra session some five or six weeks after General Harrison had been summoned from his log cabin into a palace, would be to that party an event, by no means pleasant in its consequences.

Mr. V. then showed how the non-committalism of General Harrison previous to his election could then be kept up no longer. He asked how could it be expected that the Northern Whig who had voted for Harrison as a friend to Abolition, would agree with the Southern Whig who had voted for him under a contrary impression.

But now it did not appear to be understood by the Opposition, what the principles of General Harrison were, for gentlemen of the same kidney were all quarrelling on the subject.

After some other remarks, Mr. V. went on to examine some of the grounds that gentlemen of the Opposition had taken to prove that the Government was in debt.

The gentleman from New York [Mr. BARNARD] had assumed a position that the amount of indebtedness was forty millions; other gentlemen had each come to different conclusions. Now he (Mr. V.) could not account for such strange inconsistencies, other than by supposing the existence of an hallucination of mind on this subject. He trusted, however, to show, that this debt had no other foundation than in the imagination of those gentlemen. But he started with this proposition, viz: that it was not enough to show we owed a national debt, but that a debt was chargeable upon the year for which they now proposed to make provision.

In December, 1841, the Opposition would have the whole Government in their possession, with all its resources, and then they would be able to make provision for themselves. But until then it was the duty of the present Administration to

make suitable provision. That was a duty they owed to the country.

Now, if the items referred to by gentlemen as composing the debt, were not chargeable in 1841, why then was it not preposterous to ask the present Administration to make provision for debts not yet due?

Mr. V. then went into an examination of the various items by which Mr. BARNARD had contrived to make out his imaginary debt of forty millions. I regret to say, said Mr. V. that my colleague is a much better poet than arithmetician; but let us see how he undertakes to make out a debt of forty millions chargeable upon the year 1841.

In the first place, that gentleman had charged the whole principal of the debt assumed by Congress for the District of Columbia to certain citizens abroad, amounting to one million and a half of dollars. Now, what did the Secretary say on this subject:

"But it will be recollected that Congress, by an act passed in May, 1836, engaged, under special conditions, to make payment of a debt due from the cities of the District of Columbia to certain individuals abroad.

"The principal amounted to \$1,500,000, and was to be paid in yearly instalments of \$60,000 each, beginning the 1st of January, 1841. But the interest was payable quarterly, and, during the last four years, has been regularly discharged by the Treasury.

"Within the present year, notice has been received from the agent of the creditors that payment of the first and subsequent instalments of the principal is desired to be made, when due, with punctuality. To insure a compliance with that wish, it will be necessary, besides meeting the interest quarterly, to advance \$60,000 of the principal at the commencement of the ensuing year; and the residue must be paid, in like amounts, annually hereafter, till the whole is discharged."

Now here it appeared that but \$60,000, with the interest, would be required for the present year for that debt, and yet the gentleman from New York had set down the whole sum, viz: a million and a half, as chargeable upon this year.

This was the first specimen, and he would show that it was the same throughout the whole estimates.

Mr. V. then, at great length, went into an examination of other items, on which Mr. BARNARD had relied to make out his debt of forty millions, all of which he showed were without foundation.

He then, with keen sarcasm, replied to the loose charges made by Messrs. BEUL, THOMPSON, EVANS, and others against the Secretary of the Treasury; and having concluded his remarks,

Mr. TRIPLETT then obtained the floor.

A motion was made that the committee rise, which prevailed; and the committee rose, reported progress, and asked leave to sit again.

Mr. FILLMORE submitted the following, which he desired might be read for information:

Whereas, the bill of this House, (No. 298,) entitled "An act to authorize the issuing of Treasury notes," was taken up in Committee of the Whole House on the state of the Union, on the 18th day of January last, and has been made under discussion to this time:

And whereas, much of the indispensable public business is yet to be acted on; therefore,

Resolved, That said committee be discharged from the further consideration of said bill, from and after the 23d day of February inst. at 3 o'clock, p. m. unless the same shall be reported to the House before that time; and that said bill, with such amendments, if any, as shall have been adopted in said committee, shall be then taken up in the House, and be the special order until finally disposed of; reserving to said committee the right, according to the rules of the House, to report the same sooner if the discussion shall terminate.

Objection being made to the reception to the resolution,

Mr. FILLMORE moved a suspension of the rules.

The SPEAKER informed Mr. FILLMORE that, as his resolution had reference to the disposition of the special order, which was the subject actually

before the House, it did not require a suspension of the rules to consider it.

Mr. FILLMORE said he supposed, then, that his proposition was received.

The SPEAKER replied that it was.

Mr. SMITH of Maine asked the consent of the House to take up Senate bill authorizing the Secretary of the Treasury to apply the amount due on certain contracts, entered into with the War Department, and Peter H. Green and Green and Emerson, to the extinguishment of a demand due to the United States from William King and Peter H. Green, and refer it to the Committee of Claims.

Mr. PECK objected to the motion, on the ground that, should it prevail, it would be giving the bill a preference over others which were entitled to priority.

The House then adjourned.

IN SENATE.

TUESDAY, February 2, 1841.

The VICE PRESIDENT submitted resolutions, adopted at a meeting of the citizens of St. Josephs, Florida, in favor of the admission of Florida into the Union; which were referred to the Committee on the Judiciary.

Mr. WALL presented a memorial of shipmasters and others engaged in commerce in the city of New York, against the repeal of the pilot law of 1837; which was laid on the table and ordered to be printed.

Mr. WILLIAMS presented a document, containing answers to certain queries propounded to the Collector of Portland on the subject of fishing bounties and allowances; which was referred to the Committee on Finance and ordered to be printed.

Mr. PORTER presented a resolution of the Legislature of Michigan, relative to the completion of lake harbors; which was laid on the table.

Mr. RUGGLES presented the petition of inhabitants of Freeport, Maine, praying the prohibition of the domestic slave trade; the petition of the same that no new State be admitted into the Union whose constitution tolerates slavery; the petition of the same praying the abolition of slavery and the slave trade in the Territory of Florida, and the abolition of slavery in the District of Columbia.

On motion by Mr. FULTON, the motion to receive the above was laid on the table.

Mr. R. also presented a petition of inhabitants of Freeport, praying the recognition of Hayti, and the establishment of commercial relations therewith, which was laid on the table.

Mr. TAPPAN presented the petition of the members of the bar of the State of Ohio, praying an alteration of the place of holding the summer term of the circuit and district courts of the United States for the district of Ohio; which was referred to the Committee on the Judiciary.

On motion by Mr. RUGGLES, George W. Jones was permitted to withdraw his petition and papers on the files of the Senate.

COUNTING THE ELECTORAL VOTES.

Mr. PRESTON, from the Joint Committee appointed on the subject of counting the electoral votes, reported the following resolution, which was read:

Resolved, That the two Houses will assemble in the Chamber of the House of Representatives on Wednesday, the 10th inst. at twelve o'clock, and the President of the Senate shall be the presiding officer; that one person be appointed a teller on the part of the Senate, and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice President of the United States, and, together with a list of votes, be entered on the journals of the two Houses.

The resolution was agreed to, and the VICE PRESIDENT was directed to appoint the teller on the part of the Senate, and

Mr. PRESTON was accordingly appointed.

Mr. FULTON, from the Committee on the Public Lands, to which was referred the bill to authorize

the selection of school lands in lieu of those granted to the half-breeds of Sac and Fox Indians, and

A bill for the relief of Isabella Hill, widow, and John Hill, Elizabeth Hill, and Samuel Hill, children and minor heirs at law of Samuel Hill, deceased, reported the same without amendment.

Mr. HUBBARD, from the Committee on Claims, to which was referred a resolution of the Legislature of Georgia, in favor of the settlement of the claims of her citizens for depredations by the hostile Creek Indians; and

A memorial of the same body urging the payment of the claim of Dennis Hills, asked to be discharged from the further consideration thereof, on the ground of there being no evidence in support of the claims. The motion was agreed to.

Mr. H. also, from the same committee, asked to be discharged from the further consideration of the memorial of Richard Harris and Nimrod Farrow, and

The memorial of T. G. Bradford. Of the latter claim Mr. H. said there was much equity in it, but the construction by the Attorney General brought it within the prohibition of the act of March, 1839. The motion was agreed to.

Mr. CRITTENDEN, from the Committee on Revolutionary Claims, reported a bill for the relief of Robert H. Sanders; which was read, and ordered to a second reading.

The resolution submitted some days since by Mr. PORTER, was taken up, and, after some modifications, agreed to.

BILLS PASSED.

The bill for the relief of Pierre Babir;

The bill for the relief of George de Passau, of Louisiana;

The bill for the relief of John Compton, assignee and representative of Garrigues Fiaujac;

The bill for the relief of Jean Baptiste Comeau;

The bill confirming the claim of Jean Baptiste Comeau to a tract of land in Louisiana; and

The bill for the relief of the legal representatives of Therese Malette, widow of Gaspard Phiole, were severally read a third time, and passed.

ORDERS OF THE DAY.

The following bills were taken up and considered as in committee of the whole, and ordered to be engrossed for a third reading:

The bill for the relief of the legal representatives of Nathaniel Pryor, deceased.

The bill for the relief of Ephraim D. Dickson.

The bill for the relief of J. M. Strader.

The bill for the relief of the heirs of Madame De Luster.

The bill for the relief of Gurdon S. Hubbard, Robert A. Kinzie, and others.

The bill for the relief of Francis A. Harrison.

The bill for the relief of Joseph Paxton.

The bill for the relief of the heirs of Miguel Es-lava.

The bill for the relief of the legal representatives of Pierre Bonhomme.

The bill for the relief of Henry Wilson; and

The bill for the relief of the legal representatives of Colin Bishop.

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, was taken up, the question being as follows:

Mr. CRITTENDEN had submitted the following motion:

Resolved, That the bill be recommitted to the Committee on Public Lands, with instructions to report amendments thereto, to the following effect:

1. To distribute the proceeds of the sales of the public lands among the several States of the Union, in just and equitable proportions.

2. To grant to actual bona fide settlers upon the public lands the right of pre-emption to any quantity thereof, not exceeding one half section of 320 acres, including the place of settlement, at the minimum price of \$1 25 per acre, with such provisions as shall limit this right of settlement and pre-emption to actual bona fide settlers, whose estates, at the time of settlement, shall not exceed the value of \$1,000; and, furthermore, with such provisions as shall effectually exclude the wealthier speculators from all benefit under this law, and shall prevent them from interfering with, or participating in, the privilege and right of settlement and pre-emption, which are hereby granted and intended for the sole advantage of the needy and honest settlers and cultivators of the soil.

Mr. YOUNG had moved to amend Mr. CRITTENDEN's motion by substituting the following:

A provision to dispose of the public lands within the limits of the new States, to the following effect:

That all the public lands within the States of Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, and Michigan, with the exceptions of the sites of fortifications, navy and dock yards, arsenals, magazines, and all other public buildings, shall, after the thirtieth day of June, eighteen hundred and forty-two, be disposed of to the States within the limits of which they are respectively situated, they having previously complied with the following conditions:

First. That the said States shall severally pass acts, to be irrevocable, that they will monthly, as the sales of the said lands shall progress, pay into the Treasury of the United States, at the most convenient places of deposit, and to such officer as may be appointed to receive the same, sixty-five per cent, on the gross amount of the sales of such lands, including, under sales, grants, and donations by the States, estimating the lands at the selling price at the time of the grant or donation, on or before the first day of February of each succeeding year.

Secondly. That the minimum price, as now fixed by law, shall remain unchanged until the thirtieth day of June aforesaid; but, after that period, the price may be reduced by the States respectively, according to the following scale: all lands theretofore offered at public sale, and then remaining unsold ten years or upward, preceding the thirtieth day of June aforesaid, may be reduced by said States to a price not less than one dollar per acre; and all lands that may have been offered at public sale, and remaining unsold fifteen years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than seventy-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may then be reduced by said States to a price not less than fifty cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty-five years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than twenty-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold thirty years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, shall be offered immediately to the States in which said lands are situated: *Provided*, That all lands which shall remain unsold after having been offered at public sale for ten years, and which do not come under the above provisions, shall be subject to the provisions of pre-emption, graduation, and disposition aforesaid, at the respective periods of ten, fifteen, twenty, twenty-five, and thirty years, after said sale, commencing from the expiration of ten years after the same shall have been offered at public sale.

Thirdly. That the lands shall be subject to the same legal subdivisions in the sale and surveys as is now provided by law, reserving for each town-ship and fractional township the sixteenth section, or the substitute, for the use of schools, as heretofore provided by law; and the land not yet offered for sale, shall be first offered by the State at public auction, except in cases of pre-emption, and be sold for cash only, in the manner now provided by law. And any land now or hereafter remaining unsold after the same shall have been offered at sale at public auction, shall be subject to entry for cash only, according to the graduation which may be fixed by the States respectively, under the provisions of this act; and that the acts of Congress which may be in force at the time of assenting to this act shall remain unchanged, except as modified by this act, unless with the assent of Congress: *Provided*, That any of said lands may, after they shall have become subject to private entry, be sold at the option of the purchaser, in quarter quarter sections, without any limitation whatever.

Fourth. This disposition of the public lands, together with the portion of the sales to be retained by the States respectively, under the provisions of this act, shall be in full of the five per cent. fund, or any part thereof, not already accrued to any State; and the said State shall be exclusively liable for all charges that may hereafter arise from the surveys, sales, and management of the public lands, and extinguishment of Indian title within the limits of said States, respectively.

Fifth. That, on a failure to comply with any of the above conditions, or a violation of the same, on the part of any of the said States, the cession herein made to the State (failing to comply with or violating said conditions, shall be thereby rendered null and void; and all grants or titles thereafter made by said State, for any portion of the public lands within the limits of the same, ceded by this act, shall be, and are hereby declared to be, null and void, and of no effect whatever.

Sec. 2. *And be it further enacted*, That, upon every reduction in the prices of said lands, which shall take place by the graduating process of this bill, the Legislatures of the several States in which the lands are situated shall, at their discretion, have power to grant to the respective occupants or settlers upon any of said lands, rights of pre-emption at such graduated or reduced prices; which rights shall extend to a period of ninety days from and after the dates at which the respective graduations shall take place; and any lands not taken up by the respective occupants or settlers within that period, shall be liable to be entered or purchased by any other person, until the next graduation or reduction in price shall take place, when it shall, if not previously purchased, be again subject to the right of pre-emption for ninety days, as before; and so on, from time to time, as said reductions shall take place.

Sec. 3. *And be it further enacted*, That whenever the President of the United States shall be officially notified that any of the States aforesaid has passed an act in compliance with the above conditions, it shall be his duty, after the thirtieth day of June aforesaid, or forthwith after the passage of said act, if passed subsequent to that period, to adopt such measures as he shall think proper to close the land offices, including the surveying department, within the limits of said State; and that the commissions of all officers connected therewith shall expire on a day to be fixed by him, but which day shall not be beyond six months after the thirtieth day of June aforesaid, or, if subsequent thereto, from the day he received the official notification of the passage of said act.

Sec. 4. *And be it further enacted*, That on such notification being made, the said State shall be relieved from all compact, acts, or ordinances, imposing restrictions on the right of said State to tax any lands by her authority subsequent to the sale thereof, ceded by this act; and all maps, titles, records, books, documents, and papers, in the General Land Office at Washington, relative to said lands, or duplicates thereof, where the originals cannot properly be transferred, shall be subject to the order and disposition of the Executive of said State, in

such manner as the Legislature of said States may respectively appoint.

Sec. 5. *And be it further enacted*, That all lands of the United States within the limits of the State of Tennessee, with the exceptions enumerated in the first section of this act, shall be, and the same are hereby, ceded to said State.

Sec. 6. *And be it further enacted*, That the sixty-five per cent. of the proceeds of the sales, hereby secured to be paid to the United States, shall be set apart and exclusively applied to the gradual increase of the navy, and the erection of such fortifications for the general defence of the country, as Congress may by law hereafter order and direct.

Mr. HUBBARD, who was entitled to the floor, spoke at much length in opposition to the amendment of Mr. CRITTENDEN and the distribution policy.

Mr. H. was followed in the debate by Messrs. CALHOUN, WEBSTER, BENTON, CLAY of Alabama, PIERCE, HENDERSON, RIVES, ROANE, PORTER, and CRITTENDEN. Messrs. PIERCE and ROANE stated that they would vote for Mr. Young's amendment merely because they preferred it to that of Mr. CRITTENDEN, but that they were opposed to the passage of either of them.

The question was then taken on Mr. Young's amendment, and it was decided in the negative—ayes 20, noes 31, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Calhoun, Clay of Alabama, Fulton, King, Linn, Lumpkin, Mouton, Nicholas, Nicholson, Norvell, Pierce, Roane, Robinson, Sevier, Tappan, Walker, and Young—20.

NAYS—Messrs. Bates, Bayard, Buchanan, Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Henderson, Hubbard, Huntington, Ker, Knight, Mangum, Merrick, Phelps, Porter, Prentiss, Preston, Rives, Ruggles, Smith of Connecticut, Smith of Indiana, Southard, Sturgeon, Tallmadge, Wall, Webster, White, Williams, and Wright—31.

The question was then taken on Mr. CRITTENDEN's motion to recommit with instructions, and decided in the negative—ayes 22, noes 29, as follows:

YEAS—Messrs. Bates, Bayard, Buchanan, Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Huntington, Ker, Knight, Mangum, Merrick, Phelps, Prentiss, Ruggles, Smith of Indiana, Southard, Sturgeon, Tallmadge, Webster, and White—22.

NAYS—Messrs. Allen, Anderson, Benton, Calhoun, Clay of Alabama, Fulton, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Nicholson, Norvell, Pierce, Porter, Preston, Rives, Roane, Robinson, Sevier, Smith of Connecticut, Tappan, Walker, Wall, Williams, Wright, and Young—29.

The question was then taken on the passage of the bill, and decided in the affirmative—ayes 31, noes 19, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Alabama, Fulton, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Nicholson, Norvell, Pierce, Porter, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Walker, Wall, Webster, White, Williams, Wright, and Young—31.

NAYS—Messrs. Bayard, Calhoun, Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Huntington, Ker, Knight, Mangum, Merrick, Phelps, Prentiss, Preston, Rives, Roane, Ruggles, and Southard—19.

So the bill was passed, and ordered to be sent to the House for concurrence.

Mr. CRITTENDEN then moved that the Senate take up the bill to establish a uniform system of bankruptcy.

Mr. BUCHANAN said he had voted against the bankrupt bill at the last session, and might probably feel compelled to do so at the present; nevertheless, if the friends of the measure insisted on its being taken up, he would interpose no obstacle in their way. But we were now within four weeks of the termination of the session; the bankrupt bill would give rise to an extended discussion, and it could not be passed in time to give it the least chance of passing in the other House. He therefore appealed to the friends of the bill whether it was proper to set aside all the pressing business of the session in order to discuss a measure which there was no probability of passing; or whether it would not be better to postpone the

consideration of the bankrupt bill until the special session, which it was generally understood was to be called, and to devote themselves to the consideration and perfecting of the many bills now on their calendar, and to pass those measures which the public exigencies demanded.

Mr. CALHOUN here moved an adjournment, and after some discussion, the motion prevailed.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, February 2, 1841.

Mr. SERGEANT asked the permission of the House to present the resolutions of the Legislature of the Commonwealth of Pennsylvania relative to the public lands and the revenue of the United States, and moved that they be laid upon the table, and printed.

Mr. FORNANCE moved to amend the motion by adding the following:

Resolved, That the resolutions be referred to the Committee of Ways and Means, and that said committee be instructed to inquire into the expediency of revising the whole tariff. And further, that said committee inquire whether it will be necessary to increase the tariff in order to raise sufficient revenue to meet the probable expenses of Government for the year 1841.

Mr. JONES of Virginia said that as the motion could only be entertained by general consent, he felt constrained to object, as there was business of great importance now pending before the House.

Mr. SERGEANT inquired what disposition had been made of the resolutions?

The SPEAKER replied that they could only be received by general consent.

Mr. SERGEANT then moved to suspend the rules.

The SPEAKER said there was already a motion to suspend the rules pending, for the purpose of receiving the resolution introduced on yesterday by Mr. FILLMORE; and that, when that question was taken, then the motion of Mr. SERGEANT would be in order.

Mr. LINCOLN asked leave to present a resolution from the Committee on Public Lands, rescinding the resolution of the House passed on the 16th of January, authorizing the printing of ten thousand extra copies of the annual report of the Commissioner of the General Land Office. Mr. L. said he was authorized by the committee to say that their impression, at that time, was that the coloring of the maps would cost but three cents each—in all but two or three hundred dollars; that it was now ascertained that the cost of coloring would amount to \$6 240.

The resolution was read as follows:

Resolved, That the resolution of the House, of the 16th of January last, directing the printing of 10,000 extra maps of the annual report of the Commissioner of the General Land Office be arrested in its further execution,—so far that no more maps may be printed under the resolution, and no more of the maps already printed, be colored or painted:

And, on the question being taken, the resolution was adopted.

Mr. FILLMORE moved that the following resolution, offered by him on yesterday, be now taken up:

Whereas, the bill of this House, (No. 298,) entitled "An act to authorize the issuing of Treasury notes," was taken up in Committee of the Whole House on the state of the Union, on the 18th day of January last, and has been made under discussion to this time:

And whereas, much of the indispensable public business is yet to be acted on; therefore,

Resolved, That said committee be discharged from the further consideration of said bill, from and after the 3d day of February inst. at 3 o'clock, p. m. unless the same shall be reported to the House before that time; and that said bill, with such amendments, if any, as shall have been adopted in said committee, shall be then taken up in the House, and be the special order until finally disposed of; reserving to said committee the right, according to the rules of the House, to report the same sooner if the discussion shall terminate.

The SPEAKER here stated that he had received this resolution yesterday, under the impression that it did not require a suspension of the rules to entertain it; that upon a more mature reflection he found he had erred, and that it was necessary to suspend the rules to receive and act upon it.

Mr. FILLMORE then moved a suspension of the rules; and

The question was about being taken, when,

Mr. CRABB called for the yeas and nays; which were ordered, and resulted—yeas 127, noes 40, as follows:

YEAS—Messrs. Judson Allen, John W. Allen, Andrews, Atherton, Banks, Blackwell, Boardman, Bond, Boyd, Brewster, Aaron V. Brown, Burke, Sampson H. Butler, William O. Butler, Carr, Carroll, Casey, Clark, Clifford, William R. Cooper, Craig, Cranston, Crary, Crockett, Davee, Edward Davies, John Davis, John W. Davis, Deberry, Dickerson, Doan, Doe, Doig, Earl, Eastman, Evans, Everett, Fillmore, Fine, Fisher, Galbraith, Gentry, Gerry, Giddings, Goggin, Goode, Griffin, Grinnell, Hall, Hand, Hawkins, Henry, Hill of North Carolina, Hillen, Hopkins, Jackson, James, Jameson, Charles Johnston, Joseph Johnson, Cave Johnson, John W. Jones, Keim, Kemble, Kempshall, Kille, Lane, Leet, Leonard, Lincoln, Lowell, Lucas, McCarty, McClellan, McClure, Meredith Mallory, Marchand, Marvin, Mason, Mitchell, Montanya, Montgomery, Moore, Calvary Morris, Morrow, Osborne, Palen, Parrish, Parmenter, Paynter, Peck, Prentiss, Proffit, Randall, Rariden, Reed, Reynolds, Ridgway, Edward Rogers, Jas. Rogers, Russell, Saltonstall, Samuels, Simonton, Slade, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Sweney, Taliaferro, Philip F. Thomas, Waddy Thompson, Jacob Thompson, Toland, Turney, Underwood, Peter J. Wagner, Waterson, Edward D. White, Wick, Jared W. Williams, Thomas W. Williams, Henry Williams, Joseph L. Williams, and Christopher H. Williams—127.

NAYS—Messrs. Adams, Barnard, Beirne, Black, Briggs, Brockway, Calhoun, Chittenden, Coles, James Cooper, Crabb, Dawson, Dennis, Dellei, Dromgoole, Fornance, Gates, Graham, Green, Habersham, Hawes, Hubbard, Hunt, Jenifer, King, Francis Mallory, Monroe, Morgan, Nisbet, Pickens, Rives, Sergeant, Shepard, Truman Smith, Sumter, Triplett, Warren, Weller, John White, and Lewis Williams—40.

So the rules were suspended.

The question was then taken on the resolution, and decided in the affirmative.

Mr. JONES moved that the House go into a Committee of the Whole on the state of the Union, and resume the consideration of the special order.

Mr. SERGEANT hoped that some disposition would first be made of the resolutions of the Legislature of Pennsylvania.

The SPEAKER again said that it required the general consent of the House.

Mr. SERGEANT then moved to suspend the rules, and thereupon called for the yeas and nays; but

Mr. JONES of Virginia withdrawing his objection, they were not ordered.

The question was taken, and the resolutions of the Legislature of Pennsylvania were ordered to lie upon the table and be printed.

TREASURY NOTE BILL.

The question was then taken on the motion of Mr. JONES, and decided in the affirmative.

So the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. CASEY in the chair,) and resumed the consideration of the bill authorizing the issue of five millions of dollars in Treasury notes.

Mr. TRIPLETT being entitled to the floor, was about to commence his remarks, but gave way to

Mr. CURTIS, who submitted the following, which he gave notice he should, when it would be in order to do so, move as an amendment to the bill under consideration:

SECTION 2. *And be it further enacted*, That whenever proof shall be exhibited, to the satisfaction of the Secretary of the Treasury, of the loss or destruction of any Treasury note issued under the authority of any act of Congress, it shall be law-

ful for the said Secretary, upon receiving bond, with sufficient security, to indemnify the United States against any other claim on account of the Treasury note alleged to be so lost or destroyed, to pay the amount due on such note, to the person who had lost, or in whose possession it had been destroyed.

Mr. CURTIS remarked that this section was an exact transcript of the law of 1819, authorizing the payment, in certain cases, on account of Treasury notes, which have been lost or destroyed.

Mr. TRIPLETT then spoke at some length in reply to the remarks of Mr. VANDERPOEL on yesterday. After some preliminary observations, Mr. T. proceeded to assure the committee that, under the administration of General Harrison,

No trifter or deceiver
Would be appointed a receiver.

Also, under the same Administration, gentlemen might be assured that

No man addicted to grabbin'
Would be permitted to enter the log cabin.

Mr. T. said he would deny that there was a solitary Whig member in the House, or out of it, who desired a called session, unless they should be driven to it by imperative necessity. He then went on to show what, in his opinion, was the actual state of the Treasury, and that the estimates of the Secretary of the Treasury were not correct. He contended that the deficiency was not temporary, but permanent.

In the course of his remarks on protective duties on foreign luxuries, Mr. T. alluded to the tobacco interest. He called attention to the fact that while our cotton was taxed in England but 33½ per cent. the tax on tobacco was eight hundred per cent. This, he contended, was enough to arouse the blood of any man of the tobacco growing States. The States of Greece once poured out their forces in a body upon Troy to avenge a single individual; and ancient Rome once rose in arms on account of a single citizen; but here were a million and a half of our citizens interested in the tobacco question, and no attention was paid to their wrongs.

Mr. T. concluded by replying in detail to the arguments of Mr. Wise on that subject.

Mr. COLES of Virginia then obtained the floor, and after some preliminary remarks in relation to the anticipated measures of the coming Administration, said he would vote for the bill because he believed the wants of the country required it.

Mr. C. adverted to the report of the Secretary of the Treasury, and vindicated the same from the unfounded attacks made upon it. The expenditures of the year, it was true, were founded on the report of the Secretary; but gentlemen need raise no objection on that account, for the whole appropriations, with the exception of about a million, were under the control of Congress. These appropriations they had the power to regulate as they might think proper.

After showing that, if the appropriations were kept within proper bounds, there would be sufficient means to meet every demand during the year, Mr. C. explained that the notes required now were merely for a temporary assistance to the Treasury, to enable it to anticipate the receipts; and that a permanent deficiency, as some gentlemen endeavored to make out, would not necessarily be the case.

He then defended the emission of Treasury notes as in strict conformity to the Constitution.

But this mode of raising money had been objected to because it was the easiest mode. He then showed that this objection amounted to no more than an objection to dealing at the nearest store.

He considered that five millions of these notes, under present circumstances, were amply sufficient to cover the inequalities now existing between the receipts and expenditures; and at the end of the year, unless he was grossly deceived, there would be a sufficient amount in the Treasury to redeem them.

Mr. C. then, at some length, exposed the fallacious arguments of those gentlemen who had attempted to prove the existence of a national debt. They would find that there was no debt authorized by law; and if there was to be a debt, it must depend on the future action of Congress.

Mr. C. then spoke at some length in relation to

the tobacco interest of this country, and the necessity of the protection of that interest.

The remark of Mr. C. will appear hereafter.

Mr. BLACK said, that he would not have risen to speak on the subject, if the merits of the bill had been kept before the House; in relation to the adoption of which, he presumed no man doubted the necessity. But there were other topics connected with this subject, and had grown out of it. They were important to the people who sent him here. He did not, however, speak so much as a Representative, as one of the sovereign people of Georgia. His representative capacity was fast expiring, and, in a few days more, all the trappings of office would be taken from him. He would then go back to Georgia and mingle with the people who sent him here. But while here, he had the double right to speak, not only in his representative capacity, but as one of the people.

Mr. B. after some remarks in relation to his own State, alluded to a pictorial representation of himself, and some of his colleagues from Georgia, which was exhibiting, and for sale in the stores on the avenue. The idea sought to be conveyed by that pictorial representation, Mr. B. pronounced as a base slander, both in its conception and execution.

He then alluded to the remarks of Mr. VANDERPOEL on yesterday, and said that, although that speech gave him great pleasure, yet there was one portion of it for which he had to express his regret. The gentleman had thought proper to intimate that as so much had been said about the interests of the South, he supposed that New York and Pennsylvania would, after a while, be considered as mere colonies.

But, Mr. B. said what would all the vaunted commerce of the North and East be without our Southern product—our cotton. If it were not for the cotton of the South, how could the North freight their ships. Would they load them with onions, apples, and wooden nutmegs? No, if it were not for the cotton, their boasted commerce would fall at once. Mr. B. merely referred to this as an answer to what the gentleman from New York had said; but he thought it was impolitic and useless to institute such comparisons.

After adverting to the singular discrepancies between the statements of Messrs. BARNARD, EVANS, BELL, and others of the Opposition, who had undertaken to abuse the Administration as extravagant, Mr. B. said he would take his ground on this broad fact, which he commended to the especial notice of Southern men. He asserted that since Mr. Van Buren had been in power, he had, with a decreasing revenue, and an increasing country, reduced the expenditures of the Government nearly ten millions of dollars.

Mr. B. then proceeded to prove this by reference to authentic documents: after which, in a very severe manner, he animadverted on the conduct of those gentlemen who had charged the Administration with extravagance.

He showed that the extraordinary expenditures of the Florida war, the public buildings, the removal of the Indians, the pensions, had all been charged upon the present Administration as ordinary expenses; and yet, notwithstanding all these disadvantages, Mr. Van Buren had managed to reduce the expenditures nearly ten millions of dollars.

Mr. B. then gave his views on the tariff, a National Bank, and other subjects broached by the speakers of the Opposition. And having concluded,

A motion was then made that the committee rise; which prevailed.

But no quorum voting, the committee rose and reported that fact to the House.

Mr. ALFORD moved that the House again go into a committee of the whole.

Mr. ADAMS asked that the House be counted to see whether a quorum was present; and

On counting the House, the SPEAKER declared that there were sixty members present.

Mr. ADAMS moved that the House now adjourn.

On that question, the yeas and nays were called; which were ordered, and were: Yeas 27, nays 26.

So the House adjourned.

The committee appointed on Saturday last to ascertain and report a mode of examining and counting the votes for President and Vice President of the United States, consists, on the part of the House, of Mr. CUSHING, Mr. JONES of Virginia, Mr. GRANGER, Mr. DAWSON, and Mr. ATHERTON; on the part of the Senate, of Mr. PRESTON, Mr. HUBBARD, and Mr. HUNTINGTON.

IN SENATE.

WEDNESDAY, February 3, 1841.

The VICE PRESIDENT submitted a message from the President of the United States in compliance with a resolution of the Senate in relation to the survey, to ascertain and designate the boundary line between the State of Michigan and the Territory of Wisconsin; which was ordered to be printed.

Also, a report from the Commissioner of Patents, showing the operations of the Patent Office during the year 1840; which was ordered to be printed.

Mr. WRIGHT presented a remonstrance from a large number of citizens of Seneca, New York, in opposition to the passage of a bankrupt law; which was laid on the table, and ordered to be printed.

Mr. W. also presented a memorial of the pilots of the port of New York, praying for a repeal of the pilot law of 1837; which was laid on the table, and ordered to be printed.

Mr. BUCHANAN presented eleven memorials of saddlers and harness makers of Philadelphia, praying the imposition of a duty on foreign saddlery and harness; which were referred to the Committee on Manufactures.

Mr. RUGGLES presented the memorial of certain manufacturers and mechanics of the United States, praying the passage of a law for the security of the rights of the proprietors of designs and patent; which was ordered to be printed, and referred to the Committee on Patents and the Patent Office.

Mr. ALLEN presented a petition of thirty-four citizens of Perry county, Ohio, praying the passage of a general bankrupt law; which was laid on the table.

Mr. SMITH of Indiana, from the Committee on the Judiciary, reported a bill to alter the place of holding one of the terms of the Circuit and District Courts in Ohio; which was read, and ordered to a second reading.

Mr. FULTON, from the Committee on the Public Lands, to which was referred the bill granting to the county of Johnson, in the Territory of Iowa, the right of pre-emption to a tract of land for a seat of justice for said county, and repealing the second section of an act, approved the 3d March, 1839, entitled "An act making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon," reported the same without amendment.

Mr. STURGEON, from the Committee on Revolutionary Claims, to which was referred a bill for the relief of the representatives of Captain William Williams, late of the State of North Carolina, deceased, reported the same without amendment.

Mr. ROBINSON, from the Committee on the Post Office, reported a bill to authorize the Postmaster General to settle the claims of William Neil and Co. which was read, and ordered to a second reading.

Mr. LINN, in pursuance of previous notice, asked and obtained leave to introduce a bill granting a pre-emption right to Esch Evans; which was read twice, and referred to the Committee on Private Land Claims.

Mr. BENTON submitted the following resolution:

Resolved, That the Committee on Pensions be instructed to inquire the expediency of granting a pension to the widow of the late Captain Davis of the 3d artillery, who died in consequence of sickness and exposure in his endeavors to perform duty in the late gallant expedition of Lieutenant Colonel Harney, through the Everglades in Florida.

The resolution was agreed to, and, with accompanying documents, referred to the Committee on Pensions.

On motion by Mr. CLAY of Alabama, the Committee on the Post Office and Post Roads was in-

structed to inquire into the expediency of establishing a mail route from Bridgeville, by way of Fairfield, in Pickens county, Alabama, to Macon, in Noxubee county, Mississippi.

Mr. ROBINSON said he was instructed by the Committee on the Post Office and Post Roads to move that 2500 copies of the report of Mr. Plitt upon the administration of the post offices in the different kingdoms of Europe, be printed for the use of the Senate.

This motion gave rise to an extended debate, in which Messrs. ROBINSON, TAPPAN, CRITTENDEN, BUCHANAN, PRESTON, LINN, HUNTINGTON, SMITH of Connecticut, CALHOUN, KNIGHT, and LUMPKIN, participated. The controverted point in the discussion was the authority of the Postmaster General to depute an agent to Europe, which was answered by the production of a resolution of the Senate requiring him to collect information which could not otherwise be procured. Most of the Senators bore strong testimony to the ability and value of the report of Mr. Plitt, and the faithfulness with which he had performed the duties confided to him. The resolution to print was agreed to.

BILLS PASSED.

The following bills were read a third time and passed:

The bill for the relief of the legal representatives of Nathaniel Pryor, deceased.

The bill for the relief of Ephraim D. Dickson.

The bill for the relief of J. M. Strader.

The bill for the relief of the heirs of Madame De Lusser.

The bill for the relief of Gardon S. Hubbard, Robert A. Kinzie, and others.

The bill for the relief of Francis A. Harrison.

The bill for the relief of the heirs of Miguel Enlava.

The bill for the relief of the legal representatives of Pierre Bonhomme.

The bill for the relief of Henry Wilson, and

The bill for the relief of the legal representatives of Colin Bishop.

On motion by Mr. PRENTISS, the bill for the relief of John McNeil was taken up, considered as in committee of the whole, and ordered to be engrossed for a third reading.

GENERAL BANKRUPT LAW.

Mr. CRITTENDEN moved that the consideration of the special orders be postponed, and that the Senate proceed to consider the bill establishing a uniform system of bankruptcy, which, after some discussion, was agreed to, with an understanding that it would be taken up to-morrow at one o'clock.

On motion by Mr. KING, the Senate went into the consideration of Executive business, and then adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, February 3, 1841.

Mr. CUSHING said he was instructed by the joint committee appointed to examine the votes for President and Vice President of the United States, and to notify the persons elected of their election, to ask that the House concur in the following resolution:

Resolved, That the two houses will assemble in the chamber of the House of Representatives on Wednesday, the 10th of February, at 12 o'clock, and the President of the Senate shall be presiding officer; that one person be appointed a teller on the part of the Senate, and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be declared to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses as aforesaid, which shall be deemed a declaration of the persons elected President and Vice President of the United States, and, together with a list of votes, be entered on the journals of the two Houses.

The resolution was concurred in.

Mr. LEET asked leave to present, and have referred, the memorial of Benedict Reynolds, of Washington county, Pennsylvania, praying for a pension. Objections being made, leave was not granted.

Mr. JONES of Virginia moved that the House resolve itself into Committee of the Whole on the State of the Union, and resume the consideration of the special order.

Mr. STEENROD moved a reconsideration of the vote, taken on yesterday, by which the following resolution was adopted:

Whereas, the bill of this House, (No. 298,) entitled "An act to authorize the issuing of Treasury notes," was taken up in Committee of the Whole House on the state of the Union, on the 18th day of January last, and has been made under discussion to this time:

And whereas, much of the indispensable public business is yet to be acted on; therefore,

Resolved, That said committee be discharged from the further consideration of said bill, from and after the 21 day of February inst. at 3 o'clock, p. m. unless the same shall be reported to the House before that time; and that said bill, with such amendments, if any, as shall have been adopted in said committee, shall be then taken up in the House, and be the special order until finally disposed of; reserving to said committee the right, according to the rules of the House, to report the same sooner if the discussion shall terminate.

Mr. WISE said he hoped a vote on the motion to reconsider would be taken, as he had an amendment to propose, so as to put the coming Administration on precisely the same footing as the present Administration, in regard to the issue of Treasury notes; and he hoped the motion would prevail, simply for the purpose of allowing his amendment to be introduced. The substance of the amendment was this: give the succeeding Administration the power, in case there were five millions outstanding on the 4th of March, to issue five millions thereafter.

After some conversation between Messrs. PECK and L. WILLIAMS, the amendment was then read, as follows:

Provided, That in case the Treasury notes outstanding and unredeemed, issued under former laws of Congress, added to the amount of such notes issued under the act and actually expended, or issued to meet payments due and payable before the 4th day of March next, shall, on the 4th day of March next, exceed the sum of five millions of dollars, then the President of the United States shall be, and he is hereby authorized to issue, by virtue of the provisions of this act, such further amount of the said notes as will make the whole amount issued under this act and applicable to payments falling due after the 4th day of March next, the full sum of five millions of dollars.

The question then recurring on the motion to reconsider,

Mr. DAWSON raised a question of order. It was this: whether the resolution adopted on yesterday had not become the rule of the House? If that was the case, then the House could not change the order.

Mr. PECK inquired whether a majority could reconsider or postpone it.

The SPEAKER replied in the affirmative.

Mr. WATTERSTON moved the previous question; which was seconded.

The question then recurring on the main question; whereupon,

Mr. WISE called for the yeas and nays; which were ordered, and were—yeas 96, nays 53, as follows:

YEAS—Messrs. Adams, Alford, John W. Allen, Atherton, Banks, Bond, Boyd, Sampson H. Butler, Calhoun, John Campbell, Carroll, Casey, Chittenden, Clifford, William R. Cooper, Craig, Crockett, Cross, Curtis, John Davis, Dawson, Deberry, Dennis, Doan, Doig, Eastman, Fine, Fisher, Fornance, Galbraith, Gates, Gentry, Gerry, Goggin, Granger, Green, Griffin, Habersham, John Hastings, Hawes, Holmes, Jackson, Jameson, Charles Johnston, Cave Johnson, John W. Jones, Keim, Kemble, Kille, Lane, Leet, Leonard, Lewis, Lowell, Lucas, McCarty, McClellan, Francis Mallory, Marchand, Mason, Medill, Miller, Monroe, Morgan, Samuel W. Morris, Petrikin, Pickens, Prentiss, Rariden, Reynolds, Ridgway, Rives, Edward Rogers, James Rogers, Samuels, Sergeant, Shepard, Albert Smith, Thomas Smith, Steenrod,

Stuart, Sumter, Swearingen, Taliaferro, Philip F. Thomas, John B. Thompson, Triplett, Peter J. Wagner, Warren, Watterson, Weller, Edward D. White, Jared W. Williams, Thomas W. Williams, Lewis Williams, and Wise—96.

NAYS—Messrs. Andrews, Baker, Beatty, Boardman, Brewster, A. V. Brown, Carr, Chinn, Clark, Connor, James Cooper, Crabb, Cranston, Cushing, Edward Davies, Dickerson, Doe, Dromgoole, Earl, Everett, Giddings, Hall, Hawkins, Henry, Hill of N. C. James, Joseph Johnson, Kempshall, Lincoln, Meredith Mallory, Montanya, Moore, Morrow, Nisbet, Osborne, Parmenter, Paynter, Peck, Proffit, Russell, Saloonstall, Simonton, Truman Smith, Starkweather, Sweney, Toland, Turney, Vroom, John White, Henry Williams, Joseph L. Williams, and Christopher H. Williams—53.

So the rules were suspended.

The resolution of Mr. FILLMORE being now before the House,

Mr. WISE moved to amend the same by striking out all after the word "*Resolved*," and inserting in lieu thereof the following:

"That after three o'clock the debate on the bill shall cease, and the committee shall proceed to vote on the various amendment submitted, and to be submitted, and then report the bill, with the amendments agreed to by the committee, to the House."

After some remarks by Messrs. WISE and BRIGGS,

Mr. STEENROD, in reply to a question from Mr. CUSHING, said he did not move for the reconsideration for the purpose of reopening the debate, but merely to enable his colleague [Mr. WISE] to submit his amendment.

The question was then stated on agreeing to Mr. WISE's amendment to Mr. FILLMORE's resolution; when

Mr. TURNEY called for the previous question.

Mr. EVERETT moved that the resolution do lie upon the table.

At this stage of the proceedings, and before any question was taken,

Mr. FILLMORE inquired whether it would be in order for him to withdraw his resolution.

The SPEAKER replied in the affirmative; and Mr. FILLMORE then withdrew his resolution.

Mr. BLACK asked whether it would be in order to move that both resolutions be laid upon the table.

The SPEAKER replied that one of them had been withdrawn.

Mr. MORGAN inquired whether it would now be in order to move to go into a committee of the whole.

The SPEAKER said that a motion to that effect had already been made.

The question was about being taken on the motion to go into Committee of the Whole, when

Mr. STEENROD called for the yeas and nays; which were ordered, and were—yeas 92, nays 81, as follows:

YEAS—Messrs. Adams, Alford, Andrews, Baker, Beatty, Bell, Black, Boardman, Brewster, Briggs, Bynum, Calhoun, John Campbell, Carr, Casey, Chinn, Chittenden, Clark, Connor, James Cooper, Crabb, Crockett, Curtis, Cushing, Garrett Davis, Dawson, Deberry, Dennis, Dellet, Doe, Dromgoole, Everett, Fillmore, Gates, Gentry, Goggin, Graham, Granger, Green, Griffin, Grinnell, Habersham, Hiland Hall, Hawes, Thomas Henry, Hines Holt, Francis James, D. Jenifer, Charles Johnston, Kemble, Kempshall, King, Lane, Lewis, Lincoln, McCarty, Meredith Mallory, Francis Mallory, Marvin, Mason, Monroe, Moore, Morgan, Calvary Morris, Morrow, Nisbet, Osborne, Peck, Proffit, Randall, Rariden, Reed, Jas. Rogers, Russell, Sergeant, Simonton, Slade, Truman Smith, Stuart, Taliaferro, Waddy Thompson, John B. Thompson, Triplett, Trumbull, Peter J. Wagner, Warren, Watterson, John White, Thomas W. Williams, Joseph L. Williams, and Christopher H. Williams—92.

NAYS—Messrs. Judson Allen, John W. Allen, Atherton, Banks, Blackwell, Bond, Boyd, Aaron V. Brown, Sampson H. Butler, Carroll, Chapman, Clifford, William R. Cooper, Craig, Cranston, Cross, Davee, Edward Davies, John Davis, Doan, Doig, Duncan, Earl, Eastman, Ely, Fine, Fisher,

Galbraith, Garland, Giddings, Hawkins, Hill of North Carolina, Holmes, Hopkins, Jackson, Jameson, Joseph Johnson, Cave Johnson, John W. Jones, Keim, Kille, Leadbetter, Leet, Leonard, Lowell, Lucas, McClellan, McClure, Marchand, Medill, Miller, Montanya, Samuel W. Morris, Newhard, Parmenter, Paynter, Petrikon, Prentiss, Reynolds, Ridgway, Rives, Edward Rogers, Samuels, Shepard, Albert Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweney, Taylor, Philip F. Thomas, Jacob Thompson, Turney, Vroom, Weller, Jared W. Williams, Henry Williams, and Wise—81.

Mr. WISE rose to a point of order. He said that the House had, by a vote of two-thirds, adopted the resolution of the gentleman from New York, [Mr. FILLMORE,] and put it upon the journal. To-day a motion was made to reconsider the resolution. It was reconsidered; it was part of the question before the House, and was subject to amendment. The SPEAKER decided that the gentleman from New York had the right to withdraw it.

The SPEAKER reminded Mr. W. that he should have made his point of order before the vote was declared.

Mr. WISE said he was compelled to appeal from the decision of the Chair; and gave notice that, after the committee came into the House, he would present his point of order.

TREASURY NOTE BILL.

The House then went into a Committee of the Whole on the state of the Union, and resumed the consideration of the bill authorizing the issue of five millions of dollars in Treasury notes.

Mr. WELLER being entitled to the floor, spoke at some length in favor of the bill, and in reply to the objections urged against it.

After explaining the circumstances under which the Secretary of the Treasury asked for this temporary aid, Mr. W. proceeded to notice the fallacious arguments of the Opposition in attempting to prove the existence of a national debt.

In the course of his remarks, Mr. W. observed that before the election, the cry was that the Administration was "extravagant;" and abuse without end was poured out upon it. But now the cry was suddenly changed, and our ears were assailed by the charge of "mean parsimony." By way of illustration, Mr. W. alluded to the elaborate speech of Mr. Ogle in relation to the President's furniture, which speech had furnished a theme for all the small beer politicians in denouncing the Administration for extravagance. Now, however, the charge had been entirely reversed, and the Administration, instead of being extravagant, was abused for "mean, niggardly parsimony."

Mr. W. then gave his views at some length on the pre-emption bill, the distribution, and graduation system, &c. He afterwards commented upon the conflicting conclusions to which members of the Opposition had come, as to the measures proper to be adopted. He contended that this want of unanimity was conclusive evidence that General Harrison had not come out and announced himself and his politics. If that individual had, as was contended, announced himself, how was it that his supporters differed so widely in their views? Mr. W. made some further remarks, which will be given hereafter in full.

Mr. BRACKENRIDGE then took the floor in opposition to the mode of relieving the Treasury by the issue of these notes, and in favor of a loan. He denied that it was the wish of the Whig party to have an extra session of Congress. Besides, that did not come within their province. It was not for them to say whether there should be an extra session or not. That was the province of the President; and as Mr. Van Buren had once called an extra session, why should not General Harrison, if he saw fit, be allowed the same privilege? But he, Mr. B. hoped there would be no reason for calling an extra session. It would all depend, however, on the amount of means appropriated. He considered five millions as by far too little, and that at least ten millions ought to be provided.

Mr. MONROE said, he would take up, but fifteen minutes of the time, inasmuch as he intended to confine his remarks to the merits of the bill, instead of discussing matters having no connection

with it. He had no doubt but that twenty millions of dollars could be raised on Government bonds at five per cent. in a short period. But that would not suit the views of the Administration, for they had so great a repugnance to any thing which bore the appearance of a debt.

After some further remarks in favor of relieving the Treasury by means of a loan, Mr. M. proceeded to define his position, and, in the course of his remarks on that head, touched upon the tariff question and the compromise act. He gave it as his opinion that the Southern members could not be brought to agree on any bill for a tariff. He would venture to say that if he should give any Southern man a week to prepare a tariff bill, no other Southern man could be found who would agree to it.

A member here asked Mr. M. whether the Northern members could agree.

Mr. MONROE said, yes they could; and their being able to agree was owing to their common school system. The education Northern men received in their common schools, taught them common sense.

Mr. M. was then proceeding in defining his position, when

Mr. WISE asked him if he had received his practical education in the common schools.

Mr. MONROE said, no; for he had remained too long in the South to have much practical education.

Mr. WISE said he had the advantage over some, for he was so fortunate as to get his education in the North.

Mr. MONROE said the gentleman from Virginia had the advantage of him, if he was so fortunate as to get an education any where.

After some further remarks of a humorous character, Mr. M. contended that although there might be enough for the present wants of Government, yet due consideration ought to be had to the state of our army and navy. It was well known that we were not in a condition to meet a hostile force; and Congress would not do its duty, unless it made a sufficient appropriation for placing the army and navy on a proper footing.

Mr. ALFORD regretted the necessity for his rising to take part in the debate, but when he saw the conduct of his friends in attempting to stamp the coming Administration with features it ought not to bear, he could not remain silent in his seat. He felt it his duty to rise and say a few words on the subject, because he differed honestly from his friends, and had his suspicions as to the course they thought proper to pursue. Yes, he would assure them that he ever would act as an honest man; and they might be assured that, so long as the patriotic citizens of his State honored him with a seat on that floor, he would speak out his sentiments, and, so far as he was able, do them justice.

Mr. A. said he regretted the introduction of so many topics having no manner of connection with the bill, which he did not care much whether it passed or no. But as his vote would not turn the scale either way, for the sake of consistency he might give it against the bill. At the same time, however, he must express his opinion that the present state of the Treasury imperatively demanded that something should be done.

But he would repeat, that the bill before them had been nearly lost sight of in the debate; for no sooner was it introduced, than the gentleman from New York [Mr. BARNARD] gave notice of his intention, after moving to strike out the enacting clause, to introduce an amendment laying a tax on foreign wines, silks, and other articles.

It was to this fact that his attention had been fixed, and his fears aroused. Here were suddenly developed the plans of the high tariff party of the North; and all the fine spun arguments in favor of that dreadful system had been retailed on the floor, no doubt long ago prepared in the closet, and spun and wove in the elegant manufactures of the North. It was this scheme of a high tariff in disguise, which he complained of, and he thought he saw it at the first movement of the gentleman from New York, [Mr. BARNARD.]

He, Mr. A. believed that coming events cast their shadows before, and he thought he could see

in this movement of the high tariff men of the North, a design to build up the manufacturing interests at the sacrifice of the rights of the South. His friends must permit him to give his honest opinions, for honest he would be in spite of any man or any party. No party ever had power to crush his opinions.

Mr. A. then proceeded to show that a tariff of protection for the manufactures would not be the less sensibly felt because it was sought to be introduced under the plausible and specious pretence of a tariff for raising revenue. He believed he could foresee, under this plausible pretext, a design to introduce measures for a high tariff of protection, and one of the most oppressive character that the South could possibly bear.

Mr. A. then proceeded to argue that the attempts of Messrs. BARNARD, EVANS, BELL, and others, to swell the expenditures of Government, were to furnish a pretext for a high tariff. The object of those gentlemen was to make the expenditures of Government as high as possible, that there might be a plausible pretext for a high tariff.

But why should the tariff question be agitated before there is any necessity for it? This, in his opinion, was decidedly the worst feature in the whole business. Why did gentlemen expend such mighty labor in attempting to prove the existence of an enormous debt, in order that the American people might be persuaded that a high and mighty tariff was necessary?

The gentleman from New York [Mr. BARNARD] had attempted to prove the existence of a necessity for forty millions, and that it will be necessary to raise this forty millions by a tariff. But he, Mr. A. would ask that gentleman, whether he really believed himself in his own calculation? Was the gentleman really in earnest? Was that a proper calculation for the economical administration of General Harrison? The compromise act declared that no more tariff should be laid than was sufficient to meet the necessities of Government; but here the high tariff men were marking out an enormous Government debt for the purpose of raising an almighty tariff.

In reply to a question from Mr. W. THOMPSON, Mr. A. said he condemned the past extravagance of the present Administration, but now the election had been decided, he was not the man to fight a dead corpse. He was sure his friends would not suspect him of not being friendly to General Harrison. I will (said Mr. A.) sustain him to the death, and do my duty to the South, notwithstanding all the scowling of my Northern friends. Yes, I will support Harrison. I supported him when he had but few other supporters, and I will support him now. Were I to do otherwise, it would be unjust and unkind towards my constituents, those noble fellows of Georgia, who took the lead, and went ahead in this business.

After some further remarks of the above nature Mr. A. again adverted to the strange calculations of his Northern friends, who had attempted to prove the existence of a great national debt as a pretext for a high tariff. He begged them to make their calculations over again, and see if they were not a little mistaken.

It was his firm belief that there was no necessity for any tariff at all at this time for raising revenue. Where, then, was the cause for the labored arguments of gentlemen to show this necessity for raising forty millions. Was the necessity founded in fact? No, it was not. The whole of it was founded on the manufacturing interest of the North. Was not that the real and plain truth? Had not the whole scheme, and the arguments, been spun, wove, reeled, and dyed in the elegant manufactures of the North? Yes, they might depend upon it, that this whole scheme of showing an enormous debt, was of Northern manufacture. The texture was beautiful, but he would warn his Southern friends to take heed in time, and not suffer themselves to be caught in its fine-spun web. As for himself, they might rest assured that he would never be forced into the ranks of the enemy. Although he respected his Northern friends, and gave them credit for honest motives, yet he could not surrender his judgment in matters where he clearly foresaw the interests of the South must suf-

fer. He object was to stand up and to act for the South, the fairest portion of the world, which was once blooming like the garden of Eden before its fields were destroyed by the oppressive tariff law.

Mr. A. then went on to show that this forty millions was wanted by the North for building their lighthouses, harbors, fortifications, etc. Not however that he was against a proper display of defence, for he believed that the only way of preventing hostilities was to make a show of fight. He knew that from experience; for he had been saved many a drubbing by an apparent willingness to fight.

Mr. A. then alluded to a former speech on the Canadian border troubles, and said that now, as well as then, he would urge a proper display of determination on our part to repel the aggression of the British lion. If we did that, there would be no fear; and if ever the British lion of Queen Victoria should come roaring to the Falls of Niagara, he would there find the American Eagle sitting in majesty, at the sight of which, he would cast himself down that mighty cataract, howling in despair.

Mr. A. again repeated his warning to his friends of the South in relation to the tariff web, which was thus weaving to catch them. They might depend that this proposition for a tariff on wines and silks at this time was a ruinous thing.

Mr. A. then proceeded to contend that it was perfectly just and reasonable to afford the present Administration all the assistance it required. As for the calculations of gentlemen to show how much was owing, they amounted to nothing, for their could be no premises on which to found such calculations. Time only could show how much was owing. The chairman of the Committee of Ways and Means had asked only for five millions, and the Administration contended that this was all they needed. But there was some difference between this five millions, and the forty millions sought to be made out by the gentleman from New York [Mr. BARNARD.]

He (Mr. A.) must be permitted to say, that he did believe this movement on the part of his Northern friends, was all a hoax to forestall the coming Administration, and to say that Van Buren went out of power with a debt of forty millions, to show the necessity for a high tariff.

The gentleman from Tennessee [Mr. BELL] had contended that this forty millions must be paid immediately by a tax on wines and silks. Now the honorable chairman of the Indian Committee spoke like one having authority; yes, just as if the robes of office were already hanging from his shoulders. As to that, he (Mr. A.) had not the smallest objection, for he hoped his friend would get an office. And, continued Mr. A. all who are in favor of that will say "ay." [laughter.] But according to the statement of that gentleman, and that of the gentleman from New York together, the amount required for the coming Administration was swelled to a hundred and twenty millions! Great God! said Mr. A. what a state of things! and all to show the necessity of a mighty tariff.

He then proceeded to express his opinion that this description of things had been meaningly and purposely brought about by the gentleman from New York; there could be no question of it. He called on his colleagues from Georgia now to remember what he had told them, when this proposition of the gentleman [Mr. BARNARD] was first introduced. He had told them that this would open the discussion, and what would be the consequences of it.

After some further remarks, Mr. A. drew a glowing picture as to what must be the consequences of this tariff measure to the South. Here was a sum of a hundred and twenty millions sought to be proved as required by the coming Administration, and the means of raising it was to place a tax upon luxuries. He appealed to the tariff men of 1828, who laid a tax upon the poor man's salt, his sugar and molasses, and who ground his constituents into the dust, as to whether they were now sincere in their proposition to tax luxuries. If they were now sincere, he would go with them in what was right;

but he must tell them that he looked upon them with a suspicious eye.

After giving his views in detail on the policy pursued towards the South in relation to the tariff, Mr. A. said that it was not his intention to exempt silk from taxation; but this was the wrong time; it was bad policy to introduce the subject now.

The movers in this matter knew very well that the scheme could not be pushed through at the present session, and if it could, it would not afford relief in time. What then was the object? Why it was to forestall public opinion—to show the overwhelming necessity of a high tariff, and to bring it down upon them at the called session. This was true as Holy Writ.

Mr. A. proceeded to argue that the proper course would be to leave the tariff question until the regular session of Congress, when the people of the South would come up to it like men, and object to no reasonable plan for raising revenue to meet the wants of the Government.

He then referred to the plan for a distribution of the public lands, and maintained that it was only a gilded bait. It was a plan to abstract some millions from the revenue. It was a secret pulling of the wires by the tariff men before General Harrison came into power.

As to the wants of Government, it was his opinion that the present duties on imports would be amply sufficient to meet the wants of the coming Administration; for the election of Harrison had infused life and confidence every where, and from all appearances there would be no lack of means.

After adverting to several other topics, Mr. A. concluded by warning his friends against a called session. He reminded them that a called session was the cause of the downfall of Mr. Van Buren, and he feared such a course would have the same effect on the fortune of General Harrison.

IN SENATE,

THURSDAY, February 4, 1841.

The VICE PRESIDENT presented a communication from the Secretary of the Treasury, in reply to a resolution of the Senate requiring a plan of home valuation on goods imported, instead of valuation in foreign countries; which was ordered to be printed.

Mr. ALLEN presented the petition of forty-two citizens of Brown county, Ohio, praying the passage of a bankrupt law, including banks; which was laid on the table.

Mr. NICHOLAS presented a communication from the Secretary of the Treasury, exhibiting the exports and imports of sugar during the year ending the 30th September, 1840; which was laid on the table, and ordered to be printed.

Mr. CLAY of Kentucky presented a memorial from citizens of Camden, South Carolina, praying the passage of a general bankrupt law; which was laid on the table, and ordered to be printed.

Mr. TALLMADGE presented a memorial of Gen. Edmund P. Gaines, submitting a system of national defence; which was referred to the Committee on Military Affairs.

Mr. T. also presented a memorial of citizens of Albany, remonstrating against the passage of the bankrupt bill; which was laid on the table.

Mr. MOUTON, from the Committee on Private Land Claims, reported a bill confirming the claim of the heirs of Antonio Gras to a tract of land in Louisiana; which was read, and ordered to a second reading.

Mr. PRENTISS, from the Committee on Pensions, reported a bill for the relief of Thankful Reynolds; which was read, and ordered to a second reading.

Mr. LINN, from the Committee on Private Land Claims, to which was referred the bill granting a pre-emption right to Enoch Evans, reported the same without amendment.

Mr. KING, in pursuance of previous notice, asked and obtained leave to introduce a bill to authorize Alexander Pope to introduce materials for three iron steamboats free of duty; which was read twice, and referred to the Committee on Finance.

Mr. WILLIAMS, from the Committee on Naval

Affairs, to which was referred the communication of the Secretary of the Treasury on the subject of American water rotted hemp, reported a joint resolution on the subject; which was read, and ordered a second reading.

Mr. ANDERSON gave notice that to-morrow he would ask leave to introduce a bill for the relief of Langtree and Jenkins.

The bill for the relief of John MacNeil was read a third time and passed.

On motion by Mr. KING, the memorial of Samuel H. Thompson, now on file, was referred to the Committee on Naval Affairs.

The CHAIR then announced the general orders.

Mr. STURGEON asked that they might be postponed, for the purpose of taking up the bill for the relief of Eliza Causin, daughter and heir of John H. Stone, deceased.

Mr. RUGGLES moved that all the orders be postponed, for the purpose of taking up the bill for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam.

Mr. CRITTENDEN hoped that neither of these bills would be taken up, but that they would go at once into the consideration of the bankrupt bill.

Mr. KING said he did not think it was in order to take up a special order until 1 o'clock. He regretted that so much of the time of the Senate was consumed in motions to give preference to some bills, and take them out of their places on the calendar. He hoped the Senate would proceed to the consideration of the general orders as they stood on the calendar.

The question was then taken on the motion of STURGEON, and lost.

The Chair then again resumed the general orders.

Mr. RUGGLES asked that the question might be taken on his motion, which was done, and it was negatived.

The general orders were then taken up, and the bill for the relief Reynell Coates and Walter R. Johnson was considered as in committee of the whole.

Mr. WILLIAMS, after explaining the merits of the bill, offered an amendment for the relief of William McMurtrie.

Mr. KING opposed the amendment, and it was lost.

Mr. KING then moved to amend by striking out the amount charged for outfits; which was agreed to, and the bill, as amended, ordered to be engrossed for a third reading.

CHARTER OF WASHINGTON.

Mr. MERRICK, from the Committee on the District of Columbia, to which was referred the bill to amend and continue in force the act to incorporate the inhabitants of the city of Washington, reported the same with the following amendment:

Strike out all after the enacting clause, and insert—

That the act entitled "An act to incorporate the inhabitants of the city of Washington, in the District of Columbia," approved May the fifteenth, one thousand eight hundred and twenty, and the act entitled "An act supplementary to the act to incorporate the inhabitants of the city of Washington," passed the twenty-sixth of May, one thousand eight hundred and twenty-four, be, and the same are hereby, continued in force for the period of twenty years from the passage of this act, except so far as the same may be inconsistent with, or repealed by, the following provisions, or by any act hereafter to be passed by Congress.

Sec. 2. And be it enacted, That the President of the United States be, and he is hereby, authorized and required, within two months from the passage of this act, to select and appoint three discreet and sensible men, inhabitants of said city of Washington, as commissioners, whose duty it shall be to lay off and divide said city into six wards, in such manner, and with such bounds and limits, as to secure to each ward, as near as may be, an equal number of inhabitants, and as may be otherwise most convenient to the inhabitants of said city. The said commissioners to have the said wards plainly and distinctly marked and designated upon a plat of said city, which they are to have prepared for the

purpose, and to submit said plat and their proceeding to the President of the United States for his approval; and the same, when so approved by him, are to be delivered to the mayor of said city, to be by him filed away and preserved among the archives of said city. And should the said proceedings of the commissioners aforesaid not be approved, he will report the same, with his objections, to Congress, at its next regular session; and, in that event, the operation of this act shall be suspended until the further action of Congress upon the subject; and the said commissioners shall be allowed and paid out of any money in the Treasury not otherwise appropriated, a compensation for their services, to be fixed by the President, but not to exceed the sum of six dollars each per day, for every day they shall be actually employed in the performance of the duty hereby required of them.

SEC. 3. And be it enacted, That the Board of Aldermen for said city shall, after the expiration of terms for which the existing members were chosen, consist of two members from each of said six wards, so as aforesaid to be laid off and ascertained, said members to be residents in, and chosen from each ward, by the qualified voters in each ward respectively, at the time and in the manner now prescribed by law; and the Board of Common Council shall in like manner, after the expiration of the terms for which the existing members were chosen, consist of three members, to be resident in and chosen from each of said six wards respectively, by the qualified voters therein, at the times and in the manner now provided by law.

SEC. 4. And be it enacted, That any free white male citizen of the United States above the age of twenty-one years, who shall have resided and had his domicile in the said City of Washington for one whole year immediately preceding any election for Mayor, Aldermen, or Common Councilmen, and who shall have given in his name to the Register of the said City at least twelve months before the election at which he shall offer to vote, to be entered upon the registry of the inhabitants of said City, which it is hereby made the duty of said Register to keep for that purpose, and who shall have paid all taxes lawfully assessed to or upon, and payable by him, shall be entitled to vote at such election; and the neglect or failure of the corporate authorities of said city to levy or assess to or upon any citizen a poll tax or other tax, shall not operate to deprive such citizen of his right of voting at any election in said city.

SEC. 5. And be it enacted, That so much of the acts hereby continued as require any property qualification whatever for the officers of mayor, alderman or common councilman, be, and the same is hereby, repealed; but the persons who may hereafter be chosen for either of those offices, shall respectively be in all other respects qualified as the existing laws require.

SEC. 6. And be it enacted, That the corporate authorities of said city of Washington shall have full power to levy and collect a poll tax from every free white male inhabitant of said city, of the age of twenty-one years or upwards, not exceeding in amount one dollar in any one year.

The amendment was ordered to be printed.

THE BANKRUPT BILL.

The bill to establish a uniform system of bankruptcy throughout the United States being taken up, Mr. CRITTENDEN rose to explain its provisions, but he said he had no intention to enter into an elaborate argument on the subject, for, if a debate were to follow, it would amount to a rejection of the bill at this late period of the session. The bill had been fully debated at the last session, when it was passed, and a protracted debate now was, therefore, unnecessary, as he presumed the opinions of the Senators were in no respect changed. The bill was, in its main features, the same as the bill on which they had heretofore acted; and, after calling the attention of the Senate to a report made by commissioners appointed by the British Crown, who consisted of commissioners in the bankruptcy and insolvent courts, he left the measure to the disposal of the Senate.

Mr. BENTON rose to make a motion which would go to test one principal feature in this bill;

it was in relation to the manner in which certificates should be granted to debtors when discharged from their debts. The bill before them provided that the certificate should be decreed and allowed by the court which declared the debtor a bankrupt without the concurrence of the creditors, which differed in that respect from the English bankrupt law, and from all bills which had hitherto been brought into Congress on that subject, by which the assent of a portion of the creditors was always required. Now on this point he proposed to test the Senate, whether they should introduce such an innovation as this bill proposed, and allow judges to decree and allow a certificate on a case made out almost *ex parte*, and without the consent of the creditors. His motion was to strike out the fourth section, and to insert the forty-second and forty-third sections of the bankrupt bill, which was matured in the Senate in 1827, which, if adopted, would make this essential difference in this bill, that instead of the bankrupt being discharged by the act of the judge without the consent of the creditors, he should not be discharged unless on certain conditions, the principal one of which was, that two-thirds of his creditors, in number and amount, should sign the certificate. With respect to the precise number he was not particular, but he was desirous that some certain number of the creditors should assent thereto. He believed this power was due to the creditor; it was a power which Congress should not undertake to take away; indeed, it was one of the great fundamental principles of the bankrupt bill, which had not hitherto, either in this country or in England been departed from, that the creditors should control the issuing of the certificate, and he (Mr. BENTON) looked upon it that, under our Constitution, which prohibited them from impairing the obligation of contracts, they ought not to deprive the creditor of the just right he had exercised in such cases under similar laws. What could be objected to such a provision? Would it be said that the creditors would be hard hearted, and that, therefore, they would withhold the certificate from a poor debtor who had become so by misfortune, or providence even? Such an argument was contradicted by experience, which taught them that where there was fairness on the part of the debtor towards the creditors, there was almost uniformly generosity to the impoverished and honest debtor on the part of the creditors. It had been the practice for the debtor and the creditors to meet together, and where the debtor showed himself to be honestly indebted, and unable to meet his engagements, he was released; and he (Mr. BENTON) held then that there was nothing in the argument that creditors were heard heard, to object to the substitute which he offered. He therefore moved to strike out the fourth section, and insert the sections he had mentioned.

The Secretary having read the sections proposed to be introduced—

Mr. HUNTINGTON concurred with his friend, the Senator from Kentucky, that if this bill was to be debated section by section, it must be obvious it could not be passed. His own State (Connecticut) had very little interest in this bill, yet he must be permitted to say that he had several objections to the amendment of the Senator from Missouri. It was a perfect anomaly in all judicial proceedings to require in such cases not only the intervention of a court, but also of two-thirds of the creditors. By the fourth section of this bill, which it was now proposed to strike out, there was ample security provided for the *bona fide* creditor; the question of fraud was determinable by a court, and why should the consent of two-thirds of the creditors be required, when a court had determined the debtor entitled to his discharge? He could not see why this peculiar privilege should be given to creditors in this case, more than in any other, when they had the opportunity to bring the debtors before a proper tribunal. He saw no reason whatever to place such power in the hands of creditors. He objected to vest creditors with the power to interpose an unjust refusal to the discharge of honest debtors; he had also other objections; but as the measure had been fully debated at the last session, he would not now detain the Senate.

Mr. HUBBARD had considered this bill, and had prepared a motion which he had intended to submit to the Senate, but he presumed the Senator from Missouri had given to it the consideration which it demanded, and, therefore, he should not interfere with the honorable Senator's amendment. The honorable gentleman from Connecticut said a perfect anomaly was involved in that amendment. Now, what was the proceeding to which the amendment referred? A bankrupt was about to be discharged from his liabilities to his creditors, and the bankrupt was allowed to take his own time, and to make his own preparation, and to make the declaration when it suited his own convenience, and the creditors interposed, the Senator from Connecticut said it was an anomaly!

Now, in every bankrupt system with which he [Mr. HUBBARD] was acquainted, it was incorporated; and why should it not be so now? Had not every gentleman's experience warranted him in making the declaration, that where there was one creditor that refused to discharge a debtor, there were ten dishonest debtors that sought to impose upon an honest creditor? He was willing and desirous to give security to the honest debtor, but he would not lose sight of the honest creditor. His State, (New Hampshire,) would, perhaps, be as little affected by a bankrupt bill, as any other—as yet neither he nor his colleague had received a single memorial or remonstrance on the subject—but when they were legislating in this matter, he hoped they would proceed with due care, and not pass a one-sided bill on the community, and neglect to pay a due regard to the interests of creditors. Of what earthly benefit was this fourth section to the creditors? What earthly protection would it afford them? The whole bill from the first to the last was a bill for the exclusive benefit of the debtor, and it did not regard, as he viewed it, the interest of the creditor. He rejoiced that the honorable Senator from Missouri had brought forward his proposition, and he (Mr. HUBBARD) should call for the ayes and noes thereon; but he trusted, in saying what he had now said, he should not be accused of being unmindful of the unfortunate debtor.

Mr. NORVELL hoped the amendment would not be adopted. He would rather see no bankrupt bill pass, than a bill with such a clause as that proposed by the Senator from Missouri. The section of the Constitution to which the Senator from Missouri referred, prohibited the States impairing the obligation of contracts, and did not militate against their power to pass the bill as it was introduced. He regretted to see gentlemen so much behind the age in which they lived in reference to subjects of this kind; if they kept equal pace with the people, they should at once do what justice, and mercy, and humanity called upon them to do.

Mr. CRITTENDEN said the bill provided that if the creditors dissented, it should arrest the judge's granting a certificate, and the matter was to be put upon trial; and if it were then determined that the debtor was a *bona fide* bankrupt, the judge should grant the certificate, without the concurrence of the creditors. But it was now proposed so to alter it as to make the consent of the creditors indispensable in all cases. Now the mischievous consequences of such power being vested in the creditors was shown in the report of the British commissioners, to which he had before referred, and to an extract from that report he begged to call the attention of the Senate. Having read the extract—

Mr. WRIGHT suggested a modification of the amendment of the Senator from Missouri; his impression was that a majority of the creditors was sufficient, and he hoped his friend would substitute a majority for two-thirds, on whose consent the certificate should be granted. If he understood the question then before the Senate, it was a very important one. The State Legislatures, by the Constitution, could not cancel the obligation of contracts, and the question presented to the Senate was, on what condition they would do it? Should it be entirely without the concurrence or action of the creditors? And if so upon what principle would they proceed. Why was the appeal made to them now? If he understood it, it was that a man may have a great many creditors, and may compound with all but

one; and that that one might be incorrigible. But were they prepared to go farther than to say that the debtor should be discharged, when he secured the good will of his creditors in number and value? If he could not procure the consent of a majority, equity would appear to be strong on the side of the creditors. He, however, only rose to suggest a modification of the amendment, which he wished the Senator from Missouri to adopt.

Mr. BENTON accepted the modification.

Mr. MERRICK was in favor of the exercise of the power which Congress possessed to pass an uniform bankrupt law, but there were now but about three weeks remaining of the session, and therefore, whatever labor they might undertake in reference to this bill, it would do no good, for the measure could not be matured. If the bill passed the Senate it could not pass the other branch of Congress, and therefore he looked upon the time which would be consumed in a discussion upon this bill as so much valuable time lost, to the obstruction of other measures which might be matured and passed. He had, therefore, risen to move—and he did it in no spirit of hostility to the bankrupt bill, but to avoid an unnecessary consumption of time—that the whole subject be laid on the table.

Mr. NORVELL called for the ayes and noes thereon.

Mr. WRIGHT suggested a change of the motion to one of indefinite postponement. But if the Senator from Maryland persisted in his motion, he should desire permission to say a few words in explanation of the vote he should give, and other Senators might desire the same privilege.

Mr. MERRICK withdrew his motion, to meet the wishes of the Senator from New York.

Mr. WRIGHT then explained that he should vote for an indefinite postponement, because there was no reasonable hope that they could pass a bankrupt bill during the present session; there was not time to do so, for he knew that some days would be required before they could come to a conclusion upon it in this body. When the bill was before them last year, he labored to make it as perfect as the Senate would consent that it should be, and his duty to himself would require that he should try again to make it still more perfect; but at this period of the session he would prefer an indefinite postponement.

Mr. WHITE, after a few words respecting the near approach of the close of the session, and the paucity of business yet received from the other branch of Congress, said he felt inclined to vote for the motion of the Senator from Maryland, [Mr. MERRICK] but he should prefer a postponement to a day certain.

Mr. SEVIER hoped the Senate would do one of two things; either lay the bill on the table or go on with it on its merits. They were then wasting their time with a discussion about what motion should be made.

Mr. CLAY of Kentucky hoped the Senate would go on with the bill, and discharge its duty to the country, without reference to the other branch of Congress.

Mr. PRESTON did not think the bill could pass; it should not pass by his vote, for he should go against it. There was now much anxiety in the country respecting this measure, and, if it were postponed indefinitely, that agitation would continue. He was ready to vote against the bill; but, as several gentlemen were anxious to take the vote upon it, he hoped it would be such a vote as would quiet the matter with the public.

Mr. BUCHANAN could not, as at present advised, vote for the bill. A few days ago he had said he was willing to give it a fair trial, and he was not prepared, at the present stage, to vote for laying it on the table; he could wait a day or two, but he had not the most distant expectation that it would be passed. In the course of a day or two, he thought the friends of the bill would be satisfied it could not pass, and, therefore, he would suffer them to go on.

Mr. MERRICK said, as there appeared to be a diversity of opinion amongst Senators, he would not persist in his motion.

Mr. BAYARD expressed himself to be opposed

to the bill, but he was not willing to vote to lay it on the table.

The question was then taken on Mr. BENTON's motion as modified on the suggestion of Mr. WRIGHT, and negatived by the following vote—ayes 18, noes 23.

YEAS—Messrs. Allen, Benton, Buchanan, Calhoun, Fulton, Hubbard, King, Linn, Lumpkin, Prentiss, Roane, Robinson, Sever, Smith of Connecticut, Sturgeon, Tappan, Wall, and Wright—18.

NAYS—Messrs. Anderson, Bates, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Henderson, Huntington, Knight, Mangum, Merrick, Mouton, Nicholas, Nicholson, Norvell, Porter, Preston, Rives, Ruggles, Smith of Indiana, Southard, Tallmadge, Walker, Webster, White and Williams—23.

Mr. HUBBARD then moved that the bill be recommitted to the Committee on the Judiciary, with instructions to incorporate in it the following provision, viz:

First. Proper and suitable provisions to embrace all banks and all other trading incorporations in its prospective operation.

Second. Proper and suitable provisions to give the creditors of every bankrupt an opportunity to choose the assignee of the estate, and only authorizing the judge to appoint, when the creditors omit to do so:

Third. Proper and suitable provisions to secure to every bankrupt, when the commission of bankruptcy issues upon the application of creditors, a right to apply to the judge in concurrence with a majority in number and interest of his creditors, to supersede the commission, and to give authority to the judge to grant the application.

Fourth. Proper and suitable provisions to authorize the judge, or court, in bankruptcy, in case any bankrupt shall, pending the proceedings, offer a composition to his creditors which shall be accepted by three-fourths in amount of them, to compel the acceptance of the composition by the remaining fourth in amount of the creditors, or rather to accept it for them, and discharge him.

Fifth. To strike out from the bill all provisions which secure preferences to any class of creditors in any one State, which are not equally preferred by the laws of all the States, and all voluntary preferences by the bankrupt in all cases.

Sixth. Proper and suitable provisions to punish, as felony, any intentional concealment, or withholding of any part of his assets from his assignees by any bankrupt, or the conniving at any fictitious claims against his estate.

Mr. WALKER thought the course of the Senator from New Hampshire a most extraordinary one. While professing he has no intention to delay action on this bill, he submits a motion, which, if successful, will most effectually produce that result. Did not every Senator know that a recommitment of this bill must inevitably postpone the action of this body upon it until so late a period that will place it beyond the reach of the action of the House? Why not propose these amendments separately, and have a vote taken upon them? In the present position of the question, the friends of some of the provisions proposed by the Senator from New Hampshire were embarrassed. He himself was in favor of the amendment proposing to include banks in the provisions of the bill. He had voted for it last session and he would again vote for it; but if the friends of the banks were in a majority on this floor, and refused to subject them to the operations of this law, he was not willing that his constituents should be deprived of the benefits of the bill on that account. He should vote against recommitment as endangering the passage of the bill.

Mr. HUBBARD said he had not made the motion to delay the bill, but because after mature reflection, he thought the provisions he had submitted should be incorporated in any bill passed by Congress on the subject of bankruptcy, and he thought it was not possible there was a majority in that body who were opposed to the second of these proposed amendments—that of giving the creditors a voice in the selection of the assignee of the bank-

rupt. He could have proposed these amendments separately, but was of opinion that a recommitment of the bill was the shortest mode of accomplishing his purpose.

Mr. CLAY of Alabama said he was also opposed to the recommitment of the bill as unnecessarily delaying the action of the Senate upon it. He was in favor of some of the provisions proposed by the Senator from New Hampshire, but he was most decidedly opposed to that designated by the Senator from Mississippi. He would never consent that his State, or the institutions of his State, should be placed under a commission of bankruptcy. He was opposed to the bill in its present shape, and would vote against it, but was willing that its friends should have it in their power to make such amendments as might render it less objectionable to him and those who thought with him.

Mr. CRITTENDEN said he hoped the friends of the bill would vote, not talk. He need not remind them that to delay its passage by debate would as inevitably defeat it as if there was an express vote of the Senate to that effect.

Mr. CALHOUN said he should vote for recommitment, but he was opposed to the proposition to include incorporations. He had spoken, and voted against it at the last session, and he held the same opinions now.

Mr. BENTON said he was in favor of recommitment, and in favor of including incorporations. He was in favor of it thirteen years since, when a bankrupt bill was under consideration in this body, and he had seen nothing since to induce him to change his opinion. He had then voted for it in company with about a dozen other Senators. Among those who had voted in opposition to him was the present President of the United States. That distinguished gentleman has since changed his opinion. The bank suspension of 1837, which was so readily followed by every bank in the Union, and its concomitant evils, had convinced him of the necessity of bringing these institutions under the operations of law. So late as October of last year, he had expressed his sentiments on this subject, in a letter, with a clearness and a candor characteristic of the man. He (Mr. BENTON) would read this, as better than any thing he could say on the subject; and he was sure it would be listened to by the Senate with more pleasure than any remarks of his own. Mr. BENTON then read an extract from the letter of President Van Buren, in the following words:

"It would constitute no objection with me if corporations were, in a proper form, embraced by the provisions of such a bill. An attempt was made at the close of the discussions on the bankrupt bill of 1837, in the Senate, to include banking corporations, by inserting after the word bankers, in the description of the persons who were made subject to the provisions of the bill, the words 'or any banking incorporation.' Assuming that the effect of this amendment, if it prevailed, would be to make the members of such corporations liable, in their individual capacities, to the penalties denounced by the law for acts, in respect to which their charters made them personally irresponsible, I opposed it as an unauthorized interference with State laws. I could not now approve a bill containing provisions liable to such an objection. The disastrous state of things produced by the general suspension of specie payments by the banks in 1837, presented for consideration, in a form which could not with propriety be disregarded, the question whether the power of Congress over the subject of bankruptcy might not be brought to bear upon these institutions in a manner which would clear of that difficulty. Upon a careful examination of the subject, in all its bearings, I was induced to believe that this might be done in a form which, while it afforded relief to the creditors of those institutions, and advanced the public interests, would be neither liable to the objection referred to, nor encroach in any other way upon the rights of the States or transcend the authority of the Federal Government. A provision in a bankrupt law authorizing the bill holders and creditors of all banks, after a specified delay in the payment of their notes in specie, to institute proceedings to cause their affairs to be wound up and their effects

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to be applied to the payment of their debts, would, in, my judgment, be a measure of that character. Its object and effect would only be to compel them to discharge the obligations they incurred, and the liabilities they were under according to the State laws, by giving to their creditors for this purpose a remedy which Congress alone can effectually confer. The contracts between individuals are also made under the sanction of the laws of the States and regulated by them. Those having claims under these contracts may resort to the State courts to enforce them, as it is also competent for the creditors of banks to do. The object of a bankrupt law would be to furnish the creditor an additional remedy to compel debtors of one description, to do what, under the laws of the State, it is their duty to do. The proposed provision in regard to banks would proceed, although in a modified form, upon the same principle and to the same end, without depriving the corporation or its members of any rights or immunities secured to them by the State laws. Entertaining these views, I brought the subject to the notice of Congress during the suspension of specie payments by the banks, in 1837. If they are correct, it would seem difficult to conceive on what ground the exemption of the banks from the provisions of such a law could be sustained by those who insist on its application to other classes of our citizens. Equal and exact justice, the only proper basis of legislation, requires that laws should extend to, and operate upon all who are fairly within the range of the same policy. Corporations, though artificial bodies, are composed of men, are managed by them, and, like private dealings, have for their main objects the personal advantage of the corporations. The principle which demands their exclusion from the operation of a bankrupt law on the ground of expediency, claims for that portion of our citizens whose property is thus invested, privileges and exemptions denied to others. It proposes to secure to them as creditors all the advantages of such a law, without making them liable under it as debtors. On what principle, I ask, can so marked a preference to one portion of the people over the other be justified? Punctuality on the part of incorporated banks to fulfil their engagements, is of more importance to the community than that of any individual traders; and their failure in performing their duty is attended with much more injurious consequences. If, then, there be no good reason for the distinction on the ground of public interests, most assuredly there can be none on that of claims to favor. The privileges which the laws already give to those institutions, and the limited liability of those who invest property in them, furnish, on the contrary, the strongest reasons against the exemption which is claimed in their behalf.

"Whilst on every dollar so invested the stockholder has a right to loan two, and sometimes three times the amount, and whilst he is shielded from all personal responsibility in case of the failure of the bank to comply with its engagements, no portion of the property of any other class of the community has such artificial value given to it by law nor is it protected, in like manner, from the hazards of business; but on the contrary, every dollar they possess is held subject to the claims of their creditors. These desirable privileges were granted under the expectations of advantages and facilities to the public to be derived from these institutions, not one of which can be realized if they fail to redeem their bills in specie when demanded. Whatever may be thought of their usefulness under other circumstances, all must admit that, if they cease to perform this important function, they are the sources of great mischief. The reasons, therefore, for giving to the bill holders and other creditors, whose confidence has been in some measure obtained under a sort of legislative guarantee, full and prompt remedies against them, in case of failure to perform their engagements, are stronger than in

cases of ordinary debtors. Should a bankrupt law be passed which did not embrace corporations, having the right as creditors to avail themselves of its advantages, individuals who failed in personally performing their contracts with them might, by their interference, be arrested in their business, and have their property at once transferred to assignees. More than this, they might be involved in acts of bankruptcy by the failure of the banks themselves to fulfil their promises to them, or to others, on whose punctuality their own depended. The injustice of the distinction in this view of the subject becomes strikingly clear, and I am wholly at a loss to know on what ground it could be upheld. This is not a mere speculation upon remote impossible contingencies. Had there been a bankrupt law in existence for the last three or four years, thousands of our fellow-citizens would have been subjected to its provisions by reason of the delays any difficulties they experienced in realizing the demands due to them, resulting indirectly from the suspension of payments by the banks, whilst against the banks themselves they, and their debtors who held their notes or other obligations, would have been comparatively remediless.

"The States have certainly not been sparing in bestowing upon these institutions special privileges, and it has not been heard, as matter of complaint, that they have been too vigorous in enforcing a strict compliance with the conditions on which the grants were made. It is not easy to comprehend the extent to which this principle might be carried in exempting traders as well as bankers from responsibility to this remedy for a non-performance of their engagements, and in enlarging the sphere of legislative privileges. The State Legislatures have been in the constant habit of incorporating manufacturing, and, in some forms, commercial companies also, each of whom become traders of the first class. If these companies, in addition to the particular advantages and personal immunities secured to them, are also to have their effects exempted from liability under bankrupt laws, the efficacy and value of the constitutional provision on the subject of bankruptcy may be effectually superseded, whilst those who are not possessed of sufficient influence to become the participants of legislative favor, would remain subject to the utmost rigor of the laws that may be passed under it. While I would carefully abstain from interfering with the rights of these corporations, derived from State authority, I would not add to their privileges by exempting them altogether from the operation of a general bankrupt law, when such exemption would, in many cases, operate injuriously upon individuals subject to its provisions. The corporations themselves act, in my judgment, most unwisely, when they insist upon an exemption which could not fail to mark yet more distinctly the line of separation between their affairs and those of the community at large, and to give still greater prominence to the superior advantages they enjoy over the rest of their fellow-citizens."

Mr. BENTON said he adopted these remarks as a part of his argument on this subject, and on this occasion he should say but little in addition. As for the apprehension that the rights of the States would be affected by the adoption of such an amendment, he said it would be to the advantage of the States not to set up a claim to rights where they have none. They have no right to destroy the currency of the Constitution. They have no right to make any thing but gold and silver a legal tender in the payment of debts. They can neither do this themselves, nor can they allow others to do so. Nor do they do this. No State gives any such power to these incorporations, but in many of the States it is provided in the charters granted by them that a refusal to meet their engagements on the part of the banks, works a forfeiture of their charters. And by provision bringing banks under the operation of this law, we are co-operating with the States in their efforts to preserve a sound cur-

rency. As banks we have nothing to do with them, as bankrupts we seize them. He alluded to the great number of incorporations in some of the States. In Massachusetts there were upwards of a thousand, embracing every species of business of which the mind of man was capable. The companies comprised some ten, some twenty, some one hundred persons. Here is an immense proportion of our population which will be exempt from the operations of this law, and what will be the result of this condition of things? Why may we go into our Legislatures, and get acts of incorporation for every species of business, even for growing corn, in order to shield themselves from the operation of law. And is the Senate prepared to establish privileged classes in this country, to exempt from the operation of laws, and that class whose means would enable them to spend much of their time in attendance upon the Legislature in furthering their interests? Are we to establish a privileged order in this country, as in Great Britain, where a peer of the realm is liable to arrest? What have we seen of the banking incorporations within the last forty years? We have seen two suspensions, comprising all the banks of the Union, and another embracing more than one-half the banks of the Union. We have seen them hold their Congresses, and debating whether they would pay their debts or not, and whenever there was proposition to pay there was a great deal of hollowness, but there was no difficulty at all in getting them to agree to a continuance of the suspension. Even at this moment we know that nearly all banks in the Western country have held a convention, and have separated without fixing upon a time for a resumption of payment. The bankrupt law would be the best means of correcting this. If when an insolvent institution failed to fulfil her engagements, affairs were taken out of the hands of her directors, and placed in commission for the benefit of her creditors, her neighbors would take care how they would follow her example. Suspensions in this country would become a familiar operation. We have had two, and we will have a third whenever it suits the interests or the political designs of those concerned in these institutions. He instanced the case of the Bank of the United States, two-thirds of whose stock was owned by foreigners. This institution was above the reach of law, and violated her obligations with impunity, while she had her remedy against those indebted to her. This foreign institution can crush our finances either in peace or war, as it suits the designs of her owners. The banks of this country have been strong enough, but unwise enough heretofore to defeat every effort to infuse strength into the system; and what has been the consequence? They were losing the confidence of the country. There was scarcely one of them whose stock was not below par, and some of them at 50 per cent. depreciation. They were treading down in their tracks, and would do so, if there was some measure adopted which would enable the public to distinguish between the sound and insolvent institutions. Mr. BENTON concluded by observing that he considered the adoption of a motion to include incorporations, as a measure alike essential to the welfare of the public, and to the existence of the solvent banks themselves.

A motion was now made for adjournment; which, after some opposition, was carried, and the Senate adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, February 4, 1841.

On motion of Mr. JONES of Virginia, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. CASE in the chair,) and resumed the consideration of the TREASURY NOTE BILL.

Mr. SHEPARD, being entitled to the floor, pressed his great reluctance to take part in the discussion; but as doctrines had been advanced

dangerous tendency, he felt constrained to express his opinions on the various topics which had been discussed.

Mr. S. then entered into a review of the tariff question, showing the advantages which the manufacturing interests of the North derived from the existing law in relation to importations, while the planting States paid a heavy tax on the articles which they received in exchange for their staple commodities. He endeavored to demonstrate that the manufacturing interest was the favorite child of the Government, and had the superior advantage of the home as well as of the foreign market. He also contended that the restrictive principle was the malaria of commerce, and, when taken off, every thing flourished.

After some remarks in relation to the tobacco interest of this country, Mr. S. proceeded to notice the proposed scheme for a distribution of the proceeds of the public lands.

It had been avowed by persons in authority that the deficiency in the revenues arising from the distribution, was to be supplied by a tax on wines and silks. This was to prepare the way for a distribution. But the public lands were the common property of the whole people, and if the public lands could be divided, then any other property belonging to the General Government might also be divided. The General Government was appointed for national purposes, and when Congress had power to dispose of the public lands, it was for national and not for local purposes.

Mr. S. then proceeded to show the inconsistency of the supporters of the distribution scheme. He referred to Pennsylvania as an instance of its effects. That State would receive, as her share of the public lands, about three hundred thousand dollars. But, on the other hand, Pennsylvania would be taxed to the amount of three hundred thousand dollars. What would be gained then? It would be giving with one hand, and taking back with the other. But, said Mr. S. here comes the grand argument that the rich will be taxed, and not the poor. Well, let that be admitted; but why not let Pennsylvania tax the rich herself? She could do it much more effectually than we, and at much less expense. No advantage could be gained then by this giving away and taking back system. Besides, it would convert the General Government into a tax gatherer for the States, and would tend to the ultimate destruction of its powers. This would not be all, for whom the system of giving away should be once commenced, there would be no knowing when it would end. The great contest of parties in Congress would then be, which should give away most to the people. It would not stop here, for the next step would be to give away the money out of the State Treasuries.

But was this the time for giving away? Let any man look at the advancing steps over the world of our rival, Great Britain, and then let him answer the question. Look at that power, not satisfied with Asia, but getting possession of, or controlling, one of the richest empires of the world. And how was she doing this? Why, by her immense navy. Yet, in the face of all this, a proposition was made to give away our public land; to dissipate our strength for the mere purpose of carrying out the petty objects of party. Although he did not apprehend an immediate war, yet the day when we might be precipitated into hostilities with that great power no man could tell. Economist as he was, therefore, he would earnestly urge the condition of our navy on the attention of Congress. For he was convinced that if our navy remained as it was, we could not long remain as a great nation.

The remarks of Mr. S. will be given *in extenso* hereafter.

Mr. JAMES GARLAND then gave his views on the various topics which had been introduced into the debate. As for the bill itself, he thought he should, although reluctantly, vote in its favor.

After speaking at some length in relation to the tariff question, Mr. G. expressed his disapprobation of these petty struggles of party, when the signs of the times showed that there was an absolute necessity for a concentration of all our strength. He here alluded to the daring ambition of Great Bri-

tain, and the precautions necessary to be observed by us to prevent aggression from so formidable a rival. He saw the danger in the distance, and, for one, raised his voice in favor of preparation.

Mr. ADAMS then obtained the floor, and expressed his intention to vote for the bill. It was not for him, at that time, to discuss the means by which the Treasury had been brought into its present condition; but, as the deficiency did exist, he was willing to supply it, not from any party considerations, but because he held it right that the Government should have means to pay its debts.

Mr. A. then proceeded to argue that the means of repaying these Treasury notes, with interest thereon, ought to have been provided for by the bill. This, however, had always been omitted; and when Treasury notes were asked for, the means of repaying them had always been neglected. It had been put off from time to time, and it was against that omission he now raised his voice. He would never, so far as he was concerned, issue notes in any form, whether skinplasters, bonds, or otherwise, without providing means of paying them. He would never issue a single dollar without providing means for paying that dollar. As regarded the mode of relieving the Treasury at the present time, he would not say but that, in case they had the majority in both Houses, he would not have preferred a regular loan.

Mr. A. then proceeded to condemn the course pursued by some members in discussing the measures of the coming Administration beforehand, when it could not possibly be known what course General Harrison would think proper to pursue. Gentlemen had been discussing the subject of an extra session, a National Bank, the public lands, and other measures, when they did not know the opinion of the President elect. What, he would ask, was the use of debating on the propriety of calling an extra session, when they could not tell whether Gen. Harrison would think proper to call one or no? The President was authorized to convene Congress, when he should deem it expedient. It all depended upon his opinion; therefore what manner of good could result from a discussion at this time, on such a measure, when they had no means of knowing what the views of the President would be? But the House had been doing what was done in private life: they had been settling the affairs of the nation; they had been talking about the next Administration, the new cabinet, and so on; in fact, they had all been cabinet makers. That being the case, however, he was rather surprised that cabinet makers should have shown so little mercy to the manufacturers of the North.

Mr. A. then proceeded to notice a newspaper rumor to the effect that Mr. Wise was to be the leader of the Whig party in the House under the new Administration.

This drew out Mr. WISE in repeated explanations, and the debate merged into one of an unpleasant character, involving the merits of the anti-duelling law, &c.

Mr. WISE replied at some length to the remarks of Mr. ADAMS, so far as they concerned him personally.

Mr. W. COST JOHNSON then obtained the floor, and pending his remarks the committee rose.

On motion of Mr. LINCOLN,
The House adjourned.

NOTE.—In the remarks of Mr. COLES on the tobacco question, he is represented as urging the necessity of the protection of that interest. He advocated the propriety of continuing our negotiations, and endeavored to demonstrate the absurdity and evil consequences of attempting to protect that interest by countervailing duties.

IN SENATE,

FRIDAY, February 5, 1841.

The VICE PRESIDENT submitted a report from the Secretary of War, containing the accounts of disbursements among the Indians for the year ending 30th September, 1840; which was laid on the table, and ordered to be printed.

Also, a report from the Secretary of War, transmitting additional reports in reference to the con-

struction of the Potomac aqueduct; which was laid on the table, and ordered to be printed.

Mr. NORVELL presented memorials from citizens of Wayne, Ottawa, and Oakland counties, of the State of Michigan, praying the passage of a general bankrupt law; which were laid on the table.

Mr. N. also presented the memorial of the Legislature of Wisconsin, relative to harbors; which was referred to the Committee on Commerce.

Mr. YOUNG presented a petition of citizens of Illinois and Iowa, praying the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. WRIGHT presented a letter from the Board of Commissioners of Pilots of the city of New York, transmitting a copy of the laws of New York on the subject of pilots; which was laid on the table, and ordered to be printed.

Mr. HUBBARD presented the memorial of the Legislature of Wisconsin, in favor of a railroad from Lake Michigan to the Mississippi river.

Also, a memorial of the same body, relative to a survey of the public lands north of the Wisconsin river.

Also, a memorial from the same body, relative to the improvement of certain rivers in Wisconsin Territory.

The memorials were severally ordered to be printed, and appropriately referred.

Mr. LINN presented a memorial of the Legislature of Missouri, asking that a portion of swamp lands, which have been returned as not worth the expense of survey, may be transferred to the State; which was ordered to be printed and referred to the Committee on the Public Lands.

Also, a memorial of the same body relative to the sale of fractional section; which was referred to the Committee on the Public Lands.

Mr. L. also presented the petition of Richard Phillips; and

The memorial of the heirs of Joseph Decille, severally praying the confirmation of titles to tracts of land; which were referred to the Committee on Private Land Claims.

Mr. WHITE, in pursuance of previous notice, asked and obtained leave to introduce a bill to authorize John E. Metcalfe and others to locate certain pre-emption claims to lands in the State of Indiana; which was read twice, and referred to the Committee on Private Land Claims.

Mr. HUBBARD, from the Committee on Claims, to which was referred the memorial of Isaac Garrison, asked to be discharged from its further consideration. Mr. H. said it was not intended by this motion to prejudice the claim hereafter, but merely because there was an insufficiency of evidence at present to authorize the committee to bring in a bill. The motion was agreed to.

Mr. WALKER submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on Naval Affairs be directed to inquire into the expediency of causing to be built a steam frigate under the sole direction of the American naval constructor, Foster Rhodes.

Mr. W. also submitted the following resolution, which was agreed to:

Resolved, That the President of the United States be requested to communicate to the Senate, if not deemed incompatible with the public interest, the correspondence, if any, between the State Department and the representatives of any foreign Government relative to the negroes taken on board the *L'Amistad*, which has occurred since that transmitted with his message of the 21st March, 1840.

Mr. WALL submitted the following resolution, which was agreed to:

Resolved, That the Secretary of the Navy be directed to furnish a copy of the reports made on Colt's improved repeating fire arms in October and December, 1840, by a board of navy officers appointed for their examination.

Also, That the Secretary of War be directed to furnish a copy of the report made in July, 1840, by a board of army officers, on the repeating fire arms manufactured by Mighill Nutting.

BILLS PASSED.

The bill for the relief of Reynell Coates an

Walter R. Johnson, was read a third time and passed.

The bill for the relief of Joseph Paxson was taken up on its third reading,

And after a debate, in which Messrs. YOUNG, KING, and CALHOUN participated, it was read a third time and passed.

Mr. MERRICK then moved that the Senate would postpone the orders of the day, and take up the joint resolution directing the transfer to the State of Maryland of the stock in the Chesapeake and Ohio canal, standing in the name of the United States, upon certain conditions.

Mr. SEVIER hoped the Senator would not press the consideration of this resolution at the present time. This devoting the morning hour to favorite measures to the exclusion of private claims, overriding all the bills on the calendar, was a practice to which he was not willing to submit.

Some time was consumed in repeatedly taking the question in order to ascertain the sense of the Senate, when it was finally determined in favor of taking up the joint resolution.

So the resolution was taken up and considered as in committee of the whole; and, after a discussion, in which Messrs. MERRICK, CLAYTON, HUBBARD, WRIGHT, YOUNG, TAPPAN, SEVIER, PHELPS, HUNTINGTON, BAYARD, BUCHANAN, KNIGHT, and CLAY of Kentucky, participated, it was amended so as to make the consent of the cities of the District necessary to the transfer of their respective portions of the stock, and was then ordered to be engrossed for a third reading.

On motion, the Senate then adjourned until Monday next.

HOUSE OF REPRESENTATIVES,

FRIDAY, February 5, 1841.

After the journal had been read,

Mr. LINCOLN submitted the following preamble and resolution:

Whereas the bill of this House, (No. 598,) entitled "An act to authorize the issuing of Treasury notes," was taken up in the Committee of the Whole House on the state of the Union on the 18th day of January last, and has been under discussion to this time; and whereas much of the indispensable public business is yet to be acted on; therefore,

Resolved, That after three o'clock to-day, the debate on this bill shall cease, and the committee shall proceed to vote on the various amendments submitted, and to be submitted, and then report the bill, with the amendments agreed to by the committee, to the House.

Objection being made to the reception of the resolution,

Mr. LINCOLN moved a suspension of the rules, and thereupon called for the yeas and nays; which were ordered, and were—yeas 112, nays 26, as follows:

YEAS—Messrs. Judson Allen, John W. Allen, Andrews, Atherton, Banks, Baker, Beatty, Blackwell, Brewster, Briggs, Aaron V. Brown, Sampson H. Butler, John Campbell, William B. Campbell, Carr, Carroll, Casey, Chapman, Chinn, Clark, Clifford, Connor, Mark A. Cooper, William R. Cooper, Cranston, Crockett, Edward Davies, John Davis, Deberry, Dickinson, Doane, Earl, Eastman, Ely, Fine, Fisher, Galbraith, Giddings, Goode, Griannel, Hand, William S. Hastings, John Hastings, Hawes, Hawkins, Henry, Holt, Hopkins, Jackson, James, Jameson, Charles Johnston, Jos. Johnson, Cave Johnson, John W. Jones, Kemble, Kempshall, Kille, Leet, Leonard, Lincoln, Lowell, Lucas, McCarty, McClellan, McClure, Meredith Mallory, Marchand, Marvin, Mason, Miller, Mitchell, Montanya, Montgomery, Moore, Morgan, Calvary Morris, Morrow, Parmenter, Petrikin, Profit, Randall, Rarden, Reynolds, Ridgway, Rives, Edward Rogers, Russell, Saltonstall, Samuels, Sergeant, Simonton, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Swearingen, Sweeney, Taliaferro, Waddy Thompson, Jacob Thompson, Toland, Turney, Vroom, Peter J. Wagener, Weiler, Edward D. White, Jared W. Williams, Henry Williams, and Christopher H. Williams—115.

NAYS—Messrs. Boardman, Calhoun, Chittenden, James Cooper, Crabb, Garrett Davis, Dawson, Dennis, Deilett, Dromgoole, Everett, Gentry, Goggin, Granger, Green, Griffin, Hall, Hunt, Jenifer, Francis Mallory, Monroe, Peck, Pickens, Rayner, Triplett, Warren, John White, and Lewis Williams—29.

So the rules were suspended.

At the request of several gentlemen,

Mr. LINCOLN modified his resolution, so as to extend the time to seven o'clock, and called for the previous question, which was seconded.

The question now being on the main question,

Mr. PETRIKIN called for the yeas and nays, but they were not ordered.

The question was then taken on the resolution, and decided in the affirmative.

TREASURY NOTE BILL.

On motion of Mr. JONES of Virginia, the House resolved itself into a Committee of the Whole on the Union, (Mr. CASEY in the chair,) and resumed the consideration of the bill authorizing the issue of Treasury notes, the question being on the motion of Mr. BARNARD to strike out the enacting clause.

Mr. W. C. JOHNSON being entitled to the floor, resumed his remarks from yesterday. He said he had, from the commencement, been opposed to the entire debate, because he thought he saw, from the beginning, that no good could arise. He contended that it was the design of the present party in power to throw the responsibility of every important measure on the coming Administration. It was his firm conviction that the present party in power had no intention of acting definitely upon any great question of the day.

After some further remarks, Mr. J. said he did not feel disposed to go into a debate on the merits of the bill before the committee, for the reason that he had previously given his views against the system of Treasury notes. He had gone against it because he viewed the whole as clearly unconstitutional; and more especially as the Constitution pointed distinctly to other modes of meeting the exigencies of Government.

Mr. J. then proceeded briefly to notice the proposition of Mr. BARNARD, in relation to a tariff on wines, silks, &c. He considered it as wise policy, and were he assured that the House was in a proper spirit to hear an argument on that subject, he would deem it his duty to make one. As a matter of justice to the gentleman from New York, he (Mr. J.) would say, that the impression of some Southern gentlemen that the proposition had been prepared in the dark, was erroneous. He would state that the proposition was made on the responsibility of the gentleman [Mr. BARNARD] alone, without any secret preparation on the part of his Northern friends.

Mr. J. then proceeded to give his views in relation to various matters, which had been incidentally introduced into the debate.

During the remarks of Mr. J. several members rose in explanation of what they had said in relation to the compromise act, &c.

Mr. CUSHING referred to what he had said on Saturday last in explanation of the views of his State on the subject of a protective tariff, &c.

Mr. LINCOLN said: That explanation of the gentleman may do for his own constituents, but I wish it to be distinctly understood that it does not apply to mine.

Mr. RAYNER followed, and observed that his only apology for entering into the debate was, that he seldom occupied the time of the House; for he considered silence a great virtue.

Mr. R. then proceeded to say that he should vote against the issue of Treasury notes, but in favor of the proposition of Mr. BARNARD to lay a tariff on wines, silks, &c. and also in favor of the proposition for a loan. He viewed the Treasury note system as a means only of protracting the day of payment, and, at some length, went on to show the superior advantages which, in his opinion, would be derived from a direct loan.

He then argued that the deficit in the Treasury was a permanent, and not a mere temporary one; and, if Congress made all the appropriations which were absolutely necessary for the support of Go-

vernment, that deficit would not be less than ten millions.

Mr. R. then proceeded to criticize the report of the Secretary of the Treasury, and to contend that the latter had proved himself more of a knave than a fool. He contended that the report was deceitful, and merely got up just as the Secretary was going out of office, to make a show of economy.

Mr. R. next adverted to the subject of an extra session, the Florida war, the pension list, the compromise act, the tobacco interest, &c.

He next argued in favor of an increase of our naval force, the building of steam ships, &c. so that we might be prepared for any aggression from Great Britain. But in order to do that we must have money, and to raise money it would be necessary to adopt the proposition of Mr. BARNARD.

Mr. R. then proceeded to give his views in favor of a distribution of the proceeds of the public lands. In the course of his remarks on this head, he expressed his astonishment at the course taken by Mr. WISE in opposing the distribution system as an absurdity. He (Mr. R.) had always always considered that the principle of a distribution was one of the cardinal points of Whig doctrine.

Alluding to the arguments of Mr. WISE against an extra session, Mr. R. desired to know if that gentleman was willing to permit the Sub Treasury law to remain in operation until the next regular session. He was surprised at the expressions of that gentleman against the calling of an extra session. But should an extra session be called, the gentleman might be assured that his [Mr. W.'s] speech would be taken as a text book for every Loco Foco in the House. The gentleman had said that an extra session would be imprudent under the present state of excitement of the public mind. He (Mr. R.) was sorry the gigantic mind of the gentleman had come to that conclusion.

Mr. REYNOLDS assured the committee that the distance between two ends of his rod on this subject would be very short indeed. Yes, they might be assured that his song on this bill would be very short indeed. He hoped his humble self would be permitted, however, to say a few words in dissent from the remarks of his friend who had just sat down.

Mr. R. after some humorous observations in reply to Mr. RAYNER, in respect to the Florida war and the late New Jersey contested election case, alluded to the proscription which, it was said, would distinguish the coming Administration, and maintained that it was right; for, said he, if my friend was about to establish a Catholic church, would he put a Presbyterian or a Mormon at the head of it? Certainly not.

As to Treasury notes, Mr. R. said he would rather vote for ten millions than for five; but as the chairman of the Committee of Ways and Means—divested of all party spirit—had come to the conclusion that the amount provided for by the bill would be sufficient, he would vote for it, although, as he had said, he would prefer voting for a larger sum. Mr. R. said gentlemen seemed to think it a dishonor not to have an overflowing Treasury, but he would always prefer a depletion to a surplus. It was no dishonor to have a weak Treasury and a strong and powerful people. The money was in the people's pockets, and with it they were exerting their industrial energies; and it was far better for them to have the money than pile it up in the Treasury. As to the State of Illinois, she had this year produced immense crops of wheat and corn, and such had been the case all over the West. The country, he said, was doing better than it had heretofore done. We heard, it is true, a great cry for relief, but it came from those who would not work; from those who sit before store doors on boxes, and, when it is hot weather, move into the shade, and in cold weather bask in the sunshine. These were the men who were continually crying out for "change!"

And are we (said Mr. R.) to be terrified with a few Treasury notes? No, sir! Our honor and character are pledged for their redemption; and they may be redeemed sooner, perhaps, than the holders wish. In our country, our pre-emption men and squatters, as they are here called, seek with great avidity after them; they are as good as gold dust.

Then we cannot hesitate to issue Treasury notes. Mr. R. then entered into a defence of Levi Woodbury, from the charges that had been made against him as to his course during the suspension of 1837, insisting that because he obeyed his oath to support the laws of the land, he was condemned for doing what he could not avoid. Mr. R. also referred to the allusion of his friend from New York, [Mr. BARNARD,] as to the report of the Secretary of the Treasury being characterized by fraud, and said that the country would justify the report, as it showed wherein our prosperity consisted, viz: in the exportations of the country, and the energies of the people.

Mr. R. remarked that a great deal had been said about public lands; and he thought it his duty to say that he would do his utmost to get through the House the pre-emption bill, just passed by the Senate. If it was a subject of which the people knew nothing, he would have no objection to a debate upon it; but as it had been up for forty years, he did not consider discussion necessary. Democrats, he knew, would vote for it like a book. For himself, he went for the log cabin men, because they go for the country both in war and in peace. Let it be understood (said Mr. R.) that it is for the honest poor man we legislate, and if I were to indulge in legislation for the rich especially, I would not dare go home to my constituents. Notwithstanding all that had been said upon the subject, the object of Government is a revenue from the public lands, and we needed it more now than at any other time. The pre-emption system, in his opinion, was the most reasonable course ever pursued; the man who put his family on the land, and cultivated it, ought to be preferred—because, by so doing, he comes nearer an actual settler than by any other mode. As a widow, even, could settle on the public land, let her do it as a pre-emption lady. She might get a husband, and become a married lady by doing so. There had also been a talk that aliens ought not to purchase the land. Now in our country (said Mr. R.) we go on a more liberal system than people do in any part of the world. Aliens settle on the land, and by our laws can transmit it to their children. Aliens, too, voted at the elections in Illinois. Under the Constitution of the United States, and the Constitution of Illinois, they had a right to vote. In that State such had been the practice for twenty years past. The Constitution of Illinois provided that in all elections, male white inhabitants above the age of twenty-one years, who had resided six months in the State, were qualified electors. The Constitution of the United States had these remarkable words: "The House of Representatives shall be composed of members chosen every second year by the PEOPLE of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

Mr. R. after some explanation as to the intention of the framers of the Constitution of the United States in respect to this passage, concluded by saying that there was no power in the General Government which said that a State shall not regulate its own Government.

Mr. STEENROD said that he was desirous of addressing the House on the various topics which had been introduced into this discussion; but as his colleague [Mr. MALLORY] had recently taken his seat, and had evinced a disposition to address the committee, he would, with pleasure, yield the floor to him, as the limited time now remaining, before the bill would be taken out of committee, would not allow them both to occupy the floor.

Mr. MALLORY, after some brief remarks by way of apology for obtruding himself upon the committee at that late hour, observed that his main object in rising was to notice the remarks of the gentlemen from North Carolina and Maryland [Messrs. RAYNER and JENIFER] in relation to the course pursued by his honorable colleague from Virginia, [Mr. WISE.]

The gentleman from Maryland, in his speech a few days ago, had said that the remarks of the gentleman from Virginia [Mr. WISE] were none of them in unison with the doctrines of his Whig friends.

Now, observed Mr. M. I do not intend to be read out of school by the gentleman from Maryland; but I take this occasion to say that, with one exception, I fully approve, endorse, and intend widely to circulate, the speech of my honorable colleague, [Mr. WISE.]

Yes, said Mr. M. the ground on which my honorable colleague has placed himself is the ground on which we Harrison men, in Virginia, intend to rally. When I entered the Harrison party I did not intend to compromise my principles; and I will further say, that if those principles on which I and my honorable colleague [Mr. WISE] have taken our stand, are not to be the principles of the administration of General Harrison, then I say that we and the people of Virginia have been grossly deceived.

The doctrines laid down in the speech of my honorable colleague are doctrines which I will maintain, and by which I will stand or fall.

But the gentleman from North Carolina [Mr. RAYNER] has said that the remarks of my colleague are "ominous," etc. Now I ask that gentleman to say what are the principles avowed by my colleague in his speech which he has not always avowed? I beg to assure the gentleman that the principles of my colleague are the principles of the Whigs of Virginia, if they are not the principles of the Whigs in North Carolina.

But what, said Mr. M. has my colleague advanced that is contrary to the principles of the coming Administration?

Is a National Bank to be one of the leading measures of the coming Administration? And did not General Harrison say that he would not resort to a National Bank if it were not absolutely necessary? My colleague said the same thing.

Is it the tariff question to which the gentleman alludes? Well, I understood General Harrison to avow that he was in favor of standing by the compromise; and my colleague said the same thing. Also, in regard to internal improvement, he took the same ground.

I will repeat, therefore, said Mr. M. that if the principles avowed by my colleague are not to be the principles of the approaching administration of General Harrison, then we are ourselves greatly deceived, and we have deceived others.

But the gentleman from North Carolina said he was pained and surprised at the course of my colleague in his remarks on the measures of the coming Administration; also that he thought my colleague might have waited at least until General Harrison should have arrived in this city. Now, said Mr. M. why did not other gentlemen, who spoke before him, adopt the same plan? I will undertake to say that my colleague would have waited until the arrival of General Harrison, if other gentlemen had thought proper to do the same. But such had not been the case. Other gentlemen had given their views without reserve, and he and his colleague were not going to permit public opinion to be pre-judged, even if the indications did come from a high quarter.

Mr. M. then proceeded to notice the subject of an extra session. The brief time remaining for him to speak would not allow him to enter into a regular argument, but he would fire a few shots at random. For his part, he was opposed to a called session. He was opposed to it on the "let alone" principle. It would be extremely injudicious and unwise in the present state of public feeling to think of such a measure. The body politic was sick, but he did not believe it labored under any serious organic disease. It was sick, however, and it wanted rest in order to recover from its recent fever and excitement. In its present feverish state it would be extremely imprudent to add additional excitement. The proper way for its recovery to a proper and healthy tone, would be to avoid all stimulation. Let it be left alone for a while, and it would restore itself. He believed the elements of prosperity were still to be found in the country, and if allowed time, would soon settle down into order. But for his part he was unwilling to reagentate them so soon by a called session. He was unwilling to pass through another summer of political turmoil. They wanted rest, and if they expected to do well, they must have it.

How could the advocates of a called session expect that General Harrison, immediately on coming into power, should, without proper time for examination and reflection, precipitate himself into great measures. No: the proper plan would be to allow General Harrison time to look around him, and to examine into the true state of affairs before he acted. Above all, he (Mr. M.) was against placing General Harrison in a condition where he would be compelled to commit himself to the scheme of any man.

But he (Mr. M.) would call the attention of the committee to one striking inconsistency. The gentleman from North Carolina had been speaking earnestly about economy, but the first step he had advocated was a called session, which would take three or four hundred thousand dollars from the public Treasury!

He Mr. M. did not believe a called session was necessary. He believed that when General Harrison came into power he would act on the plan of reform and retrenchment. And if gentlemen who had, for the last two or three years been talking about reform and retrenchment, would now act upon that system themselves, there would be no necessity for incurring the expense of a called session.

But much had been said about the deficiency in the Treasury at this time. Several gentlemen had given their ideas on the subject, but from the different results to which they arrive, it was obvious that none of them could tell what the real deficiency was. For instance, one gentleman had set it down at seven millions, while another had come to the conclusion that it was forty millions. Now, here was a difference between two gentlemen only, of thirty-three millions.

It was, therefore, evident that the real deficiency in the Treasury could not be now ascertained. Of what earthly use could it be, then, to have a called session for the purpose of raising a loan, when it could not be known what amount they would require. How was it possible that in the short period elapsing between the time General Harrison came into power, and the expected session, that the real condition of the matter could be examined, so as to ascertain what would be necessary?

In the present state of affairs, he was opposed to a loan, for he believed that, should one be authorized, it would remain a permanent debt upon the Government for years to come. He was in favor of the present bill, although at the last Congress he had voted against the issue of Treasury notes. At the last Congress, when they were asked, he was against them, because he believed they were intended for a circulation. But now, when the present Administration was going out of power, he would vote for them as a temporary expedient, and as a temporary expedient alone.

He (Mr. M.) was opposed to a called session for any purpose whatever, either for raising revenue, or any thing else. He believed a called session would inevitably precipitate them into the great questions of a National Bank, the tariff, and other matters. Now he was averse to this. He wished the people of this country to have proper time for reflection, before they acted on so important a question as a revision of the tariff.

I would advise you, said Mr. M. instead of loaning the banks money, by laying taxes on the people, to study retrenchment and reform. I would say to General Harrison, study this book, (the Blue Book.) I would advise him to study the speeches of the gentlemen from Ohio, (Bond's,) Pennsylvania, (Ogle's) and Vermont, which inculcate reform.

But gentlemen had now nothing to say about retrenchment and reform. The cry was now "money!" "money!" "money!" Yes gentlemen must have "money," and to get money, they must raise the taxes.

So, from present indications, notwithstanding all the past cry of retrenchment and reform, it was evident that nothing was to be saved by the change. All they had gained, it appeared by the turn of the political wheel, was to put out one set of charlatans, and put in another set.

Mr. M. then proceeded to say that if the success of North Carolina was to be used as an argument for consolidation, much as he mourned over his

good old State of Virginia, he would prefer the good old mother with all her faults.

The gentleman, said Mr. M. has talked about the "abstractions" of my colleague. But I will tell that gentleman, that if it be an abstraction to oppose a high tariff—if it be an abstraction to oppose a distribution of the public lands, when in the very language of the gentleman, the Treasury is empty, then I tell the gentleman that I also am an abstractionist.

But, continued Mr. M. I wish the gentleman from Maryland [Mr. JENIFER] to understand, that I do not intend to be read out of church by him notwithstanding. I labored as ardently in the cause of General Harrison as that gentleman did, and I intend to support the administration of General Harrison as far as I can. But if that Administration shall not square with the promises and pledges which I conceive it has given to the country, why then I cannot go with that Administration. But I will also say, that if the coming Administration should even pursue a course contrary to my expectations, I shall not regret that I have lent my aid in the elevation of General Harrison. For if his election accomplish nothing else, it has had the effect of breaking down party trammels with us in the South; and henceforward, we shall be able to meet, not on men, but on great principles.

He, Mr. M. could not but admire the eulogium which the gentleman [Mr. RAYNER] had passed upon the gentleman from South Carolina. He had, however, talked a good deal about star gazing, and about people shaking their heads against a lamp post. But he, Mr. M. would tell the gentleman, that there were more times for star gazing than one. He would ask the gentleman not to look too much to the bright horizon before him, and in looking at the wants of the President elect, not to forget "home." Let him look at the storm ahead; the storm which would certainly grow out of this discussion at home. And when that storm should burst upon them, it would sweep away from the ocean many a gallant bark that now sailed proudly before the breeze.

Mr. M. then proceeded to say that he had no fears for the coming Administration of General Harrison. He believed that great man would draw around him persons of talent, who would aid him in ascertaining the true state of the country, and men who would be able to make a true exposition of its affairs. He had not the least doubt, neither, but that General Harrison would have ample means to carry on the Government, if he should, as he, Mr. M. had no doubt, carry on a system of retrenchment and reform. A great saving could be effected by a different administration of the various departments. In the collection of the revenue alone, he believed that from five to eight hundred thousand dollars a year might be saved by a proper administration of the Treasury Department.

Also in the administration of the War Department he believed almost enough could be saved to pay the expenses of the Florida war.

Do you with your internal improvement, said Mr. M.—down with your distribution, (for I think the President elect is not in favor of carrying on internal improvement at the expense of the General Government,) pursue a system of retrenchment, and then I think there can be no doubt that General Harrison will soon save money enough to pay all the debts of this Government.

But, said Mr. M. I protest in advance against any man, or any set of men, undertaking to commit General Harrison to any political scheme. General Harrison was elected on the "one term" principle; but if that principle is to result in this, that the President, instead of acting for the public good, is to be used to bolster up the schemes of one, why, I had almost said, he had better be President for life.

Mr. M. went on to say that he found fault with no Whig in the House for expressing himself in relation to internal improvements, the tariff, or National Bank or other measures. He was willing to hear all that gentlemen might have to say, and expected to be heard in return, without being proscribed for so doing.

But what did they see? Why, his colleague [Mr.

Wise] the other day had given his views on these great measures; had avowed his opinions; when lo! gentlemen rose and expressed their suspicions that he was about to quit the party. This was wrong. Let every man express his opinions, without thereby subjecting himself to the suspicion, that by so doing he was about to leave the party.

Mr. JENIFER here made an explanation to the effect that he had said nothing about Mr. WISE being about to desert his party.

Mr. WISE asked whether the gentleman from Maryland had any distrust of him.

Mr. JENIFER made some reply, which could not be heard.

Mr. WISE. Well, then, I suppose the gentleman takes it for granted that the party will go with him, when at the same time, who knows what the measures of General Harrison will be. Were there not some gentleman making principles for General Harrison before he came into power? But when it was not known what the principles of the coming administration would be, how could it be said that he was about to desert his party? He (Mr. W.) did not take the gentleman from Maryland as the administration.

After some further explanations between himself and Mr. JENIFER,

Mr. WISE observed that had it not been for other gentlemen expressing their views, what they would do, etc. he would never have said a word. But as every member on the floor, who had previously spoken, had given his views in relation to the coming Administration, he thought it was as fair for one as for another. And as others had administered their little nostrums for the cure of the disease, he, although not a regular physician, thought he would do so too.

Mr. MALLORY then resumed his remarks, and observed that at the very outset he had been taunted by the gentleman from Maryland as not being one of the party. They had also been taunted the other day with not having common schools in Virginia. But if they had not common schools, they had schools in Virginia which enabled them to understand signs, as well as other people. The gentleman from New York [Mr. MONROE] had talked also about the "abstractions" of Virginia. Now he would tell that gentleman, that with all their "abstractions," they had common sense enough to get a steamboat below a bridge before they built it up. Mr. M. here related an amusing anecdote, where some common school people of the North built a bridge in such a way as to prevent their getting out a steamboat; (a member at the Reporter's elbow suggested that it was similar to the mason who built his leg in a chimney.)

Mr. M. after some further remarks in relation to the tariff, etc. observed that as the time for discharging the committee from the bill was now at hand, he must conclude.

Mr. UNDERWOOD said that some of his friends had regretted this manifestation of difference of opinion among members of the Whig party on this floor. Now, for his part, he was rejoiced at it. It must come at some time, and the sooner the better. Let us know what our friends think of it, (said Mr. U.) let them consider it, and be prepared for future events. But if the separation comes, let us part like friends—let us not attempt to bind ourselves together by a rope of sand, for that will not bind us together as firmly as we ought to be.

In relation to the propriety of a called session, Mr. U. asked, who had been authorized to speak for General Harrison? Had any one? No! Then who brought it forward? Who endorsed it for the Whig party? It was, in his opinion, the mere expression of gentlemen as to the propriety of such a measure. It remained for General Harrison, when he should be inducted into office, to ascertain whether this or that object could be accomplished by an extra session.

Mr. U. considered the intimation of a called session as utterly premature. It ought to be decided when all the elections shall have taken place. Gen. Harrison could then judge, from the elements of Congress, what could or could not be done. Mr. U. said that if he were the President of the United

States, and could see that a National Bank could be established, the Sub-Treasury law repealed, the proceeds of the public lands distributed, the tariff revised, &c. and had an assurance to that effect, he would convene Congress instantly to act on that emergency.

[Mr. SMITH of Indiana here read from the Constitution of the United States that part which says that the President "may, on extraordinary occasions, convene both Houses, or either of them," and asked Mr. U. whether the "emergency" contemplated by the Constitution depended on the preponderance of one or other of the political parties of the country.]

Mr. U. said he would answer what constituted an emergency. Any matter of great public concern in the affairs of the nation, was an emergency. Suppose the President wished war to be declared, and desired Congress to act upon the subject. Suppose one Congress will not act upon it, and the next would. Ought it not to be taken into view whether he would call Congress together or not? The present emergency (he said) grew out of a depreciated bank currency, the want of a uniform currency, and the embarrassed condition in which the States were placed. And in acting upon this emergency, the President ought to take into consideration the elements which would constitute the next Congress.

Mr. SMITH of Maine said, that the gentleman from Kentucky had well characterized the Whig party as being held together by a rope of sand. He could not have given a more happy illustration. Mr. S. in a humorous manner, was alluding to the beautiful specimens of cohesion of the Federal party in Maine and Massachusetts, when

The CHAIR announced that the hour of seven having arrived, further debate would not be in order.

The question first in order was on the motion of Mr. BARNARD to strike out the enacting clause.

Which, being taken, was decided in the negative—Ayes 55, noes 107.

Mr. WISE now offered his amendment, viz:

Provided, That in case the Treasury notes outstanding and unredeemed, issued under former laws of Congress, added to the amount of such notes issued under the act and actually expended, or issued to meet payments due and payable before the 4th day of March next, shall, on the 4th day of March next, exceed the sum of five millions of dollars, then the President of the United States shall be, and he is hereby authorized to issue, by virtue of the provisions of this act, such further amount of the said notes as will make the whole amount issued under this act and applicable to payments falling due after the 4th day of March next, the full sum of five millions of dollars.

The question was then taken and decided in the affirmative; ayes 90, noes 57.

The amendment submitted by Mr. JENIFER on Saturday last, and which he gave notice he would offer at the proper time, at his request was then read as follows:

Be it enacted, &c. That the President of the United States is authorized to raise by loan such sum or sums as the exigencies of the Government may require, but not to exceed ten millions of dollars, at an interest not more than six per centum per annum, to be reimbursed at any time after twelve months, whenever the condition of the Treasury will permit.

The CHAIR decided that the amendment was not now in order, as the gentleman on Saturday had merely signified his intention to offer it.

The amendment of Mr. CURTIS was next read as follows:

SECTION 2. And be it further enacted, That whenever proof shall be exhibited, to the satisfaction of the Secretary of the Treasury, of the loss or destruction of any Treasury note issued under the authority of any act of Congress, it shall be lawful for the said Secretary, upon receiving bond, with sufficient security to indemnify the United States against any other claim on account of the Treasury note alleged to be so lost or destroyed, to pay the amount due on such note, to the person who had lost, or in whose possession it had been destroyed.

On the question being taken, the amendment was negatived—yeas 78, nays 82.

Mr. GREEN (as Mr. STANLY was absent) moved that the amendment of that gentleman be now taken up, which motion prevailed. It was then read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the day of on the importation of articles hereafter mentioned, there shall be levied, collected, and paid the following duties, that is to say:

On all manufactures of silk, or of which silk shall be a component part, coming from beyond the Cape of Good Hope, twenty per cent. *ad valorem*.

On all manufactures of silk, or of which silk shall be a component part, coming from this side of the Cape of Good Hope, ten per cent. *ad valorem*.

On all wines, except the wines of France, twenty per cent. *ad valorem*.

On all wines of France, as soon as the treaty with France will allow, a duty of twenty per cent. *ad valorem*.

On all bleached and unbleached linens, table linen, linen napkins, and linen cambrics, twenty per cent. *ad valorem*.

The foregoing duties being in accordance with the terms and the spirit of the act of March 21, 1833.

And be it further enacted, That all laws inconsistent with this act are hereby repealed.

Mr. WISE submitted whether the amendment was in order.

The CHAIR decided that it was.

Mr. BEATTY appealed from the decision of the Chair; but before the question was taken, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. GREEN withdrew the amendment.

Mr. COOPER of Georgia offered the following as an amendment, which was rejected without a count:

Provided, That it shall not be lawful for any officer of the Government to tender or propose to pay any Treasury note or notes thus authorized to be issued, to any person having demands against the Government, or to pay the same, unless asked for or desired by the creditor.

Mr. JONES of Virginia moved that the committee now rise, and report the bill as amended to the House; which motion prevailed, and

The committee rose, and reported to the House the bill as amended; which, on motion of Mr. CRABB, was read as follows:

A BILL to authorize the issuing of Treasury notes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to cause Treasury notes to be issued for such sum or sums as the exigencies of the Government may require; but not exceeding the sum of five millions of dollars of this emission, outstanding at any one time, to be reimbursed in the last quarters of the year, if the condition of the Treasury will permit it, and to be issued under the limitations and other provisions contained in the act entitled "An act to authorize the issuing of Treasury notes," approved the twelfth day of October, one thousand eight hundred and thirty-seven, and as modified by an act entitled "An act additional to the act on the subject of Treasury notes," approved the thirty-first day of March, one thousand eight hundred and forty, except that this law shall expire in one year from and after its passage.

Provided, That in case the Treasury notes outstanding and undecreed, issued under former laws of Congress, added to the amount of such notes issued under this act and actually expended, or issued to meet payments due and payable before the 4th day of March next, shall, on the 4th day of March next, exceed the sum of five millions of dollars, then the President of the United States shall be, and he is hereby authorized to issue, by virtue of the provisions of this act, such further amount of the said notes as will make the whole amount issued under this act and applicable to

payments falling due after the 4th day of March next, the full sum of five millions of dollars.

Mr. JAMESON moved the previous question; which was seconded.

And the question being on agreeing to the amendment,

Mr. PROFFIT called for the yeas and nays; which were ordered, and were—Yeas 111, nays 79.

YEAS—Messrs. Alford, John W. Allen, Atherton, Banks, Baker, Beatty, Beirne, Black, Blackwell, Bond, Boyd, Breckenridge, Brewster, Briggs, Burke, Sampson H. Butler, Wm. O. Butler, John Campbell, Carroll, Casey, Chapman, Clifford, Coles, Wm. R. Cooper, Davee, John Davis, Doan, Doig, Duncan, Earl, Eastman, Ely, Fine, Fisher, Fornace, Galbraith, Garland, Gentry, Gerry, Griffin, Hand, John Hastings, Hawes, Hawkins, Hillen, Holmes, Hubbard, Jackson, Jameson, Chas. Johnston, Joseph Johnson, Cave Johnson, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McClure, McCulloch, Meredith Mallory, Francis Mallory, Marchand, Miller, Montanya, Montgomery, S. W. Morris, Morrow, Naylor, Newhard, Parmenter, Pickens, Prentiss, Reynolds, Rhett, Ridgway, Rives, Edward Rogers, James Rogers, Samuels, Sergeant, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Sumter, Swearingen, Sweeney, Taliaferro, Taylor, Philip F. Thomas, Jacob Thompson, Triplett, Underwood, Peter J. Wagner, Watterson, Weller, Jared W. Williams, Henry Williams, and Wise—109.

NAYS—Messrs. Adams, Andrews, Barnard, Boardman, Brockway, Aaron V. Brown, Carr, Chinn, Chittenden, Clark, Connor, James Cooper, Mark A. Cooper, Crabb, Cranston, Crockett, Curtis, Garrett Davis, Dawson, Deberry, Dennis, Doe, Dromgoole, Edwards, Evans, Everett, Fillmore, Gates, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Habersham, Hall, Henry, Hill of North Carolina, Holt, Hunt, James, Jenifer, Kempshall, King, Lane, Lincoln, McCarty, Marvin, Mason, Medill, Monroe, Moore, Morgan, Calvary Morris, Nisbet, Osborne, Paynter, Peck, Pope, Proffit, Randall, Rariden, Rayner, Reed, Saltonstall, Simonton, Truman Smith, Waddy Thompson, John B. Thompson, Toland, Trumbull, Turney, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, and Christopher H. Williams—79.

So the amendment was concurred in.

The question then recurred on engrossing the bill for a third reading.

The yeas and nays being called for, were ordered, and resulted—Yeas 126, nays 69.

YEAS—Messrs. Adams, Alford, John W. Allen, Atherton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, John Campbell, Carr, Carroll, Casey, Chapman, Clifford, Coles, Connor, Mark A. Cooper, William R. Cooper, Crary, Thomas Davee, John Davis, Doan, Doig, Duncan, Earl, Eastman, Ely, Evans, Fine, Fisher, Fornace, Galbraith, Garland, Gentry, Gerry, Griffin, Hall, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Holmes, Hubbard, Hunt, Jackson, Jameson, Jenifer, Charles Johnston, Joseph Johnson, Cave Johnson, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lincoln, Lowell, Lucas, McClellan, McClure, McCulloch, Meredith Mallory, Francis Mallory, Marchand, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Morrow, Newhard, Parmenter, Paynter, Pickens, Prentiss, Randall, Reed, Reynolds, Rhett, Ridgway, Rives, Edward Rogers, James Rogers, Samuels, Sergeant, Shaw, Slade, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Swearingen, Sweeney, Taliaferro, Taylor, Philip F. Thomas, Jacob Thompson, Triplett, Turney, Vroom, Peter J. Wagner, Watterson, Weller, Edward D. White, Jared W. Williams, Thomas W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, and Wise—125.

NAYS—Messrs. Andrews, Baker, Barnard, Bell, Boardman, Bond, Breckenridge, Briggs, Brockway, Calhoun, William B. Campbell, Chinn,

Clark, James Cooper, Crabb, Cranston, Crockett, Curtis, Garrett Davis, Dawson, Deberry, Dennis, Doe, Dromgoole, Edwards, Everett, Fillmore, Gates, Giddings, Goggin, Goode, Graham, Granger, Graves, Green, Hawes, Henry, Holt, James, William Cost Johnson, Kempshall, King, Lane, McCarty, Marvin, Mason, Monroe, Morgan, Calvary Morris, Naylor, Nisbet, Osborne, Peck, Pope, Proffit, Rariden, Rayner, Saltonstall, Simonton, Truman Smith, Stuart, Waddy Thompson, John B. Thompson, Toland, Trumbull, Underwood, Warren, John White, and Christopher H. Williams—69.

So the bill was ordered to be engrossed for a third reading.

The previous question was then moved and seconded, and the bill read a third time, and passed.

On motion of Mr. LEET, at 8 o'clock, p. m.

The House adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, February 6, 1841.

Mr. RAYNER, on leave, presented the resolutions of the General Assembly of the State of North Carolina, on the subject of the public domain and the reopening of Roanoke Inlet; which were laid upon the table, and ordered to be printed.

Mr. RUSSELL asked leave to submit the following resolution:

Resolved, That the execution of the order of this House, made on the 8th day of January last, ordering bills Nos. 484, 485, and 486, to be made the special order for the 25th day of January (then) instant, and then take precedence of all other business until they are disposed of, be postponed until Tuesday next, and that, after the morning hour, the House will this day proceed to the consideration of private bills, to the passage of which no objection shall be made.

[The bills alluded to in the above are as follows:

A bill to provide for purchasing the patent for Raub's safety valve.

A bill to authorize the President of the United States to employ persons to construct apparatus with a view to extinguish fires on board steamboats, and to test its utility; and

A bill to amend an act entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or part by steam, and for other purposes," approved July 7, 1838.]

Mr. W. C. JOHNSON offered the following as a modification; but it was not accepted:

Resolved, That next Thursday, after the hour of three, and until Friday until three o'clock, be set apart for the bills and business of the District of Columbia.

Objection being made to the reception of the resolution,

Mr. RUSSELL moved a suspension of the rules.

And on that question the yeas and nays were ordered, and were—yeas 110, nays 54, as follows:

YEAS—Messrs. Adams, J. W. Allen, Andrews, Banks, Baker, Black, Boardman, Bond, Boyd, Breckenridge, Brewster, Briggs, Aaron V. Brown, William O. Butler, Calhoun, John Campbell, Carr, Carroll, Carter, Chinn, Chittenden, Clark, James Cooper, Mark A. Cooper, Craig, Cranston, Crary, Crockett, Cross, Davee, Edward Davies, John Davis, Deberry, Dickinson, Edwards, Ely, Everett, Fillmore, Galbraith, Gentry, Gerry, Giddings, Goggin, Graham, Granger, Grinnell, Hall, Wm. S. Hastings, Henry, Hillen, Hunt, Jackson, James, Charles Johnston, Joseph Johnson, Kemble, Kempshall, Lane, Leet, Lewis, Lincoln, McCarty, McCulloch, Meredith Mallory, Marvin, Mason, Mitchell, Monroe, Montanya, Moore, Morgan, Calvary Morris, Morrow, Osborne, Parmenter, Peck, Proffit, Randall, Rariden, Rayner, Reed, Russell, Sergeant, Simonton, Slade, Albert Smith, Truman Smith, Strong, Stuart, Swearingen, Sweeney, Waddy Thompson, Jacob Thompson, John B. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Vroom, P. J. Wagner, Warren, Watterson, Wick, Jared W. Williams, Thomas W. Williams, Henry Williams, Joseph L. Williams, Christopher H. Williams, and Winthrop—110.

NAYS—Messrs. Alford, Atherton, Beatty,

Beirne, Brockway, Albert G. Brown, Burke, S. H. Butler, Casey, Clifford, Wm. R. Cooper, Crabb, Deller, Doah, Earl, Eastman, Fine, Fletcher, Griffin, Hand, Hill of North Carolina, Hopkins, Hubbard, Jameson, William Cost Johnson, Cave Johnson, John W. Jones, Kille, Leadbetter, Leonard, Lowell, Lucas, McClellan, Marchand, Medill, Miller, Montgomery, Newhard, Paynter, Petrikin, Prentiss, Reynolds, Rhett, Edward Rogers, Samuel, Shaw, Thomas Smith, Starkweather, Sumter, Taylor, Turney, Weller, John White, and Lewis Williams—54.

So the rules were suspended.

The previous question was then moved and seconded; and

On the main question being ordered,

Mr. SMITH of Maine called for the yeas and nays; which were ordered, and resulted—yeas 122, nays 52, as follows:

YEAS—Messrs. Adams, John W. Allen, Andrews, Banks, Baker, Barnard, Bell, Black, Boardman, Bond, Boyd, Brewster, Briggs, Brockway, Aaron V. Brown, William O. Butler, Calhoun, John Campbell, William B. Campbell, Carter, Casey, Chinn, Chittenden, Clark, James Cooper, Mark A. Cooper, Craig, Cranston, Crary, Crockett, Cross, Davee, Edward Davies, John Davis, Dawson, Deberry, Dennis, Doe, Edwards, Ely, Everett, Fillmore, Galbraith, Garland, Gates, Gentry, Gerry, Giddings, Goggin, Goode, Graham, Granger, Grinnell, Hall, William S. Hastings, Hawes, Henry, Hunt, Jackson, James, Charles Johnston, Joseph Johnson, Wm. Cost Johnson, Kemble, Kempshall, Kille, Lane, Leet, Lewis, Lincoln, McCarty, McCulloch, Meredith Mallory, Marvin, Mason, Monroe, Montanya, Moore, Morgan, C. Morris, Morrow, Newhard, Nisbet, Osborne, Palen, Parmenter, Peck, Proffitt, Randall, Rariden, Reed, Ridgway, Russell, Sergeant, Simonton, Slade, Albert Smith, Truman Smith, Strong, Stuart, Taliaferro, John B. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Vroom, Peter J. Wagner, Warren, Watterson, Edward D. White, John White, Wick, Jared W. Williams, Thomas W. Williams, Henry Williams, Joseph L. Williams, C. H. Williams, and Winthrop—122.

NAYS—Messrs. Alford, Atherton, Beatty, Beirne, Blackwell, Burke, Bynum, Chapman, Clifford, Connor, William R. Cooper, Crabb, Deller, Doig, Earl, Eastman, Fine, Fletcher, Griffin, Habersham, Hand, John Hastings, Hawkins, Hill of North Carolina, Hillen, Holmes, Hopkins, Hubbard, Jameson, Cave Johnson, Leadbetter, Leonard, Lowell, Lucas, McClellan, Marchand, Medill, Miller, Montgomery, Paynter, Petrikin, Prentiss, Reynolds, Edward Rogers, Samuel, Shaw, Thomas Smith, Starkweather, Sumter, Swearingen, Jacob Thompson, Turney, Weller, and Lewis Williams—52.

So the resolution was adopted.

Mr. ANDREWS, from the Committee on Accounts, offered a resolution authorizing that committee to allow the pay of all such members of the House as were unavoidably detained by the late storm, on their way to the seat of Government; and who, in consequence, were prevented from taking their seats at the commencement of the session.

Objection being made to its reception,

Mr. ANDREWS moved to suspend the rules; but the motion was not sustained by the House.

Mr. JOHN CAMPBELL, on leave, presented the report of the Committee on Federal Relations of the House of Representatives of South Carolina, on so much of the Governor's message as relates to the election of President of the United States, the construction of the Constitution, and the future arrangements as to the tariff of duties on imports; which was laid upon the table, and ordered to be printed.

Mr. UNDERWOOD, also on leave, presented the resolutions of the Legislature of Kentucky, in relation to the United States Bank and the public domain; which were laid upon the table.

Mr. HAND submitted a resolution, that all petitions and papers, the presentation of which were not objected to by the rules of the House, be referred to the appropriate committees, by the mem-

bers presenting them endorsing their names thereon.

Mr. H. moved to suspend the rules, but the motion did not prevail.

PUBLIC LANDS IN TENNESSEE.

The SPEAKER then stated the first business in order to be the bill reported from the Committee on the Public Lands on the 16th of January, to amend an act entitled "An act to authorize the State of Tennessee to issue grants and perfect bills to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same, passed the 18th day of April, 1806." The question was on the motion of Mr. L. WILLIAMS to commit the bill to the Committee of the Whole on the state of the Union; and pending the same, the morning hour had expired.

Mr. CROCKETT said he would not make the speech which he intended to have made, as he was sure every member understood the subject, and time was precious. Mr. C. then moved the previous question; which was ordered and put, viz: "Shall the main question be now put?" and passed in the affirmative.

The SPEAKER then decided that the main question was, shall the bill be engrossed and read a third time?

Mr. MONTGOMERY appealed from the decision, on the ground that the main question was that the bill be committed to the Committee of the Whole on the state of the Union.

Mr. L. WILLIAMS asked to be excused from voting on the question, and was proceeding to state his reasons why he ought to be excused.

When several gentlemen called him to order, on the ground that the previous question cut off debate.

Mr. L. WILLIAMS said he would then make a motion that would not be out of order; and that was, that the bill be laid upon the table; and thereupon called for the yeas and nays; which were ordered, and were—Yeas 39, nays 137, as follows:

YEAS—Messrs. Adams, Brockway, Bynum, John Campbell, Carroll, Chittenden, Connor, Deberry, Dromgoole, Evans, Fillmore, Gates, Goggin, Graham, Griffin, Hawes, Hawkins, Hill of North Carolina, Hillen, Hopkins, Jackson, Charles Johnston, Joseph Johnson, William Cost Johnson, Lane, Leadbetter, McCarty, Meredith Mallory, Montgomery, Morgan, Palen, Peck, Simonton, Taliaferro, Philip F. Thomas, Tillinghast, Underwood, Lewis Williams, and Winthrop—39.

NAYS—Messrs. Alford, Andrews, Atherton, Banks, Barnard, Beatty, Beirne, Black, Blackwell, Boardman, Boyd, Brewster, Briggs, Aaron V. Brown, Albert G. Brown, Burke, William O. Butler, William B. Campbell, Carr, Carter, Casey, Chapman, Clark, Clifford, James Cooper, Mark A. Cooper, William R. Cooper, Crabb, Craig, Cranston, Crary, Crockett, Cross, Cushing, Davee, Edward Davies, John Davis, Garrett Davis, Dickerson, Doe, Doig, Earl, Eastman, Fine, Fisher, Farnance, Galbraith, Garland, Gentry, Gerry, Goode, Habersham, Hall, Hand, John Hastings, Henry, Holt, Hubbard, Hunt, James, Jameson, Jennifer, Cave Johnson, Kempshall, Kille, King, Leet, Leonard, Lewis, Lincoln, Lowell, Lucas, McClellan, McCulloch, Marchand, Marvin, Mason, Medill, Miller, Mitchell, Monroe, Montanya, Moore, Morrow, Newhard, Nisbet, Parmenter, Petrikin, Pickens, Pope, Prentiss, Proffitt, Rariden, Reynolds, Ridgway, Edward Rogers, Samuels, Sergeant, Shaw, Slade, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Stuart, Sweney, Taylor, Jacob Thompson, John B. Thompson, Toland, Triplett, Turney, Vroom, Peter J. Wagner, Warren, Watterson, Weller, Edward D. White, John White, Wick, Jared W. Williams, Thomas W. Williams, Henry Williams, Joseph L. Williams, Christopher H. Williams, and Wise—137.

So the House refused to lay the bill upon the table.

The question then recurred on the engrossment of the bill; and being put, passed in the affirmative.

Mr. L. WILLIAMS then moved that the bill be read a third time on Monday; but the motion did not prevail.

Mr. LINCOLN then spoke at length on the merits of the bill; but, before he had concluded, the morning hour had expired, and the House then took up the following

SENATE BILLS:

Which were read a first and second time, and appropriately referred, viz:

An act for the relief of the legal representatives of Colin Bishop;

An act for the relief of Ephraim D. Dickson;

An act for the relief of the legal representatives of Pierre Bonhomme;

An act for the relief of the heirs of Miguel Eslaw;

An act for the relief of Juan Belgar;

An act for the relief of the legal heirs and representatives of William Conway;

An act for the relief of Pierre Babin;

An act for the relief of George De Passan of Louisiana;

An act for the relief of John Compton, assignee and representative of Ganigues Flaujac;

An act for the relief of Jean Baptiste Comeau;

An act confirming the claim of Jean Baptiste Lecompte to a tract of land in Louisiana;

An act for the relief of the legal representatives of Therese Malette, widow of Gaspard Phiole;

An act for the relief of Henry Wilson;

An act for the relief of the legal representatives of Nathaniel Pryor, deceased;

An act for the relief of J. M. Strader;

An act for the relief the heirs of Madame De Lusser;

An act for the relief of Gurdon S. Hubbard, Robert A. Kinzie, and others;

An act for the relief of Francis A. Harrison;

An act for the relief of Joseph Paxton;

An act for the relief of Reynell Coats and Walter R. Johnson;

An act for the relief John McNeil; and

An act authorizing the Secretary of the Treasury to apply the amount due on certain contracts entered into with the War Department, and Peter H. Green, and Green and Emerson, to the extinguishment of a demand due to the United States from William King and Peter H. Green.

The engrossed bill entitled "An act to incorporate the Washington City Benevolent Society," was read a third time, passed, and sent to the Senate for concurrence.

The bill for the relief of Sarah B. Stith and her children was read a third time; and, being objected to, was laid aside under the resolution adopted to-day.

The engrossed bill for the relief of William B. Winston was read a third time, passed, and sent to the Senate for concurrence.

The engrossed bill for the relief of Elizabeth Jones and others was read a third time; but being objected to, was laid over under the resolution.

The bill for the relief of Thomas Hutchinson was also read a third time; but being objected to, was similarly disposed of.

The bill for the relief of Esther Parrott was read a third time, passed, and sent to the Senate for concurrence.

The bill for the relief of Don Carlos de Villemont, reported from the Committee of the Whole on the 16th of January, with the enacting words stricken out, coming up for consideration, the House concurred therein; and so the bill was rejected.

Mr. WM. COST JOHNSON asked leave to refer a memorial to the Committee on Military Affairs; but

Mr. CARR objected, on the ground that the same privilege was not given to others.

PRIVATE BILLS.

On motion of Mr. RUSSELL, the House resolved itself into a Committee of the Whole on the state of the Union (Mr. Barges in the chair) on private bills.

The bills for the relief of Job Halsey and David W. Sleeth were then read; but being objected to,

Mr. L. WILLIAMS moved that the Committee rise, so as to put it in the power of the House to pass bills, and not leave the business at the mercy of any member who might choose to object, as was the case under the resolution adopted this morning.

The question was then taken—ayes 16—noes 87; no quorum.

Mr. ANDREWS said that, as there was no quorum, he would move that that fact be reported to the House.

The question was again taken, and the tellers reported—ayes 24, noes 111.

So the committee refused to rise.

Mr. STEENROD said it was evident no business could be done under the resolution which had been adopted this morning. He would, therefore, move that the committee rise, to enable the House so to amend the rules as to transact the business of the country.

The question was then taken—ayes 62, noes 55, no quorum.

The question was again taken by tellers, who reported—ayes 63, noes 54, no quorum voting.

On motion of Mr. STEENROD,

The committee then rose, and reported that fact to the House.

Mr. RUSSELL moved a call of the House.

Tellers were called for and appointed, who reported—ayes 52, noes 80.

Mr. SMITH of Maine moved that the House adjourn, but withdrew the motion.

The House then again went into a Committee of the Whole.

Mr. DAWSON then moved that the committee rise, in order that the House might repeal the resolution adopted this morning.

The question was then taken and resulted—ayes 106, noes 35.

The committee then rose, and reported that they had made no progress.

Mr. WISE then moved to rescind the resolution.

Mr. EVERETT moved an adjournment.

The question was then and negatived—ayes 42, noes 107.

Mr. RARIDEN then moved to suspend the rules, so as to go into Committee of the Whole on the bill to confirm certain lands to the State of Indiana, for the continuation of the Wabash and Erie Canal.

The motion to suspend was negatived.

The motion of Mr. WISE to rescind the order of this morning recurred.

Mr. RARIDEN moved to adjourn; but subsequently withdrew his motion.

Mr. CURTIS then moved to adjourn; and the question was taken by yeas and nays, and negatived—Yaes 56, nays 86.

The question again recurred on the motion of Mr. WISE to rescind the order adopted this morning, which puts it into the power of a single member so to object to a bill, as to prevent all action upon it for the day; and passed in the affirmative. So the order was rescinded.

The question that the engrossed bill for the relief of Sarah B. Stith and her children do pass, again came up.

Mr. SMITH of Maine moved the previous question; but withdrew to enable

Mr. PROFFIT to move an amendment.

The SPEAKER said that the bill was not open to amendment on its passage.

The previous question was then moved and ordered, and the main question taken on the passage of the bill by yeas and nays—Yaes 33, nays 86; no quorum voted.

The House then adjourned.

IN SENATE,

MONDAY, February 8, 1841.

The VICE PRESIDENT submitted a report from the Secretary of the Treasury, transmitting a statement of the contracts entered into by that Department during the year 1840; which was laid on the table, and ordered to be printed.

Mr. NORVELL presented a petition of citizens of Michigan, praying the construction of a harbor at New Buffalo; which was referred to the Committee on Commerce.

Mr. N. also presented the memorial of citizens of Cass county, Michigan, in favor of the passage of a general bankrupt law; which was laid on the table.

Mr. BUCHANAN presented a memorial numerously signed by mechanics, traders and merchants of Philadelphia, remonstrating against the passage of the bankrupt bill now before the Senate; which was laid on the table, and ordered to be printed.

Mr. PRESTON presented a memorial of persons engaged on the public buildings, asking compensation for lost time, occasioned by a suspension of operations thereon; which was referred to the Committee on Public Buildings.

Mr. WHITE presented the memorial of citizens of Laporte, Indiana, in favor of the passage of a general bankrupt law; which was laid on the table.

Also, the memorial of citizens of Tippecanoe county, Indiana, praying the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. WALL presented a memorial of fifty-seven women of Pennsylvania, praying an alteration of the laws of the United States in relation to slavery; the motion to receive which, was,

On motion by Mr. FULTON, laid on the table.

Mr. YOUNG presented a memorial of citizens of Illinois and Wisconsin, praying the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. RUGGLES presented a memorial of citizens of Hancock county, Maine, remonstrating against the repeal of the salt duties and fishing bounties and allowances; which was referred to the Committee on Finance, and ordered to be printed.

Mr. STURGEON presented four memorials, praying the construction of a lighthouse on Brandywine Shoal; which were referred to the Committee on Commerce.

Mr. WALL presented the memorial of Daniel Raub in relation to his safety valve for steamboilers; which was ordered to be printed.

Mr. WRIGHT presented the memorial of the Chamber of Commerce of the city of New York on the subject of a bankrupt law.

Mr. WEBSTER presented a memorial of citizens of Onondaga county, N. Y. remonstrating against the execution of the treaty with the Seneca Indians; which was laid on the table.

Mr. PORTER presented the memorial of a number of citizens of Michigan, praying the enactment of a bankrupt law; which was laid on the table.

Mr. WALKER presented the memorial of George W. Trippe; which was referred to the Committee on the Public Lands.

Mr. HENDERSON presented the memorial of a number of citizens of Mississippi, praying the enactment of a bankrupt law; which was laid on the table.

Mr. HUBBARD presented the memorial of the Legislature of Wisconsin, praying the enactment of a law defining the Western boundary of said Territory; which was ordered to be printed.

The joint resolution authorizing the transfer to the State of Maryland of the stock in the Chesapeake and Ohio canal standing in the name of the United States, upon certain conditions, was read a third time, and passed.

On motion by Mr. SMITH of Indiana, the bill to alter the place of holding one of the terms of the District Court of Ohio was taken up as in committee of the whole.

Mr. CRITTENDEN submitted an amendment, proposing to attach Arkansas to the eighth circuit, and Kentucky to the ninth district; which, after a discussion, in which Messrs. CRITTENDEN, KING, ALLEN, SEVIER, CLAY of Alabama, WALKER, and MOUTON, participated, was agreed to, and the bill, as amended, was ordered to be engrossed.

On motion by Mr. PIERCE, the bill for the relief of the heirs of Daniel Pettibone was considered as in committee of the whole, and ordered to be engrossed for a third reading.

The following bills from the House of Representatives were taken up, read a first and second time, and referred, viz:

The bill authorizing the issue of Treasury notes, to the Committee on Finance.

The bill to incorporate the Washington City Benevolent Society, to the Committee on the District of Columbia.

The bill for the relief of William B. Winston and

The bill for the relief of Esther Parrott, to the Committee on Pensions.

Mr. CLAY of Alabama submitted the following resolution, which was agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of attaching the Cherokee territory lying in Alabama to the Coosa land district, and the removal of the land office to some point within the territory so attached.

Mr. LINN submitted the following resolution for consideration:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of procuring a sufficient number of the most approved repeating fire-arms to supply the troops operating against the Indians in Florida.

BANKS OF THE DISTRICT.

Mr. MERRICK moved that the Senate postpone the orders of the day, for the purpose of taking up the bill to revive and continue in force the act to incorporate the banks of the District of Columbia.

Mr. TAPPAN said there was but a few minutes of the morning hour unexpired, when the special order would be taken up as a matter of course. He would therefore leave it to the Senator whether it was worth while to take up the bill for the few minutes that was left for its consideration.

Mr. MERRICK persisting in his motion,

Mr. TAPPAN said there was another reason why the bill should not be taken up at this time. A resolution had been adopted some time since by the Senate, calling on the Secretary of the Treasury for information in relation to the losses sustained by the Government by the failure of banks and the depreciation of their notes; and he thought that information was necessary to enable them to act understandingly on a bill to charter these institutions.

Mr. ALLEN also opposed taking up the bill until the information called for by a resolution of the Senate was before them.

Mr. BENTON said that in a few minutes the hour would arrive when the bankrupt bill would come up for discussion, and he apprehended gentlemen did not ask that this bill should be taken up to the exclusion of the bankrupt bill. On Thursday last the Senate determined to take up the bankrupt bill and to go on with it; it was so taken up, and some progress was made in it. Some action was had upon it, and the Senate arrived at the question whether banking institutions should be included within its provisions. Now, did gentlemen wish to get rid of that by a side blow? Shall the banking institutions obey the law of the land, and pay their debts? was the simple question that was to come up before them. And what had taken place within the last few days, since the last adjournment of the Senate? He supposed they had all heard the news; and he supposed all who did him the honor to listen to what he said on Thursday, recollected that he had anticipated this event, but he had not anticipated that it would take place quite so soon. He had expected that it would take place in the course of the summer if a "called session" did not keep a certain thing alive; but the third suspension is here, and in time to have the case laid before the General Assembly, now in session, and in time, too, to furnish an excuse for a called session, for all the ordinary excuses had well nigh disappeared. It may now be said that a called session is necessary, to take into consideration the condition of the banks and the currency—to devise means to create a new Bank, the dead corpse of the old one lying before them, though he (Mr. BENTON) should think the fact would produce a different result. He should have supposed it would the rather have led to the conclusion that it was necessary to apply a bankrupt law to them, and not that a bankrupt law should be enacted to extend to trading incorporations, and not to banks. They ought to go on, and show to the people of the United States who was in favor of having the laws obeyed—who was in favor of having banking incorporations made subordinate to law and government. They should go on, too, and show the people, by their action, that

there was no occasion for despair, but that there was still power in the law to regulate the banks, yea, even a fifty million monster. He wished this debate to go on; and therefore he was against taking up another subject; he was for going on from the point at which they stopped, and he hoped the Senators who should go into the debate, would present it in this point of view, that whenever the country got tired of the existing state of things—when they wanted law to govern—they had their remedy in a bankrupt law—in a bankrupt law which had the support of a Dallas twenty-five years ago, of a Crawford and a Macon, and even of our President. They would see that there was no reason to despair if they made these banking incorporations submit to law and government, by the exercise of their constitutional authority. With these views he objected to the taking up of the bill to re-charter the District Banks.

Mr. CRITTENDEN hoped the bill would not be taken up.

The question was then taken, when the motion was negatived—ayes 18, noes 27, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Dixon, Graham, Knight, Mangum, Merrick, Phelps, Prentiss, Preston, Rives, Ruggles, Sevier, Smith of Indiana, Southard, Webster, and White—18.

NAYS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Alabama, Crittenden, Fulton, Henderson, Hubbard, King, Linn, Lumpkin, Nicholas, Norvell, Pierce, Porter, Roane, Robinson, Smith of Connecticut, Sturgeon, Tappan, Walker, Wall, Williams, Wright, and Young—27.

THE BANKRUPT BILL.

Mr. CRITTENDEN then moved that the special order be taken up, being the bill to establish a uniform system of bankruptcy throughout the United States.

Mr. HUBBARD believed, in offering his resolution at the last discussion of this bill, that he was misunderstood, and he now explained that all he wished by asking for a division of the question on his resolution, was that he, and others also, might have the opportunity to vote on each separate proposition. This, he apprehended, would expedite instead of delaying the action of the Senate, as anticipated by the Senator from Mississippi.

Mr. CRITTENDEN hoped no objection would be offered to that course, for he thought they could be more rapidly disposed of separately than collectively.

Mr. HUBBARD asked for the ayes and noes on the resolution; and as he did not wish to embarrass Senators with the 6 h resolution, he would withdraw it.

Mr. CLAY of Alabama hoped the question would first be taken on the recommitment, as the disposal of that question might also dispose of the instructions. He then intimated that he should vote against the recommitment, but he was ready, in the mean time, to bear any proposition that gentlemen might have to make.

Mr. WRIGHT begged it might be understood, that if the Senate refused to recommit, all the instructions, as instructions, would fall with it, and no vote could be taken upon them. He wished the Senate to bear this in mind.

The question was then taken, and the motion to recommit was negatived—ayes 16, noes 30, as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Calhoun, Hubbard, King, Linn, Lumpkin, Pierce, Roane, Robinson, Smith of Connecticut, Sturgeon, Tappan, Wall, and Wright—16.

NAYS—Messrs. Clay of Alabama, Clayton, Crittenden, Dixon, Fulton, Graham, Henderson, Knight, Mangum, Merrick, Mouton, Nicholas, Nicholson, Norvell, Phelps, Porter, Prentiss, Preston, Rives, Ruggles, Sevier, Smith of Indiana, Southard, Tallmadge, Walker, Webster, White, Williams and Young—30.

Mr. HUBBARD then moved an amendment to the first section of the bill, the purport of which was to include banking and trading incorporations within its provisions, and he called for the ayes and noes thereon.

Mr. BUCHANAN inquired whether the Senator from New Hampshire did not intend to fix some

particular time for the commencement of the operation of that provision.

Mr. HUBBARD had intended to fix a time when the bill should take effect, if his amendment were adopted, otherwise such a motion would be unnecessary.

Mr. CLAY of Alabama had given an intimation a few days ago that he should vote against including banking incorporations in the bill; he had made a motion to strike out a clause to that effect, at the last session, and on referring to the Constitutions of the old States, he was confirmed in the determination to which he had come. He then read extracts from the Constitution of Alabama to show that banks were established by the sovereign authority of the State—in some of which, in fact, the State held capital—and therefore he contended that he, as a Senator from Alabama, could not consent to vote to extend such a provision of this bill to such State incorporations, as the State would necessarily be affected by such an enactment. He was opposed in every point of view to the intermeddling in State institutions in the manner proposed, or to their assuming powers which did not belong to them.

The Senator from Missouri [Mr. BENTON] had given them, the other day, as part of his argument, a long extract from a letter written by the present Chief Magistrate of this Union, to some committee, during the last summer. In return, he (Mr. CLAY) proposed to read, as rather more orthodox, the remarks of Senator Van Buren, which he thought would be found to contain the better argument. The extract to which he referred was as follows:

"Mr. Van Buren did not think that any great difficulty existed in this question. To him the matter was clear; but his impressions had been opposed by several Senators, and he would protract the debate but a moment, to give, very briefly, his views of the matter. It certainly appeared to him, that one moment's reflection would decide gentlemen against the amendment proposed by his friend from South Carolina. It had been said formerly, and on various occasions, that the States had no right to grant bank charters, and that the banking privilege belonged exclusively to the Federal Government. No direct attempt, however, had hitherto been made to deprive the States of that power which they had long exercised unmolested. But now the attempt was to be made (if not in an open and unequivocal manner, at least in an indirect way,) to strip the States of the power of chartering banks. At any rate, if it were contended that this provision did not go so far, it could not be denied that it interfered in the regulation which State Governments might have adopted for the government of those institutions, which was an odious exercise of power not granted by the Constitution. This amendment has this extent: It directs the States as to the manner in which they shall exercise their sovereignty in this particular, and points out what penalty shall be inflicted in case the charters granted by the States are violated. In fact, it points out what the privileges granted to the incorporations shall be, by dictating the forfeiture, and directing what the companies may, and what they may not do. All this has hitherto been done by the States. They have assumed the direction of these matters as a right, which they doubtless have. And, in including this subject of corporations in the bill now before the Senate, it will be taken entirely from the States, and subjected to the power of the bankrupt system. This was never done, and never attempted in any country on the face of the globe. In England, such a provision was never dreamed of—nor did he believe that, when the Constitution was framed, such an attribute was imagined by those who authorized the establishment of a bankrupt system. He did not accede to the opinion, that the system had power over all chartered institutions. By the very nature of their association, they were, in some respects, exempted from its operation, and no such power was ever contemplated, or was, at this moment, under the most extended construction, enjoyed by the General Government."

Thus it would be seen Senator Van Buren took views which were now entertained by some Senators then on that floor on the same subject, against the proposition, on constitutional grounds. It was

clear to him (Mr. CLAY) that if Congress could assume such power over the banking institutions of the States, it could do that which would amount to a forfeiture of their rights; if it could do that, it could tax their emissions, and thereby assume a power which the party with which he acted had ever disclaimed. In Alabama there was a compact between these institutions and the State, and Alabama had particularly reserved to herself all power to control this matter. A suspension of specie payments, by such a clause, would subject the banks to the operation of the bankrupt law, and this was a matter which the States alone should control, and for which the State Legislatures should inflict the penalty which, under the circumstances of the case, might be just and equitable. The State banks had been sanctioned by the Executive of this Government, where they were made the depositories of its treasures, and Congress could, on no principle, say they should be put down, without the delegation of express power. For such a proposition as that now made, he was not prepared, nor did he believe the people, whom he in part represented, were prepared for it, and therefore he should vote against the amendment.

Mr. HUBBARD agreed so to modify his amendment, as to make it take effect on the 1st of January, 1842. He then said it had been contended, and properly contended, that Congress possessed the power to pass a bill to establish a uniform system of bankruptcy, and that it might be passed for the relief of the debtor, as well as for the benefit of the creditor; now it struck him that no natural persons should be included, more than the artificial. It was not every State that became stockholders in the banks, but did it make any difference whether it was the State or a member of the State that held the stock? So far as his knowledge extended, where the State was the stockholder, things were managed as bad as they could be, and with less care and security to the public than where the institutions were composed of individuals exclusively. But where was the difference? Take Alabama; her Constitution gave her the power to establish banks; but did it say that she should hold the stock in all future time? Did it provide that it should never be surrendered and become the property of individuals in any future time?

Mr. BENTON. If any body will buy it.

Mr. HUBBARD. Yes, if any body would buy it. He took it that it should be handed over at the pleasure of the State, and when so transferred that it should become the property of individuals. He asked whether the events of the last few years had not shown it to be high time that the banks should be brought within some such provision? There was not a solvent and sound institution in the State in which he lived but would desire such a provision, for it would go effectually to secure the credit and to give efficiency and value to institutions of this kind. These incorporations had peculiar privileges conferred upon them—they could make their bills current as money, and then they could suspend when they pleased; and it struck him that the holders of their notes should have a remedy, by making these incorporations subject to the operation of a bill of this sort. Now what security had the holders of their notes? If such a provision as this had been heretofore in operation, would the bill holders have sustained the losses to which they had been compelled to submit by the failure of the banks to redeem their paper? He was willing and desirous that this bill should be made as comprehensive as possible; he wished to relieve the unfortunate debtor, and also to secure the rights of the honest creditor, and there were no more unfortunate debtors in the land than those who were obliged to take the paper of the banks; and with these views, he had made his proposition.

Mr. SEVIER was astonished that the amendment of the Senator from New Hampshire [Mr. HUBBARD] was not broader than it was, and that it was not thereby provided that the indebted States should be put up at auction. Why did not the Senator carry out his principle, and sell the States when they failed to pay their dividends? He (Mr.

SEVIER) was opposed to all such projects; and as long as he was there, offend whosoever it may—Mr. Van Buren or any one else—he would vote against them. His friend from Alabama [Mr. CLAY] had read a provision of the Constitution of that State in justification of his vote; the Constitution of the State of Arkansas contained a similar provision; and if the banks suspended, it was for the State to interfere with the agents acting under her authority. What right had they, sitting in that Senate chamber, as the servants of the States, to criticise the household of their masters at home? He was opposed to all such projects, and so long as he remained there uninstruced, he should continue to vote against them. Besides, the country was now somewhat embarrassed, and if ever there was a time for the exercise of forbearance and charity, this was the time for the exercise of those virtues.

Mr. HENDERSON was glad to hear the language which had just fallen from the Senator from Arkansas. This was a question of power and of constitutional right; if it were a question of expediency, he might vote for including banks within the provision of the Senator from New Hampshire; but he could see, no more than could the Senator from Arkansas, the authority they possessed to include the banks, which were but an emanation from or a scintillation of the States, sent forth to be recalled at pleasure. If they could interfere with any portion of the sovereignty of the States, they could interfere with all their sovereignty. Why, he might ask, with the Senator from Arkansas, were not the States themselves included in this bill? for they got into debt. If they could include the incorporations of the States, why could they not include the States themselves? Why, in his opinion, there could not be a greater arrogation of power than would be assumed by the Congress of the United States, if this amendment should be adopted. It would be to give this Government supreme dominion over the States, and to take it from the people in their sovereign capacity. He objected, then, to this proposition, as a simple question of power.

Mr. WRIGHT spoke at some length, a report of which will be given hereafter.

Mr. SMITH of Connecticut followed, and contended for the right of Congress to extend a bankrupt law to banking institutions. He argued that, if the exercise of the sovereign power of a State in the incorporation of these institutions excluded them from the operations of this law, the exercise of similar sovereign power would exclude trading corporations also. The whole beneficial operation of the law on trade and commerce will be thwarted by the action of the State Legislatures. So far as the States may choose to give charters of incorporation to their citizens, they are entirely exempt from its operation. A state, if it thinks proper, may incorporate all its citizens. There is a general law of incorporation in the State of Connecticut, by which every citizen of the State may be incorporated, and of course, if the doctrine contended for by some gentlemen be correct, will be exempt from the operations of this law. He held that a State had no right to divest itself of its sovereignty in this manner, if the effect of doing so would be to create privileged classes in the community.

Mr. CALHOUN rose not to protract the debate, nor to enter at large into the argument upon the point immediately in discussion, but to reply to a remark of the Senator from New York, who had adduced the only argument in favor of including incorporations which had the semblance of plausibility. The Senator says that if we have the power to pass a law, operative upon natural persons, in their individual capacity as citizens of a State, he can see no reason to prevent our including those persons associated in companies with corporate powers granted by State Legislatures. He can see no reason to exempt an artificial body from the operation of a law to which the natural body is subject. Now the very fact of this body being of State creation, is the reason why it should be exempt from the operation of our laws. This Government cannot control or interfere with the States in their appropriate spheres of action; nor

can the States interrupt or interfere with the operations of the Federal Government in its legitimate sphere. If a State Legislature incorporates banks, we cannot touch them. And in relation to the United States Bank, the court below has decided that it could not be interfered with by State authority. He would not go into this argument, but under every view in which he had contemplated it, he considered it the boldest assumption of power ever proposed to be conferred upon the Federal Government. If we can overrule State legislation in regard to incorporations, what act of a State can be considered sacred from our interference? The very basis of the argument is that the States are not capable of doing their duty, and we, patriotic we, step in and do it for them. The Senator from Arkansas had not, in his opinion, pushed the argument far, when he said if you placed the incorporated companies of a State under a commission of bankruptcy, you might next attempt to place the State herself in the same position. This whole argument was in face of the fact that England had never attempted to extend her bankrupt laws over incorporations.

He then entered into the question of the expediency of this measure. To include these incorporations in a bankrupt bill, would be to place four-fifths of the business men of the country in a commission of bankruptcy. The banks have now owing to them from the community, at least five hundred millions of dollars; and to subject them to a bankrupt law would subject every man who owed them to the same process, and your commissioners of insolvency would have half the property of the Union in their hands. Public feeling would rebel against this state of things, and your law would be impotent.

Mr. CLAY of Alabama submitted a few remarks in reply to the Senator from New York. Every State had a right to deal with her institutions as she thought proper. The Senator said that New York had placed her banks under the operation of a bankrupt law. This she had a perfect right to do; but did not every Senator perceive the difference between the State doing this herself and the Federal Government assuming the power to do it? But suppose we incorporate this amendment into the bill, and it is attempted to be enforced upon the banks of New York, will there not be a conflict of jurisdiction between the State and United States Commissioners of Insolvency, and, if so, which will prevail? If the course pursued by New York in this matter be beneficial, let it be imitated by other States; but it is no argument for this Government to assume the power of placing the property of a State in the hands of a commissioner of the Federal Government. He then, at some length described the connection between the State and the banks of Alabama. He hoped gentlemen would look to the consequences of this doctrine; and if it was attempted to be carried out, he thought it very probable they would soon hear from the States who were interested.

Mr. WRIGHT had but a few remarks to make in reply. As to the connection of the State of Alabama with her banks, he would ask if the State acknowledged herself bound to pay the notes, and other liabilities of the banks? If she did not, he could not see the force of the Senator's argument. Then, as to the argument of the Senator from South Carolina. He says that within their respective spheres the jurisdiction of the Federal and State Governments must not conflict with each other, and instances the decision of the Supreme Court in the case of McCulloch, to show that the States have no power over a company chartered by the Federal Government. Now this decision of the Supreme Court was no law to him. It presupposed the Federal Government had power to charter a banking incorporation, which he denied. But suppose the decision correct, what did it amount to. Only that a law of Congress, constitutionally passed, is superior to the law of a State; and the Senator says, ergo, this Government cannot tax corporate property created by the State. Is the Senator willing to say that all property which might be covered by acts of incorporation shall be exempt from taxation? New York has passed a law by which all religious societies may incorporate

themselves, without further appeal to State legislation. She has power to pass, giving to mechanics, to farmers, and to every class who may apply for it, the same privileges, and thus to cover all the property of the State by acts of incorporation, and thus take it out of the reach of the taxing power of this Government.

Mr. CALHOUN said he had not advanced an argument, but merely laid down a principle, that each Government was supreme in its proper sphere. As to the right of this Government to charter a National Bank, the Senator knew his opinions; they were the same as his own. The real question in this case, was, when the two parties have rights, and their exercise becomes incompatible, which must give way; and he had no hesitation in saying, in the case supposed by the Senator from New York, the taxing power of the General Government would be paramount. The mere fact that in England, whence we have derived this law, its form and its language, it is never applied to incorporations, should be conclusive with us. He repeated, what he had before said, that he considered it the boldest assumption upon the rights of the States ever attempted by the Federal Government.

Mr. HENDERSON rose, but yielded to a motion for adjournment.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES, MONDAY, February 8, 1841.

Mr. JONES said, as there was but a short time of the session now remaining, he was induced to submit a motion that the House go into a Committee of the Whole on the State of the Union, for the purpose of taking up the

PENSION BILL.

Mr. WADDY THOMPSON remarked that he had received a communication from the Secretary of War, in relation to a pacification about being made, or already made, with the Seminole Indians. The communication was such as, in his opinion, required the immediate action of the House; and he would ask that it be read.

Mr. ADAMS said, that this was the day set apart for the presentation of petitions. As three or four weeks had elapsed since gentlemen had an opportunity of presenting petitions to the House, and as this would be the last day on which they would have an opportunity of doing so, he hoped that at least one day would be devoted to the petitions of the people of the United States. Mr. A. said that he had, in his drawer, a hundred petitions, and that nine-tenths of those that came north of Mason and Dixon's line, would be excluded under the 21st rule of the House.

The question then recurred on the motion of Mr. JONES to go into Committee of the Whole; but before any action was taken thereon,

Mr. L. WILLIAMS called for the reading of the communication from the Secretary of War; which was read as follows:

WAR DEPARTMENT, Feb. 6, 1841.

SIR: I have the honor to transmit herewith, for the consideration of the Committee on Military Affairs, a copy of a communication to the Adjutant General from Gen. Armistead, commanding the army in Florida, asking a remittance of \$100,000 to enable him to comply with his promises to the hostile Indians in Florida, in the event of their surrendering themselves for emigration. In the present temper of the Indians, and from the fact that a number have already come in at the various posts and surrendered their arms, there is reason to hope that Gen. Armistead's promises will induce them to come in and give themselves

up for removal to the West. The course adopted by the General has, therefore, met the approbation of the Department, both as a measure of economy and humanity, as the inducement held out by him is calculated to end this protracted contest at much less expense of blood and treasure than to continue the war another month.

The Department has, however, no money under its control, applicable to the object, and respectfully recommend that an appropriation of the amount named by Gen. Armistead (\$100,000) be asked of Congress for that purpose.

Very respectfully,

J. R. POINSETT.

Hon. WADDY THOMPSON,
Chairman of Committee on Military Affairs,
House of Representatives.

HEADQUARTERS, Army of Florida,
Tampa, January 16, 1841.

SIR: I have the honor to report that I have just arrived from Pease Creek and Punta Russa. I visited those places for the purpose of meeting a party of the Seminoles and inducing them to come in.

I did not succeed in obtaining an interview with those chiefs; but several of their people came to see me, accompanied by two of the delegation from Arkansas. They united in saying that they would return in eight days with a party, if not the whole, of their people, and embark on board the steamboat which I shall dispatch to meet them.

I have promised the two chiefs each five thousand dollars, and agreed to pay every warrior who comes in thirty dollars, and give him a rifle, blanket and clothing. To fulfil this and other promises which I have made to the Indians, I trust there will be no delay in forwarding to me or Captain Page the necessary sum of money; or in ordering Captain Armstrong to report to me, with the funds committed to him, for the purpose of facilitating the emigration.

Thirty or forty Indians are expected here in a few days from the head of the Withlacoochie. They desired an escort to protect them from the Mickasukies, which was accordingly furnished.

A considerable number of the Tallahasseees are now in at various points. I shall concentrate them here as soon as practicable. I respectfully enclose herewith a report from Lieut. Col. Leomis, commanding at Fort Clinch, where Echoemathla, chief of the Tallahasseees, has doubtless arrived ere this.

I am, sir, &c.

W. K. ARMISTEAD,
Brig. Gen. Commanding in Florida.

Hon. J. R. POINSETT,
Secretary of War.

P. S. \$100,000 will probably be required for the objects mentioned in this letter.

Mr. W. THOMPSON said he would now ask, with the general consent of the House, that he might be allowed to present a bill relating to that object, and move that the House resolve itself into a Committee of the Whole for the purpose of considering it.

Mr. JONES of Virginia suggested that when the House should go into Committee of the Whole, and take up the pension bill, the proposition of Mr. Thompson could be offered as an amendment to it.

Mr. PROFFIT was about making an appeal to the gentleman from Virginia [Mr. JONES] and to the House, as this was the last day on which any thing could be done on "the bill to confirm to the State of Indiana the land selected for that portion of the Wabash and Erie canal, which lies between the mouth of Tippecanoe river and Terre Haute, and for other purposes; when

The question on going into a committee of the Whole was again stated; and thereupon

Mr. ADAMS called for the yeas and nays, which were ordered.

Mr. W. THOMPSON inquired whether the question was on his motion or on that of the gentleman from Virginia, [Mr. JONES]

The SPEAKER replied, on the motion of the gentleman from Virginia.

Mr. PICKENS asked whether the House, after going into a Committee of the Whole, could not take up any subject they chose.

The SPEAKER replied in the affirmative.

The question was then taken, and resulted—yeas 92, nays 92.

There being a tie, the SPEAKER voted in the affirmative.

So the rules were suspended.

The House then resolved itself into a Committee of the Whole, (Mr. CLIFORD in the chair,) and took up the following bill, reported from the Committee of Ways and Means on the 18th of December last, viz:

A BILL making appropriations for the payment of revolutionary and other pensions of the United States, for the year eighteen hundred and forty-one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby appropriated, in addition to former appropriations, to be paid out of any money in the Treasury nor otherwise appropriated, for the pensioners of the United States, for the year one thousand eight hundred and forty-one:

For the revolutionary pensioners under the act of the eighteenth of March, one thousand eight hundred and eighteen, three hundred and fourteen thousand dollars;

For the payment of invalid pensions, one hundred and seventy thousand dollars;

For pensions to widows and orphans under the act of the fourth of July, one thousand eight hundred and thirty-six, four hundred and eighty-eight thousand two hundred and forty-one dollars;

For five years' pensions to widows under the act of the seventh of July, one thousand eight hundred and thirty-eight, one hundred and sixty-eight thousand three hundred and fourteen dollars;

For half pay pensions, payable through the offices of the Second and Third Auditors, five thousand dollars;

For arrearages, payable through the Second Auditor's office six hundred dollars;

For arrearages, payable through the Third Auditor's office one thousand dollars.

Mr. WADDY THOMPSON then offered to amend the bill, by adding the following:

Sec. 2. *And be it further enacted,* That one hundred thousand dollars be, and the same is hereby, appropriated, to be expended under the direction of the Secretary of War, for the benefit of such of the Seminole chiefs and warriors as may surrender for emigration.

Mr. PETRIKIN desired to know whether that amendment was in order.

After some discussion of a conversational character, the CHAIR decided that the amendment was in order.

Mr. WADDY THOMPSON observed that it would be unnecessary for him to say any thing in relation to the expediency of adopting the amendment, inasmuch as the facts furnished by the Secretary would make that apparent to all. He then proceeded to say that he had said long ago that we would never be able to end that disastrous war in any way but by negotiation. It was foolish to attempt to fight or to drive off the Indians, under such circumstances, when we could buy them off at a much less expense.

After some further remarks, Mr. T. alluded to the growing power and ambition of Great Britain, and the extremely delicate position in which we were placed in relation to that power. Looking at all this, he observed the man must be silly to suppose that she would suffer McLeod, one of her citizens, to be executed by us for obeying the avowed order of his Government. Mr. T. then alluded to the facilities of Great Britain in the West Indies, etc. for annoying us in case of a war, and wondered at the supineness of Southern gentlemen on the subject.

It might be said, however, that we should lose our dignity by thus ending the war by negotiation. That was out of the question, for our dignity was gone already. But it would be recollected that we

had not been conflicting with Indians only, but with nature. We had been struggling against the climate, swamps, marshes, and other inaccessible places. He then referred to the unsuccessful struggle of England in the Maroon war for eighty years, under similar circumstances, and which was at last ended by negotiation. Mr. T. concluded by expressing his belief that this was the important crisis for an advantageous termination of the war in Florida.

Mr. PROFFIT understood that the sum required by the amendment was to perfect an agreement that had been made for terminating that war. If so, he would vote for it, as it was enough for him to know that it was recommended by the party now in power. Under these circumstances, he would vote for it, although it had been a million.

Mr. P. then complained of the peculiar tone recently assumed in the debates, on all appropriations, with relation to the growing powers of Great Britain. But why was Great Britain selected in preference to other countries? Why was nothing said about France? The latter country might send her seventy-four gun ships to batter down forts in South America—she might extend her power in Africa, and do other things, without a word being said. But it appeared that Great Britain alone had been selected as the theme for declamation. Now if gentlemen were for war, why did they not propose it, and not talk about it. All the difference between them and Great Britain was, that while they talked, Great Britain acted. That was all the difference.

Mr. W. THOMPSON said if the gentlemen alluded to him, he was the last man on that floor to go to war; nor would he do it unless forced into it.

Mr. PROFFIT said he believed it. But at this time, when there was not a speck of war, what use was there for gentlemen to make such speeches about Great Britain and her growing power? Great Britain was not arming? She was merely maintaining her position as a great nation, and why did not we follow her example? He also objected to our anticipating the action of the courts in New York in relation to the case of McLeod.

Mr. P. hoped this question of war would not be canvassed in this way, for if suffered it would lead to inextricable debate. Let us, said Mr. P., confine the debate to the subject of the Florida war, and not by these war speeches sanction the idea that the American Congress is secretly harboring the spirit of war, when it has not the courage to declare it.

Mr. PETRIKIN could not go for the proposition of the gentleman from South Carolina. He, Mr. P. wished to act with proper caution in these matters. He did not wish those scenes to be enacted over again, when the Indians had been furnished with blankets, powder, ball, and other things, and had then turned round and massacred men, women and children.

Mr. P. was not in favor of countenancing the usurpation of power by any general officer. Where had General Armistead the power to give his pledge to the Indians, on the part of this Government? Were we, by the adoption of this amendment, to sanction this usurpation of power? Mr. P. proceeded to say that, although he was a party man, his party did not teach him to act contrary to the principles of right. His party did not teach him subordination of perjury. Besides, he had another objection. Proper time ought to be allowed for an inquiry into this matter. He, for one, was not in favor of voting away a hundred thousand dollars, without a report from a committee to show the why and wherefore.

Mr. GIDDINGS then took the floor, and, at great length, went into an investigation of the causes, history, etc. of the Florida war.

Mr. G. in the course of his remarks, which he said were already written out, commented largely on the Abolition question, the kidnapping of negroes, etc. as having a powerful agency in the cause of the hostilities in Florida.

Mr. MARK A. COOPER followed; and was making some very keen remarks on the subject of kidnapping, and how the sympathies of Abolition gentlemen were affected by circumstances, when, at the request of several members, he gave way to a motion that the committee rise. That motion

prevailing, the committee rose and reported progress.

Mr. ALBERT SMITH moved the House do adjourn.

Mr. PROFFIT demanded the yeas and nays; which were ordered.

The motion to adjourn was then withdrawn.

Mr. JONES of Virginia, from the Committee on Ways and Means, reported a bill making appropriations for certain fortifications for the present year; which was read twice, referred to a Committee of the Whole, and ordered to be printed.

Mr. EASTMAN of New Hampshire, after some difficulty in obtaining the floor, on leave introduced a bill to extend for five years the act, approved July 7, 1838, granting half pay and pensions to certain widows.

After some appropriate remarks from Mr. E. the bill was read twice, committed to a Committee of the Whole on the state of the Union, and ordered to be printed.

On motion of Mr. J. L. WILLIAMS of Tennessee, it was

Resolved, That the Committee on the Judiciary inquire into the expediency of so changing and adjusting the circuits of the United States courts as to distribute and equalize, as far as practicable, the labor of the judges.

The House then adjourned.

NOTE.—The Senate bill providing for a settlement of the claims of New Hampshire, was, some time ago, read twice, and referred to the Committee on Military Affairs.

IN SENATE,

TUESDAY, February 9, 1841.

The VICE PRESIDENT submitted a message from the President of the United States, transmitting a report of the Commissioners for the exploration and survey of the Northeastern boundary, with reference to a further appropriation for the completion of the duty assigned to them. The message was referred to the Committee on Foreign Relations, and ordered to be printed.

Also, a report of the Secretary of the Treasury, in compliance with a resolution of the Senate, showing the quantity of public land ceded to each of the respective States for certain specified purposes; which was laid on the table, and ordered to be printed.

Mr. PIERCE presented certified copies of papers in the Pension Office, in support of the claims of Margaret Miller and Elizabeth Whitman to pensions; which was referred to the Committee on Pensions.

On motion by Mr. PIERCE, the Committee on Pensions was instructed to inquire into the expediency of granting a pension to Molly Luther, widow of a Revolutionary soldier.

Mr. YOUNG presented the joint memorial of the General Assembly of Illinois, praying the establishment of a Marine Hospital at the city of Cairo; which was referred to this Committee on Commerce, and ordered to be printed.

Mr. HENDERSON presented a memorial of citizens of Warren county, Mississippi, in favor of the passage of a general bankrupt law; which was laid on the table.

Mr. GRAHAM presented a memorial of Murray and Spencer; which referred to the Committee on the Post Office and Post Roads.

Mr. HUBBARD, from the Committee on Claims, to which was referred the bill for the relief of Langtree and Jenkins, reported the same without amendment.

Mr. CLAY of Alabama, from the Committee on the Public Lands, to which a resolution on the subject was yesterday referred, reported a bill to annex the Cherokee territory, in the State of Alabama, to the Coosa land district, and the removal of the land office of said district.

On motion of Mr. C. the bill was then reconsidered as in committee of the whole, and ordered to be engrossed for a third reading.

On motion of Mr. WALL, the bill further supplementary to an act entitled "An act to establish the judicial courts of the United States," passed the

24th of September, 1789, was taken up and considered as in committee of the whole, and ordered to be engrossed for a third reading.

Mr. NORVELL, in pursuance of previous notice, asked and obtained leave to bring in a bill authorizing the States to tax any lands within their limits sold by the United States; which was read twice, and referred to the Committee on Public Lands.

Mr. PRESTON, from the Committee on Military Affairs, reported a bill for the relief of De Peyster and Croger; which was read, and ordered to a second reading.

The bill to alter one of the terms of the circuit court of the District of Ohio, and for other purposes; and

The bill for the relief of the heirs of Daniel Petibone, deceased, were severally read a third time and passed.

ORDERS OF THE DAY.

The bill for the relief of Jacob Pennell and others, owners of the Eliza of Brunswick;

The bill for the relief of the Steamboat Company of Nantucket;

The bill for the relief of Caspar W. Wever; and

The bill for the relief of certain companies of Missouri volunteers; were severally considered as in Committee of the Whole, and ordered to be engrossed for a third reading.

The bill to revive the act entitled "An act to enable the claimants to land within the limits of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," approved the 26th of May, 1824, and an act amending the same, and extending the provisions of said acts to claimants to land within the States of Louisiana and Mississippi, was taken up on motion by Mr. LINN, who proposed several amendments thereto, which were agreed to; and the bill as amended was discussed by Messrs. KING, LINN, SEVIER, and BAYARD, and was then ordered to be engrossed for a third reading.

THE BANKRUPT LAW.

The bill to establish a uniform system of bankruptcy throughout the United States was taken up, as in committee of the whole.

Mr. HENDERSON resumed the debate, and reviewed the operation of the law as proposed by the Senator from New Hampshire, if adopted, on banking and other incorporations, and the power of Congress so far to extend such a provision. If this bill could made to include one incorporation, he argued that it could be extended to all incorporations; and, consequently, a township, a city, a county, or a State, and, in short, any thing that had a corporate existence, could be embraced; but he denied that such power existed in that body.

Mr. WALKER did not intend to have taken part in this discussion; but after the course which this debate has taken, and after the doctrines had been expressed which he had heard promulgated during that debate, he could not abstain from some remark. The constitutional question which was here involved, was of the highest importance—it struck at the very existence of our institutions—and if the doctrine which had been there promulgated, could be sustained as the constitutional views of that body, it would be attended with calamitous consequences. What was it? It was that a State, by the grant of a charter to her citizens, can exempt them from the operation of the powers granted by the Constitution to the United States. That was the question, and it was one of solemn import; for if a State, by granting a charter to any number of her citizens, can exempt them from the operation of the powers granted to this Government, she can exempt all her citizens from the operation of that power. And if she can exempt her citizens from the operation of one power of this Government, she can exempt them from the operation of all its powers, and thereby nullify and overthrow the Government itself. That was the question. It was that a number of individuals of a State, by obtaining an act of incorporation as a bank, can override, by that legislative authority, all the granted powers of this Government. And this must be admitted to be a question of solemn import. Power was vested in Congress to establish

a uniform system of bankruptcy; and over whom was it to operate? The citizens of every State of the Union. And what was asked on the other side? Why, that a certain number of citizens, by obtaining a charter of incorporation from the State Legislature, may rise up and exempt themselves from the operation of the granted powers of this Government. He (Mr. WALKER) was ready to defend the just rights of the States on any occasion, but he should not assist them in their attempt to usurp the rights granted by the Constitution, and by every State of the Union, to this Government! This power, then, of the General Government, being undeniable, he would ask whether a State could exempt her citizens from the operation of this power in any mode; for if she could do it by the grant of charters of incorporation, she could do it in any other mode.

And again, bankers were individuals who were engaged in trade; there were banks that were incorporated and banks that were not incorporated; and a bankrupt law was to be passed to operate on all the people of the Union; the powers given to Congress were to establish a uniform system of bankruptcy; but if the doctrine here proclaimed were to be admitted, the law would not operate with entire uniformity throughout the Union, as it would be stopped on the very threshold of those States that thus assumed the power to exempt their citizens from the operation of the law. Now he denied that the States possessed any such power to exempt their citizens from the operation of this or any other power vested in this Government. The powers so vested in this Government were supreme, any thing in any State laws to the contrary notwithstanding; and he called upon Senators to consider the importance of the question whether any and every State, by granting to all and any of her citizens—for if she could exempt one she could exempt all—charters of incorporation could thus override the powers of the General Government. Now he found there were many powers granted by the Constitution to this Government, and could the States at their pleasure exempt their citizens from the operation of all these powers? Take, for instance, the taxing power. Were corporations exempted from the operation of the taxing power of this Government? Were individuals exempted from it by receiving charters of incorporation? If so, this Government has no taxing power, or it is destroyed at the will and pleasure of the States, for they had only to cover their citizens by a State charter of incorporation. But who would venture to assert that the States had such power? And was not the bankrupt power as clearly delegated to Congress as this taxing power? or was one power granted to Congress a sovereign power, and the other a limited power. No; the bankrupt power was just as clearly delegated as any other. But again: this Government has the right to collect duties on imports; but may not the States grant charters of incorporation to wholesale importers; and will those charters exempt them from paying the duties on their importations within the limits of the State? If charters of incorporation could exempt bankrupts from the operation of the power of this Government, might not importing companies, by similar charters, be exempt from the operation of the law levying duties on imports. Take again the powers of the Government to levy war. Now they knew that, in many States, there were incorporated volunteer companies; and if this Government could not apply its powers to those corps, because they were incorporated, this Government has no power to make war, for these chartered companies were not subject to this Government. They might take up other cases in succession, and they might strike out all the powers vested in Congress; for the sections of the Constitution conferring such powers, were but so many dead letters if these charters were so many exemptions from the operation of the powers of this Government. He then proceeded to reply to the arguments of the Senator from South Carolina [Mr. CALHOUN] of the previous day, and he contended that the township commissioners, &c. to whom that honorable Senator had referred, were but quasi corporations for the transaction of public and not private business—that they were not be-

yond the control of the repealing power of the State, and were in fact, and in the language of the best American authorities, *quasi* officers, as much as a constable, a sheriff, or a county board of police, for the transaction for the State of its local business within its legitimate sphere. The distinction, then, was clear between corporations for public and corporations for private purposes, the one being for the transaction of the business of the States, and the other of individuals unconnected with the sovereignty of the States. But a plea was here set up that private incorporations for the transaction of private business under a contract with State Legislatures, should be exempt from the powers of this Government. Here then were exemptions claimed for incorporations that were not the agents of the States; that were not subject to the repealing power of the States, but were corporations of private individuals for the transaction of private business, without exercising any of the power of sovereign authority of the States. They were engaged in private pursuits, and now they came in and asked, on account of an engagement with the States for the transaction of their own private business, to be exempt from the powers of this Government. The gentleman from South Carolina, yesterday, had cited a case in which it was decided that they could not tax branches of the Bank of the Union; but if that honorable Senator would look again at that decision, he would find that it was decided on the ground that the bank was a public corporation—the fiscal agent of the Government—and that all its branches were equally the agents of the Government; and on that ground alone was the exemption pronounced. If it had been a private corporation, it would have been subject to the taxing power. The decision, then, went to show that they might tax banks, so long as they were private incorporated companies, chartered for private gain and emolument; and that a public corporation which was the fiscal agent of the Government was beyond the taxing power. But were these trading bank incorporations the fiscal agents of the Government of this Union? Were they the officers of the Government? Did they transact its fiscal business? If so, how dared they assert that their charters were beyond the repealing power and the control of the Government? What made them? What was the fiscal agent beyond the power that created it? There never was such an agency established on earth: the authority that made it could recall or change its powers at pleasure; and, as the banks were not the agents of the Government, they were not exempt from the taxing power of the State or of the General Government. A case had occurred in Rhode Island in which the Supreme Court had decided that the State did possess this taxing power, and if the State did, why did not the General Government? And if these private incorporations were subject to the taxing power, could any good reason be given why they were not subject to the bankrupt power? But they had been told they must not touch State banks, or banks of which the State was proprietor in whole or in part. Now, if gentlemen wished to exempt State banks from the operation of the section under discussion, let them move an amendment for that purpose; but he denied, so far as the question of power was concerned, that a bank was exempt because it had a State as a partner. Why had not the same tribunal to which the honorable Senator from South Carolina had referred—the Supreme Court of the Union—decided that when a State becomes a partner in a bank or other incorporation, it lays down its sovereignty and has no more power, as a member of that corporation, than the humblest individual? It was not then to be viewed as a State, but as a co-partner, nor otherwise than as an individual partner; and if a State becomes a banking company, it is clearly unconstitutional; for a State has not the authority to emit bills of credit. He pronounced, then, that the power claimed to exempt these chartered companies from the operation of the power of the General Government, was an unjustifiable assumption of power, which was not possessed by a potentate of France or Russia. Now, if there ever was a period when this bankrupt power ought to be applied to the banks, it was now,

when the explosions around them were like the report of artillery on the battle-field, where scarcely had the sound of one ceased to reverberate on the ear before they had another and another in quick and quicker succession, and they were surrounded with the wrecks and fragments of banking institutions. When the banks ceased to answer the object for which they were created, they ought to be subject, like any other insolvent trading company, to the bankrupt power of the Union; or if an exemption should exist at all, it ought to be in favor of the unfortunate private trader, and not of the banking company which was invested with so many exclusive privileges. If there were any of these banking companies that were more mismanaged than others, it was those which were owned in whole or in part by the States—they were more corrupt and corrupting, for they both corrupted States and individuals; and had they not seen a report in regard to one of these banks which was owned by one of the States of the Union, by which loans to the amount of \$700,000 had been made to the State Legislature to which it was responsible—yes, it had been found upon examination—upon an opening of “the secrets of the prison house,” that the members of the Legislature stood indebted to that bank to the amount of \$700,000, and yet it was asked that the State Legislature should possess the power to apply to that bank the operation of a bankrupt law! Why, this was a reason why that Legislature was not the proper depository of such power. It would be, in fact, the debtors applying a bankrupt law to the creditors. And what had they seen in his native State (Pennsylvania) but a few days ago? Why, the State borrowing 400,000 dollars from a bank which in a few days afterwards exploded; and yet that Legislature was to possess the power to apply a bankrupt law to that incorporation. Now, he would say to the gentlemen that were friends of the banks, that if they wished to save the system from total annihilation, they must take a new latitude and change the point of their compass, for they could only be sustained by the public confidence. Now they could suspend at pleasure, and set the State Legislatures at defiance; and it became the people of the States to apply an appropriate remedy. They had recently been told that the Bank of England required twenty-six years to resume; and what was that but to inform the people of this Union that a certain bank must have the same period to resume as its great prototype? He was not aware that any other power could prevent suspension, except the powers to be possessed by a bankrupt law; and this would operate on the instincts of these incorporations whose sole object was money-making. With such a law in existence, they would not dare to flood the country with millions on millions of their paper money, for they would know that there existed a decree, which was fixed and irrevocable, which would follow and punish every abuse of power. After a few other observations, the honorable gentleman concluded with a brief recapitulation of the arguments he had adduced in the course of his address.

Mr. CALHOUN said the Senator from Mississippi had misapprehended his argument on a preceding day. The question was not whether a State can exempt individual citizens from the operation of the powers of this Government, but whether, when the State has exercised its acknowledged powers, this Government can exercise powers destructive of the acknowledged powers of the States, and consequently all the remarks of the Senator from Mississippi, founded on that misapprehension, fell to the ground. He (Mr. CALHOUN) had no doubt the General Government might tax individuals composing incorporations, and the corporations themselves; for, according to his estimate of the taxing power, it was to get money and not to destroy, for destruction would defeat its own object. With respect to the decision of the Supreme Court, he had no hesitation to express the opinion that it was wrong. He believed the State had the right to levy the tax, and he believed the Senator from Mississippi was wrong in supposing the decision was founded

on the assumption that the bank was a public and not a private corporation. Be that as it might, his (Mr. CALHOUN's) memory could not be mistaken on the point that the taxing power was treated as a power to destroy; but he thought it was the reverse of that. But to proceed to another point. The Senator from Mississippi had placed his argument, as he (Mr. CALHOUN) understood it, on the ground that the bankrupt power was an absolute power.

He (Mr. CALHOUN) understood it might extend to all cases of debtor and creditor, and that was what he understood by absolute power. Bankruptcy was a technical term, and he concurred with the Senator from New York, [Mr. WRIGHT,] and with the Senator from New Jersey, [Mr. WALL,] who made a report on the subject last year, that it was limited to creditors and not to debtors, and that such had been the basis of all bankrupt laws heretofore considered or proposed for adoption, and consequently that it was destructive of voluntary bankruptcies, which were treated as mere insolvencies. Now what was the difference between public and private corporations? The one was said to be an incorporation for individual and special interest; but were not all created for a public purpose, or under the plea of a public purpose? It would be a gross abuse of power to confer such privileges, unless it were to promote some public object; and the people of the United States believed these private incorporations were useful in promoting trade, and navigation, and commerce, and so forth. If such, then, were the object, what possible difference could it make whether the interests were separate or otherwise?

After a few other observations he defended the right of the States to exercise authority over the banks of the States, and to insist upon forfeitures for suspension; and he inquired whether it had come to this, that Congress was to interfere because the State Legislatures were too indolent or too corrupt to do it. He was of opinion that it was not for Congress to undertake it. He then stated various grounds on which he opposed this proposition. He opposed it as leading to a breaking up of a system in which the debts and credit of the country were concentrated, because it would force on a universal settlement all over the land, and because they could not do it without a violation of the Constitution; and also because, if they adopted this proposition, they would get a principle which would include every township in New England. For these and other reasons, he opposed this proposition.

Mr. WALKER. The Senator from South Carolina admits the power of this Government to tax these institutions, but denies the power of including them within the compulsory provisions of a bankrupt law. Now is not the power as expressly granted in the Constitution in the one case as in the other? The Senator contends for their exemption on the ground that they are established for public purposes. But the banks themselves claim that they were established for private purposes, and deny the power of the State to revoke or annul their charters. The case of *MacCulloch*, in 9th Wheaton, expressly decided that the Bank of the United States was exempt from taxation by a State, because she was a fiscal agent of the General Government. In reply to the argument that banks in whole or in part owned by States, were State agents, he would say that if the officers of these banks were elected and paid by the State, and the State were responsible for their issues, then they might, with some plausibility, ask to be exempted from the operations of a bankrupt law.

Mr. CLAY of Alabama said, the officers of the State bank of Alabama were elected by the Legislature of the State, and they were as much the agents of the State, as the township officers were of the States in New England. Before Congress can apply the compulsory provisions of a bankrupt law to these institutions, they must first deny the power of the States to incorporate banks. They should come out boldly and advocate an exclusive metallic currency. He should not go with them in that, as he would not go for the present proposition. The Senator from Mississippi had

alluded to the lamentable condition of the banks of Alabama. He was not willing that this Government should interfere in the affairs of his State, and especially those which were within the exclusive province of his State. What was the purport of this whole matter, but saying that the States were either unable or unwilling to manage their own affairs. The Senator alludes to the deplorable condition of these banks, and speaks of this Government as the only power which can correct the evil. He, (Mr. CLAY) for one, would be glad to see the Federal Government attend to its own affairs, and attend to them successfully. He thought the question had assumed no new shape since the brief discussion of yesterday, nor, indeed, since the last session, when he had moved to strike banks from the bill. As to the taxing power of this Government, he held it to be strictly limited to revenue purposes. Because the banks in Mississippi, or in Alabama, or in any other State, were in a bad condition, was with him no argument in favor of our travelling out of our constitutional sphere to apply a corrective.

Mr. SEVIER, having obtained the floor, said it must be apparent to every Senator that there was not the remotest chance of this bill passing Congress at the present session; and to prevent a further waste of the time of the Senate, he moved to lay the bill on the table.

Before the question was taken, a motion for adjournment was made, which prevailed; And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, February 9, 1841.

Mr. JONES of Virginia moved that the House resolve itself into a Committee of the Whole on the state of the Union, and proceed to the consideration of the bill making appropriations for the payment of Revolutionary and other pensioners of the United States for the year 1841.

The SPEAKER informed Mr. JONES that this was the day set aside for the consideration of the bills relating to steamboat disasters, &c.

Mr. JONES would then ask that the special order be postponed until Thursday next, because all the important appropriation bills had yet to be acted upon.

Mr. UNDERWOOD said that if Thursday should be set aside for the special order, he would have no objection to its postponement until that day.

The question was then taken on postponing the special order, and decided in the affirmative.

So the special order was postponed until Thursday next.

Mr. C. JOHNSON submitted the following resolution:

Resolved, That on and after to-morrow, the daily hour of meeting of this House shall be eleven o'clock, until otherwise ordered.

Objection being made to the reception of the resolution,

On motion of Mr. C. JOHNSON, the rules were suspended; and

The question was taken on the passage of the resolution, and decided in the affirmative.

The House then, on the motion of Mr. JONES of Virginia, resolved itself into a Committee of the Whole on the state of the Union, (Mr. CLIFFORD in the chair) and resumed the consideration of the

PENSION BILL.

The question pending was on the amendment offered by Mr. WADSWORTH THOMPSON on yesterday, appropriating \$100,000 for the benefit of such Seminole chiefs and warriors as may surrender for emigration.

Mr. MARK A. COOPER being entitled to the floor, resumed his remarks from yesterday, in reply to Mr. GIDDINGS.

The latter having, at great length, attempted to show that the origin of the Florida war was attributable to slavery, kidnapping, &c. Mr. C. proceeded to reply *seriatim* to the arguments by which that position had been attempted to be sustained.

In the course of the remarks of Mr. C. allusion was made to the dispute between Georgia and

Maine, in relation to the alleged kidnapping of certain negroes.

Mr. EVANS of Maine made several explanations on that subject, which will appear when the debate shall be written out.

Mr. COOPER was proceeding to comment upon that subject, when he was called to order by the CHAIR on the ground of irrelevancy.

Mr. BLACK observed that his colleague was merely replying to what the gentleman from Ohio [Mr. GIDDINGS] had advanced yesterday; and inasmuch as that gentleman had been permitted to go on making charges, he (Mr. B.) could not conceive how his colleague could be out of order in replying to those charges. The gentleman from Ohio was permitted to make an anti-slavery speech on yesterday; and if the Chair decided that his colleague [Mr. COOPER] was not in order in replying to it, he (Mr. B.) would take an appeal from that decision.

The CHAIR observed that as the gentleman was referring to negro stealing in Ohio, and alluding to the object, &c. of those engaged, he had thought it his duty to call him to account for irrelevancy.

Mr. ADAMS said, yes; and in addition to that the gentleman from Georgia has made a pointed personal allusion to him; and he desired the gentleman might be permitted to go on, in order that he, Mr. A. might have an opportunity of answering him.

Mr. WISE desired to know if the gentleman from Georgia was not replying to the remarks of the gentleman from Ohio on yesterday, on the subject of negro stealing. If so, was he not in order?

Mr. COOPER said, he had no notes of his own, and his remarks were founded on the notes he had taken of the written speech of the gentleman from Ohio; so that he was confining himself strictly to what had been said by that gentleman, and for which he had not been called to order by the CHAIR.

After some further explanations,

Mr. BLACK took an appeal from the decision of the CHAIR.

And the question being taken on the appeal, the decision of the Chair was not sustained.

Mr. COOPER then resumed his remarks, and proceeded at great length to show that the conclusions drawn by the gentleman from Ohio, in relation to the causes of the Florida war, were erroneous. Mr. C. also, at some length, defended the State of Georgia from certain charges preferred against her by the Abolitionists.

Mr. BLACK said that when he finished his speech the other day, he did not think he would be called up so soon again to address the committee. But he would be derelict in his duty, not only as a Representative of Georgia, but as a citizen of the South, were he to permit the extraordinary speech made by the gentleman of Ohio to pass by in silence.

Mr. B. then proceeded to reply to Mr. GIDDINGS to show how those, the burden of whose song is "human rights and human liberty," in relation to Southern slaves, treat the free negroes who are residents of the non-slaveholding States. At Mr. B.'s request, many extracts were read from the Philanthropist, containing an article written by Mr. Jay, showing that, by the laws of Ohio, and many other of the free States, negroes were excluded from the elective franchise, the right of petition, from serving in the militia, from participating in the administration of justice, and that impediments were thrown into their way to debar them from the advantages of education, the enjoyment of religion, locomotion, &c. and the opinion of the writer [Mr. Jay] was that "Ohio stood pre-eminent for her wickedness against this class of her population."

Mr. B. was proceeding in his remarks, when he was called to order by several gentlemen, on the ground of irrelevancy in debate.

Mr. BYNUM hoped the gentleman from Georgia would be permitted to proceed. We had listened (said Mr. B.) the better part of the whole of yesterday to the speech of the gentleman from Ohio [Mr. GIDDINGS] against the slaveholders of the South and their institutions, which was calcu-

lated to do incurable injury to that portion of the Union. It was (said Mr. B.) the duty of every Representative from the South promptly to meet his assailants on that subject. If the gentleman from Georgia should be arrested in delivering his sentiments upon this vital and all-important subject, Mr. B. said that he himself, as a small portion of the South, would claim to be heard. It was a subject, beyond every other, in which the Southern people possessed the deepest interest, and one about which they had been more deceived, in his opinion, than about any other upon the face of the earth; and, to be undeceived, it was only necessary for them to do justice to themselves in this matter. Well might gentlemen be afraid of the truth, as to the position of parties, going forth from this place.

Mr. BLACK again resumed his remarks, and was proceeding farther to reply to Mr. GIDDINGS, when

Mr. RAYNER said, the discussion had gone far enough, and, in his opinion, it was only calculated to please a certain class of men in this House. Besides, the pension bill was before the committee, and the gentleman [Mr. BLACK] was discussing Abolition.

Mr. BYNUM said he knew whom the remarks of his colleague [Mr. RAYNER] were intended to reach; but he would say, well might certain gentlemen from the South wince, for this was, and ever must be, a tender subject to them. They were anxious (said Mr. B.) to arrest any discussion that would let the truth go to the South, and their position was becoming more evident.

Mr. BLACK resumed his remarks; and after frequent interruptions, said he held in his hand a portion of an ancient book. He meant the Bible itself. Now, sir, (remarked Mr. B.) call me to order with the Bible in my hand. I intend to read from the 7th chapter of Matthew, 1st, 2d, 3d, 4th, and 5th verses. Mr. B. accordingly read as follows:

"1. Judge not, that ye be not judged.

"2. For with what judgment ye judge, ye shall be judged; and with what measure ye mete, it shall be measured to you again.

"3. And why beholdest thou the mote that is in thy brother's eye, but considerest not the beam that is in thine own eye?

"4. Or how wilt thou say to thy brother, let me pull out the mote out of thine eye; and behold, a beam is in thine own eye.

"5. Thou hypocrite, [Mr. B. pointed to Mr. GIDDINGS] first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye."

Mr. B. contended that this passage of Scripture was applicable to Mr. GIDDINGS. We of the South (said Mr. B.) say we have no mote in our eye, neither on the subject of slavery or any other subject. I call upon the gentleman, in the language of Holy Writ, "Thou hypocrite, first cast out the beam out of thine own eye; and then thou shalt see clearly to cast out the mote of thy brother's eye."

Mr. B. then concluded his remarks; not, however, without frequent interruptions on the ground of irrelevancy.

[The remarks of Mr. B. are in a course of preparation, and will be given hereafter.]

Mr. DOWNING of Florida, in a very animated manner, defended his constituents from the charges brought against them by Mr. GIDDINGS, of stealing negroes from the Indians, &c. He, Mr. D. denied that the gentleman from Ohio had substantiated his charges by a single proof.

Alluding to the ground taken by Mr. GIDDINGS on the Abolition question, Mr. D. observed that, if the Whigs of the South imagined that individual who came by the cars this morning, sanctioned those principles, they would have said to him, "be-gone forever." He, Mr. D. hoped it would not be understood by the country that the gentleman from Ohio was the representative, or the mouth piece on this subject of that great man (Harrison) who came from the same State. The gentleman ought to recollect that there were men of the Whig party acting with him on other subjects, who in this matter would not touch him with a pair of tongs.

Mr. D. concluded by urging the immediate ap-

appropriation of the sum required by the amendment.

Mr. SMITH of Indiana then obtained the floor, but gave way to a motion that the committee rise.

On the question being taken, no quorum voted. The committee then rose, and reported that fact to the House.

A motion to adjourn was then made, and decided in the negative—yeas 27, nays 62.

A call of the House was then simultaneously demanded by several members.

Mr. SMITH of Maine renewed the motion to adjourn, which prevailed.

And the House adjourned.

IN SENATE,

WEDNESDAY, February 10, 1841.

On motion by Mr. HUBARD, the reading of the journal was dispensed with.

A message was received from the House of Representatives, announcing that the House was ready to receive the Senate, and to proceed to count the votes for President and Vice President of the United States, in conformity with the Constitution, and in pursuance of the joint resolution on that subject.

On motion by Mr. KNIGHT, the Senate proceeded to the hall of the House of Representatives, preceded by their Secretary and Sergeant-at-Arms.

After the votes had been counted, the Senators returned to the Senate chamber, where the following resolutions were adopted:

Resolved, That a committee of one member be appointed by the Senate to join a committee of two members to be appointed by the House of Representatives, to wait on WILLIAM HENRY HARRISON, of Ohio, and inform him that he has been constitutionally elected by the electors of the several States President of the United States for four years from the 4th day of March, 1841.

Mr. PRESTON was appointed on the part of the Senate.

Resolved, That the President of the Senate do cause JOHN TYLER of Virginia to be notified that he has been duly elected Vice President of the United States for four years from the 4th of March, 1841.

THE VICE PRESIDENT laid before the Senate a communication from the War Department, furnishing information from the Colonel of Ordnance, in relation to the National Armories.

Mr. LINN, in pursuance of previous notice, asked and obtained leave to introduce a bill to appoint trustees for the investment of the Smithsonian fund.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, February 10, 1841.

Mr. TILLINGHAST, by leave, presented the resolutions of the Legislature of Rhode Island, in favor of designating the same day throughout the United States for the choice of electors of President and Vice President; which were laid upon the table, and ordered to be printed.

Mr. CLARK, by leave, presented a petition of John Randall and Charles York, sureties of Silas Holmes, deceased, late collector of the customs in the nineteenth collection district in the State of New York, praying to be released from all liabilities as sureties aforesaid; which was referred to the Committee on the Judiciary.

Mr. LEET asked leave to present and have referred, the petitions of Benedict Reynolds and William Stephenson, of Washington county, Pennsylvania.

Objection being made, they could not be received according to the rules.

Mr. ANDREWS submitted the following, which was read for information:

Resolved, That at three o'clock to-morrow the debate upon the bill No. 529, making appropriation for the payment of Revolutionary and other pensioners of the United States for the year 1841, in Committee of the Whole House on the state of the Union, shall cease, and that the Committee shall,

at that time, proceed to vote upon said bill and such amendments as may be offered thereto; and shall then report said bill, and such amendments as may have been agreed to by the committee, to the House.

Objection being made to the reception of the resolution,

Mr. ANDREWS moved a suspension of the rules, and thereupon called for the yeas and nays; which were ordered, and were—yeas 114, nays 11.

So the rules were suspended.

The resolution was then modified, so as to read "twelve o'clock to-morrow."

Mr. ANDREWS moved the previous question; which was seconded, and

The main question was then put, and decided in the affirmative.

So the resolution was agreed to.

Mr. BANKS asked leave to submit the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Gordonville, Orange county, to Madison Court House, Virginia.

Objection being made to the reception of the resolution,

Mr. BANKS moved to suspend the rules; but the motion was negatived.

Mr. LEET moved the following resolution:

Resolved, That the morning hour of this day be appropriated to the presentation and reception of petitions.

Objection being made,

Mr. LEET moved a suspension of the rule.

Mr. CARR wished to offer an amendment to the resolution, but

The SPEAKER informed him that the resolution was not open to amendment.

Mr. CARR said it was his intention to move that the call commence with Iowa.

The question was then taken on the motion to suspend the rules, and decided in the negative.

So the rules were not suspended.

Reports from committees were then called for, when

Mr. CRARY, from the Committee on the Public Lands, reported Senate bill with amendments, entitled "An act to authorize the Legislatures of the States of Arkansas, Louisiana, and Tennessee, to sell the lands heretofore appropriated for the use of schools in those States."

Mr. PECK moved to refer the bill, with the amendments, to the Committee of the Whole.

Mr. TURNEY hoped that the motion would not prevail, as it would defeat the measure. He desired that the bill be now taken up and passed; and could see no reason why it should be referred to the Committee of the Whole.

Mr. GIDDINGS here asked the consent of the House to permit him to allude to a matter personal to himself. He wished to call attention to an article in the National Intelligencer of this morning, and said that the character of his constituents required it.

Mr. TURNEY objected, on the ground that there was another subject before the House.

Mr. BRIGGS moved that Mr. GIDDINGS have leave to proceed.

The question was then taken, and decided in the affirmative.

So leave was granted.

The article referred to by Mr. GIDDINGS was then read, as follows:

"Mr. THOMPSON of South Carolina would appeal to the honorable member from Georgia to say whether it was prudent or proper, in this discussion of a topic (however improperly dragged into this debate) upon which every Southern man should only feel as a Southern man, to be provoking this family quarrel between Southern Whigs and Southern Democrats; and whether it is just to regard the very obscurest of the obscure members of the Whig party as an exponent of the feelings and opinions of that party on this subject. Would it not be better, more fair, and more just to wait one short month and hear the distinguished head of that party speak for himself? Mr. T. would pledge himself that Gen. Harrison will so speak and act upon the sub-

ject of Abolition as to satisfy even the member from Georgia, and to seal forever his lips, except in praise."

Mr. GIDDINGS said that he took the first occasion (after the member from South Carolina [Mr. THOMPSON] had taken his seat,) to notice this subject. This he would not do, were the bearing of that gentleman's remarks confined to himself solely; but representing, as he (Mr. G.) did, a constituency as numerous and distinguished for their moral excellence as those represented by any other member, he could not pass by this matter in silence. The words (said Mr. G.) to which I allude, are printed in italics, and I suppose they are intended as a direct personal insult.

In reply to a remark of Mr. ALFORD, which was not heard by the Reporter,

Mr. G. said that it was related of a veteran marshal, who had grown old in the service of his country, and who had fought a hundred battles, that he happened to offend a young and fiery officer, who spat in his face for the purpose of insulting him. The General, taking his handkerchief from his pocket, and wiping his face, remarked: "If I could wash your blood from my soul as easily as I can this spittle from my face, you should not live another day."

I will (remarked Mr. G.) say to the member from South Carolina [Mr. THOMPSON] that I claim no station superior to the most humble, nor inferior to the most exalted. In representing what I believe to be the views of my people, and what I deem their interests, and the interests of the North, I made the remarks I did; and, in answer to which, the gentleman from Georgia [Mr. COOPER] made allusion to my district, and the vote given at the late Presidential election. In reply to this, the gentleman from South Carolina took it upon himself publicly to assign me a station, "the very obscurest of the obscure members of the Whig party." I say to the member, that at the North we have a different mode of punishing insults from what exists at the South. With us, the man who wantonly assails another, is punished by public sentiment. To that sentiment I appeal. It will do justice both to the member and myself.

Mr. THOMPSON said that if the member from Ohio had understood him as reflecting upon his constituents, he (Mr. T.) was very sure no other member had. Mr. T. sat for hours listening to the coarse insults of the member from Ohio upon the whole South. He would not say that he had withered under those insults; on the contrary, they had produced no such effect; and, if he had been in the place of the member from Georgia, [Mr. COOPER] he should have treated the remarks of the member from Ohio with a sovereign, profound, and silent contempt. He had seen the almost universal disapprobation of the course of that member amongst the new members from the non-slaveholding States—a disapprobation almost as general and as strong as that of the members from the South. As to the estimation in which he (Mr. T.) held that member, this was a matter of taste; and Mr. T. believed that if an issue on the whole subject were presented to the House, the opinion which he had expressed would be sustained.

Mr. COOPER of Georgia said he only wanted to disclaim one thing on a point on which Mr. THOMPSON's were predicated concerning the gentleman from Ohio; and that is, said Mr. C. that I never did, in word, deed, or thought, charge upon the Whigs, as a party, that which the gentleman says I did.

ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES.

This being the day specially set apart by a joint resolution for the two Houses to convene in joint meeting at twelve o'clock, for the purpose of opening and counting the electoral votes given by the several States for President and Vice President of the United States, and the hour of 12 o'clock having arrived,

On motion of Mr. BRIGGS, it was

Ordered, That the Clerk inform the Senate that the House is now ready to receive the Senate, and to proceed in opening the certificates, and in count-

ing the votes, of the Electors for President and Vice President of the United States.

The Clerk have delivered the said message,

The Senate attended in the Hall of the House; the President of the Senate was invited to a seat provided for him on the right of the Speaker, which he occupied; and the Senators having taken the seats set apart for their accommodation,

The VICE PRESIDENT of the United States, in presence of the two Houses of Congress, proceeded to open the certificates of the Electors of President and Vice President of the United States, beginning with those of the State of Maine, and ending with the State of Michigan; and the votes, Mr. PRESTON on the part of the Senate, and Mr. CUSHING and Mr. JOHN W. JONES on the part of the House, having read, counted, and registered the same, making duplicate lists thereof, and the lists being compared, they were delivered to the VICE PRESIDENT of the United States, and are as follows:

STATEMENT of the votes for President and Vice President of the United States for four years from 4th March, 1841.

Number of electors appointed by each State.	States.	For President.		Vice President.	
		William Henry Harrison, Of Ohio.	Martin Van Buren, Of New York.	John Tyler, Of Virginia.	Richard M. Johnson, Of Kentucky.
10	Maine,	10	-	10	-
7	New Hampshire,	-	7	-	7
14	Massachusetts,	14	-	14	-
4	Rhode Island,	4	-	4	-
7	Connecticut,	7	-	7	-
7	Vermont,	7	-	7	-
42	New York,	42	-	42	-
8	New Jersey,	8	-	8	-
30	Pennsylvania,	30	-	30	-
3	Delaware,	3	-	3	-
10	Maryland,	10	-	10	-
23	Virginia,	-	23	-	22
11	North Carolina,	-	11	-	11
11	South Carolina,	-	-	-	-
11	Georgia,	11	-	11	-
15	Kentucky,	15	-	15	-
15	Tennessee,	15	-	15	-
21	Ohio,	21	-	21	-
5	Louisiana,	5	-	5	-
4	Mississippi,	4	-	4	-
9	Indiana,	9	-	9	-
-	Illinois,	-	5	-	5
-	Alabama,	-	7	-	7
-	Missouri,	-	4	-	4
-	Arkansas,	-	3	-	3
3	Michigan,	3	-	3	-
234	Whole No. of votes	234	60	234	48
148	Majority.				11

RECAPITULATION.

For President.

WILLIAM HENRY HARRISON, of Ohio 234

MARTIN VAN BUREN, of New York 60

For Vice President.

JOHN TYLER, of Virginia 234

RICHARD M. JOHNSON, of Kentucky 48

LITTLETON W. TAZEWELL, of Virginia 11

JAMES K. POLK, of Tennessee 1

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The PRESIDENT of the Senate then announced the state of the vote to the two Houses of Congress in joint meeting assembled, and declared that William Henry Harrison of Ohio, having a majority of the whole number of electoral votes, is duly elected President of the United States for four years, commencing with the fourth day of March next, 1841; and that John Tyler of Virginia, having a majority of the whole number of electoral votes, is duly elected Vice President of the United States for four years, commencing with the fourth day of March next, 1841.

The joint meeting of the two Houses of Congress was then dissolved, and the Senate returned to its chamber.

Mr. CUSHING, from the Joint Committee appointed to ascertain and report a mode for ascertaining the votes for President and Vice President of the United States, and of certifying the persons elected of their election, presenting the following in continuation of their report:

Resolved, That a committee of one member of the Senate, to be appointed by that body to join a committee of two members of the House of Representatives, to be appointed by that House, to wait on WILLIAM HENRY HARRISON of Ohio, and to notify him that he has been duly elected President of the United States for four years, commencing with the 4th day of March, 1841.

The resolution was then adopted *nem. con.*

The House then adjourned until 11 o'clock to-morrow morning.

IN SENATE.

THURSDAY, February 11, 1841.

Mr. BUCHANAN presented a memorial of a number of the citizens of Lancaster county, Pa. praying the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. NICHOLAS presented the memorial of the New Orleans and Nashville Railroad Company, praying an extension of time for the payment of duties on railroad iron; which was referred to the Committee on Finance.

Mr. WRIGHT, from the Committee on Finance, to which was referred the memorial of the General Assembly of Illinois, of the Red river Railroad Company, and of the New Orleans and Nashville Railroad Company, moved to amend the bill for relief certain railroad companies therein named, by including the above named companies within its provisions; which was agreed to; and the bill, as amended, was ordered to be printed.

Mr. TAPPAN presented a memorial of 215 citizens of Ohio, praying for the recognition of the independence of Hayti; which was laid on the table.

Mr. WRIGHT, from the Committee on Finance, to which was referred the House bill, authorizing the issue of Treasury notes, reported the same without amendment, and gave notice, in compliance with the instructions of the committee, that he would to-morrow, at one o'clock, ask the Senate to take it up for consideration.

Mr. PIERCE, from the Committee on Pensions, to which was referred the petition of Lot Stricklin, and the petition of Thomas Quantrill, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. TAPPAN presented a petition of 214 citizens of Ohio, praying that the seat of the General Government may be removed from Washington to Cincinnati. Mr. T. said as there was not time to act upon this subject at the present session, he would move to lay it upon the table.

On motion by Mr. ROANE, it was ordered, that Nicholas Pool have leave to withdraw his petition and papers.

Mr. STURGEON, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of Frederick Seigle; which was read, and ordered to a second reading.

Mr. KING, from the Committee on Commerce, to which was referred the bill for the relief of the owners of the British brig Despatch, made an adverse report thereon; which was ordered to be printed.

The resolution submitted some days since by Mr. LINN, in relation to repeating fire arms, was agreed to.

BILLS PASSED.

The bill for the relief of Jacob Pennell and others, owners of the Eliza of Brunswick;

The bill for the relief of the Steamboat Company of Nantucket;

The bill for the relief of Caspar W. Weaver;

The bill for the relief of certain companies of Missouri volunteers; and

The bill to revive the act entitled "An act to enable the claimants to land within the limits of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," approved the 26th of May, 1824, and an act amending the same, and extending the provisions of said acts to claimants to land within the States of Louisiana and Mississippi; were severally read a third time, and passed.

Mr. WALL, from the Committee on the Judiciary,

ry, to which the subject was referred, reported a bill for ascertaining and settling the Southern boundary line of the Territory of Iowa; which, after some remarks by Messrs. LINN, SMITH of Indiana, ANDERSON, and WALL, was read, and ordered to a second reading.

Mr. CRITTENDEN gave notice that he would to-morrow ask leave to introduce a bill to prevent the interference of certain Federal officers in elections.

Mr. HUBBARD from the Committee on Claims, reported a bill for the relief of De Forest Manie; which was read, and ordered to a second reading.

Mr. WRIGHT presented the memorial of citizens of Oneida county, remonstrating against the passage of any bankrupt law which may be retroactive in its operations; which was laid on the table, and ordered to be printed.

Mr. MERRICK presented a memorial of citizens of Georgetown, and of that portion of the county of Washington west of Rock Creek, asking for a retrocession of that part of the District of Columbia to the State of Maryland; which was referred to the Committee on the District of Columbia.

Mr. PRESTON, from the Joint Committee appointed to wait on WILLIAM HENRY HARRISON, of Ohio, and inform him that he has been constitutionally elected by the electors of the several States President of the United States for four years from the 4th day of March, 1841, reported that they had performed the duty assigned them, and that Gen. HARRISON said in reply,

"That he receives this manifestation of the confidence of his countrymen with profound gratitude, and that he will earnestly devote himself to the discharge of the duties it imposes, so as, according to his best abilities, to promote the honor and welfare of the country."

Mr. PRENTISS submitted the following resolution for consideration:

Resolved, That the act entitled "An act granting half pay and pensions to certain widows, approved July 7, 1838," ought not to be construed to deprive any widow of its benefits, in consequence of her having married after the decease of the husband for whose service, she may claim to be allowed a pension or annuity under said act, provided she was a widow at the time the same was passed; and that the Committee on Pensions be instructed to report a bill to that effect.

ORDERS OF THE DAY.

The following bills were severally taken up, considered as in committee of the whole, and ordered to be engrossed for a third reading:

The bill to authorize the granting letters testamentary and of administration to aliens in the District of Columbia.

The bill for the relief of Sebastian Butcher, and the heirs and legal representatives of Bartholomew Butcher, Michael Butcher, and Peter Bloom.

The bill authorizing a patent to be issued to Joseph Campau for a certain tract of land in the State of Michigan.

The bill confirming to Joseph Kennedy, assignee of Cornelius McCurin, his title to an island in the Tensaw river, in the State of Alabama.

The bill for the relief of the heirs of Madame De Lusser, and their legal representatives.

The bill for the relief of Adam D. Steuart.

The bill confirming the claim of the heirs and legal representatives of Pierre Dolet, deceased, to a tract of land in Louisiana.

THE BANKRUPT BILL.

The bill to establish a uniform system of bankruptcy throughout the United States, being taken up as in committee of the whole—

Mr. SMITH of Connecticut said he wished to say a few words on the bill generally, and therefore he should be glad if the Senator from Arkansas [Mr. SEVIER] would withdraw his motion to lay the bill on the table.

Mr. BENTON said he too wished to say something on the bill.

Mr. SEVIER consented to withdraw his motion.

Mr. SMITH of Connecticut proceeded to speak in reply to the Senator from South Carolina, [Mr. CALHOUN] He denied that the bankrupt law could

Continued from No. 10.

be made to extend to the New England corporate bodies, to which the Senator from South Carolina had alluded, whose constitution and powers he explained and elucidated. They were public corporations, acting as public functionaries for the carrying out of the designs of the Government, some of them with limited legislative authority, and therefore they could neither be taxed nor made subject to a bankrupt law. Again, he denied the existence of the distinction which had been attempted to be drawn between the banks which were State property and the banks which were individual property. The court had decided that if a State mingled with individuals and participated with them in the ordinary business of individuals, it was, in effect, a dispensation with its public character, and the assumption of that of an individual. To form a currency was an attribute of sovereignty; and would any one say that because these banks were State property, they were of a governmental character? The creation of a currency this Government had taken to itself; the States had surrendered the power, and the States cannot exercise that power if they would. But if they could, such power would be political in its nature, and its exercise would require a political organization by authority of the people. The true character of banks had been lost sight of in this argument; if it had been borne in mind, no gentleman would say that they ought to be excluded from the operation of this bill, for they were neither of a public nor of a civil and municipal character. If banks could be excluded on the ground of their public character, for the same reason might some incorporated mercantile firms be excluded, as might also other classes of corporated persons, whose business required legislative regulation. There were turnpike roads, and ferries, and markets, and grist mills, and various others, that were regulated by legislative authority, because they were connected with the public interest; they were as much under legislative control as banks; and could any one say because they were regulated and controlled by legislative authority for the public interest, they were excluded from the operation of a bankrupt law of a public character. He again dissented from the Senator from South Carolina, who said these banks could not be included in the operation of a bankrupt law, inasmuch as they were not traders; and he contended that they, as traders in commercial paper, were as much within the obligations of the law as any other class of traders. But he objected to this bill as inexpedient, and as objectionable in its character. It was, in fact, an *ex post facto* law. He was aware the Supreme Court of the United States had decided that a prohibited *ex post facto* law was in its character of a criminal law only; but he (Mr. Smith) contended that it was equally unconstitutional in respect to civil as to criminal transactions; and what was this bankrupt bill but an *ex post facto* law, intended to operate on past mercantile and trading transactions, and on contracts under which property was parted with, without reference to such an enactment, which would be as unjust as to charge, by legislative enactment, the rate of interest on loans made antecedently? Now such a law should only operate, as in chancery practice, on contracts made and unfulfilled, for the reason that the contract was defective, and could not be carried out. But he thought such a law was objectionable also, as it would place the honest trader at the mercy of the dishonest; as it would put the goods of the prudent and industrious creditor in the hands of the improvident and extravagant, who would thereby be encouraged to run into debt; and for these and other various reasons which he gave, he objected to the passage of this bill.

At the close of his remarks, the Senate went into Executive session.

And then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, February 11, 1841.

After the journal had been read, Mr. STANLEY was excused from serving on the Committee on Expenditures on the Public Buildings.

It appeared by the reading of the journal this morning, that Mr. CUSHING and Mr. WISE were appointed on the part of this House of the joint committee to wait on General WILLIAM HENRY HARRISON and notify him of his election as President of the United States. Mr. PRESTON is of the committee on the part of the Senate.

Mr. EVERETT, by leave, presented the resolutions of the Legislature of Vermont, in relation to the late New Jersey contested election case; which were laid upon the table, and ordered to be printed.

Mr. BRIGGS moved that the House resolve itself into a Committee of the Whole on the state of the Union, and resume the consideration of the Pension bill.

The SPEAKER said there were two conflicting orders before the House, viz: the steamboat bills, and the resolution adopted yesterday, on motion of Mr. ANDREWS, that, at twelve o'clock to-day, the debate on the Pension bill shall cease, and that the Committee of the Whole shall, at that time, proceed to vote upon said bill, and such amendments as may be offered thereto; and shall then report said bill, and such amendments as may have been agreed to by the committee, to the House. The SPEAKER said that the only way to dispose of these orders would be by devoting the morning hour to the consideration of the steamboat bills.

Mr. BRIGGS moved to postpone the consideration of the steamboat bills until to-morrow, at 12 o'clock.

Mr. GALBRAITH would prefer Monday next.

Mr. MORGAN suggested Tuesday, the 16th inst. Monday being petition day.

The question was then taken, and decided in the affirmative.

So the consideration of the steamboat bills was postponed until Tuesday next.

PENSION BILL.

On the motion of Mr. BRIGGS, the House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. CLIFFORD in the Chair,) and resumed the consideration of the bill making appropriations for the payment of Revolutionary and other pensioners of the United States for the year 1841. The question pending was the amendment to the bill, offered by Mr. THOMPSON of South Carolina, to appropriate one hundred thousand dollars, to be expended under the direction of the Secretary of War, for the benefit of such of the Seminole chiefs and warriors as may surrender for emigration.

Mr. SMITH of Indiana being entitled to the floor, observed, that in the few remarks he had to make, he should not go out of his way to travel over the ground occupied by many other gentlemen. Neither would he make any attack upon the member from Ohio, [Mr. GIDDINGS.] He would endeavor to confine himself to the business before the committee.

The question was on the amendment offered by the gentleman from South Carolina [Mr. THOMPSON] to the pension bill. He, Mr. S. regretted that the passage of that bill should be delayed a single moment, as it was due to the country that it should pass immediately. But, inasmuch as the amendment had been introduced, he deemed it his duty to say a few words in opposition to it.

After some further remarks, Mr. S. proceeded to say that he believed the Florida war originated on justifiable grounds, but whether that war had been prosecuted so vigorously as it ought to have been, he would not then pretend to discuss. He had understood that it had been the object of the Government to bring the war to a close in a way honorable to a warlike power. But now, in the last days of the present Administration, a proposition is made by one of the opposite party to buy out those Indians. He, Mr. S. believed it the duty of

the Government to bring these Indians to an unconditional submission, and not to bring the war to a close by giving them money, ammunition, &c. He did not think this course proper for ending the war, and more especially as all the obloquy would be thrown upon the present Administration.

Mr. S. then alluded to the remarks of Mr. W. THOMPSON in introducing the amendment, and reminded that gentleman that, in the coming Administration, they would have a hero—a war king—at the head of it, under whose direction, if report was true, there could be no difficulty in bringing these Indians to unconditional submission.

Mr. S. after expressing at some length his opinion that there was no danger of a war with Great Britain, as anticipated by the member from South Carolina, went on to say that he wanted the war in Florida ended, but ended in an honorable way. Rather than it should be terminated in any other way, he was willing to entail it upon the coming Administration, and if they chose to fight it out, then let them have all the glory. But if they should think proper to buy the Indians out, then let them have all the infamy.

But if the Indians were already "coming in" so fast, where was the necessity for buying them out.

After some remarks in reply to the speech of Mr. PROFFIT on a former day, Mr. S. concluded by submitting the following amendment:

"Provided, That money hereby appropriated shall be charged and considered as advanced payment on the part of the United States to the Seminoles under the provisions of the treaty held at Payne's Landing on the 9th day of May, 1832."

Mr. BRIGGS was surprised at the course taken by the gentleman from Indiana. The proposition for thus ending the war came from the Secretary of War himself, and it fell upon his (Mr. B's) ears with full satisfaction.

The hour of twelve having arrived, the CHAIR announced that the discussion, in pursuance of the resolution adopted yesterday, must terminate.

Mr. B. concluded by sending to the Clerk's table the following letters, which were read for information:

"HEAD QUARTERS ARMY OF THE SOUTH,
"Tampa, January 26, 1841.

"SIR: I have the honor to inform you that I have now within the chain of sentinels at this post 150 Indians. Ten of that number are of the Mickasukies, and the balance of the Tallahassee tribe. This I view in a favorable light, as their principal chief, Echo-Emathla is with them, and they have stated that their object in coming in is for the purpose of emigrating. Runners of the Mickasukie tribe have been sent out from Forts Clinch and No. 4, who have reported that they could bring in fifty or sixty of their band. They are daily expected here.

"Should this result prove favorable, it will be a leading feature in terminating this war, particularly as it is combined with the arrival yesterday of a party of Seminoles, from Pease creek, under charge of my Aid-de-Camp, Lieutenant L. A. Armistead, 6th infantry.

"It is much to be feared that it will take some time before any others in that portion of the country will be induced to come in, notwithstanding every exertion on my part has been made to induce them to do so; but I shall still continue to negotiate with hopes of success.

"So far as it relates to the Tallahassee, appearances are favorable, provided no disappointment occurs from the promises and stipulations which I have made them, and which I trust will be complied with on the part of the Government. These stipulations were detailed in my communication to the Department on the 16th inst. and I am convinced that, had money been furnished me at an early period, this war would have been terminated, as these people have but little faith in promises.

"I have just concluded a talk with Echo-Emathla, the Chief of the Tallahassee, who says that the

remainder of his people will be in two or three weeks—many of them are in Middle Florida. He has sent runners out to them with a talk, which will, no doubt, induce them to meet him at this post in twenty days.

"I have despatched in a steamboat my Assistant Adjutant General to Key Biscayne to conduct to his post the thirty-two Indians captured by Lieutenant Colonel Harney in the Everglades. On their arrival I shall ship them with those now here, making in the whole 180, for their new homes in Arkansas, on the 15th proximo.

"Enclosed I transmit reports from Lt. Col. Clarke and Lt. Col. Loomis.

"I am, sir, &c.

"W. K. ARMISTEAD,

"Brigadier Gen. Com. Army in Florida.

"Hon. J. R. POINSETT, Secretary of War.

"Endorsed.—Respectfully transmitted to the Hon. WADY THOMPSON, jr. for his information, and that of the Committee on Military Affairs, by his obedient servant,
J. R. POINSETT."

"War Department, Feb. 10, 1841.

"At Fort Brooke, Tampa Bay, there are now in 30 Indians. At Fort Clinch, on the Withlacoochee, Echo-Emathla has come in with 41 Tallahassee Indians, and at Fort Annutalaga Tiger Tail with 33. Colonel Clark's command, which left Tampa a short time since for the Withlacoochee to escort in a party of Indians, is expected to return to Tampa on the 20th of January. Col. Clarke has with him 32 Indians, mostly Tallahassee, and several Mickasukies.

"The steamer T. Salmon left Tampa on the 19th instant for Key Biscayne for 30 Indians, (Spanish Indians,) the women and children of the party captured by Col. Harney a short time since.

"At Fort Amistead, eleven Indians are in. At Pease's Creek several families are expected to meet a conveyance sent there to convey them to Tampa. Forty Indians have come in at Fort King, and 4 at No. 4 near Cedar Keys, and 19 more have since gone in to Fort Clinch.

"In all there are now at the different posts 240 Indians to be brought together at Tampa Bay as soon as practicable, under sufficient escorts for emigration to Arkansas in the early part of February. Of the 60 Indians at Fort Clinch, 40 are warriors, and of the whole 240, probably 80 or 90 are warriors.

"By letters from Cedar Keys, it appears 72 Indians have gone in recently to Fort King. Rumor says Col. Reily came on with a party of 40 or 50, who have passes, and they went into Fort King with him. By good information I have heard Col. Harney has a second time captured 12 Indians.

"By a letter received from Mr. Hernandez, a member of the Legislative Council of Florida, it appears that Col. Harney has fallen in with the Indians a third time, and has captured 115.

"If these rumors are true, and they are at least extremely probable, there are nearly 500 Indians who have surrendered, and are ready for emigration. More Indians have been killed by the operations in Florida during the past eight months than for two years before.

CHARLES McCORMICK,
"Asst. Surg. U. S. Army."

The question then being on the amendment of Mr. SMITH to the amendment of Mr. THOMPSON,

Mr. GRAHAM of North Carolina wished to submit the following as a further amendment:

"SEC. 2. *Be it further enacted*, That one hundred thousand dollars be, and the same is hereby appropriated, to be expended under the direction of the Secretary of War, for the removal, subsistence, and benefit of such of the Seminole Indian chiefs and warriors as may surrender for emigration.

"SEC. 3. *Be it further enacted*, That no rifles, or arms of any kind, shall be delivered to said Indians until they reach the western bank of the Mississippi river."

Mr. W. THOMPSON modified his amendment so as to include the above.

The question then being on the amendment of Mr. SMITH, it was put and decided in the negative.

The question then being on the amendment of Mr. THOMPSON, as modified, it was agreed to.

After the rejection of two proposed amendments

by Messrs. CRAB and CAVE JOHNSON, as not in order,

On motion of Mr. JONES of Virginia, the committee rose and reported the bill as amended to the House.

And the question being on agreeing to the amendment,

Mr. PETRIKIN rose to inquire of the Chair whether the amendment reported was in order.

The CHAIR said it was not for him to decide as to the competency of the Committee of the Whole as to their amendments. The House could however vote such amendments down, if it thought proper.

Mr. WARREN, after some introductory remarks, expressed himself in favor of the amendment, and said that, in his opinion, \$100,000 only was necessary to put an end to the war and secure the peace of the people. He could not see how the honor and dignity of the nation could, in the least degree, be compromised by appropriating the money for the purpose specified. Mr. W. having concluded his remarks,

Mr. JAMESON moved the previous question, which was ordered; and,

The question now being on agreeing to the amendment,

Mr. DROMGOOLE thereupon called for the yeas and nays, which were ordered, and were—yeas 158, nays 14, as follows:

YEAS—Messrs. Adams, Alford, Judson Allen, John W. Allen, Anderson, Andrews, Atherton, Banks, Baker, Barnard, Beatty, Blackwell, Bond, Boyd, Brewster, Briggs, Brockway, Albert G. Brown, Burke, Sampson H. Butler, Bynum, Calhoun, John Campbell, William B. Campbell, Carr, Carroll, Carter, Casey, Chapman, Chinn, Chittenden, Clark, Clifford, Connor, W. R. Cooper, Crabb, Cranston, Curtis, Cushing, John Davis, Garrett Davis, Dawson, Deberry, Dennis, Dellet, Doe, Doig, Earl, Eastman, Edwards, Ely, Evans, Everett, Fillmore, Fine, Fisher, Galbraith, Gates, Gentry, Goode, Graham, Granger, Graves, Green, Griffin, Grinnell, Habersham, Hall, John Hastings, Hawer, Hawkins, Hill of North Carolina, Hillen, Holl, Hopkins, Hunt, Jackson, James, Jameson Charles Johnston, William Cost Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kempshall, Kille, King, Lane, Leadbetter, Lewis, Lincoln, Lucas, McCarty, McClure, McCulloch, McKay, Meredith Mallory, Francis Mallory, Marvin, Samson Mason, McMill, Miller, Monroe, Morgan Morrow, Newhard, Nisbet, Osborne, Palen, Parmenter, Paynter, Peck, Pope, Proffit, Randall, Rariden, Reed, Rhett, Ridgway, Edward Rogers, Russell, Samuels, Sergeant, Shaw, Simonton, Sade, Albert Smith, Starkweather, Steenrod, Stuart, Sumter, Swearingen, Sweney, Taliaferro, Philip F. Thomas, Waddy Thompson, Jacob Thompson, John B. Thompson, Tillinghast, Toland, Triplett, Underwood, Vroom, Wagener, Wagner, Warren, Watterson, Weller, Wick, J. W. Williams, T. W. Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, Winthrop, Wise, and Worthington—158.

NAYS—Messrs. Black, William O. Butler, Mark A. Cooper, Crary, Cross, Dromgoole, Duncan, Fornance, Moore, Petrik, Reynolds, River, Thomas Smith, and Turney—14.

The bill, as amended, was then ordered to a third reading, and was read by the Clerk, as follows:

A BILL making appropriations for the payment of Revolutionary and other pensions of the United States, for the year eighteen hundred and forty-one, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby appropriated, in addition to former appropriations, to be paid out of any money in the Treasury not otherwise appropriated, for the pensioners of the United States, for the year one thousand eight hundred and forty-one;

For the Revolutionary pensions under the act of the eighteenth of March, one thousand eight hundred and eighteen, three hundred and fourteen thousand dollars;

For the payment of invalid pensions, one hundred and seventy thousand dollars;

For pensions to widows and orphans under the act of the fourth of July, one thousand eight hundred and thirty-six, four hundred and forty-eight thousand two hundred and forty one dollars;

For five years' pensions to widows under the act of the seventh of July, one thousand eight hundred and thirty-eight, one hundred and sixty-eight thousand three hundred and fourteen dollars;

For half pay pensions, payable through the offices of the Second and Third Auditors, five thousand dollars;

For arrearages, payable through the Second Auditor's office, six hundred dollars;

For arrearages, payable through the Third Auditor's office, one thousand dollars.

SEC. 2. *Be it further enacted*, That one hundred thousand dollars be, and the same is hereby appropriated, to be expended under the direction of the Secretary of War, for the removal, subsistence, and benefit of such of the Seminole Indian chiefs and warriors as may surrender for emigration.

SEC. 3. *Be it further enacted*, That no rifles, or arms of any kind, shall be delivered to said Indians until they reach the western bank of the Mississippi river.

The question now being on the passage of the bill,

Mr. JAMESON moved the previous question; which was ordered.

And on the question being taken, it was decided in the affirmative.

So the bill was passed.

CIVIL AND DIPLOMATIC APPROPRIATION BILL.

On motion of Mr. JONES of Virginia, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. BELL in the chair,) and took up the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1841.

Some explanations took place between Messrs. CRAB and JONES, of Virginia, in relation to the item appropriating \$35,000 "for stationery, fuel, printing, and all other contingent expenses of the Senate," after which,

Mr. LINCOLN called upon the chairman of the Committee of Ways and Means (Mr. JONES) to produce any estimates, if he had any, in relation to the following item:

"For stationery, fuel, printing, and all other contingent expenses of the House of Representatives, \$25,000."

Mr. JONES replied that he had no estimates beyond those which had been furnished by the Clerk of the House.

Mr. STANLY was understood to inquire whether the stationery for which money was now to be appropriated had been purchased.

Mr. ANDERSON called for the estimates referred to.

Mr. JONES sent to the Clerk's table a statement from the Clerk, containing the estimates referred to, amongst which was the item of \$10,000 for the purchase of stationery for the next Congress.

Mr. LINCOLN then moved to reduce the above sum of \$25,000 to \$15,000—i. e. striking out the \$10,000 for stationery for the next Congress.

Mr. LINCOLN, after stating that the House would bear him witness that he had not yielded to that senseless cry of economy which denied such just appropriations as might be required to carry on the various branches of the public business, proceeded to comment upon the abuses which had crept into this system of contingent expenditures. He believed that all those abuses which had crept into the administration of the public trusts of the country had their source in abuses under the head of contingencies.

As one instance of the mode in which the money of the contingent fund had been expended, Mr. L. alluded to a request made to the Committee on Public Lands to print a report of the Commissioner on Public Lands, the expense of which, it was affirmed, would not exceed two or three hundred dollars. A

few days afterwards, however, an estimate was submitted by the Clerk to the chairman of the Committee on Ways and Means, asking an appropriation of fifteen thousand dollars.

After specifying other instances, Mr. L. expressed his belief that it was time to inquire whether it was necessary to expend \$150,000 a year for contingent expenses over and above pay and mileage. The House had no control over these expenditures of its contingent funds. The Committee of Accounts had no control over them; the bills were paid and receipted before they were laid before the committee, and when it was too late to do any thing in regard to them. Hence it followed that whenever the Clerk of this House, without control or accountability, saw fit to apply the funds, the House had nothing to do but to ratify and sanction his acts. There ought, in Mr. L.'s opinion, to be some committee appointed which should have charge of these matters before the expenditures were made.

Mr. JOHNSTON of New York addressed the committee at much length on the subject of the abuses which had crept into this branch of the public expenditures, and of the gross impositions that had been practised in the form of enormous prices paid for paper; of contracts made with sub-agents; of lithography, &c. declaring his own freedom from responsibility in these matters, as a member of the Committee of Accounts, by reason of the peculiar constitution of that committee.

Mr. J. animadverted upon the conduct of the Clerk in not attending personally to the purchase of stationery and other articles. Mr. J. contended that if the Clerk had so acted, instead of employing Mr. Langtree, a saving of ten thousand dollars a year might have been made to Government in the single article of stationery alone. If the Clerk had gone himself to Philadelphia or New York, and charged his expenses, that would have comported with the spirit of the joint resolution. But when Mr. Langtree was employed as a sub-agent, he assumed the character of a stationer, and went to New York, where, as such, he procured paper at the wholesale prices, and resold it to Congress at an immense profit. Now, observed Mr. J. if the Clerk had gone himself, with the money in his hand, he might have procured the paper at the same prices, and without subjecting the Government to the additional charge of Mr. Langtree, or his profit.

He (Mr. J.) objected against the employment of any third person by the Clerk. It was a violation of every principle of our Government for an agent thus to delegate his power to a third person.

After a recapitulation of what had been done by the Committee on Accounts on this subject at the last session, Mr. J. proceeded to particularize some of the articles on which the sub-agent of the Clerk, Mr. Langtree, derived his profit, and which profit would have been a gain to the Government had the Clerk performed the duty himself. Mr. J. said that the letter paper was charged at \$6 50 per ream, when a better article could be purchased for cash for \$4 50 per ream.

There was another most extraordinary circumstance attending this matter. He (Mr. J.) understood that the paper manufacturers were always ready to furnish ruled paper when required, at an additional price of fifty cents per ream. But under this sub-agency system, we were not only charged \$6 50 per ream for paper, which could be bought at \$4 50, but we were charged \$1 25 more per ream for ruling!

Mr. J. then proceeded to state that a thousand reams of paper had been brought to the House and stowed away, more than would be wanted at the present Congress. The whole amount was eighteen hundred reams, only eight hundred of which was required. He had been informed that the excuse of Mr. Langtree was, that he (Mr. L.) had misunderstood the order of the Clerk, mistaking eight hundred for eighteen hundred reams. Mr. J. here made some severe comments on this mode of doing business, first paying an enormous price for paper, and then in addition to that, losing the interest on the money by receiving paper which would not be required for a year to come.

The Clerk had no right to order stationery for the next Congress. If he was permitted to do it,

why then he had the same right to order it for a half a century ahead.

After adverting to what appeared to him the extraordinary high bills of the Clerk for his expenses while at New York in attending to the sale of damaged stationery, Mr. J. proceeded to notice the several impositions practised upon the Government in relation to lithography, and as an instance of such abuses, mentioned a case, where the House had been charged a high amount for lithography, when not a single sheet of it had ever been received, the whole having been consumed by fire.

Mr. PROFFIT stated that, on a calculation made by him, he found that the stationery bill for this session alone was about \$25,000, which was at the rate of \$103 for every member of the House. He was satisfied that \$20 would pay the stationery bill of every gentleman this year, and he hoped that some member, better skilled in these things, would make an estimate and submit it to the action of the committee.

Mr. UNDERWOOD said that some years ago he was on a committee appointed to investigate into the stationery accounts of the House; and, after a minute examination, the committee had come to the conclusion that there was but one remedy, and that was to pursue the course suggested by the gentleman from Indiana, [Mr. PROFFIT.] He (Mr. U.) had intended to suggest to the committee a proposition that "in lieu of stationery and newspapers, each member of Congress should be allowed \$—annually." The committee could fill us the blank with any sum that might be computed to be proper. This was the only remedy. The same complaints had been made year after year, and would continue to be made until the end of time unless some such plan as this were adopted.

Mr. JONES of Virginia gave to the committee such information as had been in possession of the Committee of Ways and Means in regard to these estimates, and stated that the estimates of the Clerk had been reduced, in the committee, \$25,000 below the amount contained in those which had been read at the Clerk's table. The committee had supposed that the amount now asked for was about the proper sum, and in that they had looked with a proper eye to economy—an object which he was as desirous to promote, when it could be properly done, as any other gentleman. Mr. J. then replied to certain portions of the argument of Mr. JOHNSTON, contending that blame, if blame there was, should rest in the proper quarter, and that it did not belong where the gentleman had laid it.

Mr. JOHNSON of Virginia also replied to the remarks of Mr. JOHNSTON of New York. He said that the Committee of Accounts had taken pains to examine into the subject; and, after receiving letters from various stationers, had come to the conclusion that the price paid by Government was a just equivalent; and they also found that there had been an absolute reduction in the price. So far from being deceived in the purchase of the paper, the committee came to the conclusion that it had been purchased upon the best terms.

After some remarks by Messrs. JOHNSON of Virginia, JOHNSTON of New York, LINCOLN, and GRINNELL,

Mr. GRAHAM said, that the sum of \$100,000 had already been appropriated for these specific objects. Economy and charity ought to begin at home; and Mr. G. moved to amend the amendment by striking out the whole item of \$25,000, as the only way of putting an end to the abuses which were undoubtedly practised.

Mr. EVERETT said, there were two modes at present by which the extravagance in the finances of the House could be arrested. The first was to adopt the proposition of the gentleman from North Carolina, [Mr. GRAHAM.] He (Mr. E.) had put a question to the gentleman from New York, [Mr. JOHNSTON,] in regard to the amount of stationery now on hand. He (Mr. E.) believed there was enough to carry them through this season, and for the commencement of the next.

Another mode within the power of the House was to bring in a resolution to proceed in the election of Clerk. It was a course which every department took, where it was found that persons

in charge of funds had misapplied them. This he would do, were it not for the late period of the session.

But he disapproved of making general laws in an appropriation bill.

Mr. MORGAN said he believed that there was much more stationery on hand than would be required for the next Congress. If the appropriation should be made, the Clerk would make another journey to New York. Mr. M. was of opinion that the fact could be established, that the Clerk made a charge of \$200 for his journey to New York, about the time when he delivered his speech at Castle Garden. Mr. M. was opposed to giving further power to the present Clerk, because he had no confidence that that officer would do justice to the House, or make its purchases with economy; and he gave notice that he would, at the proper time, offer the following amendment:

"And in the future delivery of stationery of every description to members of the House, the postmaster shall keep an account of the articles delivered to each member, with the prices thereof; and the Clerk of the House shall insert in his annual report of the contingent expenses, the aggregate amount of the value of stationery received by the members respectively."

Mr. FLOYD, a member of the Committee of Accounts, went into some statements relative to the action of that committee, and insisted that the contract for stationery, made by the present Clerk, was better and far more economical for the Government than the practice which prevailed before he came into office. Besides, stationers who had been consulted upon this subject, had expressed their opinion that the prices paid for the stationery were very reasonable.

As to the motion to strike out the appropriation, he (Mr. F.) had no objection to it, and supposed that the Clerk had not.

Mr. L. WILLIAMS, after some remarks, said he understood that Mr. Ames of Springfield, Massachusetts, would have furnished paper of as good a quality as that purchased by the Clerk, at half price.

Mr. BURKE said that Mr. Ames's testimony before the committee was of an entirely different character from that stated.

Mr. L. WILLIAMS inquired of Mr. BURKE at what price Mr. Ames offered to dispose of his paper.

Mr. BURKE said he did not know exactly, but he was confident Mr. Ames had placed no such price as one-half. Mr. B. further remarked that there were several samples, made by different paper makers, submitted to Mr. Ames. Some samples he offered to supply at fifty cents less per ream; others he rated higher than the price paid by the Clerk.

Mr. L. WILLIAMS supported at some length the motion of Mr. GRAHAM.

Mr. TILLINGHAST also expressed his desire to vote for the amendment of Mr. GRAHAM, though he did not wish to vote against the proposition of the gentleman from Massachusetts, [Mr. LINCOLN.]

Mr. LINCOLN here said that his only object in submitting his motion was to bring the matter to the consideration of the House, and, that being done, he would now accept the amendment of Mr. GRAHAM as a modification of his own.

And the question being on the amendment as modified—

Mr. TILLINGHAST then gave notice of his intention, if the amendment failed, to offer the following:

"And nothing herein contained shall be construed to authorize or sanction any contract for stationery or other articles of merchandise for the use of the ensuing Congress, by any officer of the present Congress, to an amount exceeding in the whole two thousand dollars."

Mr. ADAMS sent to the Clerk's table a letter from Mr. W. J. Stone of this city, relative to the prices paid for lithography.

The letter (Mr. A. said) was rather collateral to the question; he had had it in his possession for three months, but had had no opportunity of pre-

sending it; and (he was understood to add) he despaired of doing any good by presenting it.

The letter was then read, as follows:

WASHINGTON, December, 1840.

SIR: I perceive by a resolution of the House, offered by Mr. Davis of Indiana, that 5,000 copies of Mr. Owen's geological report is likely to be ordered to be printed with the maps properly engraved. There is no doubt that an effort will be made to alter the resolution, so as to have the maps lithographed instead of engraved. The House is laboring under a mistake as to the relative price of lithographing and engraving. It appears on examination of Mr. P. Haas's accounts in the Treasury, that he has charged the House 50 per cent. more for lithographing than I have charged for engraving. This should not be so. Lithography, as executed by him, is not worth one-half what engraving is, consequently he has been receiving four prices for his work. Could a committee who fare somewhat conversant with such matters be appointed to investigate the subject, it would cause but little delay or trouble to obtain facts that would enable the House to act knowingly. As things are at present, through misrepresentation, Congress are deprived of the advantage of having their work done properly. If the Clerk would receive proposals from competent engravers, this difficulty would be obviated. The proposals should specify the time in which the work was required to be furnished, and a sample deposited of the style required, otherwise a favorite might have work executed by very indifferent workmen at a low price, and make a great profit to the entire exclusion of skilful workmen. Besides, the work might be sent to a foreign country to be executed, as has already been the case. If the House would employ me to furnish the maps for Mr. Owen's report, I will do so for 50 per cent. less than Mr. P. Haas has heretofore charged the House for lithography, which is my usual price for work accompanying documents. Should Congress deem the subject of sufficient importance to appoint a committee, it would be well to examine the accounts for engraving done for the Senate.

Very respectfully, yours,

Hon. J. Q. ADAMS, W. J. STONE.
House of Representatives.

Mr. BYNUM said he should vote to strike out the whole of the appropriation for stationery, not because he thought it proper, but because he thought it necessary to bring gentlemen back to a proper sense of what was due from them as Representatives on that floor, and to the great interests of the people of this country. He thought nothing less than meeting this question in this way, by stopping all appropriations, and consequently the wheels of Government, and throwing the responsibility upon those gentlemen at once who were embarrassing almost every measure that was brought forward by either party, by an ostentatious parade of a boastful economy, and a most indiscriminate censure of every public officer. Why, sir, said Mr. B. do gentlemen not know, from the very nature of things, that as long as you have a Government, you must have officers, for it is of such that Governments consist; and can gentlemen expect that Governments can be sustained and carried on in all their operations without expense or money, and those officers are to serve without pay for their services? Such an idea appeared to him a preposterous absurdity—yet one might well infer this, from the tenor of the remarks of gentlemen and their course on this floor. Gentlemen ought to recollect, that in a short month, they would have an opportunity of trying how far it was practicable to carry on this Government without either officers or money. They should recollect too, that they should be tried by the same rule which they laid down for the trial of others. He was not prepared to say how far the conduct of the Clerk of the House had been proper or improper; upon that subject we had contradictory evidence from the members of the same committee, who professed to know most about it; in favor of fact, there were two to one in favor of the proper conduct of the Clerk of the House—yet it appeared that the House was called upon, and by those too who appeared to know the least about it, to cast an unmerited censure upon the Clerk, and this too upon the most insufficient evi-

dence of *hearsay*. Now, this was the principal subject that he had risen to notice, and against the course pursued in relation to it, he entered his most solemn protest—a course that had been adopted during this and the last Administration against the public officers of every department of the Government; which, in his judgment, was as unjust (he would not say dishonorable) as it was illiberal and unstatesmanlike. Sir, said he, what was that course that had become of late so much in practice in this House? It was that the most inexperienced of the members, who had not been in their seats long enough to become acquainted with the most ordinary modes of the transaction of business, either by the officers of the House or the heads of the Departments, had attempted to make themselves leaders of their respective parties, by arraigning and denouncing every officer in your Government for corruption, misstatement, malfeasance, &c. arising, nine times out of ten, out of their own want of experience upon those subjects, and their inability to understand them. Such has been emphatically the case pursued in this House for the last several years, by which your old, experienced, gray-haired men, have been thrown entirely in the back grounds, or they have been woefully derelict and negligent in their duty to their constituents; and some of your best public officers have been condemned by the public without a hearing, and before being called on even for the slightest explanation, which might have been the fullest justification of their statements and conduct: and thus have gone abroad many of the most unfounded and unjust imputations against the best of men, without a contradiction. He put it to the candor of gentlemen, if such a course was fair? Was it honorable? Was it just or statesmanlike? Would it not be revisited on gentlemen with retributive justice? and, if so, could they, with any grace, complain?

Again, he contended that it was a practice both unstatesmanlike and unparliamentary—of recent date, adopted to effect party purposes. Heretofore, it had been the case when the conduct of an officer was impeached or assailed, a special committee was appointed to examine into, and report the fact to the House, or an explanation called for by the House from the accused, before either condemnation or denunciation by the members of this body, by whom he was to be tried. But how different now, when condemnation and denunciation always precedes either trial, explanation in justification, or defence; and conviction is entered upon some second or third handed *hearsay*? For instance, your Clerk is ordered to supply materials for stationery to this House. It is presumable that he does it at as reasonable a rate as the nature of the case admits of. After it is done, some "*Yankee nutmeg maker*," perhaps, writes to some member of the House that had been applied to, or elected Clerk to the House, he would have furnished those materials at a much cheaper rate than your present Clerk has furnished them. Without doubting this statement—without calling on your Clerk for any explanation—without calling on a committee to report the facts to the House, you call up your Clerk, with a character heretofore unimpeached and unimpeachable, and upon such evidence denounce, censure, and convict him. Sir, against the adoption of such a course against any officer, I protest, as being cruel, unjust, and tyrannical. It was a practice repugnant to every principle of liberty, and could only be tolerated by usurpers and tyrants.

Mr. EVANS contended that this fund (the estimates for which had already been reduced \$25,000 by the Committee of Ways and Means) was not more than sufficient to meet the demands that would be made upon it; and he repudiated, with much animation, the charges which the House made against itself in the shape of corruption and plunder.

He did not say there might not have been individual instances of abuse. If any man has been guilty of that, it was his own matter. But he did not believe that the unjust appropriations of stationery amounted, in a long session, to more than three thousand dollars. His experience was that there was no such waste, and plundering, and extravagance as they

were charging themselves with. He was opposed to striking out the appropriation; it was no more than was necessary. The estimate, as he had stated, had already been reduced \$25,000 in the Committee of Ways and Means, and that, he thought, was what the Secretary of the Treasury would call a very "vigorous reduction." If gentlemen were willing to dispense with stationery altogether, so was he—vastly more willing than he was to receive \$20 for his share, or to put a law upon the statute book denouncing themselves.

Mr. MONROE thanked the gentleman from Maine [Mr. EVANS] for his speech; it contained precisely his own sentiments, though much better expressed. The gentleman deserved the thanks of this House for the manner in which he had vindicated his character and dignity.

Mr. UNDERWOOD replied to Mr. EVANS, explaining and vindicating his own course, and contending that that gentleman's argument amounted only to this—let us not put this thing on the statute books; if we are guilty of these offences, let not the eye of any man see it. He could assure the gentleman that the people were not ignorant of these matters—that they were turning their attention to them. It was a mistake to suppose that these things were too trifling to demand attention. Nothing could be so which involved an abuse of the people's money. He denied that he had said or done any thing calculated to reflect upon any man. He had denounced no one as a plunderer. He had merely suggested to the gentleman from Indiana [Mr. PROFFER] a way by which the abuse could be remedied.

The question was discussed further by Messrs. TILLINGHAST, EVERETT, and LINCOLN.

Mr. LINCOLN said that, on subsequent examination, he found that his original motion was the proper one; and again modified his proposition so as to reduce the item from \$25,000 to \$15,000, (i. e. striking out all that was applicable to the next session of Congress.)

And the question being taken, the amendment, thus modified, was agreed to.

So the item was reduced from \$25,000 to \$15,000.

Mr. CURTIS then moved that the committee rise.

The motion having prevailed, the committee rose, reported progress, and obtained leave to sit again.

Mr. BURKE offered the following resolution:

Resolved, That the special committee, appointed by order of the House at the last session on the subject of stationery, and the memorial of the Clerk, be re-appointed.

Mr. STANLY said he had something to say in relation to the doings of the committee proposed to be revived, and which he should take an opportunity of saying when the resolution came up for consideration.

And the House adjourned till to-morrow at 11 o'clock.

IN SENATE.

FRIDAY, February 12

Mr. CLAY of Alabama presented the credentials of the Honorable WILLIAM R. KING, elected by the General Assembly of the State of Alabama a Senator of that State for six years from the 4th of March next, when his present term will expire; which were read.

Mr. NORVELL presented the petition of Mary Robinson, praying for a special act of Congress for her relief; which was referred to the Committee on Private Land Claims.

Mr. N. also presented the memorial of Nathan Thayer; which was referred to the Committee on Patents and the Patent Office.

Mr. WHITE presented the petition of Jacob Baker and others, in favor of the passage of a general bankrupt law; which was laid on the table.

Mr. W. also presented a memorial of citizens of Kosciusko county, Indiana, praying for the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. PORTER presented two memorials from citizens of Michigan for the establishment of post

routes; which were severally referred to the Committee on the Post Office and Post Roads.

Mr. P. also presented a memorial of citizens of Michigan, praying the passage of a general bankrupt law; which was laid on the table.

Mr. NORVELL, from the Committee on the Public Lands, to which was referred the bill authorizing the States to tax any lands within their limits sold by the United States, reported the same without amendment, and with are commendation in favor of its passage.

On motion by Mr. BUCHANAN, the papers in the case of Samuel R. Slaymaker, and the bill for his relief passed by the Senate at the last session, were referred to the Committee on the Post Office and Post Roads.

The House bill making appropriation for the relief of Revolutionary and other pensioners, was read a first and second time, and referred to the Committee on Finance.

The resolution submitted yesterday by Mr. PRENTISS, was taken up for consideration, and, after a discussion, in which Messrs. PRENTISS, KING, HUBBARD, WHITE, SEVIER, SOUTHARD, KNIGHT, and CLAYTON, participated, it was agreed to.

Mr. KING gave notice that to-morrow he would ask leave to introduce a bill for the relief of Ann E. Clitherell.

BILLS PASSED.

The following bills were severally read a third time and passed:

The bill to authorize the granting letters testamentary and of administration to aliens in the District of Columbia.

The bill for the relief of Sebastian Butcher, and the heirs and legal representative of Bartholomew Butcher, Michael Butcher, and Peter Bloom.

The bill authorizing a patent to be issued to Joseph Campau for a certain tract of land in the State of Michigan.

The bill confirming to Joseph Kennedy, assignee of Cornelius McCurtin, his title to an island in the Tensaw river, in the State of Alabama.

The bill for the relief of the heirs of Madame De Lusser and their legal representatives.

The bill for the relief of Adam D. Stuart.

The bill confirming the claim of the heirs and legal representatives of Pierre Dolet, deceased, to a tract of land in Louisiana.

On motion by Mr. WRIGHT, the bill to authorize the issue of Treasury notes was taken up and considered as in committee of the whole, and the question being on ordering it to a third reading,

Mr. BENTON said, he was willing to borrow money for the use of the Government, but not to authorize it to make paper money; and he would therefore call for the ayes and noes, which were accordingly ordered.

The question was then taken on ordering the bill to a third reading, and decided in the affirmative—ayes 29, nays 9, as follows:

YEAS—Messrs. Anderson, Bayard, Buchanan, Calhoun, Clay of Alabama, Dixon, Fulton, Graham, Hubbard, Ker, King, Knight, Linn, Lumpkin, Mouton, Nicholson, Norvell, Porter, Rives, Roane, Robinson, Sevier, Smith of Indiana, Tallmadge, Wall, Webster, Williams, Wright, and Young—29.

NAYS—Messrs. Allen, Benton, Clay of Kentucky, Clayton, Crittenden, Henderson, Mangum, Smith of Connecticut, and White—9.

Mr. HUBBARD then moved that the bill be put upon its passage; and no objection being made, it was so ordered; and the yeas and nays being ordered, and the question about to be taken, Mr. CLAY of Kentucky assigned his reasons for voting against the bill, and was replied to by Mr. WRIGHT, and a debate ensued, in which Messrs. BENTON, CALHOUN, PRESTON, DIXON, HUBBARD, KNIGHT, HENDERSON, WHITE, and SMITH of Indiana participated, when the question was taken on the passage of the bill, and decided in the affirmative—ayes 28, nays 8, as follows:

YEAS—Messrs. Anderson, Buchanan, Calhoun, Clay of Alabama, Dixon, Fulton, Graham, Hubbard, Ker, King, Knight, Linn, Lumpkin, Nicholson, Norvell, Pierce, Porter, Rives, Roane, Ro-

binson, Sevier, Smith of Indiana, Tallmadge, Wall, Webster, Williams, Wright, and Young—28.

NAYS—Messrs. Allen, Benton, Clay of Kentucky, Clayton, Henderson, Mangum, Preston, and White—8.

The VICE PRESIDENT submitted to the Senate a message from the President of the United States, in reply to the resolution of the Senate of the 5th instant, requesting him to communicate to the Senate, if not deemed incompatible with the public interest, the correspondence, if any, between the State Department and the representatives of any foreign Government relative to the negroes taken on board the L'Amistad, which has occurred since that transmitted with his message of the 21st March, 1840.

The message was ordered to be printed.

Also, a report from the Secretary of the Treasury, in reply to a resolution of the Senate in relation to the losses sustained by the Government from the use of bank paper; which was ordered to be printed, with 20,000 extra copies.

Also, a report from the Secretary of the Treasury, in relation to the value of foreign coins; which was ordered to be printed.

The Senate then adjourned to Monday next.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 12, 1840.

After the journal had been read,

Mr. CUSHING, from the Joint Committee appointed on the part of the House to wait on WILLIAM HENRY HARRISON, of Ohio, and inform him of his election to the Presidency of the United States, reported: That the committee had waited on the President elect, and informed him of the result of the vote; when he replied, that he received this manifestation of the confidence of his countrymen with profound gratitude, and that he would earnestly devote himself to the discharge of the duties imposed on him, by endeavoring to promote the union and welfare of the country, according to his best abilities.

Mr. BURKE, in pursuance of notice, offered by following resolution:

Resolved, That the special committee appointed the order of the House, at the last session, on the subject of stationery, and the memorial of the Clerk, be reappointed.

Objection being made,

Mr. BURKE moved a suspension of the rules, and on that motion demanded the yeas and nays, which were ordered, and being taken, the motion was negatived.

Mr. JONES of Virginia then moved that the House resolve itself into a Committee of the Whole on the state of the Union, for the purpose of resuming the consideration of the

GENERAL APPROPRIATION BILL.

On this motion the yeas and nays were demanded, and being ordered, were—yeas 65, nays 84.

So the House refused to go into committee.

REPORTS FROM COMMITTEES.

The first business in order was the Senate bill (reported from the Committee on the Public Lands by Mr. CARY, on Wednesday, with several amendments) entitled, "An act to authorize the Legislatures of the States of Arkansas, Louisiana, and Tennessee, to sell lands heretofore appropriated for the use of schools in those States." The question pending was on the motion of Mr. PECK to commit the bill, with the amendments, to the Committee of the Whole on the state of the Union.

Mr. PECK modified the motion, so that the bill, as amended, be printed and laid upon the table for the present, for the purpose of giving members an opportunity of examining it; which was agreed to.

Mr. LINCOLN, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act for the relief of certain settlers on the public lands, who were deprived of the benefits of the act granting pre-emption rights, which was approved on the 19th of June, 1834," reported the same without amendment: laid on the table.

Mr. L. also, from the same committee, to which was referred the bill from the Senate, entitled "An act supplementary to an act entitled, 'An act to encourage the introduction and promote the cultivation of tropical plants,' approved 7th July, 1838,"

reported the same, without amendment; and the bill was read a third time, and passed.

Mr. CASEY, from the same committee, to which was referred the bill from the Senate, entitled "An act supplementary to the act entitled, 'An act for the discontinuance of the office of Surveyor General in the several districts,' so soon as the surveys therein can be completed; for abolishing land offices under certain circumstances; and for other purposes," approved June 12, 1840," reported the same, with an amendment: referred to the Committee of the Whole House on the state of the Union.

Mr. JACOB THOMPSON, from the same committee, to which was referred the bill from the Senate, entitled "An act to relinquish to the State of Mississippi the two per cent. fund accruing by the act for the admission of said State into the Union," reported the same without amendment.

Before the question was decided, the hour allowed for reports expired.

And then, on motion of Mr. FILLMORE, the rules were suspended so as to continue to receive reports from committees; and the bill reported by Mr. THOMPSON of Mississippi again coming before the House, it was committed to the Committee of the Whole on the state of the Union.

Mr. CHAPMAN, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act for the benefit of the Selma and Tennessee railroad," reported the same with sundry amendments; which was committed to the whole House on the state of the Union.

Mr. JOS. L. WILLIAMS, from the Committee on the Post Office and Post Roads, to which was referred the petition of sundry citizens of Maplesville, Bibb county, Alabama, praying compensation sufficient to secure the services of a postmaster to perform the extraordinary duties required at that office, made an unfavorable report thereon: laid on the table.

Mr. JOS. L. WILLIAMS, from the same committee, made an unfavorable report upon the petition of Samuel Quarles: laid on the table.

Mr. HOPKINS, from the same committee, to which was referred the bill from the Senate, entitled "An act for the relief of Avery, Salmarsh and Company," reported the same without amendment: committed to a Committee of the Whole House.

Mr. H. from the same committee, made an unfavorable report on the petition of Allen Sammons, of the State of Tennessee: laid on the table.

Mr. McKAY, from the same committee, to which was referred the bill from the Senate, entitled "An act for the relief of Francis A. Harrison," reported the same without amendment: committed to a Committee of the Whole House.

On motion of Mr. McK. the same committee was discharged from the further consideration of the petition of John Prack; and the petition was laid on the table.

Mr. McCARTY, from the Committee for the District of Columbia, reported a bill making an appropriation for the Island Fire Company; which was read a first and second time, committed to a Committee of the Whole House, and ordered to be printed.

Mr. McC. from the same committee, reported a bill to provide for the sale of the real estate of infants, in certain cases; which was read a first and second time, and committed to a Committee of the Whole House, and ordered to be printed.

Mr. McC. from the same committee, reported a bill to provide for the arrest and detention of, and demand of fugitives from justice; which was read: referred to the Committee on the Judiciary, and ordered to be printed.

Mr. WILLIAM COST JOHNSON, from the same committee, reported a bill for the relief of Caspar W. Weaver; which was read a first and second time, committed to a Committee of the Whole House, and ordered to be printed.

Mr. BEIRNE, from the same committee, to which was referred the bill from the Senate, entitled "An act to extend the charter of the Bank of Alexandria, in the city of Alexandria," reported the same without amendment: committed to a Committee of the Whole House.

Mr. GRAHAM, from the same committee, to

which was referred the bill from the Senate, entitled "An act for the relief of John Carter," reported the same without amendment: committed to a Committee of the Whole House.

Mr. SAMUELS, from the Committee on the Judiciary, to which was referred the petition of William J. Roberts, made a report thereon, accompanied by a bill for the relief of William J. Roberts and William Detherage; which bill was read a first and second time, committed to a Committee of the Whole House, and the bill and report ordered to be printed.

Mr. TURNEY, from the Committee on the Judiciary, submitted the following

REPORT.

The Committee on the Judiciary, to whom was referred the petition of Charles Holt, report:

That in the month of September, 1799, petitioner, at the circuit court, in the State of Connecticut, was indicted and found guilty of having printed and published what was alleged to be a libel against Mr. John Adams, the then President of the United States, the alleged libel was in the following words, to wit: "The officers of the new corps met in Danbury, and assigned the stations for each in which to enlist soldiers as recruits. The newspapers also announce that the President has directed the additional regiments to be organized. In so serious a crisis, I trust that a few remarks will not be amiss. A question arises, where are these recruits for a standing army to be found? Among our sprightly and enterprising young farmers, who, by industry and economy, may grow rich, become fathers of families, and men of great respectability as husbandmen in the immense regions which are cultivating in the West? No: they are ready in their places to do military duty at the risk of life, in order to ward off invasion, or to crush intestine tumults. But they will never give their leave to the Prussian military discipline, or devote their valor to promote the views of ambition, or to oppress their country and posterity with a standing army. They will never be the companions of the refuse of mankind, taken from gaols and brothels, from Tyburn and Newgate; they will never spend their best days in armies and vice, in order to glitter in regimentals, wear a sword, and lounge in idleness as drones, puffed and penniless. The best comment upon the recruiting service and address to the manly feelings of American youth, is the appointment of Alexander Hamilton to command our army after the affair of crim. con. Isprelude to our President's advice to the young men of Philadelphia, to study virtue and science, is an instance of human fallibility and inconsistency. Are we young officers and soldiers to learn virtue of General Hamilton; or, like their General, are they to be found in the bed of adultery? This is a serious consideration for statesmen, for the army, for fathers, brothers, husbands, and sons. Officers in recruiting services are generally successful; but soldiers are not very fit for service under seventeen or eighteen years; such may serve John Quincy Adams when he is lord protector of the United States, but cannot defend us in the present case in actual service, especially on the frontiers and among the female Indians. Officers are not always moral or careful to provide for the first of their amours. This must enforce the obligation for the sake of morality, to discourage standing armies in the nation. No men are treated with less respect and deference at this time than those who are parading in regimentals, and recruiting in our country towns and cities. The people consider them as useless and burdensome, as idle and dissipated, and they are too noble to forsake honorable industry to feed upon the vitals of their country, to extend court influence, or to be allured and bribed into silence. When they are not preferred in promotions, neglected military men generally become foes to that cause which neglects to employ them, and the enormous number who are now soliciting, if they become unfriendly to our Executive, will give an almost total change to the next election, unless commissions and pay are bestowed on them. The people, see and feel this in every part of the country. Our war advocates are, therefore, anxious for hostilities. The war and election being over, these officers and soldiers will be sold and sacrificed on

some forlorn hope, for our folly in not immediately petitioning for a stop to the further progress in raising a standing army. General Hamilton was married to the daughter of General Schuyler of New York, sister of Mrs. Church. Mrs. Church, then called Carter, was co-contractor in the late army, with Col. Woodsworth, both of whom made great fortunes by the war; and the son of Mrs. C. is about to marry the daughter of Mr. Bingham of Philadelphia, the Federal Senator. Thus are our advocates for war connected and allied together. Are our sons to fight battles that a certain class of men may reap the spoil, or enlarge their power and fortunes upon our destruction? Such, my fellow-citizens of Connecticut, are part of the facts which it is the duty of every man to present for your consideration, before you permit your sons to enter into wars, which may destroy both you and them. Scarcely removed from the distresses of one war—burdened with taxes—paying heavy charges to support your executive, legislative, judicial and ecclesiastical system, you are to be upon your guard. Your prisons are crowded—lawyers are severe and the clergy exact. Information is excluded from you, by fettered presses, and you cannot be too steadfast in the defence of your Government and Constitution which were earned with blood, and secured by wisdom. Who are to fight these battles? The exempts in our list, whose occupations in clerical and civil capacities excuse them from services, or those who, by rancor, have excited war on the part of the French Republic against the United States? Some want a war that the public may be diverted from our examination into their proceedings. Others to make fortunes upon the public spoil."

The court deemed the publication above recited, libellous, and under the second section of the act, commonly called the seditious law, passed the 4th July, 1798, which section is as follows, to wit:

"And be it further enacted, That if any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and wilfully assist or aid in writing, printing, uttering or publishing any false, scandalous and malicious writing or writings against the Government of the United States, or either House of the Congress of the United States, or of the President of the United States, with intent to defame the said Government, or either House of the said Congress, or the President, or to bring them or either of them into contempt or disrespect, or to excite against them, or either or any of them the hatred of the good people of the United States, &c. then such person being thereof convicted, before any court of the United States having jurisdiction thereof, shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years."

Upon this indictment, Charles Holt was convicted and sentenced by the court to be imprisoned for three months; to pay a fine of two hundred dollars, and the cost of the prosecution, taxed at twenty-nine dollars, and to stand committed until the fine and cost were paid, which were paid as appears by the exemplification of the record of the said trial and proceedings now on file in this House.

The committee are of opinion that the sum above recited was unconstitutional, null, and void, passed under a mistaken exercise of undelegated power; and that the mistake ought to be corrected by returning the fine so obtained, with interest thereon, to said petitioner. The committee do not deem it necessary to discuss at length the character of that law, or to assign all the reasons, however demonstrative, that have induced the conviction of its unconstitutionality. No question connected with the liberty of the press ever excited a more universal and intense interest—ever received so acute, able, long continued, and elaborate investigation—was ever more generally understood, or so conclusively settled by the concurring opinions of all parties after the heated political contest had passed away. All that remains now to be done by the Representatives of the people who condemned this act of their agents as unauthorized and transcending their grant of power, to place beyond question, doubt, or cavil, that mandate of the Constitution

prohibiting Congress from abridging the liberty of the press, and, to discharge an honest, just, moral, and honorable obligation, is to refund from the Treasury the fine thus illegally and wrongfully obtained from one of their citizens; for which purpose the committee herewith report a bill.

The report was accompanied by a bill; which was read twice, committed to a Committee of the Whole, and the bill and report ordered to be printed.

Mr. TRUMBULL, from the same committee, to which was referred the petition of John Johnston, made a report thereon, accompanied by a bill for his relief; which bill was read a first and second time, committed to a Committee of the Whole House, and the bill and report ordered to be printed.

Mr. T. also, from the same committee, to which was referred the petition of Henry J. Defrees and Stephen Jermy, made a report thereon, accompanied by a bill for their relief, which was read a first and second time, committed to a Committee of the Whole House, and, with the report, ordered to be printed.

Mr. HOFFMAN, from the same Committee, to which was referred the bill from the Senate, entitled "An act to authorize the Secretary of the Treasury to make an arrangement or compromise with any of the sureties on bonds given to the United States by Samuel Swartwout, late collector of customs for the port of New York," reported the same without amendment.

FOURTH INSTALMENT OF DEPOSITES.

Mr. STANLY, in conformity with notice heretofore given, on the 21st of December last, asked leave to introduce a bill providing for the payment of the fourth instalment to the States, according to the acts of June, 1836, and October, 1837, when the public debt is paid, and to release the States from all obligation to pay either of the instalments.

On the question of granting leave, the yeas and nays were demanded, and were, yeas 66, nays 83, as follows:

YEAS—Messrs. Adams, Jno. W. Allen, Baker, Boardman, Brockway, Casey, Chinn, Chittenden, Clark, James Cooper, Cranston, Edward Davies, Garret Davis, Deberry, Deller, Edwards, Everett, Fillmore, Gates, Giddings, Goude, Graves, Grinnell, Hall, Henry, Hoffman, James, Charles Johnston, William Cost Johnson, Kempshall, Lane, Lincoln, McCarty, Francis Mallory, Mason, Montgomery, Moore, Morgan, Calvary Morris, Morrow, Osborne, Peck, Randall, Rariden, Reed, Ridgway, Russell, Simonton, Slade, Truman Smith, Stanly, Stuart, Taliaferro, John B. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Edward D. White, Lewis Williams, Christopher H. Williams, and Winthrop—66.

NAYS—Messrs. Anderson, Atherton, Banks, Beatty, Black, Boyd, Aaron V. Brown, William O. Butler, Bynum, John Campbell, Carroll, Chapman, Clifford, Connor, Mark A. Cooper, Wm. R. Cooper, Crabb, Crary, Cross, John Davis, Doan, Dromgoole, Duncan, Earl, Eastman, Ely, Fisher, Floyd, Gerry, Goggin, Griffin, Hammond, Hand, John Hastings, Hawes, Hawkins, Hubbard, Jameson, Joseph Johnson, Cave Johnson, Nath. Jones, John W. Jones, Kem, Kemble, Kille, Leadbetter, Leet, Leonard, Lowell, Lucas, McClellan, McCulloch, McKay, Meredith Mallory, Montanya, Samuel W. Morris, Parrish, Parmenter, Paynter, Petrikin, Pickens, Reynolds, Rives, Edward Rogers, James Rogers, Samuel Shaw, Albert Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sweeney, P. F. Thomas, Jacob Thompson, Turney, Vanderpoel, Vroom, David D. Wagener, Warren, Waterson, Weller, Wick, Jared W. Williams, and Henry Williams—83.

So the House refused to grant leave.

On motion of Mr. NATHANIEL JONES, the Committee on Revolutionary Claims was discharged from the further consideration of the petition of the heirs of Edward Pannell, and the petition was laid on the table.

Mr. NATHANIEL JONES, from the Committee on Revolutionary Claims, made unfavorable reports upon the petitions of Sally C. Wenwood and Eliza S. Wenwood, the heirs of Sariton Woodson; and Nicholas Murray and others, heirs of

James Murray; which reports were ordered to lie upon the table, and be printed.

On motion of Mr. NATHANIEL JONES, the Committee on Revolutionary Claims was discharged from the further consideration of the petition of the heirs of F. W. Smith, late a lieutenant in the army; and the same was referred to the Committee on Claims.

Mr. ELY, from the Committee on Revolutionary Claims, to which was referred the petition of the representatives of Lieut. Rignol Hillary, made a report thereon, accompanied by a bill for their relief; which was read twice, committed to a Committee of the Whole House, and ordered to be printed.

Mr. ELY, from the same committee, to which was referred the petition of the representatives of Nathaniel Irish, made a report thereon, accompanied by a bill for their relief; read twice, committed to a Committee of the Whole House, and ordered to be printed.

Mr. ELY, from the same committee, made unfavorable reports upon the petitions of Marcus Brown, the heirs of Capt. Joseph Michaux, and Nathan Williams; laid upon the table.

On motion of Mr. ELY, the same committee were discharged from the further consideration of the petitions of Margaret Chapen and George Frisbie; and said petitions were laid on the table.

Mr. PARMENTER, from the same committee, made unfavorable reports upon the petitions of the heirs of Jonathan Snowden, Catharine Telfair, daughter of Captain Isaiah Wool, and the heirs of Wood Jones; which reports were laid on the table.

On motion of Mr. PARMENTER, the same committee were discharged from the further consideration of the petition of Thomas Keates; and the same was referred to the Committee on Revolutionary Pensions.

Mr. PARMENTER, from the same committee, to which was referred the petition of the heirs of Colonel Thomas Knowlton, made a report thereon, accompanied by a bill to authorize the payment of the seven years' half pay, due on account of the services of Thomas Knowlton, deceased, in the war of the Revolution; read twice, and committed to a Committee of the Whole House.

Mr. HALL, from the same committee, made an unfavorable report upon the petition of the heirs of Ephraim Bowen; which report was committed to a Committee of the Whole House.

Mr. HALL, from the same committee, made unfavorable reports in the cases of Edward R. Laurens, administrator of Thomas Rutledge; of Henry Hobson, legatee of Joseph Hobson, deceased; of the heirs of John Godell, deceased; of the heirs of Robert Vance, deceased; of the heirs of Dr. Charles Taylor; of the heirs of Augustin Willett; which reports were severally ordered to lie on the table.

Mr. MONTGOMERY, from the same committee, made unfavorable reports in the cases of the heirs of Richard Chenoweth, deceased; on the petition of the heirs of Samuel J. Axton; on the petition of Humphrey Willard; on the petition of Josiah Briscoe; which reports were ordered to lie on the table.

Mr. MONTGOMERY, from the Revolutionary Committee, made a report upon the petition of the heirs of Richard Shubrick, accompanied by a bill for their relief; which bill was read twice and committed to a Committee of the Whole House.

On motion of TRIPLETT, the same committee was discharged from the further consideration of the petition of John Maddox; and the same was referred to the Committee on Revolutionary Pensions.

On motion of Mr. CALHOUN, the Committee on Private Land Claims was discharged from the further consideration of the petition of the heirs of Major General Duportail, Brigadier General Armand, and Major De la Combe; and the same were referred to the Committee on Revolutionary Pensions.

Mr. CALHOUN, from the Committee on Private Land Claims, made a report upon the petition of Obed P. Lacey, accompanied by a bill for his relief; read twice and committed.

Mr. VROOM, from the same committee, to which was referred the bill from the Senate, entitled "an act to continue in force the act for the final adjustment of private land claims in Missouri, approved 9th July, 1832, and the act supplementary thereto, approved 21 March, 1833," reported the same without amendment: committed.

Mr. JAMESON, from the same committee, to was referred the bill from the Senate, entitled "an act for the relief of Jean Baptiste Comeau," reported the same without amendment: committed.

Mr. J. from the same Committee, made a report upon the petition of James Fort Muse in the right of his house, reported a bill to confirm Margaret Adelaide Muse in her claim to a certain tract of land in the State of Louisiana; read twice and committed.

Mr. DELLETT, from the same committee, made a report upon the petition of Valerain Alaine, accompanied by a bill for his relief: read twice, and committed.

On motion of Mr. DELLETT, Ordered, That the Committee on Private Land Claims be discharged from the further consideration of the petition of Samuel Norris and Frederick Sangrain, and that it be laid upon the table.

Mr. D. from the same committee, reported back, without amendment, Senate bill entitled "An act confirming to George Tucker, his heirs or assigns, a certain tract of land in Alabama: committed to a Committee of the Whole House to-morrow.

Mr. D. also reported back to the House, Senate bill entitled "An act for the relief of Chas. Morgan of Louisiana, without amendment: committed to a Committee of the Whole House to-morrow.

Mr. BOARDMAN, from the same committee, made an unfavorable report upon the petition of Narcissa Carmouch; which report was ordered to lie upon the table.

On motion of Mr. BOARDMAN, Ordered, That the Committee on Private Land Claims be discharged from the further consideration of the petition of Robert Graham, and that the petitioner have leave to withdraw the same.

Mr. CROSS, from the same committee, to which was referred the petition of Jacob Thomas, made an unfavorable report thereon; which report was ordered to lie on the table.

Mr. C. from the same committee, also reported back to the House, without amendment, Senate bill entitled "An act to authorize the issuing of a patent to the heirs or legal representatives of Francis Rivaud, deceased:" committed to Committee of the Whole.

On motion of Mr. WICK, Ordered, That the Committee on Private Land Claims be discharged from the further consideration of the petition of Peter Randon, and that it be laid upon the table.

On reports being called from the Committee on Manufactures,

Mr. ADAMS, after some brief remarks in relation to the bill heretofore reported by that committee for preventing frauds in the collection of the revenue, moved that said bill be made the special order for the 23d instant.

On the question being taken, it was decided in the negative, as follows—yeas 66, nays 59, not two-thirds.

On motion of Mr. BELL, Ordered, That the Committee on Indian Affairs, to which was referred Senate bill entitled "An act for the relief of the legal representatives of Nathan Pryor, deceased, be discharged from the further consideration thereof, and that if be referred to the Committee of Claims.

Mr. BELL, from the Committee on Indian Affairs, to which was referred the Senate bill entitled "An act for the relief of Gordon S. Hubbard, Robert H. Kinzie, and others, reported the same without amendment.

Mr. GOGGIN, from the Committee on Military Affairs, made reports adverse to the following petitions, viz: Of Mrs. Frances Barr, for compensation for the services of her husband in the late war; of Mrs. Frances P. Gardiner, the wife of Captain G. W. Gardiner, for the renewal of pension; of Mrs. Rosanna McConn, for five years'

half pay, etc. on account of the services of her husband, a soldier of the late war with Great Britain; which reports were laid on the table, and ordered to be printed.

Mr. G. also, from the same committee, made a report adverse to the petition of Henry Rogers and William Rogers, asking the passage of an act of Congress to enable them to surrender a military land warrant, and to receive half pay for their father's services; laid on the table, and ordered to be printed.

Mr. G. also asked that the committee be discharged from the further consideration of the memorial of Elkanah Watson, setting forth the advantages to the United States of a railroad for military purposes from Port Kent, on Lake Champlain, to Ogdensburg, in New York. Committee discharged.

Mr. G. also reported a bill for the relief of General Daniel Parker. Laid on the table, ordered to be printed, and made the order of the day for to-morrow.

On motion of Mr. SUMTER, Ordered, That the Committee on Military Affairs, to which was referred the petition of Gnom and Monroe, in relation to the system of telegraphs, be discharged from the further consideration thereof; and that it be laid upon the table.

Mr. KEMBLE, from the Committee on Military Affairs, to which the subject was referred, made a report, accompanied by a bill to authorize the enlistment of boys in the army of the United States; which was read a first and second time, and committed to a Committee of the Whole.

Mr. K. also reported a joint resolution for printing map of Northwest Territory; which was read a first and second time and committed.

Mr. K. also reported a bill, accompanied by a report, to reimburse the State of Vermont for services of her militia; read twice and committed.

Mr. K. also reported a bill to authorize the enlistment of militia in Florida for one year; which was twice read and committed.

Mr. W. O. BUTTLER presented additional testimony in the cases of Susan Foster, Rebecca McPherson, and Martha Conly; which was referred to the Committee on Revolutionary Pensions.

Mr. B. also reported a bill appropriating \$10,000 for the repair of the buildings, and the purchase of additional ground at the Newport barracks, in the State of Kentucky; which was read twice and committed.

Mr. MONTANYA, from the Committee on Naval Affairs, made an unfavorable report upon the petition of Mary B. Babson, daughter of Nathaniel Harriken; laid on the table.

Mr. M. also, from the same committee, made a report upon the petition of Joseph Morrell, accompanied by a bill for his relief; read twice and committed.

Mr. DICKERSON, from the same committee, made unfavorable reports upon the petitions of Sarah A. Bacon, widows of Frederick A. Bacon; Jas. Barrow, and James Jackson of England; laid on the table.

Mr. REED, from the same committee, made a report upon the petition of James Glynn and others, accompanied by a bill for their relief; read twice and committed.

Mr. BROCKWAY, from the same committee, made a report upon the petition of Mary Ripley, widow of James Ripley, accompanied by a bill; read twice and committed.

Mr. CUSHING, from the Committee on Foreign Affairs, to which was referred the bill from the Senate entitled "An act to regulate commercial intercourse with the port of Cayenne, in the colony of French Guiana, and to remit certain duties," reported the same, without amendment: committed to a Committee of the Whole on the state of the Union.

On motion of Mr. CUSHING, it was Resolved, That the President of the United States be requested, if in his judgment not incompatible with the public service, to communicate to this House the documents and other information in possession of the Executive, regarding the claims of the United States on the Government of Hayti.

Mr. C. H. WILLIAMS, from the Committee on

Foreign Affairs, made an unfavorable report upon the petition of Alexander Scott; which was laid on the table.

Mr. PICKENS, from the same committee, reported, without amendment, Senate bill entitled, "An act to authorize the Secretary of the Treasury to refund the duties collected on the French ship *Alexandre*:" committed to a Committee of the Whole.

Mr. CLIFFORD, from the same committee, reported a bill "making further provision for the exploration and survey of that part of the Northeastern boundary line of the United States which separates the States of Maine and New Hampshire from the British Provinces:" read twice, and committed to a Committee of the Whole House.

Mr. MORGAN, from the Committee on the Territories, made a report, asking leave to be discharged from the further consideration of the petition of the citizens of Jacksonville, East Florida, for a renewal of their city charter: laid on the table.

Also, a report from the same committee, asking leave to be discharged from the further consideration of the petition of J. H. Bronson, E. B. Gould, and Joseph S. Sanchez, for changing the place of holding criminal courts: laid on the table.

Also, a bill authorizing the Legislative Council of Florida to change the time of meeting of the council: read twice, and committed.

Also, a bill authorizing the adjustment of losses sustained by citizens of Florida in 1814, by the United States troops: read twice, and committed.

Mr. TALIAFERRO, from the Committee on Revolutionary Pensions, to which was referred Senate bills of the following titles, viz:

- An act granting a pension to Lemuel White;
- An act for the relief of Samuel Collins;
- An act for the relief of David Waller;
- An act for the relief of Joseph Bassett;
- An act for the relief of Mary Brettnay;

reported the same without amendment; which said bills were severally committed.

Mr. T. from the same committee, to which was referred the bill from the Senate entitled "An act for the relief of Margaret Barnes, widow of Elijah Barnes, reported the same with amendments: committed.

Mr. BROCKWAY, from the same committee, to which was referred the petition of Phillis Talton, made a report thereon, accompanied by a bill for her relief: read twice, and committed.

Mr. TALIAFERRO, from the same committee, made unfavorable reports upon the petitions of Polly Downing, Mary Adams, Mary Pike, Rowland Ledbetter, William Auglea, Ebenezer Johnson, Conrad Widrig, John Latham, Samuel Edgcomb, Thomas Butman, Matthew Boughton, Margaret Glencer, and Edward Brooks: laid on the table.

Mr. HAND, from the same committee, reported bills for the relief of Elizabeth Bishop, Nathan Baldwin, and Mary Reed, formerly widow of Francis Ryan, accompanied by a report in each case; which bills were read twice, and committed.

Mr. H. from the same committee, reported adversely upon the petitions of Mary Hitchcock, Daniel McCarty, John Clark, and John B. Fulk: laid on the table.

On motion of Mr. H. the same committee were discharged from the further consideration of the petitions of Jenima Bisbe, John Grigsby, and Squire Ferris, and they were laid on the table.

Mr. EDWARD DAVIS, from the same committee, reported bills for the relief of Samuel Patch, and the heirs of Joseph Plumb, accompanied by a report in each case; which bills were read twice, and committed.

Mr. PECK, from the same committee, reported bills granting an increase of pension to Lydia Hoard, and granting a pension to Sarah Decker, accompanied by a report in each case; which bills were read twice, and committed.

Mr. PECK, from the same committee, reported adversely upon the petitions of Kessiah Ransom; Henry Andrews, widow of Henry Blackshire; and Samuel Campbell; which reports were laid upon the table.

On motion of Mr. ANDREWS, the same committee were discharged from the further consideration of the petitions of Benjamin Gallop and William Moore; George W. Kelly; Elizabeth Gibbs; Daniel Ingolls; and Hannah Branch; which were laid on the table.

Mr. CARR, from the Committee on Revolutionary Pensions, reported the following bills, viz:

- A bill for the relief of John Black;
 - A bill for the relief of John Hogg;
 - A bill for the relief of Sarah Adams, formerly widow of John Greene;
 - A bill for the relief of Sarah Woodard;
 - A bill for the relief of Mercy Lord;
- which were read twice, and committed to the Committee of the Whole.

On motion of Mr. CARR, the same committee were discharged from the further consideration of the petition of Catherine Vanderbelt; Thomas Brown; Barbara Forbes; Thomas Harvey; and George S. Hawkins; and the latter petitions were, on his motion, referred to the Committee on Revolutionary Claims.

On motion of Mr. TALIAFERRO, leave was given to Rebecca McCaun, and the heirs of David Brooks, to withdraw their papers.

On motion of Mr. OSBORNE, leave was given to Susan Ellwood to withdraw her petition.

On motion of Mr. HAND, leave was given to Daniel J. Taylor to withdraw his petition from the files of the House.

Mr. CALVARY MORRIS, from the Committee on Invalid Pensions, reported without amendment the bill from the Senate, entitled "An act for the relief of John McNeil:" committed to a Committee of the Whole.

Mr. CALVARY MORRIS, from the same committee, reported bills for the relief of William R. Jaynes, Daniel Dunham, and Wilfred Knott, accompanied by a bill in each case, except Daniel Dunham; which bills were read twice, and committed.

Mr. CALVARY MORRIS, from the same committee, reported adversely upon the petition of Peter Houston; laid on the table.

On motion of Mr. C. M. the same committee were discharged from the further consideration of the petition of William Cunningham; laid on the table.

On motion of Mr. STRONG, the same committee were discharged from the further consideration of the petitions of Christopher Lambert, Conrad Herty, David Penhallow, and Asa Devrington, and the said petitions were laid on the table.

Mr. S. from the same committee, reported adversely upon the petitions of Elizabeth Shame, and Hugh Neulay; laid on the table.

Mr. S. from the same committee, reported bills for the relief of Daniel Chase, John Hicks, and Samuel B. Hugo, accompanied by a bill in each case; read twice and committed.

Mr. DOAN, from the same committee, made adverse reports upon the petitions of Philip Anspach, Reuben M. Gibbs, Jacob Miller, and William Simms; laid on the table.

On motion of Mr. D. the same committee were discharged from the further consideration of the petition of John Godfrey; and the petition was laid on the table.

Mr. EDWARDS, from the same committee, reported bills for the relief of Jonathan Bean, Fielding Pratt, and George Hommell, accompanied by a bill in each case; which bills were twice read and committed.

Mr. E. from the same committee, made adverse reports upon the petitions of Ellen A. Schenck, Coffin Sauborn, Peleg Fallman, Moses Archer, and William Newton; which were laid on the table.

Mr. DOAN, from the same committee, reported bills for the relief of Samuel D'ey and Hugh Wallace Warmley, accompanied by a report in each case; which bills were twice read, and committed.

Mr. CHITTENDEN, from the same committee, reported bills for the relief of John Piper and William Butterfield, accompanied by bills in each case; which bills were read twice, and committed.

Mr. C. also, from the same committee, made adverse reports upon the petitions of Deantha Thom-

son, widow of William Thomson, and Gideon A. Perry: laid on the table.

Mr. CHITTENDEN, from the Committee on Invalid Pensions, made unfavorable reports upon the petitions of Jeremiah Wright, Palmer Branch, John Aston, John Johnson, Nathaniel Davis, John Spear, and James Bailey; which reports were ordered to lie upon the table.

Mr. C. also made a report upon the petition of Benjamin Hunt, accompanied by a bill for his relief; which was read twice, and committed.

On motion of Mr. CHITTENDEN, the Committee on Invalid Pensions was discharged from the further consideration of the petition of Mary Davenport; and it was referred to the Committee on Revolutionary Pensions.

Mr. S. W. MORRIS, from the same committee, reported sundry bills, viz:

- A bill for the relief of Neil Shannon;
- A bill for the relief of Levi M. Roberts;
- A bill for the relief of Josiah Westlake; and
- A bill for the relief of Lyman M. Cooke;

accompanied by a report in each case; which bills were severally read twice, and committed to a Committee of the Whole.

Mr. S. W. MORRIS also made unfavorable reports upon the petitions of Elisha Plumb, John Steer, George Miller, William Parker, a Seneca Indian, Robert Marshall, Benjamin Walker, and Betsy D. Buskirk; which reports were ordered to lie upon the table.

On motion of Mr. S. W. MORRIS, the Committee on Invalid Pensions was discharged from the further consideration of the petition of Robert Acheart, and the petition was referred to the Committee on Public Lands.

Mr. UNDERWOOD, from the Committee on Roads and Canals, to which was referred Senate bill entitled "An act making appropriation to complete the removal of the raft of Red river, and for other purposes, reported the same without amendment; which was committed to the Committee of the Whole.

Mr. HOPKINS, (in behalf of Mr. JAMES GARLAND, who is confined by sickness,) from the Committee on Public Lands, reported a bill to continue in force the first section of an act entitled "An act to extend the time for locating Virginia military land warrants, and returning surveys thereon to the General Land Office," approved July 7, 1838; which bill was read twice, and committed to the Committee of the Whole.

On motion of Mr. GALBRAITH, the Committee of the Whole was discharged from the consideration of the bill making an appropriation for the improvement of the navigation of the Alleghany river, between Pittsburg and Olean, and the bill referred to a Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. BEATTY, from the Committee on Patents, reported back Senate bill entitled "An act in addition to an act to promote the progress of the useful arts," without amendment; which was committed to a Committee of the Whole.

Mr. B. also reported Senate bill, without amendment, entitled "An act to make certain appropriations for the Patent Office," which was committed to a Committee of the Whole on the state of the Union.

Mr. B. also made a report on the petition of John Pettibone, accompanied by a bill to extend the patent heretofore granted to Daniel Pettibone; which was read twice, and committed to a Committee of the Whole.

Mr. LEONARD, from the Committee on Public Buildings and Grounds, made a report upon the petition of Hugh Stewart, accompanied by a bill for his relief; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. L. the Committee on Public Buildings and Grounds was discharged from the further consideration of the petition of Samuel Atch'sson, and it was referred to the Committee for the District of Columbia.

On motion of Mr. L. the same committee was discharged from the further consideration of the petition of A. W. Dunham, and it was laid upon the table.

Mr. L. from the same committee, reported a join

resolution for the relief of Masterton and Smith, contractors for the marble work on the General Post Office Building, and for other purposes; which was read twice, and ordered to be engrossed for a third reading to morrow.

Mr. L. by leave, presented a petition of Jacob Kerr, praying remuneration in land or money for the loss of sundry bounty land warrants of which he has been defrauded by the dishonesty of a Government agent; which petition was referred to the Committee on Private Land Claims.

Mr. T. W. WILLIAMS, from the Committee on Mileage, reported a bill to establish a more uniform rule of computing mileage and per diem compensation of members of Congress; which was read twice, and committed to a Committee of the Whole on the state of the Union.

Mr. CLIFFORD, (in behalf Mr. JOHN W. DAVIS, who is confined by sickness,) from the Select Committee, to which was referred a letter from John C. Rives, one of the printers to the House, dated the 31st ultimo, and the memorial of Hugh A. Garland, Clerk of the House, dated the 4th instant, (both communications referring to a controversy between the parties, as to the power of the Clerk to control the binding of Congressional documents, and the printing of the special orders of the House,) made a report thereon, which was ordered to lie on the table.

Mr. FILLMORE, from the Committee of Elections, reported a bill regulating the taking testimony in cases of contested elections, and for other purposes; which was read twice and committed to a Committee of the Whole.

Mr. VANDERPOEL, from the Committee of Ways and Means, reported a bill to provide for the support of the Military Academy for the year 1841; which was read twice, and committed to the Committee of the Whole on the state of the Union.

On motion of Mr. JONES of Virginia, the Committee of Ways and Means was discharged from the further consideration of the petition of the city council of St. Louis, asking an appropriation for the improvement of the harbor of the city of St. Louis: of the petition of the inhabitants of Preble county, Ohio, in relation to the Cumberland road; and of the petition of the Mobile and New Orleans Railroad Company; which were severally laid upon the table.

On motion of Mr. JONES of Virginia, the same committee was discharged from the further consideration of the papers in relation to an appropriation for the purchase of a site and erection of an arsenal at Charleston, South Carolina, which papers were laid upon the table.

On motion of Mr. COOPER of Georgia, the same committee was discharged from the further consideration of the petition of Asa Armington, and it was laid upon the table.

Mr. HUBBARD, from the Committee of Ways and Means, reported a bill for the relief of Ephraim W. Burr and A. P. Smith of Rhode Island; which was read twice, and committed to a Committee of the Whole.

Mr. H. also made an unfavorable report on the petition of C. de la Hailandiere; which was laid upon the table.

Mr. JARED W. WILLIAMS, from the Committee of Claims, to which was referred the petition of Pearson Cogswell, late marshal of the district of New Hampshire, made a report thereon, accompanied by a bill; which was read twice, and committed to a Committee of the Whole.

Mr. W. from the same committee, to which was referred the bill from the Senate entitled "An act for the relief of Daniel G. Skinner of Alabama," reported the same without amendment; which was committed to a Committee of the Whole.

Mr. RUSSELL, from the same committee, to which was referred Senate bills entitled "An act for the relief of Ephraim D. Dickson," reported the same without amendment; which was committed to a Committee of the Whole.

Mr. R. from the same committee, to which were referred Senate bills entitled "An act for the relief of James H. Relfe," and "An act for the relief of Clements, Bryan and Company," reported the same

with amendments; which were severally committed to a Committee of the Whole.

Mr. R. from the same committee, to which was referred Senate bill entitled "An act for the relief of John C. Reynolds, late disbursing agent of the Indian Department," made an adverse report thereon; and the bill was committed to a Committee of the Whole.

Mr. R. from the same committee, to which was referred the Senate bill entitled "An act to authorize the Secretary of War to adjust and pay to Benjamin Murphy, of Arkansas, the value of his corn, cattle, and hogs, taken by the Cherokee Indians in the month of December, 1838, made an unfavorable report thereon; and the bill was committed to a Committee of the Whole.

Mr. DAWSON, from the same committee, to which was referred the petition of J. W. Nye, assignee of Peter Barge, made an unfavorable report thereon; which report was laid on the table.

Mr. D. from the same committee, to which was referred the Senate bill entitled "An act in addition to an act for the relief of Walter Loomis and Abel Gay, approved July 2, 1836," made an adverse report thereon; and the bill was committed to a Committee of the Whole.

Mr. D. from the same committee, reported a bill further to continue in force the "Act for the payment of horses and other property lost in the military service of the United States;" which was read a third time, and passed.

Mr. GIDDINGS, from the same committee, to which was referred the Senate bill entitled "An act to authorize the accounting officers of the Treasury to settle the accounts of Francis Gehon, late marshal of Wisconsin," made an adverse report thereon, and the bill was committed to a Committee of the Whole.

Mr. G. also made an unfavorable report on the petition of Ann Mason Tutt; which was laid upon the table.

Mr. CURTIS, from the Committee on Commerce, to which was referred the bill from the Senate entitled "An act to authorize the Secretary of the Treasury to procure steam vessels for the revenue service;" reported the same without amendment; committed.

Mr. GALBRAITH, from the Committee of Claims, reported adversely on the petition of Wm. Jones, late Postmaster of the City of Washington; laid on the table.

Mr. TOLAND, from the Committee on Commerce, reported a bill for the relief of Rebecca Guest, executrix of John Guert, deceased; accompanied by a report; which bill was read twice, and committed.

A message was received the President of the United States, by Mr. Abraham Van Buren, his private Secretary, notifying that the President did, on the 21 of February, instant, approve an enrolled bill entitled "An act making temporary provision for lunatics in the District of Columbia."

The following message, received from the President of the United States on the 8th instant, was read as follows:

To the Senate and House of Representatives of the United States.

I transmit herewith the copy of a report from the commissioners for the exploration and survey of the Northeastern boundary, in addition to the documents sent to Congress, with a reference to a further appropriation for the completion of the duty entrusted to the commission.

M. VAN BUREN.

Washington, February 8, 1841.

Ordered, That said message be referred to the Committee on Foreign Affairs.

Mr. CRABE asked and obtained leave to introduce a bill to explain "An act for the relief of Jermison and Williamson," approved March 3, 1839; read twice and committed.

Mr. CHAPMAN, on leave, submitted the following, viz:

Resolved. That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Jacksonville, Alabama, by White Plains, Adrian's Ferry, on Tallapoosa river, Alabama Gold Mines, to Carrollton, Georgia. Also, of establishing a route

from Lowsville, Madison county, Alabama, to Trenton, in Jackson county, same State.

And then, at a quarter past 5 p. m. the House adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, February 13, 1841.

After the journal had been read,

On motion of Mr. CLIFFORD, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. BANKS in the chair) for the purpose of considering, during the morning hour, the bill making appropriation for completing the survey of the Northeastern boundary of the United States.

It was discovered, however, that the bill had been sent to the printers, and that it could not be obtained in any reasonable time.

Mr. EASTMAN of New Hampshire hoped the committee would take up the bill recently introduced by him, extending for five years the act of 1838, granting half pay to certain widows and orphans.

Mr. PICKENS moved that the committee rise. The question was put, and the committee was counted by tellers—ayes 40, noes 81.

So the committee refused to rise.

The CHAIR here decided that the rules were suspended for the special purpose of acting on a particular subject, and that it would not therefore be in order to take up any other matter.

A bill was here furnished by Mr. CUSHING, of the Committee on Foreign Affairs, which he said was a copy of the bill reported by the committee.

Mr. DROMGOOLE asked the CHAIR if this were the identical bill reported by the Committee on Foreign Affairs.

Mr. CUSHING said he could answer.

Mr. DROMGOOLE would not receive his answer, and demanded that the CHAIR or Clerk respond to the inquiry whether the bill now presented was the identical bill reported by the Committee on Foreign Affairs.

The Clerk answered it was not.

Mr. CUSHING said it was a true copy.

Mr. DROMGOOLE called on the House not to act upon any bill which was not the bill actually reported to the House, and spoke as to the danger which might arise from the practice now proposed to be pursued by substituting a bill said to be a copy of the bill.

As the true bill could not be produced, another motion was made that the committee rise.

And the question being put, a quorum did not vote; upon which the committee rose and reported that fact.

The SPEAKER counted the House, and reported that a large quorum was present; and the House again resumed its session in Committee of the Whole.

Mr. EVANS admitted that, according to a strict adherence to rule or form, the objections taken by Mr. DROMGOOLE were correct; but, in point of fact, the House in almost all cases acted upon bills which were only transcripts of the originals. It acted upon printed bills, the originals being filed away in the Clerk's office.

Mr. DROMGOOLE explained, and showed that the bills upon which the House usually acted were equal to the originals, as they were the official printed copies from the originals; the originals themselves, if any doubt arose, being not only within reach of, but in fact within the actual possession of, the House, and might be considered as actually before it.

The original bill still not being forthcoming—

Mr. CAVE JOHNSON moved that the committee rise.

The question was taken by tellers, and there appeared—ayes 44, noes 82.

After remarks from several gentlemen as to the proper course of proceeding—

Mr. SMITH moved that the committee do proceed to act upon the bill substituted by Mr. CUSHING.

The question was put—Ayes 92, noes 50.

And so the committee determined to act on the bill handed in by Mr. CUSHING.

Mr. DROMGOOLE asked if there was any mode by which it could be ascertained that the bill which

the committee had voted to act upon was a true transcript of the original bill.

Mr. CUSHING thought it was too late to ask that question. The committee had decided to act upon the transcript handed in by him, copy or no copy. Mr. C. went on to explain the provisions of the bill, and stated that it was identical, in substance, with the original.

Mr. UNDERWOOD moved to amend the bill by reducing the appropriation from \$75,000 to \$37,500.

Mr. PETRIKIN moved to amend the amendment by striking out \$37,500, and inserting \$20,000.

Some discussion followed, directed mainly to the proper extent of the appropriation, in which Messrs. ALBERT SMITH, UNDERWOOD, CUSHING, HAWES, PETRIKIN, PICKENS, TILLINGHAM, and VANDERPOEL (the latter of whom suggested a compromise of \$50,000) participated.

Mr. PROFFIT was proceeding to make some remarks, when, the hour having elapsed, the Chairman announced the fact; and the committee thereupon rose, (without action,) and reported progress.

BURNING OF THE CAROLINE AND THE CASE OF McLEOD.

Mr. PICKENS, from the Committee on Foreign Affairs, made the following report, which was ordered to be printed:

The Committee on Foreign Affairs, to whom was referred the Message of the President, transmitting a correspondence with the British Minister in relation to the burning of the steamboat Caroline, and the demand made for the liberation of Mr. Alexander McLeod, respectfully report:

It appears that the steamboat "Caroline" was seized and destroyed in the month of December, 1837. The committee are induced to believe that the facts of the case are as follows: The boat was owned by, and in possession of, a citizen of New York. She was cleared from the City of Buffalo, and, on the morning of the 29th of December, 1837, she left the port of Buffalo, bound for Schlosser, upon the American side of the Niagara river, and within the territory of the United States. The original intention seemed to be, to run the boat between Buffalo and Schlosser, or, perhaps, from Black Rock dam to Schlosser, and, should it seem profitable, it was intended to run her also to Navy Island, and touch at Grand Island and Tonawanda. Her owner was Mr. Wells, said to be a respectable citizen of Buffalo, and it is obvious, his intention in putting up the boat was one of speculation and profit entirely. The excitement upon that portion of the frontier, at this period, had collected a great many in the neighborhood—some from curiosity—some from idleness—and others from taking an interest in the unusual and extraordinary collection of adventurous men gathered together at that time on Navy Island. Navy Island was "nominally" in the British "territory."

The owner of the Caroline took advantage of these circumstances to make some money with his boat, by running her, as a ferry boat, over to Navy Island. All these facts appear from testimony regularly taken, (see H. R. Doc. No. 302, page 46 and 39, 2d Session, 25 h Congress,) and the committee know of no legal evidence to contradict them. There is no proof that any arms or munitions of war were carried in the boat, except, perhaps, one small six pounder field-piece belonging to a passenger. The principal object was to run the boat as a ferry boat from Schlosser, on the American side, to Navy Island, on the British side. It is believed that, even in war, a neutral power has the right to trade in contraband articles, subject, of course, to seizure and confiscation, if taken within the jurisdiction of either of the contending parties. What is contraband of war is not always certain. Treaty stipulations frequently include some articles, and exclude others recognised in the law of nations. Trading in contraband articles is no excuse for invading the territory and soil of a neutral and independent power, whose private citizens may choose to run the hazards of such a trade. In this instance there were no two foreign powers engaged in war; but all concerned in the outbreak or excitement within the British jurisdiction, claimed to be British subjects, in resistance of the authorities of Canada, a province of the British empire. Even

admitting, then, that the Caroline was engaged in contraband trade, yet it was with citizens who claimed to be subjects of the same empire with those who were styled the legitimate officers of the Province. Abstractly speaking, how was a private citizen to decide who were right and who wrong in these local disputes? And which portion of citizens of the same province must our citizens refuse to have any communication with? But the boat was merely used for one day as a ferry boat; and on the night of the day she commenced running, she was seized while moored at the wharf in Schlosser, and burnt. Several men were assassinated; certainly one, who fell dead upon the dock. Now the insinuation of the British Minister, that Schlosser was "nominally" within the territory of the United States, may well be retorted, as we can with equal truth say that Navy Island was "nominally" within the "territory" of the British Government; for at the period to which we allude, the people collected there had as effectually defied Canada authorities as any portion of our people had disregarded ours. Yet British authority thought proper to pass by Navy Island, then in its "nominal" territory, and in the plenitude of its power, to cast the axis of British jurisdiction over American soil. This was truly extending over us that kind guardianship which they had not the ability at that time to extend to a portion of their own territory, and which recommends itself to us, full as much from its assumption as from its love of right or law.

The British Minister is pleased also to call the Caroline a "piratical steamboat." The loose epithets of any one, no matter how high in place, cannot make that piracy which the law of nations does not recognise as such. Pirates are freebooters, enemies of the human race; and eminent jurists describe them as ravaging every sea and coast with no flag and no home. Piracy comes under the concurrent jurisdiction of all nations. Even in the worst point of view that it can be considered, those connected with the steamboat Caroline were but aiders and abettors of others engaged in rebellion. And the committee are totally at a loss to know upon what authority rebellion is recognised as piracy. Such confounding of terms is resting the case upon epithets, instead of sound law or facts. But even supposing it to be a "piratical boat," as the Minister asserts it to be; yet the moment it touched our soil it fell under our sovereignty, and no power on earth could rightfully invade it.

There is no doctrine more consecrated in English history, than that every human being who touches the soil of Great Britain is immediately covered by British law. Suppose one of her vessels were cut from the banks of the Thames and burnt by Frenchmen, and British citizens were assassinated at night, and the French Minister were to avow that they acted under the orders of his Government, and that the vessel was "piratical," and the citizens murdered were outlaws—then there is not an Englishman whose heart would not beat high to avenge the wrong, and vindicate the rights of his country. The law there is the law here. And there is no international law consistent with the separate independence of nations, that sanctions the pursuits of even pirates to murder and arson over the soil and jurisdiction of one of the States of this Confederacy. No greater wrong can be done to a country than invasion of soil. If it can be done with impunity at one point, and on one occasion, it can be done at another, and the nation that submits to it, finally sinks down into drivelling imbecility. If a representation of the state of things at Schlosser, and the conduct of those who had control of the Caroline, had first been made to the proper authorities of New York, or of the United States, then there would have been some show at least of respect for our sovereignty and independence, and a disposition to treat us as an equal. But in this case, as if to treat our authorities with contempt, there was no preliminary demand or representation made.

It was hoped that the outrage was perpetrated by a party in sudden heat and excitement, upon their own responsibility. But the British Minister now avows that "the act was the public act of persons obeying the constituted authorities of her Majesty's Province," and again affirms that "it was a public

act of persons in her Majesty's service, obeying the orders of their superior authorities."

If this had been the first and only point of collision with Great Britain it might not have excited such interest, but there is an assumption in most of our intercourse with that great power, revolting to the pride and spirit of independence in a free people. If it be her desire to preserve peace, her true policy would be to do justice, and show that courtesy to equals which she has always demanded from others. The committee do not desire to press views on this part of the subject, particularly as a demand has been made by our Government upon the Government of Great Britain for explanation as to the outrage committed, the answer to which it is hoped will prove satisfactory.

As to the other points presented in the demand made by the British Minister for the "liberation" of Alexander McLeod, the committee believe the facts of the case to be, that the steamboat was seized and burnt as stated before, and that a citizen or citizens of New York were murdered in the affray. And there were reasons to induce a belief that McLeod was *particeps criminis*. He was at first arrested, and upon various testimony being taken, was then discharged. He was afterwards arrested a second time. Upon the evidence then presented, he was imprisoned to await his trial. There was no invasion of British territory to seize or take him. But upon his being voluntarily within our territory, he was arrested as any citizen of the United States, charged with a similar offence, might have been. We know of no law of nations that would exempt a man from arrest and imprisonment for offences charged to be committed against the "peace and dignity" of a State, because he is a subject of Great Britain, or because he committed the crime at the instigation or under the authority of British Provincial officers; much less do we know of any law that would justify the President to deliver him up without trial, at the demand and upon the assertion as to facts, of any agent of the British Government. If we had been at open war with Great Britain, and McLeod had committed the offences charged, then he might have fallen under the rules and regulations of war, and been treated as a prisoner of the United States Government, and would have been subject to the laws of nations in war. But as the alleged criminal acts, in which McLeod is charged to be implicated, were committed in profound peace, it is a crime, as far as he may be concerned, solely against the "peace and dignity" of the State of New York, and her criminal jurisdiction is complete and exclusive. If the crimes committed be such as to make a man *hostis humani generis*—an outlaw—a pirate, in the legal acceptance of the term, then under the law of nations, the United States courts and tribunals would have jurisdiction. But the offence charged in this case, committed as it was in time of peace, as far as this individual was concerned, was one purely against the *lex loci*, and coming exclusively within the criminal jurisdiction of the tribunals of New York.

The Minister, in his letter of the 13th December, 1840, says: "it is quite notorious that Mr. McLeod was not one of the party engaged in the destruction of the steamboat Caroline; and that the pretended charge upon which he has been imprisoned rests only upon the perjured testimony of certain Canadians, outlaws and their abettors," &c. This may perchance all be so; but it would be asking a great deal to require an American court to yield jurisdiction, and surrender up a prisoner charged with offences against the law, upon the mere *ipse dixit* of any man, no matter how high in authority. Whether McLeod be guilty or not guilty, is the very point upon which an American jury alone have a right to decide. *Jurisdiction in State tribunals over criminal cases, and trial by a jury of the venue*, are essential points in American jurisprudence. And it is a total misapprehension as to the nature of our system, to suppose that there is any right in the Federal Executive to arrest the verdict of the one, or thwart the jurisdiction of the other. If such a power existed, and were exercised, it would effectually overthrow, and upon a vital point, the separate sovereignty and independence of these States. The Federal Executive might be clothed with

power to deliver up fugitives from justice for offences committed against a foreign State, but even then it might not be obligatory to do so, unless it were made matter of treaty stipulation. This duty and right in an Executive has generally been considered as dormant, until made binding by treaty arrangement. But when the matter is reversed, and demand is made, not of fugitives from justice for offences committed against a foreign power, but for the liberation of a man charged with offences against the peace and dignity of one of our own States, then it is, that the demand becomes preposterous in the extreme. The fact the offences were committed under the sanction of provincial authorities does not alter the case, unless we were in a state of war. In such cases as the present, the power to deliver up could not be conferred upon the Federal Executive by treaty stipulation. It could only be conferred in those cases over which jurisdiction is clearly delegated by the Federal Constitution. Such, for instance, as treason, which is an offence against the conjoined sovereignty of the States, as defined in the Constitution. Over all cases except those defined in the Constitution, and those coming clearly under the laws of nations, the States have exclusive jurisdiction, and the trial and punishment for offences against them, are incident to their separate sovereignty. It is not pretended in this case that there is any treaty stipulation under which the demand is made; and the Federal Executive, under our system, has no power but what is conferred by the Constitution, or by special law of Congress. In the former it is declared that "the Executive power is vested in a President of the United States," and that power is then to be pointed out and defined by special laws passed from time to time, imposing such duties as are thought proper and expedient by Congress.

Your committee deem it dangerous for the Executive to exercise any power over a subject-matter not conferred by treaty or by law; and to exercise it in any case in conflict with State jurisdiction, would be worse than dangerous; it would be usurpation.

But your committee forbear to press these points further at present, and they would not have said as much on such clear questions of international law, but that in this case, the demand for liberation has been made by the accredited agent of a great power, and under circumstances of peculiar aggravation and excitement.

We have other points of difference with Great Britain, which add interest to every question that arises between us at present. Neither our North-eastern or Northwestern boundaries are yet settled with her, and the subject is not entirely free from difficulty. She has recently seized our vessels and exercised a power involving the right of search, under the pretext of suppressing the foreign slave trade, which, if persevered in, will sweep our commerce from the coast of Africa, and which is incompatible with our rights as a maritime power. She has recently, in her intercourse with us, refused indemnity and denied our rights to property, on a subject-matter vital to near one half the States of this Confederacy, and which, considering her military position at Bermuda and her growing power in the West Indies, is of the last importance to our national independence.

All these subjects make every question between us, at this peculiar juncture, of the deepest interest.

Besides this, we are both permanently destined to have, perhaps, the most extensive commerce of modern nations. Our flags float side by side, over every sea, and bay, and inlet of the known globe.

She moves steadily upon her objects with an ambition that knows no bounds. And wherever she has had a conflict of interest she has rarely yielded to any power.

At this moment she presents to the civilized world the spectacle of the greatest military and commercial power in combination ever known.

From her vast possessions in every quarter of the globe, and her peculiar commercial system, she has been made the reservoir of the wealth of nations.

Her internal resources, skill, labor, and machinery, with her capital, are beyond calculation. Her natural position, being about midway the coast of Europe, gives her great control over the outlets and currents of commerce.

Her military occupation of Gibraltar, Malta, the Ionian islands, and recently of St. Jean d'Acre, give her ascendancy on the Mediterranean and the Levant, while St. Helena and the Cape of Good Hope give her possession over the currents of trade along those extensive coasts. Then Bombay, Calcutta, and her immense possessions in the East Indies, together with her recent movements in the China seas and islands, enable her to extend her power over those vast regions that have slumbered for ages in solitary and enervated magnificence. She possesses Falkland island but to control the commerce that passes around Cape Horn—while Trinidad gives her all she desires in the Caribbean sea. *Halifax at one point, and Bermuda at another, stand out in great force over our own coast from one extremity to the other.*

Her positions all over the world are at this moment, in a military point of view, equal to a million of men under arms. Her continual conflicts in the mighty regions of the East, only enable her officers to become skilful and to improve in the art of war, while her great armies and extensive fleets draw their support from the immense countries seized and occupied. In the present juncture of affairs, no statesman can overlook these things. Steam power has recently brought us so near together, that in the event of any future conflict, war with its effects will be precipitated upon with much more rapidly than formerly.

Avarice and ambition are the ruling passions of modern times, and it is vain to shut our eyes to the state of things around us. It remains to be seen what effect steam power is to have upon changing and modifying the whole art of defence and war. It may be a great engine for again levelling mankind, and reducing every thing to a contest of mere physical force. In that event it might be difficult to conjecture what system of national defence will stand the test of time and experience.

We have a deep stake in peace, and fondly hope the repose of the world will not be disturbed. We have certainly not the least desire for any rupture. Firmness, and a wise preparation, will long preserve us from such a catastrophe. But while no temptation should ever prompt us to do injustice on the one hand, so no consideration, on the other hand, should ever induce us to submit to permanent wrong from any power on earth, no matter what the consequences may be.

Your committee would conclude by expressing a firm belief that all our points of difficulty may be honorably and amicably adjusted, and that harmony may long be preserved by both Governments pursuing a liberal and generous policy, congenial to the interests and feelings of both people, and compatible with the spirit and genius of an enlightened age.

Mr. PICKENS moved that the report be laid on the table and printed.

Mr. EVERETT suggested the propriety of collecting and printing together, in one pamphlet, all the documents upon the subject.

Mr. HAWES objected to the reception of the report, unless it was in order to make it.

The SPEAKER said the report could not be received unless by consent of all parties.

Mr. HAWES then objected.

Several members suggested that it was now too late to make the objection, as the report was actually before the House, and motions had been made and entertained respecting it.

The SPEAKER here decided that the objection should have been made when Mr. PICKENS proposed to submit the report; that, not hearing any objection, he had received the report, and propositions were entertained respecting it; and that it was now too late to raise the objection.

The reading of the report was called for, and it was read accordingly.

Mr. EVERETT renewed his proposition to include in the printing all the documents upon the subject, a list of which he furnished.

Mr. GRANGER rose and moved a division of

the question—first, on the motion to lay on the table; and then, on the motion to print.

And the motion to print being debatable—

Mr. GRANGER said that he considered this report, if acted upon and adopted by the House, as approaching very nearly, in its consequences, to a declaration of war, if the British Government should desire so to consider it. He would take occasion to say, as a member of the Committee on Foreign Affairs, that the report did not receive his assent. And he felt constrained to detain the House for a few moments whilst he assigned, very briefly, his reasons for this conclusion.

What (continued Mr. G.) was the position of the Committee on Foreign Affairs when they entered upon the consideration of this question? My colleague [Mr. FILLMORE] had called upon the State Department for the correspondence which had taken place in relation to the demand for the liberation of McLeod. That matter, and that alone, was referred to the Committee on Foreign Affairs. It is not my purpose to censure the conduct of this Administration; for, so far as my judgment can now determine, I approve fully the course they have taken. That opinion may, upon further reflection, be changed; but, as at present advised, I consider the course of Mr. Forsyth to have been such as was due to his high official station and due to the character and dignity of this nation. But, so considering, and representing a section of country deeply interested in this question, and as ready to meet its consequences as the people of any other section of this Union, I still dissent from the report.

What does it embrace? A report upon matters referred to the Committee of Foreign Affairs? No; nothing, as I have stated, was referred to that committee but the correspondence in relation to the demand for the liberation of McLeod. Does that committee act upon a call of the Executive of this nation, made upon this House, to place before the country and the world the condition of things between the United States and Great Britain? No. The Executive, mindful, as we are bound to believe, of the honor of the country, as well as of the character of his own administration, has not thought proper to call upon either House of Congress for advice in regard to our relations with Great Britain. What, then, is the position of that committee? Travelling beyond the record, they come forward and present (by the votes of a bare majority, I will say, if in order) a report which, to say the least of it, is not pacific in its character, and which is based upon complaints against the British Government, not one of which has been referred to that committee. When, or by whom, have the Committee on Foreign Affairs been called on to consider seizures upon the high seas, or this alleged right of search? which, I agree with the committee, is one which this nation is not likely to tolerate in the manner in which it is now exercised. When, or by whom, were the other matters of controversy which that report embraces referred to the Committee on Foreign Affairs, that they might make report upon them? And, if so, what have they reported? Have they sent here a document setting forth the alleged grievances of this country, complaining of injustice done on the part of Great Britain, and calling for the action of this House upon those matters? Has the chairman of the Committee of Ways and Means come forward to say that he is prepared to recommend appropriations to put the country in a proper state of defence to meet the emergency which such a report as this may create? Is your Committee on Military Affairs ready to recommend the defences which should be provided if such a report is to go forth to the world, under the sanction of this House? Has your Committee on Naval Affairs sent in requisitions to put your ships in commission, that you may be prepared to meet on the high seas the power you have before met and crippled? No. There has been no such recommendation. And the Committee on Foreign Affairs, without recommending any action, without even coming to any conclusion, as it seems to me, except that Great Britain is the greatest power on earth, and we the humblest, bring here a report calculated to inflame the whole nation; and to let it go forth to the world that we are making an is-

sue with Great Britain, which we voluntarily tender to her, and which, in my opinion, she has a right to take up on the instant.

But, Mr. Speaker, there are considerations connected with the honor and dignity of the State of New York, and with the administration of justice within her borders, that demand our attention. On a former occasion I stated on this floor that the person whose life was in jeopardy would receive at the hands of a jury of New York the same fair and impartial trial which would be secured to any citizen of that State who might be arraigned for a violation of its laws; but I mourn now to say that, from present indications, there is an excitement on the western border of New York, growing out of the arrest of this man, and of his liberation for the moment, which is already sufficiently great to make those who regard the lives and the liberties of the people of this country pause before they act. By this time, I suppose, the grand jury of Niagara county has closed its investigation. The current rumor through the newspapers of the day is, that McLeod has been indicted. The people of that section have been greatly incensed by recent transactions there. Send forth this paper to the world, recommending nothing, and being nothing but a detailed account of grievances against the British Government, with a few hits at what may be presumed to be the arrogance of her course; and no man can answer for the consequences upon the life of this man. I felt it to be my duty to endeavor to postpone this question until the trial should have passed. I believed that the power of this country could never be exercised with a higher glory to itself, than when showing to the world that whilst it took the position which its honor demanded, still that the humblest individual of this or any other country, whose foot was upon our soil, should be shielded by the mild, the just, and the impartial operation of its laws. I do not think that, without any call from the Executive, without anything having been laid before the Committee on Foreign Affairs but the papers relating to the liberation of this man—I say I do not think that the honor or dignity of this nation required that we should send forth a declaration, not only of the prowess of Great Britain and of our humility, but of our readiness to meet her at any moment, when no necessity existed for such a threat; and when the voice of this House, speaking potentially to the nation, might be considered as a watchword by which every man on the Northern frontier was to guide himself in hurrying on to execution this suspected foreigner. If he should be tried and found guilty, let the penalty of the law be exacted; and let the people on the frontier of New York, and the people throughout the widest extremities of this land, be prepared to meet the consequences. When those consequences shall present themselves, not only will the State of New York be ready to meet them, but I feel sure that a patriotic feeling, which supercedes all local questions and merges all political differences, will rally this whole nation to the rescue. It will then be time enough to act; but, in the name of justice, let us not anticipate that event by inflaming the public mind, and adding to the horrors of war the consciousness that we have interfered with the impartial operation of our laws or trifled with their supremacy.

Some conversation took place between Messrs. ADAMS, PICKENS, and GRINNELL, which resulted in a motion by

Mr. GRINNELL to amend the motion of Mr. PICKENS, (which was, that the report be laid on the table and printed, as above stated,) so as to lay on the table the whole subject; that was to say, the report and the motion to print the report, &c. and on that motion Mr. G. asked for the yeas and nays, which were ordered.

Mr. PICKENS inquired of the SPEAKER whether that motion closed the debate?

The SPEAKER replied in the affirmative.

Some conversation ensued between various members, but a division of the question was called for.

Mr. BRIGGS suggested to Mr. GRINNELL that as he (Mr. B.) supposed no one wanted the yeas and nays on the motion to lay the report on the table, it would save time to withdraw the call for

them, so far as that part of the motion was affected.

Mr. GRINNELL having assented,

The question was taken, and the motion to lay the report on the table prevailed without a division. So the report was laid on the table.

The question then recurred, and was taken, on the second part of the motion of Mr. GRINNELL—to lay the motion to print the report on the table—and it was decided in the negative—Yeas 77, nays 110.

So the motion to print the report, &c. was not laid on the table.

And the question recurring on the amendment of Mr. EVERETT—

Mr. PICKENS said he had a few remarks to make in reply to the gentleman from New York, [Mr. GRANGER.]

That gentleman (continued Mr. P.) has delivered a regular set speech, prepared for the occasion, with tones as regular as if they had issued from a bagpipe. He was the very last gentleman here, judging from the sentiments he expressed a few weeks ago, who, I should have supposed, would have found his patriotism and his valor oozing out so soon from the palms of his hands. His speech, in my opinion, is worthy of attention. His speaks as one clothed with authority, and I regret very much the course he has thought proper to pursue.

Mr. Speaker, I will declare to you and to this House that, so far from this report being the war report, as the gentleman from New York has characterized it, it is essentially the reverse. To speak our sentiments plainly and fearlessly before the world—to declare that we know our rights and dare maintain them—must, in my judgment, have a tendency directly the reverse of that which the gentleman seems to anticipate.

He has spoken of this report in two points of view. In the first place he asserts that the Committee on Foreign Affairs have travelled out of the record. The subject-matter in relation to the "Caroline" and to the demand for the liberation of McLeod, I consider as having been actually and in fact referred to that committee. They could not separate the two cases so as to present them in an intelligible point of view to the country. And does he say that that part of the report is beyond the record? Other matters have been mentioned as merely as incidental, by way of illustrating the interest thrown around this question, and with no intention to arouse any hostile feeling in this or any other country. I deny the imputation, thrown out by the gentleman from New York, that the report has arrayed the strength of Great Britain and proclaimed our own weakness, or, as he terms it, our own humility before the world. It does no such thing. I challenge the gentleman to lay his finger, if he can, upon a single sentence which, even by inference, proclaims our weakness or imbecility. I thought it was proper to present, the precise condition of things to the country; and I will here take occasion to say that the report was written by myself, without consultation with any human being, save the committee to whom it was presented. In drawing it up, I looked over the whole subject matter; I looked at the great interests involved; I looked at the position in which you, Mr. Speaker, and this House, had placed the Committee on Foreign Affairs before the nation and the world, and I felt it to be a duty which I owed to this House and to my country to utter freely and without reserve the sentiments we entertained.

The gentleman tells us that the Executive has called for no action; that it is due to the Executive branch of the Government that this House should wait until it hears from that quarter. Sir, I take the reverse of that position; I say that we were constituted, under the Federal Constitution, as a co-ordinate and independent branch of this Government; that this House is, in the contemplation of that Constitution, the peculiar guardian of the interests and the rights of this Confederacy; and that when any subject-matter is legitimately brought before it, it is not only our right, but it is our duty to the Constitution and to the country to proclaim our sentiments upon it. I repel the idea that we are to look to the Executive branch of this Government for dictation or counsel upon any question that may be supposed

to involve the interests and the liberties of the people.

But, Mr. Speaker, my principal object in replying to the remarks of the gentleman from New York is to declare, as I have already done, that this, so far from being a war report, is of a precisely contrary character. I had hoped that the vote might have been taken silently; that the report might have been laid on the table and printed; that there should have been no panic; that no discussion should have sprung up; that no excitement calculated to arouse the people of this country by false appeals to their patriotism and their honor, should have been manifested here. But the Committee on Foreign Affairs have thought that it was proper to present to the people the exact questions at issue between us and a great and powerful nation. We thought—or, at all events, so far as I am concerned, I thought, that the people in every part of the United States, and of every party, had, for the last two years, been too much absorbed in the political conflicts of the day. I thought it was right that the country should understand, in an authentic form, the points at issue between us and Great Britain, and, under these circumstances, I presented this report, acting, as I do on all other occasions, under a conscientious sense of my duty. Yes—I was resolved to do my duty, leaving the consequences to God. These are the principles upon which I have been taught to act. And when I hear from certain quarters appeals to the honor, the patriotism, and the valor of the people of this land—when I hear indirect annunciations made that the accredited heads of this Government have heretofore neglected their duty and slept on the rights of the country—I have a right to expect that those gentlemen who make such appeals and such annunciations will themselves come forward on occasions of importance, and vindicate the sentiments which they have previously uttered.

As to the allegation that this report will have the effect of exciting the people on the border, I say I should rather think its tendency would be the reverse. The people there have been greatly excited; meetings of an angry, unnecessary, and an uncalled for character have taken place, and recommendations were made, I will say, of unjustifiable meetings in this very case in relation to McLeod. These things have been done, and why? Because the people have felt themselves wounded—they have been led to believe that this Government was neglecting their interests. They are under the belief, whether right or wrong, that we have too long trifled and dalled with their rights and feelings; and if we prove to them that this is not true—that this Government is disposed to attend to their interests—to avenge their wrongs, and, if necessary, to vindicate their rights, they will once more look here for that protection which the Constitution has pledged to them. Such a course will produce quiet, will allay excitement, and will produce repose and contentment on that extensive frontier; for it will satisfy the people that their rights will not suffer in the hands of those who hold the reins of Government here. I will not go into any of those delicate matters referred to in the report with a view to excite any feeling; but I here declare that its sole object was to call public attention to those questions—to prepare the people for the issues which might ultimately present themselves; to hold up to them the necessity of going into an enlightened system of national defence suited to the exigencies of the times—suited to the improvements of the age, not only with reference to Great Britain particularly, but with reference to our rights and position as a free and independent people among the family of nations. I think that these things have been too long neglected, and it was with a view to call attention to them and to the great questions in which the people of this Confederacy are so deeply interested that this report was made. It was with no view to the excitement of a war feeling. Far be it from me. The section of the country from which I come is directly interested in the preservation of peace, and we should be the last people to be urged into an unnecessary or an unjustifiable war. I do not believe there is any danger of war, if we do our duty here, as the guardians of the public honor and the public liberty—if we show to the world we are

prepared to assert our rights. But, rely upon it, if you take the advice which indirectly has been given by the gentleman from New York—if you proclaim semi-officially from your seats here that these matters are not to be presented in their true light to the People, then there will be danger of a conflict: for it is not in the nature of man—it is not in the nature of a nation like this, when it sees a rival power contending for the ascendancy of the world, to speak language of submission or the language of avoidance, to say the least of it. A great people like this cannot, under such circumstances, forbear; and they would be pressed upon every point, until at last an appeal to arms and to the God of battles became inevitable.

It is to avoid these consequences—it is for the purpose of letting the people know the true condition of things and the real state of the issue—that this report has been presented. I ask no action upon it; I desire to say nothing that can be construed into an intimation or threat that war is to follow. I believe the contrary; and conscientiously viewing the matter in all its bearings, I presented this report upon my sole and entire responsibility, except, as I have said, so far as I had the aid and consultation of a majority of the Committee of Foreign Affairs; yes, a bare majority, as the gentleman from New York has told. And it is with regret and pain that I contemplate the fact that it is only a majority report. I had hoped that upon the question of our foreign relations there were no parties in this country, and that we should have met the issue, whatever it may be, as a united and free people ought to meet it.

Mr. ADAMS obtained the floor, but yielded it to

Mr. GRANGER, who said: If the House will listen to my bag-pipe a few moments longer, I shall feel exceedingly obliged; and if its music is not so loud as that of my friend from South Carolina, [Mr. PICKENS] it is only because I cannot fill my bags with as much wind as he can blow into his. Sir, I speak by no authority other than that of a Representative of the people of the State of New York. My own course would have been to suffer this report to pass by in silence, leaving to the honorable gentleman from South Carolina all the honor of its authorship; for I have no doubt, and never have had a doubt from the moment when he first read it, that every sentence, every word in it was his own. I have, down to this time, supposed that it was as much my right on this floor, and the right of any other member, to speak my own opinions without fear of dictation, as it was the right of the gentleman from South Carolina to utter his. I only declare that the opinions I have expressed are solely and exclusively my own, without consultation with any one. I should not have called for the reading of the report. I had supposed, until the gentleman from South Carolina taught me better, that the Executive Departments of this nation conducted the negotiations upon all delicate matters between us and foreign Governments. I had supposed that at any rate for the last twelve years the Executive of the United States had claimed some little authority in all matters connected with our foreign relations; and I should have supposed that a party which had permitted our army to fall into disgrace—which had suffered our navy to run down to a state of even acknowledged dilapidation—and which had permitted the whole border-country to be left defenceless, would be the last upon earth to present such a document as this. I trust that the Administration which is about to come into power, though it may not manifest quite so hot a courage as breathes through this report, will show upon the high seas, upon the border, and, if need be, in the tented field, more power to resist the aggressions of a foreign foe than the gentleman and his friends have exhibited. If it does not, it will disappoint the hopes of the people of this country, and I, for one, want none of it. Let preparation be made. Let the unfortunate man now in confinement be tried according to the laws of the State of New York, unbiassed by the action of this House, and let the nation calmly await the issue.

The gentleman says that my courage has suddenly "oozed out from the palms of my hands." I acknowledge that life has for me many charms: probably no man clings to it with greater tenacity

than I do, or is more closely bound by all the enjoyments of the present life and responsibilities of the future. I never speak of my courage, nor profess to have been "born insensible to fear." All I have to say is, that when the laws of my own State and of the nation shall have been executed, and consequences are to be met, all differences of opinion between the gentleman from South Carolina and myself upon this and all other questions will be buried in our love of country, and we will be found, shoulder to shoulder, battling in the common cause.

Mr. ADAMS addressed the House at considerable length. He expressed himself desirous, for the sake of the gentleman from South Carolina, [Mr. PICKENS,] who had declared himself to be the sole author of this report, that the gentleman should have an opportunity of examining it coolly and impartially, with reference to the opinions not of one party alone, but of both parties.

Mr. PICKENS was here understood to disavow all party considerations in the matter.

Mr. ADAMS disclaimed any intention to cast censure on the gentleman. All he wished was, that the report might be recommitted, in order that the gentlemen might see whether both parties in the Committee of Foreign Affairs could not come here with a report receiving their unanimous sanction, or, at all events, with a report not sanctioned by a close party vote, as this had been. If this was not done, it would, in the eye of the country, of the world, and of posterity, appear to be the policy of a defeated enemy in war abandoning a tenement and setting fire to it upon their retreat.

After alluding to the criticisms of Mr. PICKENS on the party views here in reference to the controversy with Great Britain, and to the general unanimity of opinion which he (Mr. A.) contended had prevailed here on that subject, (with one or two exceptions, which he enumerated,) Mr. A. alluded to the ground taken that this was a conciliatory report. The people, Mr. A. thought, would form a very different estimate of it. What was the dissertation on the ambition and the grasping spirit of Great Britain? Were such charges generally received by nations as being of a friendly character? Suppose the charges to be true, was it conciliatory or courteous to array them here? It was something of the courtesy and conciliation which Captain Fluellen (in one of the plays of the great dramatist) showed to Ancient Pistol, when he said to him, "Got pless you, Ancient Pistol, you scurvy, lousy knave, Got pless you." He wished, therefore, that the report should be recommitted, and that all those parts which related to the general policy of Great Britain, and to her ambitious character and power, might be left out. And, as to the question of right or wrong, which, after all, was to be the basis of our controversy with Great Britain, if we were to press it to a war, he wished a report on the subject itself, based on the correspondence here, that we might see whether, under the laws of nations, we could maintain the position we had assumed in regard to the Caroline. And this point Mr. A. argued with much force, urging upon the House not to put itself in the wrong by any undue act of its own. If we were to go to war with Great Britain, it should be as a united people. He believed that a war would be one of the greatest misfortunes that could befall the country; and he confessed that it was with no small degree of anxiety that he entertained fears that it would come to that inevitable result. He looked to it with apprehension and pain, but not without confidence that, if we went into a war, we should come out with glory and honor, as we had already come out of two wars.

Mr. EVERETT followed at great length, and the general points of his argument were as follows:

He felt an embarrassment, he said, in speaking on this subject, owing to the fact that it was being debated with open doors; and he had said many things in committee which he could not say here, but which he would say if the doors were closed. What was the position of the House? One Administration was about to go out of power, and another to come in—and the one going out (in 20 days) was taking measures to compromise the one

coming in—and to prescribe the course it should follow, or at least to embarrass it. If he knew himself, he had never viewed this as a party question: it was one which involved all parties. His own opinion was, that no action on the part of this House was necessary, this correspondence having been communicated in answer to a call made by one of its members. It was the peculiar duty of the Executive to conduct these matters, and it was not for this House to interfere unless there was some remissness on the part of the Executive.

He was desirous that the report should be recommitted, and that the committee should make a specific report on the subject matter which had been referred to it.

Mr. E. then asked what was the state of the question as it now stood, and what were the grounds taken by the British Government, &c. and proceeded to read the following statement of facts as gathered from the official documents:

The facts material to the subject submitted to the committee are, that, on the night of the 29th December, 1837, a detachment of the British forces stationed at Chippewa, in the Province of Upper Canada, crossed the Niagara to Schlosser, in the State of New York, and there made a hostile attack on the steamboat Caroline, the property of an American citizen, killed and wounded a number of American citizens, captured the boat, towed her in to the current, set her on fire, and sent her in flames over the falls.

On the 5th January, 1838, the Secretary of State communicated to Mr. Fox, the British Minister, a copy of the evidence furnished to the Department of this "extraordinary outrage, committed from her Britannic Majesty's Province of Upper Canada on the persons and property of citizens of the United States, within the jurisdiction of the State of New York;" and stating that "it would necessarily form the subject of a demand for redress upon her Majesty's Government."

On the 6th February, Mr. Fox communicated to the Secretary of State a despatch from Sir Francis Head, Lieutenant Governor of Upper Canada, containing the distinct avowals, that the Caroline was destroyed by order of Colonel McNabb, commanding the militia in her Majesty's service, and that he (Sir Francis) approved the act.

On the 22d May Mr. Stephenson presented the subject to the consideration of her Majesty's Government. After referring to those avowals, he said that, "under such circumstances, it was not to have been expected that the whole proceeding could be regarded by the Government of the United States in any other light than as a manifest act of hostile and daring aggression upon its rights and sovereignty, utterly inconsistent with all the principles of national law, and wholly irreconcilable with the wholly and peaceful relations of the two countries;" that "The case, then, is one of open, undisguised, and unwarlike hostility." He concludes by expressing the confident expectation of the President of the United States that the whole proceeding will not only be disavowed and disapproved, but that such redress as the nature of the case obviously requires will be promptly made." To this our Government waits the final answer of the British Government.

On the 13th November last, Alexander McLeod a British subject, was arrested and imprisoned by the authorities of the State of New York, on a charge of arson and murder, as having been engaged in the capture and destruction of the Caroline.

On the 12th December, the British Minister made a demand on the President for the release of McLeod, on the ground that the destruction of the Caroline was a public act of persons in her Majesty's service, obeying the orders of their superior authorities, and that the act, according to the usages of nations, can only be the subject of discussion between the two national Governments.

To this demand the Secretary of State has replied that the President has no power under the Constitution and laws of the Union to interpose between McLeod and the constituted authorities of the State of New York—and that the President is not aware of any principle of international law, or indeed of reason or justice, which entitles such

offenders to impunity before the legal tribunals, when coming voluntarily within their independent and undoubted jurisdiction, because they acted in obedience to their superior authorities, or because their acts have become the subject of diplomatic discussion between the two Governments." And that, "if the destruction of the *Caroline* was a public act of persons in her Majesty's service, obeying the orders of their superior authorities, this fact has not been before communicated to the Government of the United States by a person authorized to make the admission; and it will be for the court which has cognizance of the offence with which Mr. McLeod is charged, to decide on its validity when legally established before it."

The British Minister, expressing his regret at the decision, has referred the subject to his Government.

From these premises, Mr. E. after expressly disclaiming any intention to say who was right or who was wrong, and arguing as to what might be the course of the British Government, drew the conclusion that the diplomatic discussion on the subject was not closed, inasmuch as Mr. Fox had referred himself to his Government for instructions; that as yet, therefore, no definite issue had been made up, and that it would be time enough to act when the British Minister had received the reply of his Government.

Mr. E. deprecated the excitement which had been manifested on the border, declaring that it ought to receive no countenance from any one. He regarded any action on the part of this House as improper, so long as negotiations were pending; and hoped that the report would be recommitted to the committee with instructions to report something of the following character:

"It appearing that the reciprocal complaints referred to in the correspondence submitted on the subjects of diplomatic discussion between the Governments of the two countries, the committee having entire confidence that the rights and honor of the United States will be sustained by the Executive, and entertaining the hope that the controversy will be brought to a satisfactory termination, are of the opinion that no action of this House is, at this time, necessary. They, therefore, ask to be discharged from the further consideration of the subject."

Mr. FILLMORE rose and said, that, in the course of the debate, he had been anticipated by other gentlemen in much that he intended to say.

The question was of as much, if not more, importance to his section of country than to any other; and he desired to express his opinions in relation to the vote he had just given in favor of the motion to lay on the table, coupled with a motion to print.

I may (continued Mr. F.) have mistaken the purport of this report; I have only heard it read once at the Clerk's table, and I have had no opportunity to examine its contents. The gentleman from South Carolina says it is conciliatory; that it will add nothing to the exasperated feeling already existing on the frontier. I believe that he thinks his report will have that effect; but I much fear, from what other gentlemen of the committee say, that he is mistaken. I voted in favor of laying the motion to print on the table because I thought the effect would not be such as the gentleman anticipated, and I wanted the report laid on the table that I might have time to look into it, and see if my original impressions should be confirmed. If, upon examination, I had found that it was not calculated to produce the results I apprehended, no man would vote for its printing more freely than I would. The House, however, has refused to lay the motion to print on the table, and has thought proper to decide that the report shall be published.

Having, as I have stated, only heard the report once read, and judging from what others say of it, I concur in the opinion of the gentleman from Massachusetts, [Mr. ADAMS,] that the subject should be recommitted to the Committee on Foreign Affairs. I had hoped from the committee a calm, deliberate, and dignified report in the case of the burning of the "*Caroline*" and the arrest of McLeod; that it would have been limited to that matter alone, (instead of embracing, as it apparently does, all our

subjects of controversy with Great Britain,) and that it would have set the country right with reference to the facts in that case. I may be mistaken as regards some of those facts; and upon a careful examination of the testimony, subsequent to the time when I last submitted a few remarks on this case, I observe I was mistaken in some of the facts connected with that transaction. As I was not present on the occasion, all the knowledge I have I derive from the newspapers and from public documents, as others may, and probably do. But upon this question, which, as I have said, is one of vital importance to that part of the country where I reside, we must recollect, in the first place, that there is a judicial question depending. And I was in hopes that in this report, exciting and inflammatory in its character as I now think it is, nothing would have been said, and that so far as this House was concerned, nothing would have been done, calculated to increase the excitement which already exists. I confess I have heard with regret and shame the reports from that part of the country in regard to the treatment of this individual, who is so soon to be put upon his trial for murder. I cannot for any consideration countenance for a moment the idea that the laws of this country are to be basely trampled on by any authority whatsoever. I cannot countenance the idea that the judiciary of the country shall for a moment be overawed, directed, or controlled, by any other authority than that of the laws themselves. And, whilst I say this, I am also unwilling to countenance any thing there, or to do any thing here, which may tend to such results. I hope that we may have been misinformed as to the nature of the proceedings there; I am unwilling to believe that, in a community of citizens such as that, and with many of whom I am well acquainted, and who are highly respectable and intelligent, such things have occurred. I say, I hope we have been misinformed; I trust we have. I have seen different statements of those transactions, and some of them have been of an exculpatory character. But one thing, at all events, should be borne in mind by all whose duty requires them to act on this subject here. There is a great state of excitement on that frontier, which might by possibility lead to an outbreak. My objection to the printing of the report was, that it was calculated to inflame the public mind; and I was governed in that vote by three reasons. In the first place, I did not wish that any thing should be done here which might have a tendency to do injustice to the individual who is soon to be tried by the laws of the State of New York. I desire that the law should have its free action; that no excitement should be raised against McLeod which might prevent a fair and impartial trial. In the second place, I do not desire that any action on the part of this House should compromise or control the Executive of this nation in the negotiations now pending between the Government of the United States and the Government of Great Britain. I have all confidence in the incoming Administration. If this controversy can be amicably and honorably settled between the two Governments, I desire that it should. But there is a third and very strong reason in my mind against any thing being done to exasperate the public mind on the subject of war with Great Britain. It is this: for three or four years I have used all the exertions in my power to induce this Administration, which is responsible to the country, to provide some means of defence on our Northern frontier. But all my efforts were in vain. And yet the gentleman from South Carolina [Mr. PICKENS] now tells us that the course to be pursued to avoid a war with Great Britain is, to stand up to her—to threaten her—to take a high stand; and that, he says, will avert a war. I may have been mistaken in the meaning. I know that those were not his words. But I would submit to him that the best way to avoid a war with Great Britain, is to show that we are prepared to meet her, if there is to be war; because reasonable preparations for defence are better than gasconading.

Mr. FILLMORE then alluded to the defenceless condition of the Northern frontier. He desired, and believed the whole country desired, that we should yield nothing to the demands of Great Britain, to which she was not fairly entitled. But, at

the same time, he regarded it as rather the act of a madman to precipitate the country into war before he was prepared for it, than the act of a statesman. In his section of country, the people would yield nothing to Great Britain, to which she was not justly entitled; or they would yield it only with the last drop of their blood. But he did not wish prematurely to be drawn into war; he did not wish to invite Great Britain to invade our defenceless coast. The true plan was to prepare for war if we had yet to come to it, but to do nothing in the way of bragging. If it did come, gentlemen would not find his (Mr. F.'s) people shrinking from their just share of responsibility. All they had—their property, their lives, every thing—they were willing to devote, if need be, to the service and honor of their country. But, was it not the part of wisdom and prudence, before we made a declaration of war, to prepare for it? This was all he desired; and if this report was calculated to stir up a war feeling, without corresponding preparation being made to meet the consequences, he, for one, was opposed to it. He did not wish the country to be disgraced by defeat. When she must go to war, he desired to see her prepared for it; he desired to see her placed in a situation which would enable her to bid defiance to the power of any Government on earth.

Mr. F. then alluded to the fortification bill reported from the Committee of Ways and Means the other day by its chairman, [Mr. JONES.] That bill contained appropriations to the amount of nearly half a million of dollars, (though that, he believed, was only about half of the amount usually appropriated for such purpose;) and yet there was not a solitary fortification on the Northern frontier to which any part of that money was to be applied. Was this the way in which we should prepare for war? Did the gentleman from South Carolina, [Mr. PICKENS] who presented the report, desire to declare war against England before the new Administration came into power? If so, he (Mr. F.) would oppose it. He was for war, if necessary, but not before we were prepared for it. He wished, therefore, that the gentleman from South Carolina would permit the report to be recommitted to the Committee on Foreign Affairs, and that that committee might be instructed to confine themselves to the subject originally referred to them, and to that alone. For his own part, he trusted and he believed that the right of this matter was with the American people; and it ought at all hazards to be maintained. But he was unwilling at the close of a session, and when the present Administration had but something like two weeks to remain in power, to precipitate the nation into war without any preparation on our part to meet it. And it was for this reason mainly that he objected to the report. But, as he said before, he might be mistaken in its contents. He hoped he was; for he was at all times prepared to go with him who went furthest in maintaining the honor of the nation and punishing insult or aggression.

Mr. VANDERPOEL moved the previous question; it was seconded, and the main question was ordered.

The main question was, first, on Mr. EVERETT'S proposition to add to the printing of the report all the documents heretofore presented to Congress on the subject. This question was decided by yeas and nays, and passed in the negative, as follows:

YEAS—Messrs. Adams, John W. Allen, Andrews, Baker, Barnard, Bell, Boardman, Briggs, Calhoun, John Campbell, Casey, Crabb, Curtis, Cushing, Garrett Davis, Deberry, Dennis, Dickerson, Deller, Edwards, Evans, Everett, Fillmore, Gates, Granger, Green, Grinnell, Habersham, Hall, Hawes, Henry, Hoffman, Hunt, James, Charles Johnston, Kempshall, King, Lane, Lincoln, McCarty, Marvin, Monroe, Morgan, Morrow, Naylor, Osborne, Palen, Parmenter, Peck, Pope, Proffit, Randall, Rariden, Rayner, Reed, Edward Rogers, Russell, Simonton, Truman Smith, Stanley, Stuart, Taliaferro, Waddy Thompson, John B. Thompson, Tillinghast, Tolland, Triplett, Trumbull, Underwood, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, and Winthrop—73.

NAYS—Messrs. Judson Allen, Anderson, Ather-

ton, Banks, Beatty, Beirne, Black, Blackwell, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sam'l H. Butler, Carr, Carroll, Chapman, Chittenden, Clifford, Connor, Mark A. Cooper, William R. Cooper, Cranston, Cray, Davee, Edward Davies, John Davis, John W. Davis, Dawson, Doan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Floyd, Fornance, Galbraith, Gerry, Graham, Griffin, Hand, John Hastings, Hopkins, Hubbard, Jackson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Leadbetter, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Meredith Mallory, Mason, Medill, Miller, Montanya, Samuel W. Morris, Newhard, Nisbet, Parish, Petrikin, Pickens, Rives, James Rogers, Samuels, Shaw, Shepard, Albert Smith, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Sumter, Philip F. Thomas, Turney, Vanderpoel, Vroom, David D. Wagener, Weller, Wick, Jared W. Williams, Henry Williams, Joseph L. Williams, C. H. Williams, and Worthington—100.

And so the House refused to print the papers relating to the subject.

The question then recurred on printing the report of the committee.

Mr. TILLINGHAST said at this stage he would make a motion that had precedence of the previous question. He moved to lay the motion to print on the table. He did so that there might be an opportunity, before the report was ordered to be printed, to alter some particular expressions and one or two statements, which, with deference to the gentleman from South Carolina, he would, if his motion prevailed, point out for his consideration. If the alterations were made, he should have no objection to the printing.

The SPEAKER said the previous question had been ordered on the whole, and it was too late, after one part of the question had been taken, to move to lay on the table.

Mr. TILLINGHAST said he differed from the Chair, as this was not a divided question, but a separate question on each motion. However, he would not trouble the House with an appeal.

The question was then put by yeas and nays, and carried—yeas 103, nays 63, as follows:

YEAS—Messrs. Judson Allen, Anderson, Ather-ton, Banks, Beatty, Beirne, Black, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, John Campbell, Carr, Carroll, Casey, Chapman, Clifford, Connor, Mark A. Cooper, Wm. R. Cooper, Crabb, Davee, John Davis, John W. Davis, Dickerson, Dellett, Dan, Doig, Dromgoole, Duncan, Earl, Eastman, Ely, Fine, Fisher, Floyd, Fornance, Galbraith, Gerry, Griffin, Hand, John Hastings, Hopkins, Hubbard, Jackson, Jameson, Joseph Johnson, Cave Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kille, Lane, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McClure, McCulloch, McKay, Meredith Mallory, Medill, Miller, Montanya, S. W. Morris, Newhard, Parrish, Parmenter, Paynter, Petrikin, Pickens, Pope, Prentiss, Reynolds, Rhett, Rives, Edward Rogers, James Rogers, Samuels, Shaw, Albert Smith, John Smith, Thos. Smith, Starkweather, Steenrod, Strong, Philip F. Thomas, Turney, Vanderpoel, Vroom, David D. Wagener, Weller, Wick, Jared W. Williams, Henry Williams, Joseph L. Williams, and Worthington—103.

NAYS—Messrs. Adams, John W. Allen, Andrews, Baker, Barnard, Bell, Boardman, Briggs, Calhoun, Chittenden, Cranston, Curtis, Cushing, Edward Davies, Garrett Davis, Dawson, Debery Dennis, Edwards, Evans, Everett, Gates, Graham, Granger, Green, Grinnell, Habersham, Hall, Hawes, Henry, Hoffman, Hunt, Chas. Johnston, Kempshall, King, Lincoln, McCarty, Marvis, Mason, Morgan, Nisbet, Osborne, Palen, Peck, Proffit, Randall, Rariden, Reed, Russell, Simonton, Truman Smith, Stanly, Stuart, Taliaferro, Waddy Thompson, John B. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Warren, Edward D. White, John White, Thomas W. Williams, Lewis Williams, Christopher H. Williams, and Winthrop—68.

So the report was ordered to be printed, and then on motion

The House adjourned.

IN SENATE,

MONDAY, February 15, 1811.

Mr. BUCHANAN said, he had received a memorial from Parkesburg, in the State of Pennsylvania, which he would now take leave to present. It was signed by a number of respectable citizens of Pennsylvania, and stated, in strong terms, the defenceless condition of our maritime cities on the seaboard, and the impending danger of a foreign war; and urged Congress to make appropriations for the armament of our fortifications, the building of floating batteries for the defence of our harbors, and the construction of twenty of the first class of steam frigates; and as many more smaller steam vessels.

The memorial was ordered to be printed, and referred to the Committee on Naval Affairs.

Mr. B. also presented a memorial of a number of captains, pilots, and engineers, of the city of Pittsburg, remonstrating against the passage of any law by Congress, compelling the use of Raub's safety valves; which was laid on the table, and ordered to be printed.

Mr. WRIGHT presented a memorial of citizens of Oneida county, remonstrating against the passage of any bankrupt law retroactive in its provisions; which was laid on the table, and ordered to be printed.

Mr. W. also presented the memorial of James A. Macdonald, praying for an increase of pension; and, also, a memorial of a large number of citizens of the county of Saratoga, uniting in the prayer of the petitioner; which were referred to the Committee on Naval Affairs.

Mr. LINN said at the last and present sessions of Congress, memorials had been presented from persons who termed themselves Mormons or Latter Day Saints, complaining of the State of Missouri, and extracts from these memorials had been published and widely circulated, which were calculated to injure the character of the State which he had the honor in part to represent, in the minds of those who were not acquainted with the facts. He held in his hand a transcript of all the legal proceedings which had been had in this case, and in order that the Senate and the country might be acquainted with the facts, he would present them to the Senate, and move for their printing. The document was accordingly ordered to be printed.

Mr. PORTER presented resolutions passed by the Legislature of Michigan respecting the boundary line between that State and the Territory of Wisconsin; which were laid on the table and ordered to be printed.

Mr. P. also presented the memorial of the Legislative Assembly of Wisconsin, praying that the right of pre-emption may be extended to settlers on the lands reserved for the Rock river and Milwaukee canals; which was referred to the Committee on Public Lands.

Mr. P. also presented a memorial of the same body, asking authority to dispose of the sixteenth sections, for the purpose of creating a school fund; which was referred to the Committee on the Public Lands.

Mr. P. also presented the memorial of the same body, praying that the right of pre-emption may be extended to settlers on the mineral lands; which was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. HUNTINGTON presented the memorial of the Presbytery of Buffalo, praying that the treaty with the Seneca Indians may not be carried into effect; which was referred to the Committee on Indian Affairs.

Mr. STURGEON presented two memorials, signed by eight or nine hundred citizens of Philadelphia, praying an appropriation for the erection of a new custom house in Philadelphia; which, as the subject had been reported upon, were laid upon the table.

Mr. LINN presented the petition of Eleazer McCoy; which was referred to the Committee on Pensions.

Mr. L. also presented a memorial of several

hundred citizens of St. Louis, praying a repeal of the naturalization laws; which was referred to the Committee on the Judiciary.

Mr. L. also presented the petition of Welcome A. Robbins and Thaddeus Robbins; which was referred to the Committee on Private Land Claims.

Mr. NICHOLAS presented a joint resolution of the Legislature of Louisiana, in favor of placing buoys at the several passes of the Mississippi river; which was referred to the Committee on Commerce and ordered to be printed.

Mr. N. also presented the memorial of the Mexican Gulf Railway Company, praying the right of way through the public lands; which was referred to the Committee on Public Lands.

Mr. PIERCE presented the memorial of Jeremiah Bartlett; which was referred to the Committee on Pensions.

Mr. KING, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of Catharine E. Clitherall; which was read twice, and referred to the Committee on Claims.

On motion by Mr. HUNTINGTON, the papers in the case of Ezekiel Jones were permitted to be withdrawn from the files of the Senate.

On motion by Mr. CLAY of Alabama, the papers in the case of Abel Pennington were permitted to be withdrawn from the files of the Senate.

The bill from the House to amend an act entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same," passed the 18th day of April, 1806, was read a first and second time, and referred to the Committee on the Public Lands.

The bill from the House to continue in force the act for the payment of horses and other property lost in the military service of the United States, was read a first and second time, and referred to the Committee on Military Affairs.

Mr. SMITH of Indiana, from the Committee on Roads and Canals, to whom the subject had been referred, reported a bill to confirm to that State the lands selected by her, in lieu of the lands covered by reservation in the treaties of 1837 and 1839 with the Miami Indians. The bill was ordered to a second reading; and the report and accompanying documents, on his motion, were ordered to be printed.

Mr. MERRICK, from the Committee on the District of Columbia, to which was referred the bill for the incorporation of the Washington City Benevolent Society, reported the same without amendment.

Mr. SEVIER, from the Committee on Indian Affairs, to which a memorial on the subject was referred, reported a bill for the relief of General Isaac Wellborn, of Alabama; which was read, and ordered to a second reading.

Mr. MERRICK presented a memorial from the corporate authorities of the city of Baltimore, praying an appropriation for the erection of a fortress on Soliers' Point Flats; to which Mr. M. called the particular attention of the Committee on Military Affairs, to which he moved its reference.

Mr. LINN said nearly every harbor in the country was in a similar position with that of Baltimore; and he thought it would be better to amend the motion of the Senator from Maryland, by referring, in connection with his memorial, the whole subject of our fortifications and defences to the Committee on Military Affairs. Not only our seaboard, but our whole Western frontier, and whole line of lakes, were completely defenceless. We have been for days and weeks discussing the propriety of giving away five millions of our revenue, when fifty millions could be profitably, and he would say economically, spent on our navy and fortifications.

After some remarks from Mr. MERRICK, Mr. FREYSON said that an early period they would have to address themselves to a full consideration of the entire subject of our national defences, and to incur some expense thereon; and they would have to come to the subject with more liberality than they had hitherto done. The whole system of naval warfare, and of coast defence, must undergo

a radical revolution, the details of which would afford matter for serious consideration. It was matter of notoriety, that gigantic strides had been taken by England and the European powers in progressive improvements, both of the land and naval mode of warfare. Steam vessels had been increased, steam batteries had been introduced, and the science of throwing shells horizontally had been brought to great perfection, and therefore it became necessary that Congress should direct its attention to the subject that pace might be kept with foreign powers. In consequence of the advance made by the French and Russian Governments, British officers and British statesmen were engaged in newspaper and pamphlet discussions on this important subject, and propositions had already been made to the British Government to effect a profound change in the English system; and as in England great results were expected to be produced, it was the duty of statesmen here to mark those results, and to profit by them. He suggested the appointment of a special committee to take charge of the matter, for it was with him a question to what existing committee it could with propriety be referred, or to what department it belonged. The system to which resort must be had would be an entire new one, including both naval and military operations, but belonging exclusively to neither of those departments; and therefore, he should prefer the appointment of a new committee, charged with the special duty of investigating and reporting on this weighty matter, as well as on the general condition of the old system.

After some other observations, the memorial was referred to the Committee on Military Affairs.

Mr. WRIGHT, from the Committee on Finance, to which was referred the bill making appropriations for the payment of Revolutionary and other pensioners, reported the same without amendment.

Mr. W. said as prompt action on the bill was of much importance, he would ask the consent of the Senate to take it up and dispose of it at the present time; which being agreed to, the bill was considered as in committee of the whole.

This bill was debated at some length by Messrs. SEVIER, LINN, PRESTON, PIERCE, BENTON, BUCHANAN, FULTON, CALHOUN, ANDERSON, and others, principally on a motion by Mr. SEVIER to strike out an appropriation of \$100,000 for the settlement and transportation of the Seminoles, and thereby to effect a termination of the Florida war. Mr. SEVIER condemned this mode of purchasing peace with a handful of savages as impolitic, and as a temptation offered to the other Indian tribes to engage in a murderous and harassing war, for the purpose of procuring largesses from the Government. Ultimately, the ayes and noes were taken on the question of striking out; and they resulted as follows: ayes 6, noes 36.

Besides the cash appropriation of \$5,000 each to two chiefs, and \$30 to each warrior, to be paid out of the above mentioned sum of \$100,000, on their surrendering for transportation, they were likewise to be furnished with a blanket and a gun on their arrival west of the Mississippi.

Mr. SEVIER suggested an amendment, so as to secure their transportation west of the State of Arkansas before they were furnished with fire arms; but ultimately it was so amended, in accordance with the spirit and intention of the entire proceeding, as to limit the delivery to the Indians of these articles on their arrival at their new home.

The amendments of the committee were concurred in by the Senate; and,

On motion of Mr. WRIGHT, the bill was read a third time, and passed.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES,

MONDAY, February 15, 1841.

The SPEAKER stated the first business in order to be the bill reported from the Committee on the Public Lands on the 6th of January, to amend an act entitled 'An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands with the same, passed the 18th day of April, 1806.'

The motion of Mr. TURNEY was pending to suspend the rules for the purpose of taking the question on the passage of the bill.

The yeas and noes were then taken on the motion to suspend the rules, and decided in the affirmative—yeas 94, noes 34.

So the rules were suspended.

Mr. JAMESON moved the previous question; which was seconded.

And on the question, "Shall the main question be now put?" it was decided in the affirmative—ayes 113, noes 51.

The question now being on the main question,

Mr. L. WILLIAMS thereupon called for the yeas and noes; which were ordered, and were—yeas 136, noes 45, as follows:

YEAS—Messrs. John W. Allen, Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Bell, Blackwell, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Sampson H. Butler, William B. Campbell, Carr, Casey, Chapman, Clifford, William R. Cooper, Crabb, Craig, Cranston, Crary, Crockett, Cross, Cushing, John Davis, John W. Davis, Garrett Davis, Doan, Doig, Dromgoole, Earl, Eastman, Ely, Everett, Fine, Fisher, Floyd, Fornance, Galbraith, Gentry, Gerry, Giddings, Green, Hall, Hammond, Hand, John Hastings, Henry, Hillen, Hubbard, Hunt, Jackson, James, Jameson, Cave Johnson, Nathaniel Jones, Kemble, Kille, Lane, Leadbetter, Leet, Leonard, Lincoln, Lowell, Lucas, McCarty, McClellan, McCulloch, Meredith Mallory, Marvin, Mason, Medill, Miller, Monroe, Montanya, Moore, Calvary Morris, Morrow, Naylor, Newhard, Nisbet, Osborne, Parrish, Farmer, Parris, Paynter, Petrikin, Pickens, Pope, Prentiss, Proffit, Rariden, Reynolds, Rhet, Ridgway, Edward Rogers, James Rogers, Samuels, Shaw, Simonon, Slade, Albert Smith, John Smith, Truman Smith, Thomas Smith, Starkweather, Steenrod, Strong, Stuart, Sumter, Swearingen, Sweney, Philip F. Thomas, John B. Thompson, Toland, Triplett, Turney, Vanderpoel, Vroom, Warren, Watterson, Weller, Edward D. White, John White, Wick, Jared W. Williams, Thomas W. Williams, Henry Williams, Joseph L. Williams, Christopher H. Williams, Winthrop, and Wise—136.

NAYS—Messrs. Adams, Baker, Boardman, Briggs, Brockway, Bynum, Chittenden, Connor, Mark A. Cooper, Edward Davies, Dawson, Deberry, Dennis, Doe, Edwards, Gates, Goggin, Graham, Griffin, Habersham, Hawes, Hawkins, Hill of North Carolina, Charles Johnston, Joseph Johnson, William Cost Johnson, John W. Jones, Keim, Kempshall, King, McClure, McKay, Montgomery, Morgan, Samuel W. Morris, Palen, Reed, Shepard, Stanly, Taliaferro, Tillinghast, Underwood, Lewis Williams, and Worthington—45.

So the bill was passed.

Mr. JONES of Virginia moved that the House resolve itself into a Committee of the Whole on the state of the Union, and take up the CIVIL AND DIPLOMATIC APPROPRIATION BILL.

On the question being taken to suspend the rules for that purpose, it was decided in the affirmative—yeas 140, noes 33.

So the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. BELL in the chair,) and resumed the consideration of the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1841.

Mr. EVANS offered the following amendment, to come in after the 15th line:

"And the accounting officers are directed, in the settlement of the accounts of the contingent expenses of the Senate and House of Representatives, to credit the payment made in pursuance of the resolutions of the Senate of the 18th July, 1840, and the resolution of the House of Representatives of the 21st July, 1840."

Which amendment (after some conversation) was agreed to.

Mr. TILLINGHAST offered the following amendment:

"And nothing herein contained shall be construed to authorize or sanction any contract for stationery

or other articles for the use of the next Congress by any officer of the present Congress, to an amount exceeding, in the whole, \$2,000."

After a few remarks from Messrs. TILLINGHAST and LINCOLN, the amendment was agreed to.

Mr. ANDREWS moved to strike out the following:

"For salary of the Secretary to sign patents for public lands, per act of March second, eighteen hundred and thirty three, fifteen hundred dollars."

Mr. JONES of Virginia hoped the gentleman would not persist in his motion. It would be recollected that the very large number of patents, generally from seventy to eighty thousand a year, rendered it absolutely necessary that the duty should be preferred by a Secretary. Every gentleman must know that the time of the President was occupied so much in more important business, that it would be impossible for him to attend to this laborious duty.

Mr. LINCOLN asked leave to call the attention of the committee to a few important facts. Mr. L. then proceeded to state that the law relating to the issuing of land patents had not been complied with; and that there had not been, since 1836, a patent issued which was valid. The law required that the name of the President of the United States should be affixed to each patent, but the Secretary, instead of writing the name of the President, as his attorney, had, contrary to law, signed his own name. He, Mr. L. admitted that the duty was now too laborious for the President to attend personally, and would oppose the motion to strike out. But it was the intention of the law that the Secretary should do what an attorney did, viz: not sign his own name, but the name of the principal under whom, and for whom, he was acting.

Mr. L. also adverted to a similar non-compliance with the statute by the Commissioner of the Land Office, so that he was fully convinced that not one of the patents granted for the last four years would stand the test of judicial scrutiny. In consideration of these facts, he gave notice that at the first opportunity he would introduce a bill for giving legal sanction to these patents.

Mr. L. then alluded to a controversy now pending between the Commissioner and Recorder of the General Land Office. He did not know that those gentlemen, although so close together, were on speaking terms, from the lengthy correspondence which had taken place between them, and which had been presented to the Committee on Public Lands. He (Mr. L.) was sure that if the time consumed in this correspondence between persons in the same building, had been devoted to the patents, there would not have been at this time so many thousands in an unprepared state.

Mr. JONES of Virginia, in reply to a question by Mr. ANDREWS, called that gentleman's attention to the fact that this office had been provided for by an act subsequent to that of 1833, namely, by an act passed in July, 1836.

Mr. ANDREWS then moved that the phraseology of the item be changed, so as to give the correct date of the act; which amendment was agreed to.

And the question recurring on the motion to strike out—

The amendment was discussed by Messrs. ANDREWS, ADAMS, JONES of Virginia, LINCOLN, A. SMITH, CRARY, and MASON of Ohio. After which,

Mr. ANDREWS, to save the time which, he said, he foresaw would be consumed if the debate went on, withdrew the amendment.

Mr. VANDERPOEL moved to amend the item "for compensation to the clerks in the office of the Fifth Auditor, \$2,800," by reducing the amount to \$8,800.

A very long debate followed in which Messrs. VANDERPOEL, MORGAN, GRAVES, JONES of Va. EVANS, A. SMITH, MONROE, UNDERWOOD, WISE, PETRIKIN, TILLINGHAST, L. WILLIAMS, STANLY, PROFFIT, W. THOMPSON, HUBBARD, and DAVIS of Kentucky, participated.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

Continued from No. 11.

Mr. VANDERPOEL withdrew the amendment.

Mr. STANLY moved to strike out the item "for compensation to the Solicitor of the Treasury, three thousand five hundred dollars."

Mr. VANDERPOEL moved to strike a thousand dollars from the appropriation for clerks in the office of the Fifth Auditor of the Treasury, and as a reason for it stated that he had, that morning, been informed that there was a vacancy in one of the clerkships of the office of the Fifth Auditor, (Mr. Pleasanton;) that the proposed appropriation, which he wanted to reduce, covered the salary of this clerk, (\$1,000;) that he understood Mr. Pleasanton declined to fill up the vacancy till after the fourth of March. Now, he, Mr. V. thought if he could dispense with the services of this clerk during the session of Congress, when the business of all the Departments was more pressing, he could get along without such clerk after the fourth of March. For that reason, he moved to strike out \$1,000 from the proposed appropriation.

Here Messrs. STANLY, GRAVES, PROFFIT, and others severally attacked Mr. VANDERPOEL for so suddenly becoming a reformer.

Mr. VANDERPOEL said, when he made his proposition to reduce the appropriation for the Fifth Auditor of \$1,000, he surely did not intend to disturb the equanimity of the gentleman on the other side, nor did he intend, thereby, to assume the character of reformer-master-general. He had never been ambitious to secure the honors of that office. It seemed that gentlemen doubted his (Mr. V.) right to propose any reform or reduction in any quarter; that they ran away with the idea, that the glory of this great and patriotic work belonged exclusively to themselves. Sir, (said Mr. V.) we mean to try the sincerity of your preachings and professions for the last two years. "Harrison and reform" were the watchwords with which you entered upon and carried through the great contest which has just terminated, and now we mean to try whether you are willing to practise according to your promise and professions. The speech of the gentleman from Indiana [Mr. PROFFIT] was pretty strong evidence how the bulk of the dominant party intended to go upon propositions to reduce salaries, and enormous incomes from certain offices. He had already, in advance, applied the sponge of ridicule to a proposition in the bill, to reduce, to a fixed amount, the emoluments of district attorneys, marshals, and clerks of courts. Gentlemen, said Mr. V. this will not do. You must not refuse to do good, because the proposition originates on our side of the House. You say, "wait till General Harrison gets into power, and then we will accomplish these works of reform." No. We will not rely upon your promises. You will then have more magnificent objects to accomplish. Your attentions will then be engrossed with the making a huge National Bank, with the distribution of the proceeds of the public lands, with the repeal of the Sub-treasury law, and the modification, if not the increase of the tariff. We are afraid that these little matters of "reduction" will then be beneath your notice. The immense incomes of some of your collectors, postmasters, district attorneys and marshals, which, before the late election, had so long disturbed your slumbers, will not then, we fear, receive from you even a passing notice. You tell us that our patriotism comes too late; that we ought to have made these movements when we had the power. To this, we answer, that it is never too late to do good. Besides, we have no reason to suppose, when we recollect how loud and deep have been your curses against our alleged "spoils" system, that the reductions we propose will not operate chiefly upon our own friends, the present incumbents of the offices. You have preached too constantly, and too emphatically, from this text, to justify on our part the apprehen-

sion that "turn out" is low to be the order of the day.

We say now is the time, the accepted time, for doing the good work. We are convened here, during a sort of *interregnum*, when one Administration is about going out, and another is about to come in, just before the gain of the victors is consummated by *actual possession*, and now is the time for doing good. You shall not escape responsibility by urging the plea that it will be time enough to begin the work of reform, after you shall have actually entered upon the possession of your new estate. We mean to hold you to the maxim that the present time is always the best time for doing good.

The gentleman from North Carolina [Mr. STANLY] had referred to the course he (Mr. V.) had taken last year, upon the proposition made by that gentleman to strike out the appropriation of an outfit for Mr. Throop, as Charge to Naples. He had opposed the motion of that gentleman, and he gloried in it. If Mr. Throop, as naval officer at New York, had neglected his duty—if that neglect had been established by an investigation wholly *ex parte* as to him, it was no good reason, to his mind, for withholding the compensation belonging to him in another office, to which he had been constitutionally appointed. If he had violated his duty as naval officer, (which he was by no means prepared to admit,) take the course prescribed by the Constitution—impeach him; but, in the name of justice and the Constitution, do not attempt to exercise your impeaching power in this oppressive and unconstitutional manner.

After some brief remarks from Messrs. A. SMITH, UNDERWOOD, HUBBARD, and others, Mr. VANDERPOEL, at the suggestion of his friends, withdrew the amendment.

Mr. STANLY moved to strike out the item "for compensation to the Solicitor of the Treasury, \$3,500," and made some remarks thereon, the purport of which will be ascertained by the replies of Messrs. VANDERPOEL and WELLER.

Mr. VANDERPOEL said that he had not now for the first time on this floor been charged with having been a Federalist. Though that note had so often been struck by others, who had honored him with their notice, he had never before deigned to make any reply to it, because of a lesson he had been taught when very young—never to speak of himself when he could possibly avoid doing so. His own course in early life had so little connection with our deliberations here, that he surely could not, gratuitously, allude to it, without incurring the imputation of egotism; but the charge of the gentleman from North Carolina [Mr. STANLY] must plead his apology for now breaking the silence in regard to himself which he generally preferred maintaining. If (said Mr. V.) the friends and family of the member who now addresses you were, originally, tainted with the sin of Federalism, and if his own young mind had in his early youth received the impress of those principles; if he had afterwards, with more matured judgment, come to the conclusion, that the principles of Federalism were opposed to the best interests of the people, had repudiated his first notions, and labored for fourteen long years (double the period that the Patriarch labored for his wife) in the good old cause of Democracy, he was willing, if Democracy were the test of political orthodoxy, to compete for the honor of the *true faith*, with a gentleman who persisted and persisted in his Federalism against the lights and the evidences that had now become so palpable and accumulated.

He, Mr. V. if ever obnoxious to the charge of Federalism (which he much doubted) was surely not an "old Federalist." He never attained his majority till some time after a memorable event in the political history of the State to which he belonged. He alluded to the address of forty arrogant leaders of the Federal party, sometimes distin-

guished as forty "high minded gentlemen; at other times more familiarly, if not appropriately designated as the "forty thieves," a address by which they proclaimed the dissolution of the Federal party, and it was in order here to remark, that all the survivors of these "high minded" gentlemen, with, as he believed, but a single exception, had returned to their first love and were most ardent and genuine British Bank Whigs of 1840. The first vote he ever gave was for Mr. Clinton for Governor; and if that constituted him a Federalist, then were some of the most prominent actors in the ranks of the New York Democracy Federalists. He would go further, and say that if, from the days of his minority, uniform opposition to a high protective tariff—to a National Bank—to a latitudinarian construction of the Constitution—constituted the *antipodes* of Federalism then had he never been a Federalist, but had always been a Democrat.

[Mr. STANLY remarked, he did not reproach Mr. V. for having been a Federalist, but had complimented him with showing some good traits in consequence of it.]

Mr. V. said, that the gentleman from North Carolina had also stated, that he, Mr. V. had in a speech made some days ago on the Treasury Note bill, complimented, in high terms, the speech of the gentleman from Virginia [Mr. WISE] on the same subject, and had rather insinuated, that he had thus spoken in praise of the gentleman's speech, for the purpose of catching him.

Mr. STANLY explained, and said that he had insinuated nothing of the kind; that it was not his practice to "insinuate," but always to state very plainly what he meant.

Mr. VANDERPOEL said he it so: then he would in anticipation repel the inference, that in the praise he had expressed of that gentleman's speech, he was or could have been actuated by the hope of "catching" him. He was not aware that he had indulged in any thing like fulsome panegyric in regard to that gentleman's speech. He had said, and would here repeat, that those portions of his speech which related to the subjects of *distribution*, tariff, and the proposition to impose immediate duties on silk and wines, were unanswerable, and yet unanswered; that they were distinguished by great power and ability, and that his argument against distribution was more urgent and complete, than was that of a eminent Senator at the other end of the Capitol [Mr. CALHOUN,] distinguished as he was for close logic and power of condensation. Now this was what he thought of that gentleman's speech, and he had not expressed his sense of it on a former occasion with the vain hope of "catching" him. He knew his subject too well to have been capable of indulging any such idle hope. Could he ever have entertained it, he would first have suffered no little embarrassment in his own mind as to the most eligible means to attain his object—whether the cat-o-nine-tails, or more emollient means would be most available. A moment's reflection—the mere recollection of that gentleman's high spirit, would teach him that the first of the above alternative would be worse than useless. Here, then, would have been a puzzler at the outset. But, suppose this preliminary difficulty to have been overcome; the next question he would have mooted in his mind would have been, whether, after getting him, we had any guarantee that we could keep him, or that he would prove to be worth any thing to us whether it might not turn out that we had caught a Tartar.

Mr. V. said, that he and the gentleman from Virginia [Mr. WISE] entered Congress together in December, 1833, and from that day had watched, with no little interest, his brilliant and erratic career. You and I, Mr. Chairman [Mr. BELL,] well recollect the maiden effort of that gentleman on this floor, upon the great question of the removal of the public deposits. You and I sat together during that protracted session, and ca-

dor requires me to say that, with my knowledge of your great ability, I thought you a little too taciturn for the times. I say, sir, that we heard this first and most extraordinary and characteristic effort of the distinguished gentleman from Virginia. He and I, sir, were both young men, and were for weeks competitors for the floor. He at length succeeded in getting it. The fact that he was elected a Jackson man, and was a young man of genius and great promise, had preceded his advent here. I had learned too, that he had manifested some little rebellious symptoms, and therefore waited for his speech with an anxiety commingled with somewhat of fear. He delivered it, sir; and such a speech!! There was never anything like it "in the heavens above, or in the earth beneath, or in the waters under the earth." It was truly *sui generis*. At its close, it would have been very difficult to state an account of profit and loss to either party. Both were well belabored; one received a box aside the ear, while the other was saluted with a kick or a thump in the body. He had, then, known the gentleman from Virginia too long and too well to be weak enough ever to attempt to "catch" him, at least without first well deliberating as to the best means to be employed, and the value of the end to be attained.

After Mr. V. had concluded his remarks, he said he owed an explanation to the gentleman from North Carolina, [Mr. STANLY.] It had been whispered that he had alluded to that gentleman as seeking office. Mr. V. said he had no right to say; he had never heard from any quarter, that that gentleman was seeking office. When he spoke about office seekers, he had merely drawn a fancy sketch, and did not, at the time, think it would give umbrage. He had no evidence, direct or hearsay, that that gentleman wanted or sought office—much less the office of Solicitor of the Treasury.

After some remarks from Messrs. MORGAN, WISE, and others,

Mr. WELLER said he had not risen to participate in the irrelevant debate now going on, but simply to say a word in relation to a remark made by the gentleman from North Carolina, [Mr. STANLY.] He said he regretted very much that that gentleman had seen proper to assail a public officer, and denounce him as an "incompetent wretch," when he admitted that he had no personal acquaintance with him, and his only fault seemed to be that he had franked speeches or documents into North Carolina. Mr. W. said he was personally acquainted with the Solicitor of the Treasury, (Mr. Burchard) and knew him to be as high minded and honorable a man as any member on this floor.

Mr. STANLY said, having no acquaintance with the Solicitor, he made the remark in general terms, and did not assail him personally.

Mr. WELLER continued. The gentleman from North Carolina had spoken of the conduct of the Solicitor, and said he hoped such "incompetent wretches" would not be retained in office by the next Administration. If the remark was not applied personally to the Solicitor, then, sir, (said Mr. W.) I confess I do not understand the gentleman from North Carolina.

Mr. STANLY replied that he said the Solicitor had franked speeches of incompetent wretches into North Carolina. This, said he, was my expression.

Mr. WELLER resumed. He had perhaps misunderstood the gentleman. If (said Mr. W.) we have to appoint a committee to investigate the subject of franking, no doubt it would be found that many honorable gentlemen on this floor had used the franking privilege to a much greater extent than this officer. He said he had no doubt many abuses of this privilege had been committed by gentlemen on this floor, who were at the time receiving eight dollars per day from the public Treasury. I do not (said Mr. W.) complain of gentlemen for franking speeches, &c. to their constituents; for I have, said he, exercised the right freely myself, and shall continue to do it as long as I have a seat here; but, sir, the law confers on the Solicitor the same privilege, and he has a right to frank what documents he pleases, either into the gentleman's State or any where else.

The Whig Executive Committee, composed of

members of Congress, remained here during the whole of last summer, and franked speeches and circulars and addresses all over the country. The State, said Mr. W. which I have the honor in part to represent, was literally shingled over with them. If the documents sent by the Solicitor, about which the gentleman from North Carolina complains, were of a lower character than those sent out by the Executive Committee, then, said Mr. W. they must have been dirty stuff indeed. But, said Mr. W. if the gentleman from North Carolina can show that this officer has neglected the duties enjoined upon him by law, then, sir, I would be the last man on this floor to defend him. If, however, said he, he has at all times discharged his official duties faithfully, then, sir, if he has seen proper, in his leisure hours, to frank a few documents, gentlemen have no right to complain—surely they will not claim the right to dictate the manner in which he shall spend his leisure time, or the sort of documents he shall send out, when he sees proper to exercise the franking privilege which the law confers on him.

Mr. W. said he had simply risen to remove the impression which the remarks of the gentleman from North Carolina were calculated to make on those who were unacquainted with Mr. Burchard. He (Mr. W.) knew that man well; and a more efficient public officer could not be found, nor a more honorable and upright man. Thus much (said Mr. W.) I have felt it necessary to say, in justice to an officer who comes from my own State, and whose character at home is above suspicion in every respect.

Mr. WISE, after some preliminary remarks, observed that if deviating a little from both parties, and acting on an independent ground, was "erratic," that in the language of the gentleman from New York, [Mr. VANDERPOEL,] he was "erratic."

Mr. W. went on to say that he feared a great many of the Whig party who had hitherto been crying against the "spoils" system with so much earnestness, were now going for the "spoils" themselves. But he took this opportunity to give them notice, that if such should prove the case, he would lash them as he had done others. He stood now as he had always stood. He stood precisely the same as he did before the election, and at the election. He was a Whig then, and a Whig now, and he would take the occasion to say that neither sugar nor salt could catch him in acting contrary to his conscience.

After some further remarks, Mr. W. went on to say that it was time for the Whig party to go back to the good old principles, and to take a fresh start; but whenever they stepped aside, either to the right or to the left, they might be assured that they would find him "erratic."

All who know him, knew that it was not for men, but principles for which he went. He hoped that General Harrison when in power, would act for himself, and not suffer himself to be led into measures, for the benefit of sections only; but that he would be a second Washington, and act for the whole country.

Mr. W. after some observations on the tyranny of party drill, said he would give notice that if they (his Whig friends) attempted to bring down upon him the tyranny of party, he would resist it, as he had before resisted it in the time of Jackson. And on the other hand, continued he, so long as I hold a seat on this floor, I give notice that if they offer me a "principality" even, they cannot catch me. So long as I am a member of Congress, they will not appoint me to office. I ask for nothing, and I will take nothing. Further, whether in Congress or out of Congress, I will not beg for office; nor will I ask my friends to beg for me. I am free, and will continue to be free. I am now where I have always stood, and where I shall continue to stand. I tell you I can go with neither party contrary to the dictates of my conscience. I will be free as air; free as the eagle, soaring above the trammels of party; and like the eagle I will look down upon you independent and alone.

Mr. W. proceeded to say that he would not, in the political wars of the country, be drilled in the political camp as they were in the military camp.

He wished here to say, also, that all the castigations of a Whig Editor at Richmond would not drive him into drill.

If, continued Mr. W. I fight, I shall fight after the fashion of the old fellow at Yorktown, who, with a long, old fashioned fowling piece, a cow's horn full of powder, and a broad brimmed hat, kept loading and firing, bringing down at every discharge one of the enemy, and being under neither drill sergeant nor captain.

Seeing the bravery of the old fellow, one would step up to him and accost him:

"I say my friend, what company do you belong to?"

"Be quiet, you bother me; don't you see I am busy?"

Presently another would address the old fellow with—

"Hallow, there, to what regiment do you belong?"

"Don't bother me; I belong to no company, nor regiment neither; I am fighting against the British, and on my own hook."

Mr. W. then proceeded to explain that he was precisely in the same position with the old man at Yorktown, viz: fighting in the political battle, on his own hook. He neither belonged to any of their little companies, or to the regular army. But still he was ready to fight the enemy and to do battle with the red coats, like the old man at Yorktown, with an honest heart and without bouny. If, however, gentlemen would join his "erratic" army, he then would become a regular. Did gentlemen understand him now? He begged to assure them he was still a Whig, and would fight against the British, taking as good aim as any of them.

Mr. JENIFER here took the floor and expressed his intention to reply.

Mr. ANDREWS rose to a point of order. He hoped the CHAIR would not suffer the debate to take any longer such a course.

The CHAIR said, the whole debate had been "erratic," but as the gentleman from Virginia had risen to make a personal explanation, he conceived the usual courtesy observed on such occasions, warranted the CHAIR in permitting it thus far.

Mr. JENIFER then proceeded, but spoke in so low a tone that he could not be heard but at intervals. He was understood to allude to the recent course of Mr. WISE and his colleague [Mr. MALLORY.] He also made some observations in relation of certain gentlemen taking the "back track."

Mr. WISE said, as the gentleman from Maryland appeared to be the drill sergeant of the party, he would ask him if he had found out the opinions of all his Whig friends on the floor. Would the gentleman be kind enough to tell him whether he had ascertained the opinions of any of his Whig friends, except his (Mr. W's) and the gentleman from the Norfolk district [Mr. MALLORY?]

Mr. JENIFER said he possessed no more information as to the opinions of his Whig friends than the gentleman himself.

Mr. ANDREWS called both the gentlemen from Maryland and Virginia to order, on the ground of irrelevancy.

Mr. GRAVES hoped that the debate would proceed, until the position of Mr. WISE should be fully understood.

The CHAIR hoped the good sense of the gentlemen would enable them to see that the debate had assumed an improper latitude.

After some discussion of a conversational character on the point order,

Mr. JENIFER, on leave, resumed his remarks. He proceeded to say that the commanding attitude that the gentleman from Virginia [Mr. WISE] held through the country, rendered it highly important that his true position should be known. The gentleman, in his recent three days' speech, notwithstanding the doctrines advanced, had still avowed that he was a Whig. But he, Mr. J. would tell the gentleman that when an individual avowed certain doctrines, it was not for that individual to say whether he was a Whig or not. It was for the country to determine, after the avowal of those doctrines, what he was.

After some further remarks, Mr. J. in reply to a question from Mr. WISE, said, I ask the gentleman

to lay his finger up in any one portion of his three days' speech, which was not satisfactory to the Administration party now in power.

Mr. WISE replied that when the speech should have been printed, he would then show many points where no Loco Foco would agree with him.

Mr. JENIFER understood the gentleman to have said that he had pleased some of both parties. Now he desired to know how the gentleman did stand, or whether he was in a state of betweenness.

Mr. WISE said he did not stand in a state of betweenness; he was a Whig. But he did not choose to be driven out of the ranks by gentlemen who assumed to speak for the coming Administration, before they knew what the measures of that Administration would be. Perhaps, when the measures of that Administration should be made known, he would have as much power to unchurch certain gentlemen, as they supposed themselves to possess.

Mr. W. then proceeded to denounce the idea of having so many "little Harrisons" in the House, dictating and speaking for the coming Administration, when it could not be known what the measures of that Administration would be. He (Mr. W.) had been dragged into this discussion by the remarks on his course by the Whig papers on one hand, and the Loco Foco papers on the other. He wished merely to assert that the friends of General Harrison were not all of one mind as to the measures proper to be pursued; and this being the case, he denounced the idea of any one section setting themselves up as the party. Mr. W. concluded by again asking Mr. JENIFER if he had sounded all his Whig friends.

Mr. JENIFER said he did not speak for either General Harrison, or any body besides himself, on that floor. Mr. J. then proceeded to notice the following remark of Mr. WISE, viz: "that if any man attempted to bring down the tyranny of party on him, he should be lashed, etc." Now he, Mr. J. desired to know if the gentleman meant to say that any party drill had been attempted to be exercised against him here. If so, let him point it out.

Mr. WISE, (across) I point it out now; I refer to you.

Mr. JENIFER said the gentleman in the course of his remarks, had intimated that he was resolved to fight on his own hook. But he would remind him, that people were sometimes *hung* on their own hook. Mr. J. then went on to argue that the course taken by Mr. WISE was calculated to bring distrust upon the coming Administration.

After some explanation from Mr. WISE, in which he disclaimed any design to bring distrust upon the coming Administration, or that he had made any charge against it,

Mr. JENIFER said he was happy to hear that the gentleman disavowed charging any thing against the coming Administration. But at the same time, he would ask that gentleman whether it would not be more manly to make direct charges than to pursue the course he had? Mr. J. was understood further to say, that if the gentleman did not distrust the coming Administration, why was all this cry about the danger of a high protective tariff? When the gentleman spoke about the "spoils," the "lash," etc. what did he mean, if he did not distrust the Administration? Why this denunciation, if there was no objection? When the gentleman said he could not support the coming Administration unless it should agree with his views, did he go beyond any other Whig? The gentleman had thought proper to make a speech in advance, to show the ruinous effects of an extra session, and the danger of adopting measures when the Representatives came fresh from the people, under the influence of triumphant feelings. He, Mr. J. considered that it was safer to legislate when the Representatives came fresh from the people.

Mr. WISE here rose to explain.

Mr. ANDREWS called him to order. In his opinion, the debate ought not to be suffered to proceed any further.

Several members called Mr. ANDREWS to order, on the ground that he had called Mr. WISE to order before that gentleman had said any thing.

Mr. WISE said he had risen to make a sweeping declaration, viz: that the gentleman from Maryland had not stated correctly a single position he (Mr. W.) had taken the other day.

Mr. ANDREWS. There! he has said something now, and I call him to order on the ground of irrelevancy.

After some conversation on the point of order,

Mr. WISE, on leave, proceeded, and denied that he had ever said he anticipated all would be wrong in the coming Administration, as charged by the gentleman from Maryland. He said no such thing. On the contrary, he believed that all would be right.

After some further remarks, Mr. W. said, he did say, however, that some gentlemen were trying to swerve the Administration from its course, and he meant the gentleman from Maryland as one of them, for, continued Mr. W. every mite goes to make a man's.

Mr. W. went on to say, that as he had found gentlemen actively engaged in manufacturing public opinion in advance, as the sentiments of the Whig party, he thought it high time that he should speak, lest his silence might be construed into acquiescence. And when certain sentiments were held forth, in relation to the tariff, the distribution system, &c. he had taken the liberty of saying that, as one of the Whig party, they were not his sentiments.

After some further observations as to his views on the tariff question, Mr. W. expressed his repugnance to any set of Whigs undertaking to manufacture public opinion, before the new Administration came into power.

But said, Mr. W. the gentleman from Maryland has said that it would be a little more manly for me to come out, etc. Now, all I have to say is, that the gentleman is about thirty years older than I am, yet he cannot teach me manliness. Mr. W. said if the gentleman would lop off a little of his Federalism, he would go with him as far as he could, but in the first place it would be necessary to see how far they could go, as he expected to go with the gentleman in a variety of matters.

Mr. W. then stated that he was in favor of economy and retrenchment in the expenses of Government; against appropriations for internal improvements, etc.

Mr. JENIFER was understood to say that he differed.

After some further explanation between the gentlemen as to their views,

Mr. WISE said, but the gentleman contends that because I do not go for a distribution and a tariff, that I am no Whig.

Mr. JENIFER. I said no such thing. I said — (the remainder of the sentence was not heard.)

Mr. WISE. Well, that is precisely the same thing. It amounts to this, that unless I vote for a tariff on luxuries, I am no Whig. But my constituents will see my politics on that subject when my speech is printed. Mr. W. went on to say that if other gentlemen had not defined their position, and spoke for the coming Administration, he would not have said a word. He wished merely to have it understood, that the friends of the coming Administration differed in their views on certain matters. But for doing this, said Mr. W. the gentleman from Maryland has taken me in hand, with my colleague from the Norfolk district. There are some whose intellects are so dull that they cannot understand; while there are others who will not understand. But my friend from Maryland is, I know, an intelligent gentleman, and I cannot suppose that he is one of those who are not willing to understand. I hope I am not in the way of my friend from Maryland, and that it is his wish to put me out of the way. I hope it is neither the object of that gentleman, nor others, to put me out of the way.

Now, said Mr. W. in order that my friend from Maryland may understand me fully, I will tell him that I do not intend to stand in his way; and if he wishes to go to Europe to attend to the tobacco interest, I assure that I do not want to go. If any of my Whig friends supposes that I am in

his or their way, they may dispel their fears, for I assure them I shall be in the way of none of them.

Mr. W. then proceeded to say, that neither he nor his constituents should ever be brought under the drill of party. The gentleman from Maryland [Mr. JENIFER] had, in the course of his speech, thought proper to be very witty, and to say, that "it sometimes happened that gentlemen who fought on their own hook, were hung on their own hook." Now, he, Mr. W. would say, in reply, that some gentlemen were never hung at all.

The gentleman from Maryland has also said that he speaks for nobody but himself. He said, however, almost in the same breath, that if I took the ground I did against a protective tariff, etc. I differed from all the Whig party, with the exception of the gentleman from the Norfolk District. Now, here he has undertaken to speak for all the Whigs but two and a half; for my colleague from the Norfolk District counts one, and I and my friend from Maryland compose the remaining one and a half.

But, continued Mr. W. I tell the gentleman from Maryland that on the question of the distribution and the tariff, he has found more than two and a half. Where is the gentleman from Georgia, [Mr. ARFORD?] Did he not give his views the other day in sufficiently plain terms for the gentleman? Now, although my friend from Maryland took me to task on the score of "manliness," I take it for granted that he will admit the gentleman from Georgia to be a whole man.

But, said Mr. W. the gentleman from Maryland has asked me where is the tyranny of party? Why, there it is, (pointing to Mr. JENIFER) there is the drill sergeant himself. He took me into his hands, and one of my best friends from Kentucky [Mr. GRAVES] undertook to help.

Mr. GRAVES explained.

Mr. WISE went on to say that he would make gentlemen understand him before he had done. He had said that he would not be brought under party drill, and whenever it should be attempted, he would resist it. It had now been attempted, and he now resisted it. The party drill had already commenced, but he would not submit to it.

Mr. WILLIAMS of Tennessee made some observations in relation to imputations on the Whig party.

Mr. WISE said he had made no imputations on the Whig party. He would further say, that he acknowledged no gentleman there as the Whig party.

After some further discussion of a conversational character.

Mr. WISE went on to say that he did not acknowledge the gentleman from Maryland [Mr. JENIFER] as the Whig party. And (said Mr. W.) I tell the gentleman from Maryland that if his tyranny is all I have to resist, I can soon overcome it.

Mr. W. proceeded to say that none other of his Whig friends had attempted to subject him to party drill, but that the Whig papers had attempted it.

But, said Mr. W. even if it were my design to separate from the party, it would be a question with me whether honesty lies on the side of those in power, or on the side of those out of power. But I wish it to be understood at home and elsewhere, that I spurn the attempt to unchurch me, whether insidiously or openly, directly or indirectly. If any one is to hold the sword over my head, the General himself shall do it, but no drill sergeant shall.

Mr. JENIFER was understood to ask if there was any thing personal intended by the above remarks.

Mr. WISE disclaimed any personal allusion in applying the term "drill sergeant," but, said he, I will tell the gentleman from Maryland, that if he attempts to whip me into the ranks, he will find me as difficult to drive as the Irishman's pig. The gentleman will no doubt remember the story.

An Irishman was attempting to drive an obstinate pig.

"Arrah and Pat," said a friend, "where is it that yourself is a going?"

"Hush, honey, my dear," said the driver, "it's to Cork I am going, sure; but for the blood o'ye spake soft, or the pig will hear!"

After an application of the above to his political course, and the absurdity of any attempt to drive

him, Mr. W. said his position was based on high principles, and not men; and on those principles he was ready to stand or fall.

Mr. WISE addressed the committee at great length in regard to his position; after which,

Mr. STANLY withdrew the motion to strike out.

Mr. JENIFER renewed it; and proceeded to reply to the remarks of Mr. WISE; and had spoken for a few minutes,

When Mr. ANDREWS insisted on the point of order, that the whole debate, being irrelevant, was out of order.

And the CHAIR decided it to be so.

Mr. GRAVES hoped the gentleman from Maryland [Mr. JENIFER] would be allowed to go on, until the House thoroughly understood the position of the gentleman from Virginia, [Mr. WISE.]

After some conversation, Mr. WELLER moved that the gentleman from Maryland have leave to proceed.

Mr. ANDREWS asked for tellers, that it might be seen who were in favor of going on with the business of the country, and who in favor of continuing this irrelevant and useless debate.

But the call for tellers was not seconded.

And the question being taken, leave to proceed was granted without a division.

Mr. JENIFER then proceeded, yielding the floor to occasional explanations from Mr. WISE. Mr. JENIFER having closed—

Mr. WISE took the floor, and, leave having been given to him to proceed, replied to Mr. JENIFER. Mr. WISE having concluded—

Mr. GRAVES next addressed the committee, and was followed by Mr. POPE and Mr. ANDREWS, until half past six o'clock, when the committee rose.

And then, at the instance of Mr. LINCOLN,

The SPEAKER laid before the House the report from the Secretary of the Secretary of the form in which patents for the public lands have been executed. The report was referred to the Committee on the Public Lands, to the end that the committee may inquire into the legality of the patents heretofore issued, and, if they are found defective, to report a bill to legalize them.

And then the House adjourned.

While the House was in Committee of the Whole, the bill making appropriations for the payment of pensions during the year 1841, and providing for the expense of removing such Seminole Indians as may be disposed to emigrate to the West, was received from the Senate with an immaterial amendment, which the House immediately considered and agreed to.

And so the bill has passed both Houses of Congress.

IN SENATE,

TUESDAY, February 16, 1841.

Mr. CUTHBERT appeared and took his seat in the Senate this morning.

The VICE PRESIDENT submitted a report from the Secretary of War in reply to a resolution of the Senate of the 17th December last, respecting the sale of machinery engaged in the construction of roads and harbors; which was laid on the table, and ordered to be printed.

The VICE PRESIDENT also presented several memorials from citizens of Florida, remonstrating against the cession of any portion of that Territory to the Seminoles; which were severally referred to the Committee on Indian Affairs.

Mr. FULTON presented the petition of citizens of Arkansas, praying the establishment of a post route; which was referred to the Committee on the Post Office and Post Roads.

Mr. TAPPAN presented a memorial of David Robb; which was referred to the Committee on Indian Affairs.

Mr. WALKER, from the Committee on the Public Lands, to which was referred the bill from the House to amend an act entitled "An act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same;" reported the same with an amendment.

Mr. W. said as the bill was nearly the same as that passed at previous sessions—the only difference being that it was less favorable to the State of Tennessee than the former bill—he hoped the Senate would now order it to a third reading.

Mr. GRAHAM wished to look into the bill before its passage, and hoped it would be postponed until to-morrow.

Mr. CLAY of Alabama suggested that it might be ordered to a third reading to-day, and as the question on its passage would not come up until to-morrow, the Senator in the meanwhile could examine the bill.

Mr. GRAHAM said, he was informed by a friend near him, [Mr. HUNTINGTON,] that the bill could not then be amended; and he would therefore prefer that its further consideration should be postponed until to-morrow; which was accordingly ordered.

Mr. HUBBARD, from the Committee on Claims, to which was referred the memorial of William G. Cheever, asked to be discharged from their further consideration; which was agreed to.

Mr. H. also, from the same committee, reported a bill giving authority to the Secretary of the Treasury to audit and settle the accounts between the United States and David Gelston, formerly collector of the port of New York; which was read, and ordered to a second reading.

Mr. H. also from the committee, to which was referred the bill for the relief of Caroline E. Clitherall, widow of Dr. George C. Clitherall, late a surgeon on the army of the Revolution, reported the same, without amendment.

Mr. SMITH, from the Committee on Revolutionary Claims, reported a bill for the relief of the heirs of Daniel Platt, deceased; which was read, and ordered to a second reading.

Mr. NICHOLAS, from the Committee on Military Affairs, to which was referred the bill making appropriations to complete certain military roads leading to the frontier posts bordering on Texas and the Indian Territory, reported the same without amendment.

Mr. PRENTISS, from the Committee on Pensions, reported a bill for the relief of Esther Johnson, widow of Col. Jonas Johnson of North Carolina, deceased; which was read, and ordered to a second reading.

Mr. WALKER submitted the following resolution for consideration:

Resolved, That the map of the country west of the Mississippi, made under the direction of the War Department by J. N. Nicollet, esq. and the report in reference to the same, be printed for the use of Congress, under the direction of the chief of the Corps of Topographical Engineers, and that two hundred copies thereof be delivered to the War Department, and to the bureau of Topographical Engineers, for distribution, and three hundred additional copies for the use of the Senate.

Mr. WALKER said the report of Mr. Nicollet and accompanying map of the region of the Upper Mississippi, prepared under the direction of Congress, and the supervision of the Department of War, would be found among the most accurate, scientific, interesting, and instructive, ever made in this country. It commences at the city of St. Louis, as its southeastern point of departure, and terminates at our northern boundary, east of the Rocky Mountains, extending from the 39th to the 49th parallel of north latitude, and from 90 to 100 of longitude west of Greenwich. Stretching from near Lake Superior on the east to the great western bend of the Missouri river on the west, and embracing the entire basin of the Upper Mississippi, it included a region more extensive than several of the largest States of the Union. It was a region most salubrious, and unsurpassed in beauty and fertility. In mineral wealth, it was unequalled in the world, and was interspersed with timber and prairie lands, and many hundred lakes, both fresh and salt, that might well challenge a comparison with those of any other country. This survey embraces 245 geographical positions, deduced from more than ten thousand astronomical observations. An enlarged system of barometrical observations had been carried on for several years, in which Mr. Nicollet had been aided by many

scientific gentleman; and by these means, the topographical features of the whole region, and its absolute elevation above the sea, will be represented with the greatest accuracy. The report will represent the geology and botany of this vast region, its vegetable and mineral resources. The report and map will be highly honorable to their unassuming but able and scientific author—to the country by whom he has been employed, and to the Secretary of War, who, with so much zeal and energy, has pressed forward this important work. The rivers Mississippi and Missouri, for several thousand miles, are surveyed and delineated with the greatest accuracy—with all their physical features and incidents—their banks, their hills and valleys, their channels, shoals, and sand bars, with the velocity of current and depth of water. To the emigrant, the farmer, the merchant and navigator—to the topographer and geographer—the botanist, the mineralogist and geologist—to the scholar and statesman, and to the whole country, this was a work of the highest importance. To the American patriot also, whose love of the Union embraced his whole country and all its parts, this report and survey would afford abundant materials for delightful contemplation and animated hopes, in marking the onward progress of this great nation. He would here, in this hitherto almost unexplored region of the West, behold a country larger than any empire in Europe, save one, where, in a very few years, there will be three new States, among the largest and most fertile in the Union—Wisconsin, Iowa, and another embracing the beautiful Fountain lake near our northern boundary, delineated on this map, where the great Mississippi commences its southern course to the Gulf. As a mere money question, the publication of this map and report would be most important in aid of the final settlement of the great subject of selling our mineral lands, heretofore referred by the Senate to the Committee on Public Lands, and would, he hoped, be decided upon at the next session. Unless important improvements in mining and smelting were introduced, and the utmost facilities afforded in the acquisition of these lands, there was some reason to fear that lead, when the tariff reached its minimum in 1842, could not be brought from the West to the East in successful competition with foreign lead; a result, that by due attention to mining and smelting, and utmost facilities in obtaining these lands, might be prevented, and thus these three great States, that must soon emerge from territorial pupillage, might have no inducement presented to support the high tariff policy. In this point of view, the question became one of the highest importance to the South, as well as the North; and Mr. W. hoped there would, therefore, be no objection from any quarter to printing this map and report.

Mr. BENTON, in a few remarks, concurred in the views of Mr. WALKER as to the great value of the work, and the propriety of its publication.

The resolution was unanimously agreed to.

Mr. LINN submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of confirming William Triplett of Missouri in his claim to a tract of land.

Mr. HUBBARD submitted the following resolution for consideration:

Resolved, That the Senate will, on Thursday next, at one o'clock, proceed to the election of a public Printer for the Senate, for the Twenty-seventh Congress.

Mr. NORVELL submitted the following resolution for consideration:

Resolved, That the forty-seventh rule be so far suspended as that ladies introduced by Senators, may, for the residue of the present session, be admitted to the privileged seats within the Senate.

On motion by Mr. WILLIAMS, the joint resolution to authorize the Secretary of the Navy to make contracts and advances for American water-rotted hemp for a limited time, was taken up, considered as in committee of the whole, and ordered to be engrossed for a third reading.

The bill granting a pension to Pamela Allen,

widow of the late Samuel Allen, a soldier of the Revolution; and

The bill to authorize the payment of equitable commissions to the agents or attorneys of persons in whose favor awards have been made under four several treaties between the United States and certain foreign powers; which awards have been retained in the Treasury in payment of debts due the United States; were severally considered as in committee of the whole, and ordered to be engrossed for a third reading.

BANKRUPT LAW.

The bill to establish a uniform system of bankruptcy was taken up—the question being on Mr. HUBBARD's motion to amend by including incorporated companies within its provisions.

Mr. TAPPAN, Mr. NICHOLAS, Mr. LINN, and Mr. CALHOUN, severally addressed the Senate on the amendment; and,

On motion by Mr. BENTON,
The Senate adjourned.

HOUSE OF REPRESENTATIVES,

TUESDAY, February 16, 1841.

Mr. FILLMORE asked the unanimous consent of the House to enable him to submit a resolution requiring the Committee on Military Affairs to report a bill making appropriations for the defence of the

NORTHEASTERN FRONTIER.

Objection being made,

Mr. FILLMORE moved a suspension of the rules.

Mr. CARR moved a call of the House.

Mr. W. THOMPSON said he could save the time of the House, by stating that this matter was now before the Military Committee, and that, in a day or two, they would present a general system of defence. He did not believe the business would be at all expedited by the adoption of the resolution of the gentleman from New York.

The question was taken on a call of the House, and resulted—ayes 36, noes 54: no quorum voting.

The question was about being again taken, when Mr. MORGAN called for the yeas and nays, which were ordered, and were—yeas 62, nays 70.

So the House refused a call of the House.

The question was then taken on the motion of Mr. FILLMORE to suspend the rules, by yeas and nays, as follows:

YEAS—Messrs. Adams, John W. Allen, Anderson, Andrews, Atherton, Baker, Barnard, Beatty, Bell, Boardman, Boyd, Briggs, Brockway, Burke, Sampson H. Butler, Bynum, Calhoun, Carr, Carroll, Casey, Chittenden, Clifford, William R. Cooper, Crabb, Craig, Cranston, Crary, Cross, Edward Davies, John Davis, John W. Davis, Dawson, Deberry, Dickerson, Doan, Doe, Eastman, Edwards, Ely, Evans, Everett, Fillmore, Fine, Floyd, Fornace, Galbraith, Gates, Gerry, Goggin, Goode, Graeger, Graves, Grinnell, Habersham, Hammond, Hand, John Hastings, Hawes, Henry, Hoffman, Hunt, Jackson, James, Jameson, Charles Johnston, Joseph Johnson, Nathaniel Jones, Keim, Kemble, Kempshall, Kille, King, Leadbetter, Leet, Leonard, Lincoln, Lowell, McCarty, McClure, McCulloch, Meredith Mallory, Marvin, Medill, Miller, Mitchell, Monroe, Montanya, Moore, Morgan, Morrow, Naylor, Palen, Parrish, Paynter, Peck, Proffit, Randall, Randolph, Rariden, Reed, Reynolds, Ridgway, Edward Rogers, Russell, Shaw, Simonon, Slade, Truman Smith, Starkweather, Steenrod, Strong, Stuart, Swearingen, Taliaferro, Philip F. Thomas, Tillinghast, Toland, David D. Wagener, Warren, Watterson, Weller, John White, Wick, Jared W. Williams, Thomas W. Williams, Henry Williams, Lewis Williams, Christopher H. Williams, Sherrod Williams, and Worthington—127.

NAYS—Messrs. Banks, Beirne, Blackwell, Aaron V. Brown, Albert G. Brown, John Campbell, Chapman, Connor, Mark A. Cooper, Dennis, Dromgoole, Earl, Graham, Griffin, Hawkins, Hullen, Hopkins, Hubbard, Lewis, Lucas, McClellan, McKay, Montgomery, Petrikin, Pickens, Rhett, Samuels, Thomas Smith, Sumter, Waddy

Thompson, Turney, Underwood, and Joseph L. Williams—34.

So the rules were suspended.

The question was then taken on the reception of the resolution, and decided in the affirmative—ayes 79, noes 58.

And on the question, Shall the main question be now put?

Mr. DROMGOOLE called for the yeas and nays.

Mr. COOPER of Georgia moved to lay the resolution on the table; but

Mr. FILLMORE having modified his resolution, as follows:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of reporting a bill making the necessary appropriations for fortifications, naval armaments, and other necessary preparations to place the country in a proper state of defence,

Mr. COOPER of Georgia withdrew his motion.

The main question was then taken, and decided in the affirmative.

So the resolution was adopted.

CIVIL AND DIPLOMATIC APPROPRIATION BILL.

Mr. JONES of Virginia moved that the House resolve itself into a Committee of the Whole on the state of the Union, and resume the consideration of the civil and diplomatic appropriation bill.

The SPEAKER said that a special order (the steamboat bills) had been assigned for this day.

Mr. JONES moved to postpone the special order until Monday next; and,

On the question being taken, it passed in the affirmative.

So the special order was postponed until Monday next.

The House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. BELL in the chair) and resumed the consideration of the bill making appropriation for the civil and diplomatic expenses of the Government for the year 1841.

The question was taken on the motion, made by Mr. JENIFER on yesterday, to strike out the item "for compensation to the Solicitor of the Treasury, three thousand dollars," and decided in the negative.

After the adoption of some incidental amendments,

Mr. LEONARD moved to strike out *three* in line 334, and insert *two*, and in line 327 strike out *eight hundred and seven*, and insert *three hundred and sixty*.

The amendments were agreed to.

Mr. McCARTY moved further to amend the same section, by inserting in line 336, after the word repairs, *thirty thousand*, (to be appropriated for the repair of the Potomac Bridge, that being the amount estimated to be necessary for the engineer,) so as to read,

"For compensation to two assistants to the Commissioner, as superintendent of the Potomac bridge, at one dollar and fifty cents per day, including oil for lamps, fuel, and repairs, thirty-one thousand, three hundred and sixty dollars."

After some remarks by Messrs. McCARTY, REED, BARNARD, W. C. JOHNSON, MONROE, and GRAHAM,

The question was taken on agreeing to the amendment—ayes 65, noes 40—no quorum.

The question was again taken, but still no quorum voting.

On motion of Mr. L. WILLIAMS, the committee rose and reported that fact to the House. But

It having been ascertained by the SPEAKER that a quorum was now present,

The House again resolved itself into a Committee of the Whole; and

The question was then taken on agreeing to the amendment, and decided in the affirmative.

Mr. BARNARD moved to amend the amendment, as follows:

"That so much of this sum as shall be applied for repairs, shall be under the direction of the Secretary of War."

Which amendment was agreed to.

Mr. FLOYD moved that the entire clause, as amended, be stricken out; but the motion did not prevail.

Mr. GREEN moved to strike out the following item:

"For compensation to the officers and clerk of the Branch Mint at Charlotte, six thousand dollars."

After some remarks by Messrs. GREEN, MASON, GRAHAM, HUBBARD, CONNOR, and GRAVES, and before the question was taken,

The committee rose, reported progress, and asked leave to sit again; and then,

The House adjourned.

IN SENATE,

WEDNESDAY, February 17, 1841.

Mr. RUGGLES presented the credentials of the Hon. GEORGE EVANS, elected by the Legislature of Maine a Senator of that State in the Senate of the United States for six years from the 4th of March next; which were read, and ordered to be placed on file.

The VICE PRESIDENT submitted a communication from the Secretary of the Navy, transmitting a report of a board of officers directed to make experiments with Colt's repeating fire arms.

Mr. WALL moved that it be laid upon the table and printed; which was amended upon motion by Mr. WILLIAMS to include a report made at a former session on the repeating fire arms of M'ghill Nuttig; and the motion as amended was agreed to.

Mr. SMITH of Indiana presented a report and joint resolutions of the Legislature of his State relative to the continuance of the Cumberland road; which, after some remarks from Mr. S. were laid upon the table, and ordered to be printed.

Mr. SMITH of Connecticut, from the Committee on Revolutionary Claims, to which a memorial on the subject had been referred, reported a bill authorizing a settlement of the accounts of Silas Drane; which was read, and ordered to a second reading, and the report and documents ordered to be printed.

Mr. FULTON, from the Committee on the Post Office and Post Roads, to which was referred the bill for the relief of Samuel R. Slaymaker, reported the same without amendment.

On motion by Mr. BUCHANAN, the bill was then taken up and considered as in committee of the whole; and, after being explained by Mr. B. was ordered to be engrossed for a third reading.

Mr. NORVELL, from the Committee on the Public Lands, to which a memorial on the subject had been referred, reported a bill granting the Mexican Gulf Railway Company the right of way through the public lands; which was read, and ordered to a second reading.

Mr. ALLEN presented a memorial remonstrating against the repeal of the Independent Treasury law; which was laid on the table.

Mr. A. also presented the memorial of 107 citizens of Perry county, Ohio, remonstrating against the passage of the bankrupt law; which was laid on the table.

Mr. TALLMADGE presented the petition of Sarah Van Duzer; which was referred to the Committee on the Judiciary.

Mr. SEVIER presented a memorial, which he said was the first of the kind from his State, of 20 citizens of Chicot county, Arkansas, in favor of the passage of a bankrupt law; which was laid on the table, and ordered to be printed.

Mr. KING presented the petition of the President and Directors of the Mobile and New Orleans Railroad Company, praying that the duty on certain railroad iron may not be collected until there is an opportunity of laying it on the road; which, as a bill had been reported on the subject, he would ask might be laid on the table.

Mr. WALL, from the Committee on the Judiciary, reported a bill to declare the rights of the children of the citizens of the United States born abroad; which was read, and ordered to a second reading.

Mr. PRESTON, from the Joint Committee on the Library, to which the bill to appoint trustees for the investment of the Smithsonian fund had been referred, reported a bill to incorporate the National

Institution for the Promotion of Science in the District of Columbia; and

A bill to invest the proceeds of the Smithsonian fund, and to establish the Smithsonian Institution; which, after some remarks from Mr. P. were severally read, and ordered to a second reading.

Mr. NICHOLAS, from the Committee on Military Affairs, to which was referred the memorial of the widow of Lieutenant Colonel Alexander R. Thompson, made an adverse report thereon; which was ordered to be printed.

Mr. N. from the same committee, made an adverse report on the petition of sundry mechanics engaged in the construction of the United States Arsenal at Fayetteville, North Carolina; which was ordered to be printed.

Mr. NICHOLAS submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on Public Lands be directed to inquire into the expediency of causing such a survey, exploration, report and map of the Southwestern section of the United States, West of the Mississippi, as has recently been made under the direction of the War Department and Mr. Nicollet in the Northwest.

The VICE PRESIDENT presented a petition from citizens of Rome, Oneida county, New York, praying that the Congress of the United States would, by a resolution of that body, declare it to be the opinion of this people that the British Government, by reducing our citizens, whom they captured in arms during the late revolutionary movements of the Canadas, to the condition of common felons, have departed from that humane course towards prisoners which they have professed to be in accordance with their principles, and have violated the best policy of civilized nations; and that it is regarded as a severely not necessary to the case, and the exercise of a cruelty uncalled for; which was read.

Mr. NORVELL said that it struck him, on hearing the memorial read, that the proper disposition of it would be to transmit it to the President of the United States. Whatever indiscretions might have attended the participation of a portion of our fellow-citizens on the Northern frontier in the movements in Canada for the assertion of her liberty and independence, he had no doubt that they had been governed by the purest of motives—by a holy sympathy with the oppressed, and a sincere devotion to the cause of freedom, such as universally pervaded this nation. It was certain that the persons who had, under the operation of the British law, and the decrees of the British tribunals, been sentenced to banishment, and to hard labor in chains, in Van Dieman's Land, were suffering extreme hardship and severe punishment. The object of the memorial was to procure an alleviation of their condition. But he felt strong apprehensions, that the concluding prayer of that memorial, asking Congress to express, by resolution, certain abstract opinions in reference to the punishment and discipline to which those persons had been and were still subjected, might operate to their serious disadvantage. It might produce additional irritation on the part of the British Government, and tend to rivet the chains which had already been fastened upon the unfortunate individuals in whose behalf the memorialists had made their present application. Unless, therefore, we were prepared to engage in a war with Great Britain on this subject, which he, for one, did not deprecate, it would be the best course which could be adopted on this occasion, to send the memorial to the President, in order that he might adopt such measures as, in his judgment, would, by negotiation, tend the most effectually to attain the object which the memorialists had in view. He moved the reference of the paper to the President.

Mr. PRESTON deprecated any interference with the internal political affairs of a foreign Government; and he regretted the manifestations of the last year or two past in some parts of this country, which it seemed to him had a tendency to endanger the existing relations of this nation with the power to which he alluded, and to transfer the legitimate exercise of the constitutional right of this Government to the hands of an unauthorized and irresponsible combination. With regard to the dispute on

our Northeastern boundary, there had been danger of our being dragged into a dangerous collision with the British power, and much difficulty had been experienced by the action of a State Legislature; and he ventured to say that no one who had a due consideration for the interests and the relations in which we stood to that Government, would be disposed in this case to interfere and endanger the repose of this country. The relations of this country on her frontier, were becoming more and more exciting; exasperation and temper were got up, which exposed us to dangerous peril; and he, for one, deprecated any interposition that might lead to an interruption of the relations between this country and Great Britain. No one could be more deeply impressed with the evils of such a calamity than he was—evils to ourselves, evils, calamitous evils, to our country, and also to civil liberty. It should be the duty of this Government to restrain all interference with the affairs of that Government; and especially to restrain, cautiously and religiously, all interference with the internal political relations of that Government. The men to whose cases the memorial referred, were charged with political crimes, and they were not without precedent for the exercise of a humane interference between nations in cases of crime; but this was not such a case. And besides, there were circumstances of recent occurrence that rendered it necessary for us to take a wise and cautious course. Only a few days since he was informed an interference had taken place on the part of Great Britain, in the form of a remonstrance, on a subject which was calculated to produce great excitement; and he trusted that no department of our Government would do any thing that was likely to justify such an interference. If this Government interfered on the ground of humanity, in the case of the Canadians, might not the British Government interfere, on the same ground with this Government in the case of those (the *Amistad* negroes) recently thrown on our shores? The unauthorized collection of people on our Northern frontier, and the resolutions which they had passed, had already, to some extent, exposed us to censure, but he trusted the Senate in its action would manifest a temper and a wisdom becoming its character and its position, and he would move that, without printing, the memorial, be laid on the table.

Mr. NORVELL asked the Senator from South Carolina to withdraw his motion to lay the memorial on the table for one moment. He had already expressed his fears that a compliance with the prayer of the memorialists, in the manner suggested by them, might aggravate, instead of alleviate, the condition of the persons whose unhappy fate had called forth their application. But he would remind the Senator from South Carolina, that those unfortunate individuals were American citizens. Their case bore no resemblance to the case of the *Amistad* negroes. In reference to these, he considered the interference of the British Government to be wholly unjustifiable. That was an interference which every American should condemn. He had read the correspondence of the British Minister with the Secretary of State with the same feelings which it had produced in the Senator from South Carolina. But if the President, by an informal representation, such as had heretofore been made to the authorities at Toronto, could mitigate the situation of our own fellow-citizens in Van Dieman's Land, he thought that such a representation ought to be made. It was not at all incompatible with the principle of non-interference on the part of one nation with the domestic affairs of another, to which he most cordially subscribed; but, on the contrary, it was a proceeding which was demanded by all the considerations of humanity that could appeal with just effect to the better feelings of our nature.

The memorial was then laid on the table.

The special order (the bankrupt bill) was then called for, but Mr. CLAY of Alabama hoped the Senate would devote a few minutes to the consideration of a bill which had been postponed yesterday at the suggestion of the Senator from North Carolina [Mr. GRAHAM.] He alluded to the bill from the House to amend an act entitled "An act

to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same."

The bill was accordingly taken up, and Mr. GRAHAM proposed to amend it by increasing the minimum price from 12½ cents to \$1.25 per acre, and extending the time to three years, the propriety of which he enforced at some length.

Mr. ANDERSON said that he would reply very briefly to what had been said by the Senator from North Carolina, because he was unwilling to consume, unnecessarily, the precious time of the Senate, and only desired to state the facts in this case, believing that they were unanswerable in support of this bill. The Senator had moved two amendments: the one was to extend the time for the final location of the out-standing warrants for three years instead of one, and the other was to fix the price of the lands at one dollar and twenty-five cents, instead of twelve and a half cents. To both these amendments he objected; because, in the first place, they were not demanded by the circumstances of the case; and, secondly, because, if they should be adopted, the whole bill would be defeated. He said that after fifteen years of difficult struggling in the House of Representatives, justice and sound policy had finally prevailed, and now, for the first time, a bill for the ultimate disposition of these lands, upon proper principles, had passed that body. Sir, said he, if we amend this bill, we put an end to the measure for this session. It cannot now again re-pass in the other end of this Capitol; and no man can tell how long it may be, before we shall be so near, as we now are, to a successful and equitable adjustment of this protracted question. The Senator from North Carolina seemed to apprehend that some injustice might be done to the Revolutionary claimants of that State. But, sir, said he, the facts will satisfy every impartial man, that in the disposition of these lands the State of North Carolina has no more interest than any other one of the States of this Union. The Revolutionary claims of North Carolina were to be provided for, according to the terms of her cession, and the act of compromise of eighteen hundred and six, by the United States. Sir, they were provided for, and North Carolina declared herself, by a formal act, to have the right of presuming upon a default of heirs, and of claimants, and finished at one broad sweep her Revolutionary demands upon Tennessee. They were conceded, and she received that rich legacy for her University, which completed the amount of more than four millions three hundred thousand acres of land she had received, in conformity with the cession and compromise acts. As far as she is concerned, sir, there cannot be the slightest shadow of objection to the passage of this bill. She has had all she ever asked—and I speak not in the spirit of unkindness to our ancient mother, when I say she has had all she had a right to demand—and, so far from thinking of a limitation of seven years against her, as suggested by her honorable Senator, she has had more than forty years within which to prepare and mature her claims; and now, when she has no more left, is it reasonable to ask us to wait, because it is possible there may be one or two behind? But we say, upon the best kind of evidence, her own act appropriating the last remains of the Revolutionary claims to her own use, that no more exist. If there are, she has done an act of injustice to her own citizens, and it is neither fit nor proper that she should now interfere between us and ours. For I learn, sir, that there are but a few thousand acres of warrants issued upon certificates of interference, which remain unsatisfied, and these are exclusively owned by citizens of Tennessee. If there be a citizen of North Carolina holding any such claim, it is not known. Those warrants are now being satisfied. The claimants, I am informed, are daily locating them in the district. Besides all this, those claimants are within the limits mostly of that section; and it is unreasonable to suppose that their Representatives would be willing to do an act of injustice to any of their immediate constituents, or that they are any less disposed to consult their interests than we are.

In addition to all this, we have the testimony of

the whole Tennessee delegation, in 1832, that the expenses of survey of these lands would not be reimbursed by their sale. Among that delegation is to be found the name of my respected predecessor, who had much knowledge of this subject, as one of the early settlers of Tennessee. In connection with this testimony, may be found, appended to the report of the committee of the House of Representatives, in that year, who examined fully the whole subject, the statements of the principal surveyors, who were intimately acquainted with the lands, and who agreed precisely with the views there presented. They fix the highest average price at twelve and a half cents.

Sir, said he, it is not my purpose to protract this discussion, and I therefore content myself with recapitulating the facts, which must, I think, impress the Senate with the policy of passing this bill. It appears by the legislative action of North Carolina, and other equally high evidence, that all her claims, and the claims of her citizens have been satisfied by the selection of upwards of four millions, three hundred thousand acres of land of the best quality in the State, and that all outstanding warrants, which are alone predicated upon certificates of interference, now amounting to only a few thousand acres, are also being daily satisfied, at the will of the holders, and will be allowed a further extension of twelve months by this bill within which to be located, from the date of the action of the Legislature of Tennessee. To these facts you have the patient submission of Tennessee for more than forty years, and surely, surely it will be admitted she ought now to be released from a longer postponement. We know, also, if one single amendment shall prevail, that it puts an end for this session to this bill—that it never can travel through the delays and heavy forms of the House of Representatives. We know, too, that it is substantially the same bill which had repeatedly passed this body, and now, for the first time after fifteen years, has passed the other House. In regard to the proposition to change the price from twelve and a half cents to one dollar and twenty-five cents, we have a mass of testimony that it would be utterly unjust, and would place the lands at a higher standard than they are intrinsically worth, after having undergone the selections of more than four millions of acres, by men who were the most capable and skilful judges of soil.

With these brief remarks in answer to the honorable Senator from North Carolina, he would cheerfully submit the case to the decision of the Senate, perfectly confident that they would release the State of Tennessee from the burden under which she had long labored.

Mr. CLAY of Alabama said, as anxious as he was to save the time of the Senate, he must add one or two remarks to those made by the Senator from Tennessee [Mr. ANDERSON] in reply to the Senator from North Carolina, [Mr. GRAHAM.] The first remark he had to make was, that he thought the question ought to be considered settled by the former action of this body. He said bills had been passed by the Senate at three several sessions of Congress—one of them since the commencement of the present session—which were decidedly more favorable to the interests of Tennessee than the one sent us by the House, and now under consideration. Those bills had passed, too, with unusual unanimity, but for want of time, or not having been reached on the calendar of the House, they had failed. He thought, under such circumstances, there ought to be no hesitation in the immediate passage of this bill.

He remarked that the amendments which were proposed by the Senator from North Carolina, if desirable at all, were not of sufficient importance to authorize us to jeopard the bill, by sending it back to the House. We all know (said Mr. C.) how difficult it is to get a measure through that branch of Congress, at almost any time—but, more especially, at this late period of the session. If it should be sent back, which would be the necessary consequence of any amendment, however slight, it would, in all probability, be referred to a committee; and, when reported back, it would,

very likely, be committed to a Committee of the Whole House. If it took this course it was very improbable, that it would be taken up, or acted on at all, during the session. It was time, he thought, that this question about the remnants of the public lands in Tennessee was settled. The Legislature and the people of that State had been appealing to Congress on the subject for a long time, to his personal knowledge, for the last twelve years; and we are as well prepared to act definitively now, as we shall be at any future time.

The first of the amendments proposed by the Senator from North Carolina was to extend the time from one to three years, for claimants under the State of North Carolina to present their claims. He begged to remind the Senate that, as the bill now stood, those claimants were allowed one year for that purpose—not from the passage of this act, but from the passage of a law by the Legislature of Tennessee, accepting the terms proposed in the bill. Hence, claimants would have, in all probability, eighteen months' indulgence, or more—if the Legislature should not meet till the ordinary time. But, if it only allowed twelve months from the passage of this act, what more could be required on any principle of justice or fairness? It would be recollected, that it was now more than half a century (fifty-one years) since the territory, now constituting the State of Tennessee, was ceded to the United States by North Carolina. During all this time, those claimants had the opportunity of presenting their evidences of title, and obtaining their rights. Although offices for entry had not been open the whole of that period continuously, they had been opened from time to time—indulgence has been liberally granted—and claimants have had abundant opportunity to secure their rights by the exercise of the most ordinary diligence. There certainly could be no well founded complaint, then, that the further time allowed by the present bill was too short.

As regarded the other amendment proposed by the Senator from North Carolina—to allow such claimants as did not avail themselves of the privilege of locating their claims within the time allowed, one dollar and twenty-five cents per acre, instead of the 12½ cents fixed by the bill—he thought it as inexpedient as the former. The land remaining subject to entry was, on all hands, agreed to be of very little value—very little of it worth as much as 12½ cents per acre. If claimants had postponed their applications, or neglected to establish their claims, until those more vigilant and attentive to their interests had taken up, and preoccupied all the valuable land, it was their own fault—they had no right to complain. If they were now to locate, or enter this inferior refuse land, they could not sell it for more than an average of 12½ cents per acre—consequently it would be unjust to pay them \$1 25, as proposed. The provision of the bill was just and liberal, as it stood, when it gave them till twelve months after the passage of the act by Tennessee to make their entries and locations; and if they even failed to do that, it still gave them its estimated value in money. He thought this ought, in all conscience, to be satisfactory; and he earnestly hoped the Senate would not agree to either of the amendments proposed, nor jeopard this bill, so important to Tennessee, by sending it back to the House.

Mr. NICHOLSON said he desired to make a single remark upon the amendments, in reply to the Senator from North Carolina, [Mr. GRAHAM.] After this measure, in substantially the same shape, had received the sanction of the Senate on three different occasions, and each time by decided majorities, he would not undertake to discuss its merits. The motion of his friend from North Carolina [Mr. GRAHAM] in reference to striking out twelve and a half cents and inserting \$1 25 as the compensation to holders of land warrants, presented a question in which Tennessee had no more interest than any other State. The bill fixes the price of the land at twelve and a half cents, and provides that if the holders of warrants shall decline for a year to take lands, they shall receive a compensation in money of twelve and a half cents per acre.

This compensation must be paid out of the Federal Treasury, and now it is proposed that after the lands have only brought into the Treasury twelve and a half cents per acre, the holders of warrants shall receive out of it \$1 25 per acre. He said it was for the Senators from all the States to determine whether they could sanction such a provision. It was clear, continued Mr. N. that if the lands are only worth 12½ cents an acre, as is abundantly shown by the evidence, then the warrant holders will not go forward to take the lands, if you provide that in lieu of the lands they may claim a compensation of \$1 25 per acre. As to the value of the lands, Mr. N. said he held in his hand the evidence on which the Senate had so often fixed the price at 12½ cents. He would not read it to the Senate, but would merely remark that it was full and conclusive.

Mr. N. said he apprehended that the Senator from North Carolina was laboring under a mistake as to the character of the outstanding claims provided for in the bill. He seemed to suppose that there were Revolutionary soldiers who still held warrants that were not satisfied. In this he thought the Senator was mistaken. His information was, that the State of North Carolina, under a law of the State already referred to in the debate, had taken the lists of soldiers entitled to lands, and had issued warrants for all, whether living or dead, whose names were upon the lists, and whose claims did not appear to have been previously satisfied. Those warrants were issued in the name of her university, and every one of them had been satisfied. So that, in fact, he did not believe that there was a soldier or the descendant of a soldier whose claim for lands had not been satisfied. The class of cases which remained unsatisfied were certificates of interference, and possibly certificates issued before the year 1800, to persons who paid specified amounts into the treasury of North Carolina, and received certificates to be paid in Western lands. This bill gives to these claimants one year, in addition to the forty they have now had, to have their claims satisfied out of the lands.

As to the merits of the bill, Mr. N. said he would not trouble the Senate, after they had so repeatedly determined in its favor. It was a measure in which the State of Tennessee was greatly interested, which she had urged upon Congress year after year for more than fourteen years, and he hoped that its final passage would not now be endangered by any amendment which would make it necessary to send it back to the other House.

The question was then taken on the amendments, and they were disagreed to.

The bill was then ordered to a third reading.

Mr. ANDERSON moved that it have its third reading now; which being acceded to, the bill was read a third time, and passed—ayes 29, noes 3, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Calhoun, Clay of Alabama, Clayton, Fulton, Henderson, Hubbard, King, Linn, Mouton, Nicholas, Nicholson, Pierce, Prentiss, Preston, Rives, Roane, Sevier, Smith of Connecticut, Smith of Indiana, Sturgeon, Tappan, Wall, White, Williams, Wright, and Young—29.

NAYS—Messrs. Graham, Mangum, and Southard—3.

BILLS PASSED.

The joint resolution to authorize the Secretary of the Navy to make contracts and advances for American water-rotted hemp for a limited time;

The bill granting a pension to Pamela Allen, widow of the late Samuel Allen, a soldier of the Revolution; and

The bill to authorize the payment of equitable commissions to the agents or attorneys of persons in whose favor awards have been made under four several treaties between the United States and certain foreign powers, which awards have been retained in the Treasury in payment of debts due the United States, were severally read a third time, and passed.

On motion by Mr. TAPPAN, the Senate went into Executive session, and then adjourned.

HOUSE OF REPRESENTATIVES.
WEDNESDAY, February 17, 1841.

Mr. LANE moved that the House take up the bill to confirm to the State of Indiana the land selected for that portion of the Wabash and Erie Canal, which lies between the mouth of the Tippecanoe river and Terre Haute, and for other purposes.

Objection being made,
Mr. LANE moved a suspension of the rules; which was seconded.

And on the question being taken, there appeared—ayes 90, noes 54—not two thirds.

So the rules were not suspended.

DEFECTIVE LAND PATENTS.

Mr. LINCOLN, from the Committee on Public Lands, asked leave to introduce the following bill, viz:

A BILL to confirm land patents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all patents for public lands, which have been issued from the General Land Office since the passing of the act, entitled "An act for the establishment of a General Land Office in the department of the Treasury," passed on the 25th day of April, one thousand eight hundred and twelve, in the name of the President of the United States, instead of being "in the name of the United States," as prescribed in the eighth section of said act; and all patents for public lands, which have been issued from the said General Land Office since the passing of the act entitled "An act to reorganize the General Land Office," passed the fourth day of July, one thousand eight hundred and thirty-six, and which have been countersigned by the Recorder of the General Land Office, or other person acting in his stead, instead of being countersigned by the Commissioner of the General Land Office, as prescribed in the act of the twenty-fifth day of April, one thousand eight hundred and twelve; and all patents which have been issued from said General Land Office since the passing of the act entitled "An act prescribing the mode by which patents for public lands shall be signed and executed," passed the second day of March, one thousand eight hundred and thirty-three, and which have been subscribed by a secretary duly appointed, pursuant to the provisions of said act, with the printed or written name of the President prefixed to the personal signature of such secretary, in the execution of such patents, notwithstanding the name of the President may not have been written personally by the secretary, shall be deemed, taken, and held, good and valid patents in law, and shall have all the force and effect to pass from the United States to the patentee or patentees named in such patents, respectively, their heirs, executors, administrators, and assigns, the lands described therein, as though, in each and all the respects before enumerated, the patents, in their form and manner of execution, had conformed to the requirements of law.

SEC. 2. And be it further enacted, That from and after the passing of this act, it shall be the duty of the Recorder of the General Land Office, in addition to the duties now required of him by law, to countersign all patents issued from said office, instead of the same being countersigned by the Commissioner, as required by the eighth section of the act entitled "An act for the establishment of a General Land Office in the Department of the Treasury," passed the twenty-fifth day of April, one thousand eight hundred and twelve.

Objection being made,

On motion of Mr. LINCOLN, the rules were suspended.

The bill was then read a first and second time, And, after some remarks by Messrs. LINCOLN, PETRIKIN, CRARY, CRABB and GRAVES,

The question was then stated, Shall the bill be read a third time? when

Mr. CRABB moved that the bill be referred to the Committee on the Judiciary; but at the request of

Mr. CASEY withdrew his motion; and, by general consent,

The further consideration of the bill was postponed

until to-morrow, and it was ordered to be printed.

CIVIL AND DIPLOMATIC APPROPRIATION BILL.

On motion of Mr. JONES of Virginia, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. BELL in the chair,) and resumed the consideration of the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1841. The question pending was the motion of Mr. GREEN to strike out all the items of appropriation having reference to the Branch Mints of North Carolina, Georgia and New Orleans, and the expenditures connected therewith.

Mr. BYNUM, being entitled to the floor, commenced his remarks by saying that he had determined to remain a silent spectator in the House for at least one session. His peculiar situation, and the recent development of events, had induced him to adhere to that resolution. But since he had attended to the debates in the House, such had been the extraordinary, unprovoked, unjust course pursued by certain gentlemen, that, to remain longer silent, when he had an opportunity of speaking, would, in his opinion, be a dereliction of duty—an act of treachery, if not treason, to the portion of country of which he was the representative on the floor of Congress.

Mr. B. said the immediate proposition before the House was to strike out a small appropriation for the continuation of the mints south of the Potomac. It was not the amount of money that added consequence to the motion—that was insignificant within itself. Had that been the case, he would have been the last man in the House to open his mouth; but he thought he perceived in this motion of the gentleman from Kentucky, [Mr. GREEN,] (although Mr. B. did not know it was even Mr. G's intention,) an insidious design, an insidious attempt, to strike down the only prospects which the country had for a permanent, constitutional, and stable currency for the people of the country.

Particularly and emphatically (said Mr. B.) did this proposition affect, most sensibly and deeply, the portion of the people of the country whose representative he was. He alluded to the great growing, agricultural, planting, and producing interests, which, if he had not mistaken the signs of the times, were now prostrated at the feet of the non-productive, non-laboring, non-agricultural portion of the country.

Mr. B. after some remarks in regard to the design of the framers of the Constitution, said there was a certain fowl, which, when chased from the fields, set up the cry of "caw! caw!" with as much meaning and regularity as the notes of Opposition gentlemen in their cry of profligacy! corruption! extravagance! as applied to the present Administration.

Mr. B. then demonstrated the means which were at the disposition of those who complained so much of the extravagance of the Administration to correct the abuse, and referred to the political complexion of several standing committees of the House. Upon the Committee on Expenditures in the Department of State, there were three Whigs and two Democrats. On the Committee on the Expenditures in the Department of the Treasury, three Whigs and two Democrats. On the Committee on Expenditures in the Department of War, three Whigs and two Democrats. On the Committee on Expenditures in the Department of the Navy, three Whigs and two Democrats. On the Committee on Expenditures in the Department of the Post Office, three Whigs and two Democrats. On the Committee on Expenditures on the Public Buildings, three Whigs and two Democrats. The chairman of each of the committees was a Whig; and Mr. B. contended that if all the charges of profligacy and corruption had been true, there was every opportunity for those who made them to call the committees together, and make investigation, and establish their position.

Mr. B. illustrated the dangerous tendency of a Bank of the United States, and showed wherein the operations of banking institutions generally acted upon the productive interests of the country,

depressing labor and supporting the non-producers at the expense of the laboring portion of the country.

Mr. B. in the course of his remarks, incidentally alluded to several other subjects, and proved conclusively, from the report of the Secretary of the Treasury, made in compliance with a resolution of the Senate, that the people had paid a tax to the banks, since the organization of the Government, sufficient to carry on its operations, viz.

Losses by bank failures	- \$108,885,721
Losses by suspensions of specie payments by banks, and consequent depreciation of their notes	- 95,000,000
Loss by destruction of bank notes, by accidents	- 7,121,332
Losses by counterfeit bank notes, beyond losses by coin	- 4,444,444
Losses by fluctuations in bank currency affecting prices, extravagance in living, sacrifices of property, and by only a part of the other incidents to the banking system, not computed above, at least	150,000,000

Making, in all - \$365,451,497

Mr. B. replied to the remarks of several gentlemen who had preceded him; and concluded by expressing the opinion, that should the Independent Treasury law be repealed, (which he would consider tantamount to a repeal of the Constitution,) a National Bank would be erected upon its ruins, and wield its sceptre over the country, and make its power perpetual.

[The remarks of Mr. B. are in a course of preparation, and will be given hereafter.]

Mr. TILLINGHAST advocated the amendment. He considered the Mint at Philadelphia sufficient for all practical purposes, and that these branch mints, at such distant portions of the Republic, were a useless expense.

Mr. WILLIAMS of North Carolina opposed the amendment. He was in favor of giving the branch mints a fair trial, before abolishing them.

Mr. HABERSHAM also opposed the amendment, and replied with much force to the objections raised by Mr. TILLINGHAST.

Mr. EVERETT objected to the proposition to strike out, for so long as the law authorizing these mints existed, the House was bound to make the appropriation. If gentlemen objected to them, the proper course was to repeal the law.

Mr. COOPER of Georgia said that he would add a few remarks to those made by his colleague from Habersham county.

I find, Mr. Chairman, (said Mr. C.) the establishment of these branch mints to have been a part of your policy for several years. The motion to strike out involves a change. To justify this change, it should be shown or admitted by the friends of the policy, that the reasons for creating them were unfounded, or that those reasons have failed to operate. What were those reasons? The gentleman from Vermont has intimated to you, as he did last session, that one reason was to protect the laboring classes in the gold region. This I do not agree to; for, with equal propriety, the same might be assigned as a reason for establishing the principal Mint at Philadelphia, which was established before the discovery of gold in North Carolina and Georgia.

Again: foreign gold is not taxed by this law to enhance the value of our gold, but competes fairly at the Mint with the domestic. Therefore, the idea of protection is misapplied here. The presumption is that the objects of the law were to diffuse a metallic currency amongst the mass of the people, and to give to those States which produced the gold the full benefits of that product, free of the taxation incident to an exportation to a foreign market. This, sir, is carrying out the principle of free trade on terms of equality.

But establish your Mint exclusively at Philadelphia, and what is the effect? The entire product of gold in Georgia, North Carolina, Alabama, and Tennessee, will be shipped to Philadelphia, just as cotton, rice, or tobacco is to New York or Europe.

before it will become available as money. This involves the cost of discounts, commissions, insurance, and freight; so that a man in Georgia, after possessing himself of the specific metal, will not be permitted to count it out as money, until he shall submit to all these items of cost. This, too, will be by the operation of your laws. And to what end? Why, sir, that your Government agents at Philadelphia may have the benefit of the deposits and coinage of his money—a benefit which heretofore has been worth to your bank agencies hundreds of thousands.

The cost of a branch mint, therefore, of \$6,000 a year, is a tax for protection, (you say,) though the man who buys pays no more for the coin; and yet the tax which would be paid by the producer of the gold, for the benefit of your Philadelphia agencies, by which he receives less, is no protection to your great city and its United States Bank. This, sir, is a fair specimen of Bank logic, and is based on the universal assumption that whatever is given, or loaned, or paid to the Bank, is rightfully bestowed.

You will perceive, therefore, that the reference of this motion to a *United States Bank policy*, by the gentleman from North Carolina, [Mr. BYNUM,] is exceedingly appropriate. All the active operations of that institution were, and will be, on Government funds and private deposits. The former are of specie, (Georgia and North Carolina gold, for instance,) or bank notes commanding specie. The amount involved in the operations of the branch mints is worth contending for, being from half to a million of dollars annually in *United States gold*, besides foreign coin. This will form an important item in the specie exhibit of your Bank.

Another basis of the active operations of such a Bank has been, and will be, cotton, rice, and tobacco. By these it has controlled, and will control, the foreign exchanges. By the gold products and other deposits of your Government, it will control your domestic exchanges, and realize thereon what profits it may deem prudent.

So far, then, as profits are to be derived from the natural products, whether of cotton, rice, tobacco or gold, as a medium of exchanges, foreign or domestic, it is, by the policy of this law, held to be just and fair that those profits should fall into the hands of the laborers, merchants, or monied institutions of that people whose soil and climate, work and labor, care and diligence, produce those commodities. This is the principle of the existing law, and yet gentlemen say this is protection. Yes, sir, it is protection—protection to free trade and equal rights; that is all; and for that only your Government must be freed.

Another item of expense, sir, I would here mention, by no means the least, which would be visited on those hardy yeomanry who dig gold, if you disperse with your branch mints. It is the exchange of pure gold for bank bills which wear out, or burn up, or prove worthless by bank suspensions or bank breakages. A great safeguard and facility to the inhabitants where gold is produced, arising from its coinage in their vicinity, is an easy, cheap, and certain and safe currency for domestic use.

And now, as the location of your coinage brings advantages and facilities to those amongst whom it takes place, in realising it in money free of cost, in the facilities of currency, &c. it becomes a question not of protection but of alternative right and choice, in whose favor you will decide—the people who dig the gold, or the bankers, brokers, and merchants of Philadelphia. By establishing your branch mints, you have determined, according to equity and justice, to distribute a portion of these benefits to the gold diggers; and now the proposition is to reassume the little you have yielded, and that before you have fairly tested your policy of giving up. And why? It is answered: 1st. For economy. 2d. For reform in Executive patronage, to diminish the chances of corruption. I, sir, am for reform, whenever it can be effected. But what will be the nature of the reform in this case? As I have shown, it will be from bad to worse, both in principle and in practice. In principle, because it will require the producer of gold, at the price of taxation, to convert it into paper money, which will be less sound and safe because of this very act of taking his gold to deposit in a bank in Philadelphia,

instead of permitting it to circulate in his own neighborhood.

Experience proves this, sir; for, prior to establishing your branch mints, the people in that part of my State were confined to paper currency almost entirely; and, notwithstanding they daily handled the precious metals, they were compelled to give it for paper, as if paper was really the thing of value.

Since the operation of the mint, the gold is used as coin, being convertible without cost. And even last summer, in the midst of suspension, that part of Georgia was supplied with specie change.

But this reform will be from bad to worse in practice, too—since, to rid yourself of these branch mints and their officers, all of whom you have presumed would be corrupted, you will throw your funds on deposit in some vast reservoir—a bank vault, for instance, (I believe the mover of this is for repealing the Sub-Treasury, for creating a United States Bank, and for restoring the deposits,) where, by the facility of expansions, one million may become three, for the benefit of your great city and its favorite bank—which, with its officers and dependants, you never suspect of corruption.

This, sir, will be the practical reformation. I would have Georgians and Georgia Representatives to look to it. This product of Georgia will be one item in the basis of issue, and the cotton, rice, and tobacco, another. In deficiency of these, the State stocks will be invoked to aid them.

If, sir, this argument of "economy" is to prevail, let it be examined, and it proves too much or too little. It proves too much, because you can coin all your gold and silver cheaper far at Charlotte and Dahlonega, or either, than at Philadelphia. Therefore, the principal Mint should be abolished. Sell your property at Philadelphia, give us the use of the proceeds, and we will do all your coinage free of expense.

Again: Coinage is a dead expense any way you may manage, and does not pay for itself. By the same argument, you would coin *nowhere*; since, on a score of dollars and cents, you would find it cheaper to let other nations or individuals coin.

Again: If you abolish these offices because they are an expense, what will become of the thousand and one offices, judicial, civil, financial, and military, which bring you in no money annually?

Sir, this argument will not do. I now proceed to show that, so far as the policy you set out with is just and true, instead of being disappointed, you may expect all your reasonable hopes to be realized.

First, then, my colleague who sits on my right [Mr. HOLT] now suggests to me that, by intelligence received last night, it appears "that by very recent discoveries there are developments making in the gold region of Georgia never before anticipated." This, in part, I witnessed last summer. And here I read from the document of the House, giving a report of the operations of the mint, to show this committee what it seems unapprized of, to wit: For the three years during which the branch mints have been operating, the two at Dahlonega and Charlotte have coined nearly two-thirds of all the *United States gold* coined in the Union during that time—the entire amount of American gold coined being from \$420,000 to \$450,000, of which those two branches have coined about \$230,000. And of the \$170,000 American gold coined at Philadelphia last year, ninety odd thousand was the product of Georgia.

Now, sir, but for the high exchanges produced by bank suspensions, and the operation of an order at the Mint forbidding less sums than \$100 to be coined at the branches, \$80,000 of that \$90,000 would have been coined at Dahlonega. Add this to what it did coin, say \$126,000, and you would have had over \$200,000 coined at that branch.

As to the product of gold and its prospects. In 1837, the year before these branches were in operation, the total of United States gold was \$282,000. Since that time the annual average has been near half a million. And at Dahlonega in particular, it is decidedly increasing.

Now, sir, I beg to estimate an increase for the next year, founded on the presumption that the banks will not again suspend, for if they do, bullion will be shipped as exchanges rise, instead of be-

ing coined at home. Here is the estimate: \$125,000 present product. This will be increased 25 per cent by increase of labor, new developments, and increased facilities. In round sum, \$31,000. One half of what went to Philadelphia to be coined will be coined at home, say \$45,000, making the total coinage at Dahlonega \$201,000 in the year next ensuing.

This is liable to be diminished by the general order from the principal Mint, and the limitation of the current deposit at Dahlonega to be used to forward the operations there.

Now, sir, in the failure of any of reasons of your policy, or with no disappointed hopes, it remains to see who will abrogate the measure. The party which adopted it cannot; and those who have declined to support it heretofore, I presume, will not now do it.

If it should be done, I for one will look after the gold produced in Georgia, till it finds its stopping place in the vaults of a United States Bank; and I will then reckon up the cost of putting and keeping it there, and call on some one to tell me who pays the cost and who divides the profits.

About the same time too, if in life, I will watch the course our cotton will take, and inquire into the results which thereby will fall on the planters as well as the reasons that will have governed its course in trade.

After some explanations from Mr. TILLINGHAST,

Mr. STANLY made some brief remarks, and concluded by sending an amendment to the desk, which amendment the CHAIR decided was not in order.

Mr. GRAVES followed, and also made some brief remarks.

Mr. DAWSON, after some observations in relation to the wide latitude the debate had taken, opposed the proposition to strike out the appropriation for branch mints, and exposed the fallacy of the arguments urged in favor of it. It had been said that these branch mints did not pay their expenses; but would gentlemen of the North say that their numerous custom houses and ports of entry paid their expenses? No, they could not. But the custom houses, like the branch mints, were erected for the convenience of the country, and not solely in consideration of dollars and cents. Mr. D. went on to show that the same argument would apply to post offices and other institutions, established, not for profit, but for the convenience of the people. In conclusion he submitted to his friends all round whether they thought steam enough had not been let off, and whether they had not better take the question at once.

Mr. W. C. JOHNSON made an explanation as to the vote he should give. He considered that Congress ought not to scatter the institutions for coining money all over the Union, merely because it had the power to do it. He was in favor of having but one mint for coining the gold of the country, unless that gold should be found in greater quantity.

After some remarks from Mr. GRAHAM, the question on striking out the clause in question was taken by tellers, and decided in the negative—Ayes 53, noes 73.

So the amendment was rejected.

On motion of Mr. ANDREWS, the committee then rose and reported progress.

The House then adjourned.

IN SENATE,

THURSDAY, February 18, 1841.

Mr. WILLIAMS presented the following resolutions, passed by the Legislature of the State of Maine; which were read:

RESOLVES IN RELATION TO THE CURRENCY.

1. *Resolved*, That the policy of this country, in public and private financial matters, has always been to maintain a mixed money of paper and metals, the latter forming the basis of the former; that bank paper, convertible into specie at the pleasure of the holder, is a safe and convenient currency; and any change of policy tending to substitute an entire metallic currency, would be injurious in its effects, and impracticable in its execution.

2. *Resolved*, That for the interest of the whole com-

munity, as well as for the purposes of the Treasury, it is essential that the nation should possess a currency of uniform value, credit and use, wherever it may circulate; that the Constitution has entrusted Congress exclusively with the power of creating and regulating a currency of this description; and that measures should be taken by Congress in execution of this power, to relieve the country from the evils and embarrassments of the present deranged condition of the currency, by establishing one equally useful to the people and to the Government, and of uniform value and credit in every State in the Union.

3. *Resolved*, That the act of Congress in relation to the collection, keeping, and disbursement of the public money, approved on the fourth day of July last, commonly denominated the Independent or Sub-Treasury act, was uncalled for by the people, and is against the genius of our free institutions, tending to substitute a metallic for our present mixed currency, and ought forthwith to be repealed.

4. *Resolved*, That if the alternative is necessarily presented of a National Bank, with all the restrictions that a people jealous of their liberties would require in such an institution, and the existing Sub-Treasury system, we are in favor of the former, and opposed to the latter.

5. *Resolved*, That we deprecate a national debt, and direct taxation in time of peace, to provide means to defray the ordinary expenditures of the General Government; that there should be a revision and adjustment of the tariff, so as at once to furnish a revenue equal to the necessary expenditures, and to encourage and protect American industry.

6. *Resolved*, That a bill providing for a just and equal distribution of the proceeds of the public lands among the several States, commends itself to our consideration as an act of justice due alike to all, and ought to pass into a law.

7. *Resolved*, That the Hon. REUF. WILLIAMS, previous to his election to the Senate of the United States, having declared and published that it is the duty of the elected to carry into effect the will of his constituents, if he is instructed what that will is, or resign his trust, we, therefore, hereby instruct him that the foregoing resolutions express the will of his constituents.

8. *Resolved*, That our Senators and Representatives in Congress be requested to vote for any bill or proposition now before Congress calculated to carry into effect the principles contained in the foregoing resolutions, and to introduce and support such measures as shall accomplish the same object, if not now before Congress.

9. *Resolved*, That the Governor be requested to transmit a copy of the foregoing resolutions to each of our Senators and Representatives in Congress from this State.

The resolutions were then, on motion by Mr. WILLIAMS, laid on the table and ordered to be printed.

Mr. MOUTON presented a memorial of Kohn, Daron and Company, praying that the duty on certain silks may be refunded; which was referred to the Committee on Finance.

Mr. BENTON presented, at the request of the Delegate from Iowa, a preamble and resolutions unanimously adopted by citizens of the county of Dubuque, claiming a right of pre-emption denied them by the Commissioner of the General Land Office; which was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. B. also presented a memorial from Gen. T. S. Jesup, stating that, by an error in the printing of a certain document, much injury had been done him, and praying such redress as Congress, in its wisdom, may think proper to accord; which was referred to the Committee on Military Affairs.

Mr. MOUTON, from the Committee on Commerce, to which was referred the memorial of E. Gonon, submitted a report accompanied by a bill to authorize the Secretary of War to cause experiments to be made in a system of telegraphs; which was read and ordered to a second reading, and the report ordered to be printed.

The resolution submitted on Tuesday by Mr. NORVELL to admit ladies to the privileged seats on

the floor of the Senate, was laid on the table—Ayes 21, noes 20.

The resolution submitted on Tuesday by Mr. HUBBARD, relative to the election of Printer, was taken up, and Mr. HUBBARD briefly gave the reasons for its adoption.

Mr. HUNTINGTON thought the Congress to come into existence after the 4th of March next, would be as competent to elect a printer for itself as the present body was to elect a printer for it. But as the ostensible object was to carry out what was supposed to be a compulsory and obligatory act of Congress, he thought it became necessary to consider what that act was, and the practice of this and the other branch of Congress under it. The act was in the form of a joint resolution of the two Houses, which, sanctioned by the President, had the force of law. He then quoted the original resolution of 1819, and traced the action of Congress under it to the present time, and showed that in the Senate, in every instance, the printer had been elected at the close of the preceding session; and in the House the same course had been followed until 1833, when a motion was made in the House of Representatives to lay it on the table, and next to postpone it; and subsequently it was treated as a dead letter, by the House, for it refused to be governed by it. And now there were three things that were worthy of consideration: First, was the resolution compulsory? If that question were answered in the negative, the next question was, was it necessary now to appoint a printer; and if not, was it expedient to do so? The resolution was originally intended to have the force of law, and it was intended with this object, that when Congress got together it should have the means of causing its work to be done, and that the printer should have authority for doing it. The law then was intended to be obligatory; but one branch of Congress had violated it, and now they were not bound to act under it; in his judgment there was nothing compulsory in that law as it stood, with the practice of the House of Representatives under it. And if not compulsory, was there any necessity to act under it? There was no necessity, for they had a printer appointed for the period intervening between this day and the 4th of March; and it was known that the Senate would meet on that day, when such provision could be made as the Senate might deem requisite. Was it then expedient? On the 4th of March the political complexion of that body would be changed, and if the Senate, in a fortnight from this date, should reverse the act of the present Senate, if this resolution should be acted upon, by the exercise of its constitutional right in the appointment of a printer for itself, there would be raised a cry of proscription, and a demand would be made for compensation for the loss of the appointment. Now, he, for one, and he spoke only for one, should not, at any future period, consider this election (if an election should take place,) as interfering with the appointment of one by the next Senate, and he hoped one of the first acts of that body would be to reinstate itself in its constitutional rights, and appoint a printer for itself. He should, therefore, move that the consideration of this resolution be postponed until the 4th of March next.

Mr. HUBBARD desired to answer the objections of the Senator from Connecticut, who had occupied the principal part of the morning hour in making his objections known, but, in justice to the Senator from Missouri [Mr. BENTON] who intended to address the Senate on the Bankrupt bill, he could not now have the opportunity to do so. It was, however, his intention to take an early opportunity to answer the honorable Senator fully, and, therefore, he should now ask the Senate to strike out the word "Thursday," the day on which he had proposed that the election should take place, leaving the blank to be filled up hereafter, for he apprehended they were to have a long debate upon the resolution, and next to lay the resolution on the table, which he promised he would call upon again to-morrow.

The Senate concurred, and then proceeded with the debate on

THE BANKRUPT BILL.

Mr. BENTON being intitled to the floor, ad-

ressed the Senate for two hours in favor of the proposition to include banking institutions within the operation of a bankrupt law.

Mr. CLAY of Alabama next rose, and said he proposed to make a few remarks, but, at the request of Mr. MANGUM, gave way to a proposition for an adjournment.

And the Senate then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, February 18, 1841.

On motion of Mr. DAVIES, of Pennsylvania, it was ordered that henceforth the House will take a daily recess from half-past two to four o'clock, p. m.

Mr. JONES of Virginia moved to suspend the rules, and that the House resolve itself into Committee of the Whole on the state of the Union, with a view to proceed with the consideration of the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1841.

Mr. STANLY requested Mr. JONES to give way, to enable him to offer the following amendment, moved by him on yesterday:

"And be it further enacted, That the Secretary of the Treasury be directed to institute an inquiry into the operations of the branch mints at Charlotte, Dahlonega, and New Orleans, and to inform the House of Representatives, early in the month of December next, whether these mints have answered the purpose of their creation; what amount of gold and silver has been coined at each of these branches. And the said Secretary is further directed to inform this House whether the Mint at Philadelphia is not competent to do all the coinage necessary for the purposes of the country; and whether future operations at the branch mints may not be dispensed with, without injury to the public service. And also, whether it be not practicable to dispose of the present costly buildings and machinery, without any considerable loss to the Government. And it shall also be the duty of the Secretary to communicate such other and further information in relation to the branch mints as may, in his opinion, tend to enlighten Congress in deciding the question of their continuance or discontinuance."

Mr. JONES said the proposition of the honorable member had been decided by the Chair to be out of order, when offered by him as an amendment to the bill, and that it must have been obvious at the time, that in addition to the fact that it was out of order, gentlemen were preparing to debate it; and that at this late period of the session, with most of the appropriation bills to act on, he could not consent that any business should take precedence of those bills.

The House then resolved itself into a Committee of the Whole on the state of Union, (Mr. BELL in the chair,) and resumed the consideration of the CIVIL AND DIPLOMATIC APPROPRIATION BILL.

Mr. GREEN, after some remarks, moved to strike out the following item:

"For compensation to the officers and clerk of the branch mint at Dahlonega, Georgia, six thousand dollars."

Mr. ALFORD opposed the motion. It seemed to him suicidal. He hoped gentlemen would not urge their persecuting measures; for, if the mint should be continued, in place of British gold, we should have American gold. The internal resources of Georgia had begun to be developed by the operation of the Government; and he hoped they would not be nipped in the bud. He therefore trusted that the gentleman from Kentucky [Mr. GREEN] would withdraw his motion.

After some explanations by Messrs. NESBIT, ALFORD, and COOPER,

Mr. BLACK having been detained from his seat by indisposition at the time Mr. NESBIT said his speech, asked leave now to propound a question to his honorable colleague. Has he said, (marked Mr. B.) directly or indirectly, that I have misrepresented him in fact or in substance, in my printed speech, published in the Globe in reply to the speech he had delivered on the Treasury note bill?

Mr. NESBIT replied, that if his colleague had been in his seat, where he ought to have been, he would have heard what he did say. He had said

that the gentleman's speech was calculated to mislead public opinion as to what he (Mr. N.) had said, and as to his position on the tariff question.

Mr. BLACK denied that he had done his colleague any injustice. He had inserted in his speech a written explanation handed him by that gentleman as to his course, and then had shown that, in his opinion, the measures advocated by his colleague did not comport with his professions. Besides, Mr. NESBIT's speech is not printed as it was delivered. He had omitted to print many material things that he uttered on the floor, and one of the most material of them was, that there was a change of opinion in the State of Georgia relative to the tariff, which he attributed to "the events of the last summer." I assert that he did utter these identical words; and I now ask him, distinctly, whether he does or does not deny that he used these words?

Mr. NESBIT said, he would not submit to any farther catechism.

Mr. BLACK. So far from misrepresenting him, I have truly stated him in all essential particulars; and no man can say that the printed speech, bad as it is, is the speech which was delivered here. To the spoken speech I replied, and I deny that I have done him any injustice.

Mr. STEENROD then addressed the committee. He alluded to the fairness and liberality of the Chair in conducting the debate; and also to the party excitement which existed during the late Presidential canvass. He had hoped, now that the election was over, and the excitement had subsided, that certain gentlemen would have come to Congress to carry out the principles of economy and reform to which they had professed such ardent attachment before the people; but he doubted whether these professions of economy and reform corresponded with the principles which the same gentleman here sustained.

Mr. S. then adverted to the several propositions, 1. For an extra session of Congress; 2. The distribution of the proceeds of the sales of the public lands among the States; and 3. An increase of the expenditures for the public service; and said he deemed these propositions as questionable economy.

Mr. S. then stated the policy of the Government to be a reduced revenue and a limited expenditure, and demonstrated that this was the policy established under the preceding and present Administrations, and referred to the compromise act of 1833, and the distribution act of 1836, as establishing this policy. He also referred to the high consideration given to those acts by the country, as well as by the representatives of the people. Although gentlemen had avowed their disposition to adhere to this policy, (said Mr. S.) still the principles they contend for are calculated to undermine it.

Mr. S. then adverted to the oft repeated charges against the past and present Administrations, of neglecting the public service—the army, the navy, fortifications, &c.—and showed, by a reference to documents, that a liberal policy had been pursued towards those interests; that the vessels of the navy and the naval force had been nearly doubled, the naval stores increased, the apprentice system adopted in the navy, and the navy yards considerably improved. Under the acts of 1832, 1836, and 1838, large appropriations had been made for fortifications, and for erecting new forts and repairing old ones.

Mr. S. then replied to the remarks of Mr. GRAVES in relation to the increase of the number of officers of the Government, and animadverted in detail upon the subject, showing that such measure had been rendered necessary by the growing necessities of our extended country.

Mr. S. feared, from what he had recently witnessed in the House, that the past policy was to be abandoned, and that the powers of the Government were to be increased beyond what was warranted by the Constitution; and, in connection with this subject, referred to the disposition here manifested to seize on the money power, the taxing power, and the appointing power of the Executive, to increase the strength of the Government beyond what was warranted by the Constitution.

Mr. S. concluded his remarks by referring to his past opposition to the incoming President, and his

reasons for it; and expressed the fervent hope that General Harrison would administer the Government in accordance with its past policy.

After some further remarks by Messrs. GRAVES, WARREN, and COOPER of Georgia,

And it now being half past two o'clock,

The House, in pursuance of the order of to-day, took a recess until four o'clock.

[EVENING SESSION.]

After the recess,

Mr. WADDY THOMPSON being entitled to the floor, but declining to speak,

The question was taken on the motion of Mr. GREEN to strike out the appropriation for the branch mint in Georgia, and it was decided in the negative.

On motion of Mr. W. C. JOHNSON, the bill was amended, by the insertion of an item appropriating \$3,000 for carrying into effect the act passed on the 8th instant, making temporary provisions for lunatics in the District of Columbia. Mr. J. explained that the above amendment was necessary, owing to the bill in question being so vaguely worded, that it could not be carried into effect.

Mr. HUNT moved to strike out the following proviso:

Provided, however, That the district attorneys of the United States, in and for the several districts, the clerks and marshals respectively of the same, shall render an account quarter yearly, each and every year hereafter, to the Secretary of the Treasury, of all fees, emoluments, and receipts, of every name and nature whatever by them respectively received, by virtue of their said offices; which account shall be rendered upon oath or affirmation, and shall be in such form, and supported by such proofs as the Secretary of the Treasury, in his judgment, may prescribe for the purpose of enforcing the provisions hereinafter named, that is to say: If it shall appear that the salaries, fees, emoluments, receipts, and earnings, of any of the said attorneys, shall exceed the sum of ——— dollars, then such attorneys shall pay such excess into the Treasury of the United States for general purposes of the Government; and if the salaries, fees, emoluments, or earnings, of any of said clerks, shall exceed ——— dollars, then the excess shall, in like manner, be paid into the Treasury for the purposes aforesaid; and if the salaries, earnings, fees, and emoluments, of any of the said marshals, shall exceed the sum of ——— dollars, then such excess shall also be paid into the Treasury for purposes aforesaid.

Mr. HUNT said he intended in good faith, to carry out a system of retrenchment and reform, but it would be a system to benefit the people and lighten their burdens. This proviso proposed no such relief, but to leave the fees as high and onerous as ever, taking to the Government the larger portion of them to replenish its bankrupt and exhausted Treasury. It proposed taxing the poor and unfortunate, those least able to bear burdens for its own support. The true remedy was a fee bill properly framed, and if no one else would bring forward such a bill, he would himself move in the subject at the earliest opportunity which promised any action.

Mr. JONES of Virginia said, he had no desire to resort to any measure by which the officers of Government should not receive a full equivalent for services performed. But he was not aware, until an advanced period of the last session, that the emoluments of these officers were a tenth part of what they really were. It was not the intention of the committee to interfere with the regular salaries awarded to these officers by law, but merely to limit the amount received in the shape of perquisites.

Mr. J. proceeded to say that, from a statement of facts presented in relation to the fees of those officers, it would appear that the amount received by them for personal services, was enormous. What would the gentleman think of a single clerk, in the Southern District of New York, receiving fees, in the course of one year, to the amount of above nineteen thousand dollars? What would he think of a District Attorney, in the State of New York, re-

ceiving above twenty-eight thousand dollars per annum in the shape of fees? Also, of a certain marshal of a District in Mississippi, receiving eighty-seven thousand dollars per annum and upwards?

Shall I be told by the gentlemen from New York, said Mr. J. that he is anxious for retrenchment and reform, and yet be told that this system does not require the pruning knife?

Mr. BROWN of Mississippi objected to his constituents being relieved from the extortionate fees of the marshal in any such way as that proposed in the bill. For instead of relieving the unfortunate debtors, it would be merely placing the fees in the public Treasury, instead of leaving them in the hands of the marshal. He wished the fees reduced so that the poor debtors, and not the Government, should have the benefit of the reduction.

Mr. EVANS contended that the proviso could not be properly admitted into the bill before the committee, and when a proposition should be made for filling up the blanks, he would make that as a point of order. He then endeavored to show that the fees did not amount to so much as was supposed, there being many deductions, &c.

After some remarks from Mr. BRIGGS, in which he urged the impropriety of attempting to act on so intricate a subject at this late period of the session,

Mr. STANLY took the floor, and moved to strike out the enacting clause of the bill; which motion took precedence of the motion previously pending.

Mr. S. after advocating at some length the necessity for a National Bank, a duty on wines and silks, distribution of the proceeds of the public lands, &c. spoke in relation to the fourth instalment, and said that it ought to be paid to the States, for they were undoubtedly entitled to it.

Mr. WADDY THOMPSON considered himself under no obligation to vote to pay the fourth instalment. He had voted for the law alluded to, as a *deposit act* only.

Mr. PICKENS said it was a deposit act on its face.

Mr. STANLY replied that it was a distribution bill, notwithstanding it was entitled "An act to regulate the public deposits;" and it was so called to avoid Old Hickory's veto upon it.

Mr. UNDERWOOD said that, according to his recollection—for he was in Congress when the act was passed—it was modified expressly to meet the views of General Jackson. Its character was a distribution bill, but the bill underwent a modification so as to avoid the President's veto. Mr. U. remarked that he had voted for it as a *distribution bill*.

Mr. PICKENS said the gentleman was mistaken. The bill was on its face modified as to give the Secretary of the Treasury the power to recall from the States such reasonable proportions of the deposits as might be required by the necessities of the Treasury.

Mr. W. THOMPSON then alluded to the origin of the bill; and said that it was discussed in the press to which he at that time belonged, and every member of it was of the opinion that it was, *bona fide*, a deposit bill. Such was the intention of the author of the measure; and Mr. T. could not have voted for it under any other circumstances.

Mr. STANLY having concluded his remarks, The committee rose, reported progress, and asked leave to sit again.

Mr. EASTMAN then moved that the House again resolve itself into a committee of the Whole on the state of the Union, on the "bill to extend for five years the act, approved July 7, 1838, granting half pay and pensions to widows."

And pending the motion,

On motion of Mr. L. WILLIAMS, at 9 o'clock, P. M.

The House adjourned.

IN SENATE,

FRIDAY, February 19, 1841.

The VICE PRESIDENT submitted to the Senate a letter from the honorable John Tyler, Vice President of the United States elect, notifying his receipt, by special messenger, of the official notification of his election; which was read.

Mr. BUCHANAN presented two memorials of citizens of Pennsylvania, praying the imposition of a duty on foreign silks; which were laid on the table.

Mr. CLAYTON presented resolutions of the Legislature of Delaware in favor of an alteration of the Constitution, so as to make the President ineligible for a second term; which were read, and ordered to be printed.

Mr. HUBBARD, from the Committee on Claims, to which was referred the House bill making further appropriation for the payment of horses lost in the military service of the United States, reported the same without amendment.

Mr. STURGEON, from the Committee on Revolutionary Claims, reported a bill for the relief of James McCrory; which was read, and ordered to a second reading.

The bill for the relief Samuel R. Slaymaker was read a third time and passed.

ELECTION OF PRINTER.

The Senate then proceeded to the consideration of the resolution to elect a Public Printer for the 27th Congress, the motion pending being that made by Mr. HUNTINGTON to postpone its further consideration until the 4th of March next; when

Mr. HUBBARD, who was entitled to the floor, addressed the Senate as follows:

Mr. President: When I presented the resolution, (now before the Senate,) merely designating the time for proceeding to the election of a Public Printer, little indeed did I suppose that it would meet with any opposition. I knew well the existing statutory provision upon the subject. I knew well what had been the uniform, the invariable, practice of this body with reference to this matter. I knew well the history connected with the introduction and the passage of the resolution of March 1819; and, with a knowledge of these facts, I could not have anticipated the slightest objection to the adoption of the resolution now before us: but so it is. The Senator from Connecticut, at this late day, interposes his objections to the Senate proceeding to the election. He denies that the joint resolutions of 1819 and of 1829 were obligatory in their character, or were in accordance with the provision of the Constitution which secures to this and to the other House the right to choose their own officers. He denies that there is any necessity, or that there would be any expediency, in proceeding to the election at this time. I purpose to notice these objections. The Senator, in the course of his remarks, observed that the Senate which would assemble here on the fourth of March would be competent to elect their own printer. And has that fact any thing to do with the question? Have I denied the competency or the ability of that Senate? Have I uttered one word in disparagement of that body? No, sir. And why the Senator has alluded to that matter I am unable to comprehend. If the obligation rests upon this Senate, under the resolutions of 1819 and 1829, to elect a Printer to execute the public printing for the next Congress, we should not hesitate to meet and to perform the obligation—if no such obligation is imposed upon us, the next Senate will have to perform that duty. The Senator remarked that the mover (alluding to myself) of the resolution would not be a member of the next Senate, and that he could have no particular interest in the question: whether an election of Printer were to take place now or then must be matter of no moment to him. Sir, it is true that I shall not be a member of the next Senate; and why the Senator from Connecticut has taken occasion to allude to the fact, I cannot well understand. What earthly connection has it with the question pending before the Senate? If the Senator supposes that I have brought forward this resolution for the purpose of enabling me to gratify any feeling of resentment, he is utterly mistaken. He is little acquainted with me if he thinks thus. I could not be controlled by any considerations of that sort. No, sir. I have brought forward the resolution because I regarded it as the imperative duty of the Senate under the laws of Congress now to act upon the subject—to elect a Printer before the close of the

session to execute the public printing for the next Congress.

This, and this alone, has induced me to offer the resolution before us. Those charged with the execution of the public printing at this time and their predecessors have alike, since I have been in Congress, treated me with civility. I bear towards none of them any ill will whatever. The Senator has alluded to the present state of popular sentiment, and said that it would be an outrage upon that feeling to have a Printer for the Senate whose political principles were not in accordance with those of the majority of the body. And hence he infers that no election should be made until the organization of the new Senate. My answer to this is, that we are bound to execute the law, and that neither the Senator nor myself have at any time witnessed such an indication of popular sentiment as would go to nullify the provisions of existing statutes. True, the political character of this body will in a short time be changed, and those now in the minority will become the majority of the body. True it is that the recent election of the country has put out this, and will put in another Administration. But does it follow necessarily that hereafter the law is to be abrogated? Is that to be the policy of the coming-in Administration? Are the clear and positive enactments of Congress to be put at defiance? Is there hereafter to be a practical disregard of the injunctions of statutory law? The Senator is doing great injustice to the virtue and intelligence of the country to infer from the result of recent elections that any such feeling or sentiment has been made manifest. Far otherwise the people know the acts and enactments of their public servants. They know their tenor, their force. They acknowledge their obligation, and submit to their direction. They would not, if they could, make the slightest movement to set at naught the authority of Congress. No, sir, there has been no such indication of public sentiment; so far from it, the predominant feeling running through this country is respect for, and submission to, public law and to public authority. The Senator has said that he did not regard the resolutions of 1819 and of 1829 as obligatory upon him; and he gave notice that he would himself, should the Senate now proceed to an election of printer under those resolutions, on the organization of the new Senate, move to proceed to an election in total disregard of the present proceedings. Sir, let it be done; and if done it will be done upon the responsibility of the Senator and his friends. Let it be done, and let the country know why and wherefore it was done. And, sir, I greatly misjudge if the Senator would not find an indication of popular feeling, as the effect of such a proceeding, entirely different from what he anticipates. No, sir, the Senator will not aid in that act, which, if done, cannot fail to call down upon its authors popular indignation. I think the Senator will take no part in any such proceeding.

Mr. President: It may be well for us to look into the history of the legislation of Congress in relation to this matter. We cannot fail to receive much valuable information from such a retrospect. Anterior to 1819 there was no Public Printer elected by the two Houses of Congress. The printing was done by contracts, under the supervision of the Secretary of the Senate and of the Clerk of the House. These contracts were almost universally, from the commencement of the Government to 1819, executed by persons who were the lowest bidders for the work. The persons employed were the mere agents of the Houses to execute the printing for Congress in accordance with their bids, and under the supervision of known officers of Congress. It may be said, with truth, that anterior to 1819, the public printing was all matter of contract. There were, then, for the first thirty years of our existence under our Constitution, no such officers known to the Government as Public Printers. During that time the Senate had its Secretary, its Sergeant-at-Arms, its Doorkeeper; and the House had its Speaker, its Sergeant-at-Arms, and its Doorkeeper—officers known and acknowledged; but the idea of a Printer to execute the printing of Congress being an officer of Congress, was never entertained by any one previous to 1819, nor subse-

quent to that period until 1833 or 1835, as far as I have been able to ascertain from our legislative history. No, sir—before 1819 they were, and subsequent to 1819 they should be, regarded only as the agents of Congress, to execute, agreeably to the provisions of existing law, the public printing. It may be just as well said, that the printer employed to do the work for any branch of the Executive Department of our Government is thereby attached to and made an officer of that branch, as to say that the person employed to execute the printing of the legislative branch of the Government is an officer of that branch.

But, sir, what was the necessity for the joint resolution of 1819—and whence did it originate? On the fourth of December, 1818, Mr. Wilson, then a member of the Senate from the State of New Jersey, introduced into the Senate the following resolution:

Resolved, That a joint committee of the two Houses of Congress be appointed to consider and report whether any, and if any, what further provisions by law are necessary to insure despatch, accuracy, and neatness in the printing done by order of the two Houses respectively; and they have leave to report by bill."

This resolution passed the Senate, and was, on the 8th of the same month, agreed to on the part of the House with an amendment. Previously Congress had experienced much embarrassment in procuring the printing to be executed. It was neither done with despatch, with neatness, nor with accuracy; and the history of the times shows that there was great complaint; and the action of the two Houses in 1819, upon the resolution, shows that they considered it necessary and proper to make a change in the mode then in existence for procuring the public printing to be done. There was then no doubt expressed as to the power of Congress to regulate this whole matter. There was then no intimation that, by the adoption of some general regulation touching this subject, Congress would be encroaching upon the rights of others. There was then no opinion avowed that one Congress could not prescribe the mode and manner of executing the public printing, which might be required by future Congresses; that one Congress could not designate and appoint a printer to execute the public printing, agreeably to the provisions of existing law, for the next succeeding Congress. These mighty discoveries have been made recently, in more modern days. The committee on the part of the Senate to consider the resolution above referred to, consisted of the mover, Mr. Wilson of New Jersey, Mr. Lacock of Pennsylvania, and Mr. Burrill of Rhode Island; and on the part of the House, by Mr. Pitkin of Connecticut, Mr. Rogers of Pennsylvania, and Mr. Little of Maryland.

The character of that joint committee is a sufficient guarantee that they would not presume to report upon a subject which was not clearly within their jurisdiction. The distinguished character of the chairman on the part of the House must be known to the Senator from Connecticut. And I would sooner distrust my own judgment, than for a moment to believe that such men as Pitkin and Burrill would recommend the adoption of a measure unwarranted by the Constitution. Sir, such an idea would have, at that time, been treated with ridicule. It would have been regarded as preposterous, that Congress could not, by law, prescribe the mode of executing the public printing to be done thereafter, and the prices to be paid therefor, and that they could not have appointed an agent to execute that work for the ensuing Congress. It does not seem, even at this day, to be questioned but that the Congress of 1819 had the power to prescribe the mode and manner for executing all the public printing, and for fixing the rate of compensation; for it is now said that, although all this was rightfully done, yet it was not in the power of that Congress to appoint an agent—a printer for executing the printing for the then next Congress; that the exercise of such a power was unauthorized by the Constitution, and in violation of the rights of the subsequent Congress.

Let us look into this question, and see whether this be a fair and legitimate view of the subject. The joint committee of Congress, herein before named, submitted the following report:

"That regarding the subject committed to them as connected

with the convenience of the members, the information of the community, the economy of time and money, and the character of the country, they have given it all the consideration which their other engagements permitted.

"Under all circumstances, the committee have deemed it their duty to recommend that a tariff of prices for every kind of printing required to be done for Congress, be fixed by a joint resolution of the two Houses, to continue in force for two years; and that before the close of the present session, each House make choice by ballot of a printer, to execute its own work during the next Congress. The prices should be adequate to the employment of sufficient capital and workmen to perform the work expeditiously, and to ensure such care and attention as shall give it such a degree of accuracy and elegance as shall not dishonor the literature and typography of the country. With former contracts before us, and with the professional knowledge which may be called in aid, no difficulty would occur in forming the tariff alluded to on principles at once liberal to the printer and advantageous to Congress; and in the selection of its printer, each House would doubtless take especial care to choose a man of capacity, probity, and responsibility. In addition to the bond and security to be required of them for the faithful performance of their obligations, a provision might be added, that in case of any unreasonable delay, another person might be employed to do the work at such a price as the Secretary or the Clerk might be able to get it done for, and that the Public Printer should, respectively, be responsible for any difference between the sum allowed them, and that which it might be necessary to give him."

Here, then, we have the report of this committee; and there is no escape from it—there is no chance for cavil or for misrepresentation. They distinctly recommend in their report that each House, before the close of the present session, (1819,) make choice by ballot of a Printer to execute its own work during the next Congress.

They regard, in their report, most clearly, as they well might, the Public Printer as the mere mechanical instrument to execute the public printing for Congress agreeably to the mode which should be directed by law. In perfect accordance with the spirit and letter of the report, the joint resolution of March, 1819, was introduced, and, after debate, adopted—a resolution not merely of the Senate, but a resolution which was passed with all the forms and sanctions of law. It passed the Senate, it passed the House, and was approved by the President; and unless it was in violation of the Constitution, it was as binding, as obligatory upon subsequent Congresses as any act upon the statute book. So long as it existed as the law of the land, so long was it to be respected and observed. And what was this resolution, which is now discovered to have been passed in disregard of the Constitution, and in violation of the rights of the succeeding Congress? As I have before said, the resolution which was adopted March 3, 1819, contained provisions directing the mode and manner of executing the public printing, and fixed the compensation to be paid therefor, and that part of the joint resolution is now considered as obligatory. I have omitted to extract all that part of the resolution, and have only subjoined what I regard as material to the question before the Senate. It declares:

"That as soon as this resolution shall have been approved by the President of the United States, each House shall proceed to ballot for a Printer to execute its work during the next Congress; and the person having the greatest number of votes shall be considered duly elected, and shall give bond, with sureties, to the satisfaction of the Secretary of the Senate and Clerk of the House of Representatives, respectively, for the prompt, accurate, and neat execution of the work."

Nothing could be more distinctly stated—nothing could more clearly define the duty of a Congress about to terminate. It imposed upon it the obligation to elect by ballot a Printer to execute printing for the next Congress.

It has been questioned whether this resolution required that the Congress about to terminate should elect a Printer for the next Congress; but is there any room for a doubt? As soon "as the resolution shall have been approved by the President of the United States, each House shall proceed to ballot for a Printer for the next Congress."

What resolution was to be approved? Clearly, the resolution which the Congress then in session was competent to pass. That Congress was about to terminate. It had passed a resolution, with all the forms and sanctions of law, directing the mode and manner for executing the public printing, and for fixing the rate of compensation; and it required that as soon as the resolution shall be approved, each House shall proceed to the election of Printer to execute the public printing. It is idle to suppose that the then President of the United States could then approve of any resolution except it were passed by that Congress. The resolution was passed by both Houses of Congress, and was

approved by the President on the third of March, 1819, and in the evening of that same day the two Houses proceeded to the election of a Printer to execute the printing for the next Congress, according to the existing provisions of law.

The report of the joint committee, and the joint resolution of Congress, alike express that the purpose was to correct an existing evil in the mode of executing the public printing; and if there could possibly be any room for doubt as to the terms of the joint resolution itself, would it not be fair and even conclusive to refer to the action of Congress upon the adoption of that resolution? Many of those who were the active members of Congress in 1819, at the time of the adoption of the joint resolution, were also members of the subsequent Congress, and must have perfectly well understood the whole object and character of the resolution; and if there could have been any conceivable objection in a constitutional point of view, it would have been then urged. But so far from it, history gives evidence that from that time to the present there has not been the slightest departure from the letter of the joint resolution. It appears that on the 31 of March, 1819, both Houses of Congress, in pursuance of the joint resolution of the same date, proceeded to the election of Public Printer to execute the public printing agreeably to the provisions of the said joint resolution. Gales and Seaton were elected; and on the third of March, 1821, in exact conformity to the joint resolution, each House proceeded to elect a Public Printer for the next Congress. Again Gales and Seaton were elected; and on February 7, 1823, in obedience to the joint resolution of 1819, each House again elected a Public Printer for the next Congress. Gales and Seaton were elected; and in 1825, each House, in obedience to the joint resolution of 1819, elected Gales and Seaton Public Printers for the succeeding Congress. From 1819 to the close of the 18th Congress (in 1825) there was not the least diversity of opinion as to the obligatory character of the joint resolution of 1819. Certain the fact is, that both Houses of Congress, up to that time, faithfully carried out, as far as they could, that resolution; and during the whole of that period, from 1819 to 1825, I have not been able to find the expression of an opinion against the constitutional power of Congress to pass the joint resolution of 1819. But this is not all. From that period to this there has not been any departure in practice from the resolution of 1819. In 1827 the Senate elected Duff Green the Public Printer for the next Congress. And it so turns out, upon examination, that in no instance since the adoption of the joint resolution of 1819, has the Senate of the United States doubted its obligatory character—in no instance have they disregarded its provisions; and shall it now be said that this resolution is not obligatory? Shall it now be said that the Senate may or may not observe the directions of that resolution, according to its own will and pleasure? Has it not received a construction, by the invariable use of the Senate, which we are not at liberty to disregard? Is it not our bounden duty to go back to the period of its adoption, and trace the action of the Senate from that time to the present, and judge whether, in its origin, as well as in its execution, any question has been raised as to its binding and obligatory force?

In 1829, Congress, by the same forms and sanctions of law, passed a resolution amendatory of the resolution of 1819. But it should be borne in mind that it does not repeal any of the provisions of that resolution, save those which are inconsistent with the resolution of 1829; and what are they? Merely changing the result of the election from a plurality to a majority of votes; and also providing that the election should be held within thirty days previous to the termination of every Congress. The mode and the manner of executing the public printing, and the prices paid therefor, are not at all affected by the amendatory resolution of 1829. They remain unchanged to this day; and by all parties have been, from that time to this, regarded as obligatory. That is, if a Printer shall be elected to-day, in pursuance of the joint resolution of 1829, he is to execute the public printing

according to the mode, and for the same compensation, prescribed by the resolution of 1819. In order that there may be a perfect understanding of this whole matter, I have subjoined an exact copy of the resolution of 1829. I have done this that the people may understand this subject, and be able to judge whether the next Senate has the power to set at naught the act of the present Congress, and to nullify the law of the land. The resolution is as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, within thirty days before the adjournment of every Congress, each House shall proceed to vote for a Printer to execute its work for and during the succeeding Congress, and the person having the majority of all the votes given shall be considered duly elected; and that so much of the resolution, approved the third day of March, one thousand eight hundred and nineteen, entitled 'A resolution directing the manner in which the printing of Congress shall be executed, fixing the prices thereof, and providing for the appointment of a Printer or Printers,' as is altered by this resolution, be, and the same is hereby, rescinded."

Such has been the legislation of Congress, and I have stated that the uniform usage, the invariable practice of the Senate has been to carry out that legislation. Not only have those resolutions received the sanction of the Senate by their conforming to their requirements, but in 1835 the question was distinctly presented to the Senate. The subject was fully considered and fully debated. And, sir, what was the result? Every political friend of the Senator from Connecticut so voted as to give an obligatory and binding force to the resolutions of 1819 and of 1829. I am aware that my own political friends at that time took a different view of the matter; but the result of that controversy was, as I have stated, that the vote of the majority of the Senate went to sanction the resolutions of 1819 and of 1829. And that majority was made up by gentlemen now members of this Senate, who are among the political associates and friends of the Senator from Connecticut; and the result of that controversy was to elect Gales and Seaton as Public Printers for the then next Congress.

It is true, that after the 18th ballot, Mr. Wright moved to postpone the further balloting to the next session of Congress; and he and his friends voted for the motion; but the friends of the Senator from Connecticut, being in the majority, voted against the motion. And I infer from this fact, that a construction has been solemnly given to the joint resolutions of 1819 and of 1829 which we are not at liberty now to disregard. And, sir, we have not only the resolutions themselves, which every man who will read must admit are in terms imperative, but we have the invariable practice of the Senate, from 1819 to the present day, in strict conformity to the letter of those resolutions; and we have also the solemn, deliberate decision of the Senate in 1835, when the direct question was presented, that the resolutions were obligatory, that the Senate could not disregard them, and the election took place accordingly; and the subsequent Congress acquiesced in that election, although at the commencement of the second session of that Congress the majority of the Senate was politically opposed to the Public Printers. Yet their election was never questioned—the party then in power acquiesced—they considered the question settled by the previous decision of the Senate, and they acquiesced, without a complaint, to the execution of the public printing, through the whole of that Congress, commencing in March, 1835, and ending in March, 1837, by Gales and Seaton. And will the Senator from Connecticut, after all this history, undertake to say that the joint resolutions of 1819 and of 1829 are not to be regarded as obligatory? I should like, after what has taken place, to see some of the friends of the Senator undertake to set aside any election which may now take place in obedience to the resolutions of 1819 and 1829. No, sir. It may be well to deal out this language of menace. It is one thing to say, and another thing to do. There exists too much record touching this matter to induce me to believe for a moment that the Senator himself will be found among those who seek to nullify any proceeding of the Senate which may now take place. In my judgment, it will not be done. And why do I so say? Because the active and political friends of the Senator from 1819 to the present day have justly and properly contended

that the resolutions of 1819 and of 1829 were constitutional and obligatory. I have shown what has hitherto been the action of the Senate; and how has it been in the House? Has there been, at any time, any vote, any decision of the House, that the resolution of 1819 was not obligatory upon that body? No, sir; I challenge the Senator to bring forward any such record. It is true, that, since 1835, the resolution has been practically disregarded by the House; and the Senator from Connecticut, if correctly understood, contends that, inasmuch as the House of Representatives have not observed the resolutions of 1819 and of 1829, they are no longer binding upon the Senate. A strange argument indeed! Because the House of Representatives violate the law, it is a justification of the Senate to do the same. This may be good morality with the Senator, but it does not satisfy my mind. The only questions are, whether the resolutions be or be not obligatory—whether they are or are not constitutional; not whether this or that man—this or that body of men—have practically disregarded them. Mr. President, I hold that the resolutions are binding, and sure I am that the Senator so regarded them in 1833. We were then both members of the House of Representatives; and on the 15th day of February, 1833, after thirteen unsuccessful ballots for Public Printer, a motion was made by Mr. Boon of Indiana to postpone further proceedings until the second day of March ensuing, within the period of the Congress. And the Senator voted against the motion. I voted for it. If the Senator had then believed, as he now professes to believe, that the resolutions were unconstitutional, is it not singular that he should have then voted for an election in violation of that same Constitution? And the result of the fourteenth ballot secured the election of his friends, Gales and Seaton. In my judgment, Congress was then bound, as it is now bound, to elect a Printer to execute the public printing for the next Congress. On the 9th of February, 1835, Mr. McKinley, now one of the Judges of our Supreme Court, moved that "the House will, on Thursday next, proceed to the election of Printer for the House of Representatives of the next Congress, *viva voce*." I voted to carry into effect that resolution. But, mark it, Mr. President, it was ultimately defeated by the political friends of the Senator from Connecticut; and this was the first interruption of the practice of the House under the joint resolutions of 1819 and 1829, of electing a Printer for the succeeding Congress. It so happened that the resolution was not again reached during that session. From that time the House of Representatives, I freely admit, have not, at the close of one Congress, elected a printer for the succeeding Congress. But, on examination, it will be found to be owing to the press of business, and not to any avowed doubt of the binding force of the resolutions of 1819 and 1829. As evidence that I am correct in my view of the sentiment and feeling of the House, I subjoin the following extracts from a speech made in 1835, by Mr. EVANS of Maine, a distinguished member of the House, and soon to become a member of this body:

"Mr. EVANS moved the following amendment: Strike out *viva voce*, and insert, 'under the authority of the joint resolution, approved March 3, 1819.'"

"The amendment having been read,

"Mr. EVANS said it seemed obvious to him that, if the resolution proposed by the gentleman from Alabama ought to pass at all, it should pass in the shape Mr. E. proposed. If not, he would inquire of the honorable mover, by aid under what authority the House could undertake to go into the election of Printer at all for the next Congress? There was none except that derived from the resolution of 1819, as amended by the joint resolution of the 5th of February, 1829. Now, the very introduction of the resolution by the honorable member from Alabama recognised the force of those resolutions. It was by virtue of those two joint resolutions alone that one Congress had the right to appoint a Printer for the succeeding one, and the phraseology proposed by Mr. E. was the only phraseology that could consistently be used. He begged leave, also, to remind the House that such was the phraseology adopted ever since the former joint resolution was adopted. The motion had always been made and agreed to, that on such a day the House would proceed to the election of Printer under the authority of the joint resolution of the 3d March, 1819; and to entitle the House to do so on the present occasion, the same phraseology must be made use of."

"Gentlemen had said, on a former occasion, when this subject came up incidentally for consideration, that the resolution of 1819 was temporary in its nature, and limited to two years. As an answer to that, he could only say that it was never considered so, neither by the then, nor by the succeeding Congress, each of whom regarded it as binding upon themselves,

and upon the succeeding Congress. Even so lately as 1829, the journals of the House show this, wherein it was stated that the House proceeded to the election of Printer in obedience to the joint resolution of 1819; and this was the phraseology for several years after the adoption of that resolution. Then if that is resolution be in force, and had not been repealed, we derived the only authority we had to choose a Printer for the next session from these two resolutions.

"The next question that came up for consideration was, whether the Printer was an officer of the House, or not. Mr. E. would not go into this at any length; but it was enough for the justification of his own vote to say that he did not consider the Printer an officer within the meaning of that clause in the Constitution giving each House the right to appoint its officers, any more than the person who supplied the House with stationery, or fuel, or furniture. In Mr. E.'s judgment, it stood upon the same principle." "He thought they would be incurring great hazard by repealing the joint resolution, or altering the present mode in any way at this late hour. At present he believed the existing mode the best. At all events, he was not assured that a better could be devised."

I fully concur in opinion with the honorable gentleman, from whose speech in 1835 I have made such liberal quotations; and it is a little remarkable that in the debate of the House of Representatives which has taken place upon the subject of the joint resolutions of 1819 and of 1829, and in the debate which has taken place in the Senate heretofore upon this same question, not a political friend of the Senator from Connecticut has ever contended that the passage of those resolutions was unauthorized by the Constitution—that they were not obligatory in their character. No, sir, their doctrine, as avowed, as expressed, has been entirely a different doctrine. I have, Mr. President, nothing further to say with reference to the constitutionality, and with reference to the force and obligation, of the joint resolutions of 1819 and of 1829. They have been transcribed, and are incorporated in my speech. The action of both Houses under the resolution of 1819, up to 1829, has been uniform; and the action of the Senate has been alike uniform up even to this day. I have placed this record before the people, and I have shown the deliberate decision of the Senate on this very question in 1835, and the acquiescence in that decision; and with all these facts I am willing to leave this matter to our masters. And notwithstanding what the Senator says about the state of popular opinion, I greatly misjudge if he will not find, now and hereafter, opinion and duty co-operating to sustain the law and the authority of our Government.

The Senator says that there is no necessity, at this time, for the passage of the resolution which I have had the honor to offer to the Senate, inasmuch as the new Senate will assemble here in a very few days; and that our Public Printer, now in office, will continue to the 4th of March, at which time the new Senate will be in session. Suppose the fact to be as stated by the Senator, does it exonerate us from the performance of our duty in obedience to the resolutions of 1819 and of 1829? No, sir. Those resolutions being imperative, we are bound now to proceed to the election, whether there be, or be not, any absolute necessity to make the appointment. But even if the law was not imperative, I should differ altogether with the Senator from Connecticut as to the necessity of making the election at this time. We have had experience upon this matter. At the commencement of the 24th Congress, there was an election of Printer for the House; and was he able to perform the service required? No, sir. Being unprepared for such an important, for such a responsible, for such an expensive undertaking, he was at once obliged to give over the public printing to others. And suppose that, on the 4th of March next, the Senate should elect Mr. Ritchie, of Richmond, or some one not having been employed to execute the public printing, would they be prepared to enter at once upon the service? No, sir. It requires time, labor, and a great outlay, to be prepared to execute the work. So said the joint committee in 1819; and to insure "*despatch, accuracy, and neatness*," in conducting the public printing, they recommended an election of one Congress for the service of another; and so has every succeeding one done. There would then be, looking merely to the necessity of the case, a fitness to select the Public Printer now to execute the printing for the next Congress. I trust it will be done; and all that the Senator has said upon the inexpediency of proceeding to the election, has already been answered. If the law enjoins upon us the duty to make the election, it

should be done. If there is no positive and explicit law of requirement, then I say, necessarily, convenience, and economy, demand that we should now proceed to the election; and it should be done. In bringing forward the resolution, I did what I felt to be my duty. I did it unsolicited and unadvised. I have now submitted the considerations which induced me to offer the resolution, and I leave the matter to the Senate to dispose of according to their judgment and discretion.

Mr. HUNTINGTON replied that there was no difference between the Senator and himself as to the facts—indeed, there could be none, as the record spoke the truth. The practice, he admitted, under the resolution of 1819, had been to appoint a Printer prior to the next Congress, in order that sufficient time might be given the person appointed to make all the necessary arrangements; but now no such necessity existed. The resolution was nothing more than a tacit understanding between the two bodies, one of which had since virtually annulled it, having never acted under it since 1833. Was it, therefore, to be considered binding on the Senate? In the few remarks made by him the other day, he contended that the resolution was not compulsory; and he had then asked if it was necessary, expedient, or just, for an Administration going out of power to palm an obnoxious individual on a majority that was coming into power. He had shown that it was not necessary, because the present Printer would act until the 4th of March. Was it then expedient or just to appoint a Printer, when the moral certainty was that the dominant party, acting under its constitutional right, would annul it at appointment the next Congress? These were the grounds he had taken, and he certainly did not think them untenable. The Senator had referred to the journals of the House, with a view, as he supposed, to fix the charge of inconsistency upon him. Now he was not in the habit of referring to journals to look for the votes of Senators; but since his vote on that occasion had been alluded to, he would beg leave to show from the record how the case stood. On the 11th February, 1833, a motion was made to go into the election of Printer, (the Senator and himself were then members of the other branch,) but no election was held until the 14th of that month, when ten ballots were had without a choice being effected. On the 15th a motion was again made to proceed to the election, when Mr. Hall of North Carolina (he believed it was) moved to postpone the election until the first Thursday in the next session. Mr. Williams, of the same State, moved to lay that motion on the table, and Mr. Hall withdrew it. Mr. Boon then moved to postpone it until the 2d March; on which motion the yeas and nays were demanded, and it was decided in the negative, the Senator (Mr. HUBBARD) voting for the postponement, and himself against it. The ground on which I acted (said Mr. H.) was, that if the election were to take place, it was better to hold it at once than to postpone it until within one day of the close of the session. Now if the Senator then considered the joint resolution obligatory, why did he vote to postpone it? If there was any inconsistency, the Senator is certainly more justly chargeable with it than I am.

Mr. SEVIER said he was not a little amused with the observations of the two Senators, each busy in endeavoring to show he had voted right on former occasions. The amount of the matter was, that they intended to elect their Printer if they could, and the other party, he presumed, would prevent it if it could. It was a question of power altogether; and as they had the power then, they meant to exercise it, for it would not be very long that they should retain it. When in the ascendancy, he made it a rule to take care of the interests of his political friends, and would vote for Blair and Rives, and elect them if he could. Whenever the power was lost, he submitted like a man with the best grace imaginable.

Mr. HENDERSON was understood to say, in effect, that if the election was not indispensable at this time to the interests of the Senate, it would be improper to proceed with it. Nothing appeared to him more absurd than that the Senate was bound by the joint resolution of 1819. The right was inherent in both bodies to choose their officers, in-

dependent of any resolution, and it was wrong to suppose that one body was to be bound by the proceedings of the other.

Mr. MANGUM had hoped this matter would not have been pressed. He reminded the Senate that on previous occasions, when these elections had been made, they were not made by a majority of one political complexion for their successors of a different political party: nowever, if the resolution had always been treated in good faith, he should not stand there to justify their violation; but having been disregarded by one branch of Congress, he should consider them abrogated on this occasion. Yet he did not stand there to impugn the House for what it had done; for his opinion was, that the officers of the House should either represent the opinions of that body, or, at least, not conflict with them. Suppose a rule were adopted to appoint the committees in advance—the committees, in his opinion, in every legislative body, should represent the opinions of that body—and would then their successors be bound to retain committees of their predecessors' appointment? And so in respect to their Printer, who, it had been decided, was an officer of the House, and therefore they possessed the constitutional right to make or unmake, to retain or to remove. He had no doubt the resolution of 1819 was passed with the motive which had been mentioned—that the person appointed might lay in printing materials and make preparation to discharge his duties; but now they were not likely to be subjected to any inconvenience of that sort; but if they were, he would rather submit to it than that this election should now take place, for he should consider it as an outrage on the recent demonstrations of public sentiment, and on the body so soon to come there. Viewing it in this light, he could only say for one, in a spirit of candor, that if gentlemen pressed this motion, and went into an election, which, having the power, they could do, as soon as a body arrived there of a different opinion, and he were in the dominant party, he should not only feel it to be his right, but his duty, to seek to make a change. He made this declaration that there might be no outlays for materials, for he should move a reversal of the appointment, and the election of such a one as might be in accordance with the deliberate will of the Senate hereafter to assemble, or, at all events, of one who would not be obnoxious to the whole of them.

Mr. SEVIER said he had never known an instance of any party being in power that did not exercise that power for its own benefit; and it was in vain to tell him now to pursue a different course. He thought there was no analogy between the appointment of committees and of Public Printer—the latter contracted to do the work at a given price, for which he entered into bonds. The Senator from North Carolina [Mr. MANGUM] had said he would conceive it a party outrage to select a Printer adverse to the Senator's principles. Now it was well known that this had always been done. He might advert to the time when Gales and Seaton and also Duff Green were Printers; and had not each of those Printers in turn been elected at the close of sessions when their party would not be in power in the succeeding Congress, and had any thing been said or done in the premises? The Senator now gives us notice that when he comes into power, he shall annul our choice; in other words, that he will expunge and draw black lines against our Printer. Sir, said Mr. S. I hardly think he will do that, as many of his own party were so averse to that measure, particularly my friend from Delaware, [Mr. BAYARD] who has pledged himself for every year he remains in the body to bring forward his measure to expunge the great expunger. That Senator at least will not lend his aid to expunge, though our Printer may be against his political creed.

Mr. BAYARD said that if a person were appointed who had indulged in the most unmeasured detraction and abuse of the party soon to be the majority, however unpalatable his removal might be, he would perform it. But was the resolution of 1819 obligatory on this body? In order to settle that question, it was necessary to ascertain the relation in which the Printer stood to this body. He

contended that the Printer was an officer of the Senate to multiply copies of their documents by his types and presses, which must be done by clerks if the art of printing had not been discovered. And next, what was the tenure of the office?—for that was as much an essence of the office as the duties to be performed. The constitutional tenure of all officers was "at will and pleasure," and no law of Congress could change the character of the Constitution. Well, then, in the third place, was it wise in the present majority to exercise the mere power they possessed to force on the Senate for the next Congress an individual that was so highly obnoxious to them? Was it expedient to do it? It certainly was not; for the Senate might rely that they (the future majority) would never submit to what the present majority had no right to impose on them. Would the Senate, then, exercise a power which must be nugatory in its results, and force a spy into the camp? If they did, he did not say they would hang him, but he assured the Senate they would get rid of him.

Mr. LINN called the attention of the Senate to the fact that this day was set apart for the resolution of the Senator from Kentucky for the repeal of the Independent Treasury act, and he hoped it was not intended by this discussion to slide over that and the bankrupt bill, which was a measure of much greater importance. He would also remind them that at this stage of the session there were thirteen special orders of the utmost consequence, to be disposed of, beside a great amount of other business, and, therefore, he wished this question to be speedily disposed of.

Mr. PRENTISS said his intention was to vote for the postponement. If the resolution of 1819 were of force, he, for one, would carry it out, but he did not so regard it. He thought the Printer was an officer of the Senate within the sense of the Constitution.

Mr. DIXON deemed this too important a question on which to give a silent vote; and he therefore gave his reasons at length for opposing the appointment of a Printer at the present session. He said there was no doubt that the printer for the Senate is exclusively an officer of the Senate. He is appointed by the Senate; all his labors are prescribed and directed by them, and for them only. Besides, he holds his office at the will and pleasure of the Senate, for they can remove him when they please. If that does not constitute him an officer of the Senate, nothing can make any man an officer of the body. The power to make the appointment is derived from the Constitution. It is conferred on the Senate alone. It is not a power to be divided or exercised in conjunction with any other branch of the Government, or to be compromised by any conventional arrangements. The provision of the Constitution that the Senate shall choose their officers, well comports with that familiar principle recognized in conferring agency and delegating power. Governments appoint their officers, principals appoint their agents, and masters appoint their servants. But it is said the Senate have qualified this exclusive power, and, by joint legislation, have changed the mode of exercising it. That by a joint resolution of the two Houses of Congress, adopted in 1819, it has been provided that each House shall elect its printer for the next Congress; whereby it becomes the duty of the Senate to elect a printer at this time—not for the present, but for the next Congress. It would seem strange that a joint resolution should be passed for the regulation of that which could only be the subject of individual control. But there were reasons then existing for that joint resolution, which afterwards ceased; which reasons probably prevented any thorough consideration of the constitutional objections. The saving of expense of printing, as well as the better execution of the work, was contemplated by the joint arrangement; and another consideration was the want of any printing establishment here at that time, (in 1819,) with sufficient machinery and extent of means to perform the work required, without the allowance of long time to prepare for it. But the other House were doubtless disappointed in their anticipation of benefits from that joint resolution—for it is now said that since it has been disregarded in the other

House, better and more economical arrangements have been made; and the House have not conformed to the provisions of the joint resolution since 1835. Now why have they not conformed to it? One answer is, that the reasons which had given rise to it had ceased; and hence the rule should cease. But doubtless the more satisfactory reason was, the resolution was deemed unconstitutional; it was not binding, and of course required no formal legislation to repeal it. Therefore, from 1835, it has been set aside in that branch of the Legislature; which amounts, as far as they can affect it, to a complete abrogation of the resolution. There is no power now to enforce its execution, and of course it has become a dead letter. It is true, sir, that the Senate continued to practise upon that joint resolution long after it was discontinued and violated in the other House. But when the Senate's action was in conformity with it in 1835, the resolution had not then been discontinued in the House. There was, at that time, some reasons, therefore, why the Senate should adhere to it; and they then appointed a printer for the next Congress. But is that any reason why they should do the same now, after the resolution has been five years discontinued in the other House, not only from the consideration that it had ceased to be useful, but from the higher consideration that it was unconstitutional?

Mr. CLAY of Alabama said he had not intended to say a word upon this occasion; but sentiments and purposes so extraordinary had been avowed by gentlemen on the other side, that he could no longer remain silent. Perhaps the most singular notion of all that had been uttered fell from the Senator from Rhode Island, [Mr. DIXON,] who had just taken his seat. That gentleman maintains that the law which governs the election of Public Printer, is virtually repealed; and how? Why, simply by the non-user of one branch of Congress! Is not this extraordinary doctrine indeed? Both Houses unite in passing a law, according to all the forms of the Constitution; even the approval of the Executive has been sought and obtained; and the gentleman sagely maintains the idea, that because one branch of Congress disregards it, or does not carry it out in practice for a few years, it is, in effect, repealed! Mr. C. said this was certainly an entirely novel mode of repeal. He had always before supposed that it required the same power, and the same forms, to repeal a law, that it did to make it. Why, according to this doctrine, sir, we may soon be without law altogether. It did seem to him to be most astonishing doctrine.

Sir, said Mr. C. how stands the matter? On the 3d of March, 1819, a joint resolution passed, "directing the manner in which the printing of Congress shall be executed, fixing the prices thereof, and providing for the appointment of a printer or printers." This resolution required the election of a printer or printers for the then ensuing Congress, before the adjournment. The election accordingly took place, and had been made biennially thereafter, a few days before the close of every Congress, for the succeeding one, up to the 5th of February, 1829, when another joint resolution was approved by the Executive, amendatory to that of 1819. This last resolution is imperative, "that, within thirty days before the adjournment of every Congress, each House shall proceed to vote for a printer to execute its work for and during the succeeding Congress," &c. This is the only change or qualification which has been made in the law of 1819, since its enactment. Both resolutions were regularly passed through each House of Congress, and were approved by the President—became, and now remain, the law of the land. Yet, sir, what do we now hear from gentlemen of the other side? Why, they not only protest against an election of a Printer to the Senate, pursuant to this law, but they admonish us of the consequences if we proceed to make one. Yes, sir, almost every gentleman of the Opposition who has spoken upon the subject—amounting to some four or five—has threatened us with the expulsion of whomsoever we may elect, so soon as they get into power. Such is the very commendable and modest course of the party which claims all the decency, and all the morality and learning, and boasts of its devo-

tion to the supremacy of the law. Notwithstanding the undeniable existence of the law, and though we may elect a Printer in strict accordance with its provisions, they tell us they will turn him out, whenever they get the power. Mr. C. said he had often heard the remark—proverb it might be called—of “feeling might, and forgetting right.” This was supposed to be the case with some who were in power; but the gentlemen on the other side go beyond this; they feel their might in anticipation; they cannot wait till they get into power; they warn us that they will inflict the penalty of expulsion against our Printer, if we go on to execute the law of the land, in conformity with invariable custom since its enactment. On the 3d of next month, twenty-two years will have elapsed since the passage of the law of 1819; and, during all that time, no matter what party has had the majority, the Senate has uniformly elected its Printer, at the same period, for the succeeding Congress.

Mr. C. asked, on what ground is it that gentlemen have given us the modest intimations with which we have been favored on this occasion? Why, they assumed that because the Constitution gives to each House the power to choose its own officers, they cannot unite in passing a law for the appointment of any person, in advance, to perform merely mechanical duties—duties which presuppose the necessity of laying in materials, and making preparation for the performance of duties, before their commencement. Mr. C. denied that the Printer of either House was necessarily to be regarded as an officer, in the Constitutional sense of that term. The Constitution had reference to the presiding officers of the two Houses—the Secretary, Clerks, Doorkeepers, and such as were charged with the performance of duties immediately within the rooms we occupy. The most that could be said of the Printer was, Mr. C. contended, that he was a quasi officer, but no more our officer than the man who drives a cart in the transportation of our documents, books, and papers. Upon any other view of the Constitution, he said, you might make every individual, who did any other mechanical duty, or rendered any other service beyond these walls to facilitate our business, an officer. If the law as it stood was objectionable, why did not those who so regarded it bring in a proposition for its repeal or modification? Was it not strange, after the operation of the existing law for twenty-two years, with the acquiescence of all parties, under the various changes which had taken place within that period, and without even a motion to inquire into the expediency of its repeal or modification, that we should now hear it boldly declared by gentlemen that it must not be carried into execution; and that if it be executed, they will treat it as a nullity? Yes, (said Mr. C.) gentlemen plainly tell us that they will disregard the law, and trample it under their feet, when it is not likely to be executed to their taste, and minister to their views.

And on what ground did they object to its execution? Why, simply because the person who, it was supposed, would be appointed, happened to be obnoxious to certain honorable gentlemen. And would not the person, that the gentlemen on the opposite side would appoint, probably be equally obnoxious to a large minority? Gentlemen had alluded to the character of the paper which is published by the present Printers to the Senate, and were pleased to denounce it for what they termed its slander and abuse, which had been sent forth in its columns. Now, he cared not which of the political papers they took, published in this city on their side, he ventured to say, as much slander and abuse—ay, and as infamous libels, to adopt the language used by one of the gentlemen—could be found in their columns, within the last six months, as had ever been published to the world through those of any other paper. Even the paper which had been held up by the party to which the gentleman belonged as the model of decency, had contained, during the last summer and fall, some of the most nefarious falsehoods and libels which had ever disgraced the columns of any party paper. He thought the doctrines advanced came with a bad grace from those who complained so much of the expunging operation, which had been alluded to in

the debate. It accorded very badly with their boasted deference and respect for law and order, when, in defiance of law, and the uniform practice under it for so many years, they declared their predetermination to displace the person that might now be appointed—*notens volens*—right or wrong—because, forsooth, he was politically obnoxious. Well, sir, if gentlemen think proper to pursue such a course, let them do it, when they possess the power they anticipate; for one, said Mr. C. no threat of such a character shall deter me from the performance of a duty imposed by the law of the land.

Mr. MERRICK did not conceive himself bound by the joint resolution of 1819. The right of Congress to appoint its own officers was an inherent right, and could not be restricted by any resolution whatever. In the present case the Senator from Arkansas had stated the principles on which he and his party were acting—it was a question of party power, and the avowal had been frank and honorable on the part of that Senator. But as the Senator said he was determined to elect his Printer when he had the power, he (Mr. M.) hoped he would be excused for exercising the same privilege when the next came into power, and permit the Senate to select its own officers.

Mr. MANGUM again addressed the Senate, denying that the resolution of 1819 was considered in the light of a compulsory law, but as a mere tacit understanding of the two branches of the National Legislature. The Constitution was exceedingly clear on this right of Congress, and no resolution or law could so act as to deprive it of that right. Mr. M. alluded to a case on the Executive journal, where, owing, as it was thought, to the too frequent appointments by the Executive of persons from the old States to fill offices in the new, there had been a resolution passed by the Senate refusing to ratify in any case where the rule was departed from. It was thought wrong in principle to make appointments from old States when good material was to be found in the new, and he (Mr. M.) had always so considered it. No one would venture to say, however, that the Executive right was restricted by the passage of the resolution. It was considered a mere indication of the public feeling. Gen. Jackson, who was then President, was unwilling to make appointments while that resolution remained, and finally refused to do so until it was rescinded. The President had the right on his side. The resolution was rescinded, (said Mr. M.) and I voted for it. In the present case, if the rule had been acquiesced in by both Houses, then there could be no cause for cavil; but the right of Congress to select its own officers cannot even be restricted, much less abrogated. It was a question now of political power, and not having tasted any thing of the kind for some years, he felt disposed to exercise a little in this case. Without meaning to be personal, he affirmed that the appointment of certain individuals to the office of Public Printer would be odious to the country, and highly offensive to the body. He would not be understood as being favorable to a general proscription; on the contrary, he avowed that where an officer in his ministerial capacity had not abused his office or his trust, nor prostituted his office to political purposes, had not improperly interfered in the elective franchise, and was honest and capable, he would set his face against his removal. He considered that a contrary course would be opening the door to the corrupt followers of all parties to demand their reward; that it would be dangerous to our institutions and subversive of public liberty. Gentlemen said they had the power now, and would exercise it. Where is the necessity of doing so, on the very eve of its departure from them, when there was a moral certainty that their appointment would be annulled on the next meeting of Congress?

The question being about to be put—

Mr. CLAY of Kentucky said that he had hoped this resolution would not have been pressed. He had hoped at this late hour of the session it would not have been attempted by an expiring Administration to force the Senate into an election of Printers who were to act, not for those at present in power, but for the succeeding Administration. He protested against the doctrine laid down by the

Senator from Arkansas [Mr. SEVIER] that those in power were determined to use their power as long as they could, leaving it to their successors to do the same. Especially when it was known that the individuals to be appointed were so utterly odious to those who were in a few days to succeed to the possession of the Government, that, if they were going to act like men and fearlessly discharge their duty, it was impossible they could allow such persons to remain in office for one single moment. I will now say, exclaimed Mr. C. that so far as I know the sentiments of my friends, there is not one of us who is not firmly and irrevocably determined, if the election is rescindable, to rescind it.

Mr. SEVIER expressed surprise at the remarks which had fallen from the Senator from Kentucky. Was it not perfectly well known that a party going out of power, in making appointments to office never inquired whether the persons appointed would be agreeable or not to the party coming into power? In the House of Representatives, just before the political change which brought General Jackson into power, Gales and Seaton had been appointed Public Printers, and when the dominant party came in, these gentlemen were suffered to remain in office for two years longer.

[Mr. BENTON. We submitted to it.]

Were not nominations sent in by Mr. Adams to the very last hour of his term? The nomination of Mr. Burton of North Carolina, for the appointment of Governor of Arkansas, had been sent in by the Senator from Kentucky, who was at that time Secretary of State. But this, with all the other nominations, was laid on the table by the opposite party, who then had a majority in the Senate. Was the measure now proposed such a new and unprecedented thing that the Senator need be surprised at its being pressed at this time? At the close of the term of the elder Adams, had not nominations been made by him of judges at midnight on the third of March, and did not the Senate confirm the nominations? Some of the judges so appointed were in office to this hour. Was there any thing strange that it was proposed by those going out of power to elect their Printer while they were able to do it? He was really amused to see two old and experienced Senators, like the gentleman from New Hampshire and the gentleman from Kentucky, cajoling and coquetting about a thing that every body could understand. He was not for mincing matters in that way. What he had before stated were facts, which had since been avowed by every body but the Senator from Kentucky, and he had adduced a case in point, where a nomination had come in, at the last hour, from the Senator himself. He did not complain of this. He had thought at the time the nomination to be a very good one; and, so far as he was concerned, he would have been very willing to have the individual named as Governor of Arkansas, but that nomination, together with all others similarly made, had been laid on the table.

The Senator had told them about the party coming into power turning out Mr. Blair, (he supposed he was the man to be chosen—Mr. S. should vote for him,) if he should be appointed, the first moment they had the power to do it. Well, and were they to be deterred by threats like these? Not at all. He expected they would turn him out; and not him only, but whomsoever else they pleased. He cared nothing for this; he spoke not on his own account; for happily he never had held any office other than that the people had given him, and therefore, he could speak with the greater freedom. If, indeed, there happened to be in any office of this Government a man who had never in his life displeased the Whigs, he supposed he might be left to stand as a solitary monument of Whig forbearance. But as for the other party, they expected to be turned out, from one end of the country to the other. And, for one, he should disown them if they whimpered under it; he was very sure he should not. So far from it, he would furnish the gentlemen with the names of all who held office in his district. They might turn them out, every man, and they would hear no complaint. You have got the power, (cried Mr. S.) and I expect you will use it. You have got some hungry friends there, who have been eagerly waiting these twelve years, and

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now you may provide for them. I should, were I in like circumstances. I am not to be gulled by this talk about forbearance. For these fourteen years past all parties on all sides have exercised power as long as they had it; and I expect they will continue to do so always. Turn out Blair if you choose. We will elect him, and then you may turn him out as fast as you like.

Mr. CLAY of Kentucky. I have but one or two words to say in reply to the remarks of the Senator from Arkansas. That gentleman has entirely misquoted the expression used by me some days since. What I said then I say now—that, in my judgment, every man who is not faithful, capable, and honest, and who has not abstained from using the power he derives from the possession of office to interfere with the freedom of elections, ought to be expelled from the office he has abused: I never said that all ought to be turned out who had displeased the Whigs. What will be done by the new Administration I do not know: but I express my own opinion openly, in the face of the world. The Senator referred to the appointment of what were styled "the midnight judges" in the time of the elder Adams: but that was not like this case. Those appointments were made to fill existing vacancies: it was a case where offices had been created by law and were not filled. Mr. Adams had a constitutional right to nominate persons to fill them. But does not the Senator know that very act of appointing those judges in the last moment of an expiring Administration produced one universal burst of indignation throughout the country; and that one amongst the earliest measures of Mr. Jefferson's administration was a motion made by a distinguished and illustrious Senator from my own State, now no more, to repeal that act? And what was the case under the younger Adams? I have no recollection of any nominations made by him to fill existing vacancies. I recollect as one the case of my colleague, [Mr. CRITTENDEN,] who was nominated as a Judge of the Supreme Court, to fill the vacancy occasioned by the death of Judge Trimble; it was so with the nomination of the Governor of Arkansas, and with all the other nominations referred to by the Senator. To carry on the machine of Government, it was the duty of the President to nominate, whenever a vacancy occurred. But is that this case? Here is an office filled; and the Senator who proposes an election is himself going out of his seat in the Senate on the 31 of March next. I presume it will be sustained by many gentlemen in a precisely similar situation. Here is an election to be held, not to fill a vacancy, for there is no vacancy, but to anticipate now a vacancy, which will not occur till a future and a distant day. For what? for what? I put it to the candor of gentlemen—can they think that this is right? Of all the delicate relations which can subsist between a public body like this and any of its officers, that which it sustains to the printer of its documents is the most delicate. That is not at all like the cases referred to. Here has been a revolution, a great civil revolution—peaceful, it is true—but still a revolution; and now, just at the last moment, when a repudiated Administration still holds possession of power, they propose, not for their own accommodation—for before the appointment takes practical effect they will be no longer in power—but simply because they have the naked power to do it, to force upon the succeeding administration an individual known to be abhorrent to all the feelings of their hearts, insomuch that nothing can be conceived more unacceptable to them than his occupation of that office. And this at the moment we are told, that all party animosities should cease, that we should forget that we have been opponents, and should part like brothers. Gentlemen who have held the Government for twelve long years, in this last agonized moment of departing power, make this attempt to force upon us, against all our feel-

ings, this their special favorite, their cherished pampered Government organ! It is under these circumstances that I tell them, in my own name, and as far as I am acquainted with their sentiments, in the name of all my friends around me, that we should regard ourselves as recreant to our duty if we did not, the first moment we possess the power, turn him out, and put in his place a man more acceptable to those who will then occupy these seats. And now, I give this timely notice to the gentleman who presses this measure, to the individual proposed, and to all concerned, that no claims for damages may arise hereafter.

Mr. KER gave his reasons for the vote he should give, at some length, and said that, having no accounts to settle for any past inconsistent votes in relation to this matter, as some gentlemen seemed to have, he should record his vote, first, in favor of the amendment of his friend from Connecticut, to postpone the further consideration of the resolution till the 4th day of March next, and then, if it became necessary, against the resolution itself; and, at the proper time, when, in his judgment, the convenience of this body, and justice and propriety, as they regard the rights of the new Senators soon to come in, shall require an election of a Printer, he should freely cast his vote for that individual on whom he might think proper to bestow his preference.

Mr. NORVELL said that he did not rise to participate in the debate or the merits of the question before the Senate. That branch of the subject had been exhausted. He rose to say, that the indications which had appeared in the remarks of Senators on the other side, in the progress of the proceedings this morning, afforded a presage of their conduct, when they might come into the administration, in relation to the principle which they had so often and so long denounced, that "to the victors belong the spoils of office." He had heard enough to satisfy him that they would act upon that maxim. He trusted that they would, as their friends had done in every State in which they had obtained a temporary ascendancy, make a general change. He hoped that they would sweep, as with a tornado, every political opponent, every Democratic Republican, from office, from Maine to Georgia. They would thus demonstrate the insincerity of their professions. They would only carry out their practices, wherever they had obtained power, in opposition to their declarations when out of power.

Mr. PRESTON. I hope not. I hope and believe no such thing. It may do very well as coming from that quarter; it is natural enough that they should hope we shall follow their example; but I have heard no such determination avowed; no such sentiment even hinted at. I protest against it; it is not Whig doctrine; the Administration coming into power reject and repudiate the infamous maxim that to the victors belong the spoils. The spoils?—what spoils? The spoils of our common country? The spoils of our brethren and fellow-citizens? Is the country a vanquished country? God forbid. I should as soon think of making spoil out of the possessions of my own family. Too long have we seen the principle acted upon all over the country; we come into power repudiating it from the very bottom of our hearts.

Mr. NORVELL. I hope so.

The gentleman hopes so; just now he hoped not. Whatever his hopes or his fears may be, our course is independent of them, and will be shaped on far higher principles than those he has ascribed to us. Can any man object to the sentiment which the potential voice of my honorable friend from Kentucky—a voice that is the echo of patriotism and honor, has just made to ring through this hall? Why should any one object to the doctrine that a man who is not honest, nor capable, and who has prostituted the power of his office to subserve the purposes of party, and to interfere with the freedom of elections, should be turned out of the office he has abused? Is there

any thing in principles of justice or policy, any thing in the highest code of morals, to forbid this? Is this sweeping the land like a tornado? Is this practising on the principle that to the victors belong the spoils? Did not the distinguished person, who is to be advanced to the head of the Government, expressly take ground against such a sentiment in a bill he introduced into Congress? Do not his sentiments stand recorded against it? We practise on a principle like that? No, sir, no; this system of proscription is itself to be proscribed. I stand on that ground: and so help me God, I will, so far as I am concerned, act upon it. I believe those who are to be at the head of the Government have put themselves upon the same ground. They come into power, not to divide the spoils of the country among the members of a faction. When that principle is avowed and followed, we cease from that moment to be a Government and a people: we pass into a conquered nation, and a conquering faction, that seizes the power and the forms of Government only for the gratification of cupidity and revenge. Never have I read in all the pages of political profligacy a sentiment so detestable as that the Senator has ascribed to us. Machiavel himself never conceived so foul a maxim, or dared to avow it. The author of "The Prince" would blush to utter such a thought.

There is, at the bottom of all this, a principle which has entered, in some sort, into the action of this Government: I mean the principle that public offices are not trusts held for the benefit of the people, but mere mercenary rewards for political partisans, and that in bestowing them our eye is to be directed only to the salary which accompanies them. I reject the principle. I protest against it. I regard office as a sacred trust, and the salary attached to the office as a mere incidental thing. I hold that, in appointing a man to office, it is not the interests of the man that are to be looked at, but those of the party for whose benefit the trust is conferred, namely, the people. I hold the opposite to be a most dangerous principle, and, for one, I tell gentlemen in advance that I will oppose the principle wherever I meet it. I shall resist and denounce all giving of office as a political reward, or turning out of office for mere political opinion. I admit that it may often be a very delicate task to decide in what case an individual holding office has acted improperly in the expression of his political opinions; when he has and when he has not transcended the line of his duty in mingling in the party strifes of the day. But I hold it to be a Whig doctrine, the doctrine on which General Harrison, as President of the United States, means to stand, that for mere political opinion no man is to be proscribed.

In the present case, I would apply the doctrine avowed by the Senator from Kentucky, that when a man has abused the power derived from his office, he should be turned out of office.

And here let me say what I believe. It will be asked, in reference to those who hold office, whether they have used the power of these offices for party purposes; if they have not, and are honest, capable, and faithful, they will not be disturbed.

[Here several voices on the other side of the Senate were heard to say: "There is no such case—there never will be."]

I admit it may be difficult to decide. Alas for poor, frail, fallen human nature! It is hard to judge a political opponent as we ourselves would be judged. The strong feelings of the heart will steal in and bias the judgment, in a greater or a less degree. All that can be asked is, that we put ourselves on a sense of duty—that we endeavor to act justly; and then, when a man is shown to us to have flagitiously departed from his duty as a public officer, and made himself a busy and a noisy partisan, punish him by removing him from office. I do not, however, pretend to set up a standard of conduct for my party. I know there will be mistakes; mistakes will happen to the most upright,

All I claim is, that we shall act on principle, not from passion.

In the present case, the individual now employed as Printer to the Senate may be, on many accounts, peculiarly disagreeable to those who are soon to be a majority here; and let it be remembered that he is not an officer of the Government at large, employed as a general servant of the public at large, but that he is *our* officer, to do our business. This is not a question of spoils; but it is a question whether we shall have for our own special agent a person agreeable to us. The question is, whether a majority of to-day, who are to be a minority to-morrow, shall fix upon us a man who is known by them to be peculiarly disagreeable to us or whom he is appointed to act? That is the question; and I should think it is a question easily answered. I repudiate, as I have said, all idea of turning a man out for mere opinion's sake. Let not a hair of any man's head be touched, say I, for the political notions which may lurk under it. Never, till he falls within the rule laid down by Jefferson—a rule which has now been avowed by a voice which, as I believe, but embodies the will of the whole country—never let a finger be laid upon him. I here pledge myself never, in any case where my will or action may be concerned, to indulge in one jot or tittle of that most abominable principle charged upon us by the Senator from Michigan, that men are to be punished for opinion's sake—that to the victors belong the spoils.

Mr. ANDERSON said, he rose for the purpose of throwing off the imputation which the gentleman who had just taken his seat had chosen to cast, as he understood him, upon the Republican party. He had but a word or two to make in reply; and he did this because, for himself, he was unwilling to have attributed to him, by implication or otherwise, sentiments he never entertained. For his part he never was an advocate of the policy of proscription—and he held now the opinions upon this subject he had always cherished. He was gratified to hear the gentleman from South Carolina say that he, too, was opposed to proscription, and that the present dominant party would enter upon their power in that spirit, and would carry out no violence upon the public feeling and sympathy of the country. He was pleased to hear him announce his opinion to be that honesty and capacity constituted the great and leading qualifications for office. He trusted that the opposite party would remember these declarations, and would fairly abide by them. He understood the gentleman to impute to the Republican party the policy of Machiavel—and to make it as a charge upon the whole party, as had been often done before, that a solitary individual, then a member of this body, had declared in his place, that to the "victors belong the spoils." For one, he repelled this imputation. He was neither an admirer of the maxims of Machiavel, nor the system of policy of Walpole, nor Richelieu; nor did he, for himself, nor did the party with which he had acted, as he believed, recognise the doctrine that to the victors belong the spoils. It was the declaration, he said, of a solitary individual, and had found no adoption with others, nor was it designed, as he always supposed, and understood, to be taken up in the literal and odious sense in which our political opponents have interpreted it for the public ear. He did not pretend to understand the origin of the term, or the exact sense in which it was designed to be received; but he could well imagine that it might have grown out of the classic recollections of the early readings of the speaker, and he might have referred to it in the sense in which the *spolia opima* were bestowed upon that gallant Roman who was, as the victor, and distinguished by peculiar valor and prowess, under their ancient customs, entitled to what they esteemed the most honorable reward. For himself, he utterly rejected the imputations which had been cast out; and he denied the pretended charge as to spoils, as being applicable to those with whom he acted, to be true to any greater extent, or in any other sense, than might be ascribed to their opponents; and he would repeat that he was pleased to hear the gentleman denounce proscription, and he trusted that he and his friends would abide by it. As to the

question before us for the election of a Printer, he would say, if it was right in eighteen hundred and thirty-five, when their opponents acted under the existing regulation, and elected their friends as Printers in advance, at the close of one Congress, for the next, it is equally right now; and with this fact before him, and the usage of this body, he should vote for the resolution.

Mr. BENTON was happy to hear that gentlemen opposite disavowed a spirit of proscription; but the time was coming when action was to follow words. He assured the Senate that the doctrine, "to the victors belong the spoils," had never been known in Missouri except by rumor, and that during the administrations of General Jackson and Mr. Van Buren, the best offices had been held by persons who were in opposition to the Presidents under whom they served, and who expressed their sentiments as freely as any body else. The post office of St. Louis was in the hands of a gentleman belonging to the Opposition party for four years under one of those Administrations, and when his period of service expired, instead of being turned out, he was positively reappointed. Another held office eleven years under General Jackson and Mr. Van Buren, at the expiration of which time only was another person appointed; and he [Mr. BENTON] could assure honorable Senators that when he had been applied to respecting the removal of persons from office by those who desired the appointments, his invariable reply, whether by letter or word of mouth, was, "show me misconduct and then I will interfere." There were several cases of re-appointments by General Jackson in St. Louis of persons who were opposed to him in politics. In one case the incumbent died in his office, and then a person of different political principles was appointed. He could go on to give instance after instance, but he would mention but one. An Opposition gentleman holding an appointment in the Land Office, was found to be in default to the amount of a few thousand dollars—he came to him (Mr. BENTON) and explained his position, and satisfied him that the money would be replaced promptly. He (Mr. BENTON) wrote to the Secretary to excuse the officer. He was excused—the money was put up, and he remained in his office until his time was out, and a gentleman of different politics was then put in, and occupied it for the four years succeeding. This was the way they had acted. He denied that any officer had been removed, except for cause; and if honorable Senators would look at the removals, they would find as many on one side in politics, as the other. And he would also say, that during the twelve years of Democratic administration, in the State of Missouri there had not been a dollar lost by a disburser of the public money to the Federal Government, and there had been from twenty to thirty millions disbursed there; nor was there a set of officers that were more entitled to the confidence of the country. He spoke for his own State, alone—other gentlemen could speak for theirs; and as gentlemen had undertaken to gain so much reputation in advance for the incoming Administration, he could not conclude without saying, that the new Administration, on this subject, had only to copy after the old one; and if they did not do it, they should hear from him from the place which he then occupied.

Mr. NORVELL observed that the maxim, that "to the victors belong the spoils of office," was no maxim of his creation. It originated, years ago, in the East, in Massachusetts. It was quoted, in this body, by a distinguished Senator from New York, [Mr. MARCY.] And, when announced by him, it had been made the subject of bitter vituperation ever since by the party to which the honorable Senator from South Carolina [Mr. PRESTON] belonged. But, profligate as the maxim might have been, that party had adopted and carried it out in every quarter in which they had obtained power. He believed that the new Federal Administration of this Government would follow the example. He had that day heard enough to satisfy him of that fact. If an honest, capable, and faithful Democrat could be found, who had taken no part in elections, such a man might be saved! This was the principle announced to the Senate this morn-

ing. Why, sir, who that was worthy of office would be left in office on this principle? Public officers might, forsooth, entertain feelings and opinions in their own hearts with impunity; but if they breathed them to others, they at once came under the proscriptive principle laid down for the new Administration! The "spoils of victory" maxim was merciful compared with this despotism over the mind, proposed as the rule of action for the triumphant party coming into power. When, in an under tone, he had, while the Senator from South Carolina was upon the floor, said that he "hoped so," he meant that he hoped that the Senator would adhere to his promise, that he would denounce the spoils maxim here and hereafter, come from what quarter it might. We shall see. The Senator had alluded to the bill brought in the session before the last by the Senator from Kentucky, [Mr. CRITTENDEN] to prevent office holders from interfering in elections. He had said that that bill contained the doctrine of his party. The honorable gentleman was mistaken. Upon the final vote on that bill, only five of his Whig friends voted for it. The others retired from the vote. Again, sir, for twelve years, that party had been engaged in denunciations, loud and deep, of the practice of appointing members of Congress to office. And what have we seen even in anticipation of their possession of power? Several members of Congress have already been announced as Cabinet appointments determined upon, and others rumored as probable appointments for diplomatic stations! These things manifest the sincerity of the professions of the party coming into power on the subject.

Mr. BUCHANAN said that the Senator from Kentucky [Mr. CLAY] first, and after him the Senator from South Carolina, [Mr. PRESTON,] had so clearly pointed out what would be the course of the next Administration in regard to removals from office, that doubt or difficulty on this question could no longer embarrass the public mind. This distinct announcement of Whig principles, proceeding, as it did, from such commanding authority, would instantly relieve the anxious minds of a very large number of office holders. According to the avowal of the two distinguished Senators, the inquiries respecting each man now in office would be, was he honest?—was he capable?—was he faithful?—and had he abused his official trust in promoting the re-election of Mr. Van Buren? If his past conduct had been such as would enable him to endure the application of these several tests without injury; then he would be retained. On the other hand, if it should be established that any officer was either dishonest, or unfaithful, or incapable, or had brought the influence of his office into collision with the freedom of elections, we should be very captious, indeed, if we were to complain of his removal.

A suspicious man might, until this auspicious day, have apprehended that an extensive latitude would be taken in construing what was meant by the abuse of office for electioneering purposes; but the Senator from South Carolina had also been clear and explicit upon this subject. He had declared, in the strongest terms, that an office holder, like all other citizens, had a right to express his opinion and to give his vote according to the dictates of his own judgment; and if he had confined himself to the exercise of these constitutional privileges, he would be in no danger of removal. To use his own strong language, he had proclaimed it to be a cardinal doctrine of the Whig faith, that *proscription must be proscribed*.

This liberal doctrine would save from proscription all our foreign ministers and other diplomatic agents who had been absent from the country during the late struggle; but he (Mr. B.) could hardly expect so much generosity even from the Whigs. These were essentially political offices, and we could not complain if they should be filled by individuals enjoying the entire confidence of the new Administration. He would not, therefore, hold his friends on this side of the House to such a strict construction of their own principle as would prevent them from making any changes in our diplomatic corps. There was, however, another numerous class of foreign agents, (he referred to our

consuls,) which, he rejoiced to say, would all be protected from proscription, both by the letter and spirit of the rule. He had himself received some letters from individuals of this class, expressing strong apprehensions lest they might be removed from office; and he had not ventured to give any of them much encouragement. He could now tell them that they might dismiss their fears—nay, that they might even dispel their doubts—if they had had been honest, faithful, and capable. From their residence abroad, and from the purely commercial nature of their duties, it was almost impossible that they could have abused their official trusts in promoting the re-election of Mr. Van Buren. These useful public servants, then, who were scattered over every civilized country on the face of the earth, and who had been engaged in their appropriate duty of aiding and protecting our foreign commerce, would all be safe under the tolerant sway of the new Whig Administration.

There was another class of officers, if officers they might be called—he meant the clerks in the different Departments—who would sleep sounder to-night than they had done since the result of the Presidential election was known. Their condition was most dependent and pitiable; and many mothers, wives, and daughters, had spent anxious days and sleepless nights in dread, lest their sons, or husbands, or fathers, might be removed from office, and their families be thus deprived of the means of subsistence. Let them now cheer up and rest in perfect security. All was safe. The disfranchisement of these clerks would prove to be their best security. They could not by possibility have voted for Mr. Van Buren, and the expression of their opinion in favor of his re-election would never cause their removal. Nobody ever heard of a mere clerk's appointment, in this disfranchised District, being abused and brought into conflict with the freedom of elections. Such an idea would be ridiculous. Now he must confess that he himself had hitherto entertained an apprehension lest such clerks as had expressed their opinion in favor of the re-election of Mr. Van Buren, and against that of General Harrison, might be removed for this cause; but he was now happy thus publicly to acknowledge his mistake.

By the multitude of office-holders throughout the Union, "the potential voice" of the two Senators would be heard with delight. For his own part, he had been chiefly anxious about the fate of a worthy and respectable widow lady, who was postmaster in the city where he resided. Gentlemen might smile, but postmaster was the word; and an excellent postmaster she was. This lady was the only relic which remained of the olden time, when no rule existed to prevent ladies from being appointed postmasters. Her last companion had been a respectable lady who was postmaster at Georgetown; but even this companion had recently deserted her, and got married. She was, therefore, left solitary and alone, being the only female in the United States who now held a post office whose emoluments exceeded one thousand dollars, and who, under the law of 1836, had received her appointment from the President and Senate. Even this old lady became apprehensive, from the Whig movements around her, that she might not be permitted to serve out her term of office. He had told her not to be uneasy—that General Harrison had too much gallantry to remove her, whatever might be the fate of other office-holders. These assurances he had ventured to give on the merit of her own claims, which he had thought would constitute an exception from what he then believed would be the general rule. She might now rest doubly satisfied that she was in no danger, because there would be no proscription for mere opinion's sake any where, and nobody would pretend that this old lady had ever entered the field, armed with her official influence, either to defend Mr. Van Buren or to attack Gen. Harrison.

It was greatly to be regretted that the two Senators had not, at an earlier period, more distinctly avowed their horror of proscription. This might have saved their friends in different portions of the Union from much unnecessary trouble and expense. The general, though mistaken impression in his State, had been that the political friends of Mr. Van Bu-

ren would be removed, and that the Whigs, who had borne the heat and burden of the contest, would be rewarded with their places. This erroneous impression was not confined to Pennsylvania, but had certainly extended to New York, as he had recently received a letter from a town in that State, and that not a very large one either, informing him that there were twenty applicants for the post office there—all struggling to obtain subscribers, and all ready to rush to Washington to attend the inauguration. These gentlemen could not have known that the system of rewards and punishments was abolished forever, and that we were now soon to be blessed with a political millennium.

The virtue of the Senators would be violently assailed; and if it were capable of yielding to importunity, we might dread the result. When General Jackson first came into power, the applicants for office were more numerous than he had ever expected to witness; but, from what he had heard, the rush for office here on the fourth of March next, would greatly surpass any thing which had ever been seen before. Numerous as had been the individuals anxious to obtain office on the accession of General Jackson, he would venture to predict that there would be, in the city of Washington, on the day of General Harrison's inauguration, at least double that number of patriotic Whigs, ready to rush into the service of their country, and seize upon official stations.

The question was then taken on Mr. HUNTINGTON's motion to postpone, and negatived—yeas 19, nays 26, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Dixon, Graham, Henderson, Huntington, Ker, Knight, Mangum, Merrick, Prentiss, Preston, Rives, Ruggles, Southard, Tallmadge, Webster, and White—19.

NAYS—Messrs. Allen, Anderson, Benton, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Nicholson, Norvell, Pierce, Reane, Sevier, Smith of Connecticut, Sturgeon, Tappan, Wall, Williams, Wright, and Young—26.

The question was then taken on the resolution, and it was passed in the following words:

Resolved, That the Senate will, on Saturday next, at one o'clock, proceed to the election of a Public Printer for the Senate for the Twenty-seventh Congress.

Mr. CLAY of Kentucky then moved to take up his resolution for the repeal of the Independent Treasury bill; which was agreed to—ayes 23, noes 23, as follows:

YEAS—Messrs. Bayard, Benton, Buchanan, Clay of Kentucky, Clayton, Dixon, Graham, Henderson, Hubbard, Huntington, Ker, Knight, Mangum, Merrick, Prentiss, Preston, Rives, Ruggles, Southard, Tallmadge, Webster, White, and Wright—23.

NAYS—Messrs. Allen, Anderson, Calhoun, Clay of Alabama, Cuthbert, Fulton, King, Linn, Lumpkin, Mouton, Nicholas, Nicholson, Norvell, Pierce, Reane, Sevier, Smith of Connecticut, Sturgeon, Tappan, Wall, Williams, and Young—22.

Mr. CLAY of Kentucky said he had no intention of pressing a vote on the resolution to-night, and would therefore move an adjournment.

Several Senators expressed a wish that the question might be disposed of this evening, but the motion for adjournment was carried—ayes 22, noes 12.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, FEBRUARY 19, 1841.

As soon as the journal had been read,

Mr. HOLMES of South Carolina rose, and observed that as he had not the honor of hearing the speech of the gentleman from North Carolina [Mr. STANLY] on last evening, he desired to ask that gentleman a question. (Mr. STANLY had attacked in a very unceremonious way the report and resolutions of the Committee on Federal Relations in the Legislature of South Carolina, and which were recently presented to the House.)

Mr. STANLY objected to it, unless an opportunity should be afforded to all other gentlemen who might wish to explain.

Mr. HOLMES was understood to appeal to the courtesy of the gentleman from North Carolina to withdraw his objection. He (Mr. H.) did not intend to enter into any argument on the subject, but merely to ask a simple courteous question.

Mr. STANLY persisted in his objection, and desired the gentleman to wait until the House should go again into Committee of the Whole, when any remark he might wish to make would be in order.

Some discussion of a conversational character here arose, during which Mr. CAMPBELL of South Carolina rose, and hoped his colleague [Mr. HOLMES] would not notice any remarks the gentleman from North Carolina [Mr. STANLY] had made against their State. For, however puissant the member from North Carolina might deem himself, he, Mr. C. would assure him that his arm was too short to reach South Carolina. Mr. C. hoped that his colleague [Mr. HOLMES] would never notice any thing the member might say against South Carolina, but to adopt the course he, Mr. C. had resolved to do, viz: to treat the member, whenever he spoke against that State, with silent contempt.

Mr. STANLY rose, and holding out his arm, said it was long enough to reach any gentleman in the House, or words to that effect.

Much confusion here arose, with considerable laughter, and it was with some difficulty that the CHAIR succeeded in restoring order.

The SPEAKER stated that the question before the House was the motion made by Mr. EASTMAN last night, (and during the pendency of which the House adjourned,) to suspend the rules for the purpose of going into a Committee of the Whole on the state of the Union, and taking up the bill to extend, for five years, the act approved July 7, 1838, "granting half-pay and pensions to certain widows."

Mr. WADDY THOMPSON asked Mr. EASTMAN to withdraw his motion, to enable him to report a bill from the Committee on Military Affairs, in conformity with the resolution of the House of the 17th instant, instructing that committee to report a bill making the necessary appropriations for fortifications, naval armaments, and other necessary preparations to place the country in a proper state of defence.

But Mr. EASTMAN refusing,

The question was then taken by yeas and nays, on suspending the rules, and it was decided in the affirmative—yeas 106, nays 42.

So the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. EVANS in the chair,) on said bill; which was read, as follows:

A BILL to extend, for five years, the act approved July seventh, eighteen hundred and thirty-eight, "granting half pay and pensions to certain widows."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the "act granting half-pay and pensions to certain widows, approved July seventh, eighteen hundred and thirty-eight, be, and the same is hereby, extended and declared to be in full force for and during the term of five years from and after the fourth day of March, eighteen hundred and forty-one; and the widows already pensioned under said act, shall receive for and during said five years, the same annuity or pension that they now receive by virtue of said act.

SEC. 2. *And be it further enacted*, That the marriage of the widow, after the death of her husband, for whose services she claims a pension under said act, shall be no bar to the claim of such widow to the benefit of said act, she being a widow at the time she makes application for such pension.

SEC. 3. *And be it further enacted*, That the widows of such officers and soldiers as have died since the passage of said act, or shall hereafter die, and the widows of such officers and soldiers as have died since the passage of the act of July fourth, eighteen hundred and thirty-six, granting half pay to widows and orphans in certain cases, shall be entitled to pensions under said acts respectively, they being otherwise entitled thereto, and widows at the time application for a pension is made.

Mr. EASTMAN briefly recapitulated the pro-

visions of the bill; and concluded by saying that the question of pensions for Revolutionary services was well understood by the country, and it was not necessary to go into a history of the subject at the present time. He therefore hoped the bill would be passed without debate.

After some remarks by Messrs. HAND, STANLY, and MORGAN,

Mr. PROFFIT moved that the committee rise and report the bill to the House; but the motion was not seconded.

Mr. UNDERWOOD moved to strike out the first two sections, after the enacting clause, and insert as follows:

"That the widows of such officers and soldiers as have died since the passage of the act entitled 'An act granting half-pay and pensions to certain widows,' approved July 7, 1838, or shall hereafter die, and the widows of such officers and soldiers as have died since the passage of the act of July 4, 1836, granting half-pay to widows or orphans in certain cases, shall be entitled to pensions under said acts respectively, they being otherwise entitled thereto; and a second marriage shall be no bar to granting a pension to any widow of a Revolutionary officer or soldier, she being a widow at the time of her application."

Mr. PECK submitted the following amendment: "Strike out, in section 1, last line, the words 'that they now receive,' and insert 'to which they were now entitled.'"

The debate was further continued by Messrs. MONROE, TILLINGHAST, PETRIKIN, W. THOMPSON, REED, and JONES of Virginia.

Mr. PICKENS protested against the passage of the bill, involving so great an amount of money, without proper estimates. Where were the documents on which they were to found their legislation? He hoped the committee would not act on such loose estimates. Could gentlemen be aware of the consequences which would arise from this large system of pensions. Were they prepared at this late period of the session to go blindfolded into a measure, drawing upwards of two millions and a half from the Treasury. For his part he would not act upon so important a subject, without proper and correct information.

In the course of his remarks, Mr. P. alluded to the speech of Mr. STANLY on last evening, and intimated that he, Mr. P. would have to exercise proper caution, or he would have the misfortune to draw down upon himself the anger of that vindictive gentleman. And for fear of falling under that gentleman's puny arm, he would refrain from saying what he intended. Alluding to the attack of Mr. STANLY on the resolutions of the Legislature of South Carolina, Mr. P. intimated that the member had shot his dreaded arrows at South Carolina with about as much effect as the savage who let fly his arrows at the sun. The member had brandished his battle-axe like Richard, and strode over the whole country, dealing vengeance around. The course of the member forcibly reminded him of the nursery rhyme:

"Who shot cock robin?
I, said the sparrow,
With my bow and arrow,
I shot cock robin."

Mr. STANLY replied, and in the course of his remarks, expressed his conviction that his "pigmy arm" was strong enough to kill a dozen such cock robins as Mr. PICKENS.

After some remarks by Mr. BRIGGS,

The question was taken on agreeing to the amendment submitted by Mr. PECK, and decided in the affirmative.

Mr. UNDERWOOD, after calling the attention of the committee to the nature of the amendment which he had submitted, gave way to

Mr. HAND, to propose an amendment viz: in the eighth line, first section, after the words "already pensioned" the words "or that may hereafter be pensioned;" and

The amendment was adopted.

Mr. DAVIES of Pennsylvania expressed himself briefly in favor of the bill.

Mr. FILLMORE moved to insert after the words "such officers and soldiers," the words "of the Revolution;" which amendment was adopted.

The question was then taken, by tellers, on Mr. UNDERWOOD's amendment, and decided in the negative—ayes 61, noes 89.

Mr. HOPKINS submitted the following amendment, viz:

"Be it enacted, That the provisions of the act approved 7th June, 1832, entitled 'An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution,' be and the same are hereby extended so as to embrace all those officers and soldiers, spies, and rangers, who, under one or more engagements, shall have served for a term of three months or upwards in the wars against the Indian tribes at any time previous to the treaty of Greenville, in the year 1795; and on application at the proper Department, and proof thereof, they shall be entitled to have their names placed on the pension roll."

Messrs. HOPKINS, HAND, JOHNSON of Virginia, and HALL, severally addressed the committee; and

The question on the amendment was put, and negatively—ayes 43, noes 83

Mr. CRABB offered the following amendment; which was adopted:

Sec. —. And be it further enacted, That the act entitled "An act directing the transfer of money unclaimed by certain pensioners, and authorizing the payment of the same at the Treasury of the United States," approved April 6, 1838, be, and the same is hereby, repealed.

Mr. GRAVES submitted the following amendment, which was read, as follows:

Be it further enacted, That the widows and children of officers of the army and navy of the United States, who may have died of wounds received in the service of the country, but who may have left the service previously to their death, shall be entitled to the same pension as though they had been in the service at the time of their death.

Mr. GRAVES briefly advocated the amendment, and Mr. HAND opposed it.

The question was then taken on the amendment, and decided in the negative.

Mr. GRAVES submitted another amendment, as follows:

Be it further enacted, That Mary Barney, widow of Commodore Barney, shall receive during her life, the same pension which she has been in the receipt of up to the discontinuance of her late pension.

The question was then taken, but no quorum voting,

And it being now half past 2 o'clock,

The House took a recess until 4 o'clock, p. m.

Mr. EVANS, who was in the chair this morning during the debate between Messrs. PICKENS and STANLY, on leave recapitulated the circumstances under which the debate took place, with a view of correcting any misunderstanding between the parties. He, Mr. E. had not called the gentleman from South Carolina to order, because he understood him as referring to the arguments of the gentleman from North Carolina, (Mr. STANLY,) and as intending no personal application. This the gentleman from South Carolina had of course a right to do, as the arguments of every gentleman were open to attack. But he, Mr. E. believed that the gentleman from North Carolina had misconceived the object of the gentleman from South Carolina, and appeared to have understood the language as intended to apply personally, instead of to the argument.

Mr. E. then appealed to Mr. PICKENS, whether he had not taken a correct view of the case.

Mr. PICKENS on being thus appealed to, said, in substance, that he had indulged in ridicule freely, but within the limits of parliamentary usage, and he had no hesitation in saying that the ridicule was intended to apply solely to the arguments of the gentleman.

On a similar appeal being made by Mr. EVANS to Mr. STANLY, the latter observed, in substance, that, at the time, he was disposed to think the strong language of the gentleman from South Carolina as something more than ridicule; but as the gentleman had disclaimed any personal allusion, he [Mr. S.] was willing to take the remarks as they were

intended, and wished his language in reply to be understood in like manner.

[EVENING SESSION.]

After the recess—

The bill for extending the act granting pensions to certain widows and orphans, being under consideration in Committee of the Whole,

The question was taken on the amendment of Mr. GRAVES, and it was agreed to.

Mr. EASTMAN submitted a further amendment merely to prevent a misconception as to the meaning of a portion of the bill, which amendment was concurred in.

There being no further amendments proposed, the committee rose and reported the bill, as amended to the House.

And the question being on agreeing with the several amendments by the Committee of the Whole, was put and decided in the affirmative.

So the amendments were concurred in.

The bill as amended, was then ordered to be engrossed for a third reading.

And the bill having been read a third time,

The question recurred upon its passage.

Mr. DROMGOOLE demanded the yeas and nays, which were ordered, and being taken were as follows:

YEAS—Messrs. Adams, Judson Allen, Anderson, Andrews, Atherton, Baker, Beatty, Blackwell, Boardman, Briggs, Brockway, Burke, Carroll, Casey, Chinn, Chittenden, Clifford, William R. Cooper, Cranston, Cushing, Davee, Edward Davies, John Davis, Garrett Davis, Dickerson, Doan, Doe, Earl, Eastman, Edwards, Ely, Evans, Everett, Fillmore, Fine, Floyd, Fornance, Galbraith, Gates, Gerry, Giddings, Goggin, Goode, Granger, Graves, Hall, Hammond, Hand, Jehu Hastings, Henry, Hill of Virginia, Hoffman, Hunt, James, Keim, Kempshall, Kille, Lane, Leadbetter, Leet, Leonard, Lincoln, Lowell, McCarty, McClellan, McClure, McCulloch, M. Mallory, Mason, Medill, Monroe, Montanya, Moore, Naylor, Newhard, Osborne, Palen, Parmenter, Parris, Paynter, Peck, Randall, Rariden, Reed, Reynolds, Ridgway, Edward Rogers, Russell, Sergeant, Shaw, Simonton, John Smith, Truman Smith, Thomas Smith, Steenrod, Strong, Stuart, John B. Thompson, Tillinghast, Toland, Trumbull, Vanderpoel, David D. Wagener, Peter J. Wagner, Weller, John White, Wick, Jared W. Williams, Thomas W. Williams, Henry Williams, Joseph L. Williams, and Christopher H. Williams—112.

NAYS—Messrs. Alford, John W. Allen, Banks, Beirne, Black, Brewster, Sampson H. Butler, Connor, Mark A. Cooper, Crabb, Dawson, Deberry, Dromgoole, Fisher, Gentry, Habersham, Hawkins, Holt, Hopkins, Hubbard, Jackson, Jameson, Cave Johnson, John W. Jones, Lucas, McKay, F. Mallory, Miller, Morrow, Nisbet, Pickens, Rhett, Rives, James Rogers, Samuels, Shepard, Stanly, Suater, Taliaferro, Waddy Thompson, Underwood, and Warren—42.

So the bill passed.

Mr. SMITH of Indiana asked the general consent of the House to permit him to lay before the House a number of joint resolutions and memorials which he had been for a long time receiving from his Legislature on a variety of subjects.

It was objected to by Mr. RUSSELL of New York.

Mr. SMITH then moved to suspend the rules for leave, but was ruled out of order by the SPEAKER.

On motion of Mr. JONES of Virginia, the House then resolved itself into a Committee of the Whole on the state of the Union, and resumed the consideration of the bill making appropriations for the civil and diplomatic expenses of Government for 1841.

The question pending was on the motion of Mr. STANLY to strike out the enacting clause of the bill.

Mr. RHETT being entitled to the floor, spoke at great length. His remarks will appear hereafter.

Mr. UNDERWOOD next obtained the floor; but gave way for a motion that the committee rise; which prevailed.

The SPEAKER then laid before the House the following communications, viz:

I. A letter from the Secretary of War, transmitting, in compliance with a resolution of the House, of the 19th ult. statements showing a comparative view of the average cost of the army proper, for each individual, taking the aggregate of the officers, professors of the Military Academy, cadets, and enlisted men in the service of the United States for the year 1837, 1838, 1839, and 1840, for subsistence to soldiers, clothing, and quartermasters and medical stores, and other articles embraced under the general character of supplies for the army not fixed by law, &c.

Laid on the table, and ordered to be printed.

II. A letter from the Secretary of War, transmitting in obedience to a resolution of the House passed the 25th of May, 1840, reports of the Paymaster General, Adjutant General, Commissary General of Subsistence, and Quartermaster General, together with documents in relation to the claims of the Territory of Iowa for the expenses of a portion of the militia of said Territory, called into service during the autumn of 1839.

Referred to the Committee on Military Affairs.

III. A letter from the Secretary of War, transmitting the annual report of the Colonel of Ordnance, with a statement showing the expenses of the national armories, and of the arms, &c. made therein during the year ending Sept. 30, 1840.

Laid on the table, and ordered to be printed.

IV. A letter from the Commissioner of Patents, transmitting, in obedience to the act "to promote the useful arts," his annual report.

Referred to the Committee on Patents.

And then, at ten minutes past 7 o'clock, The House adjourned.

IN SENATE,

SATURDAY, February 20, 1841.

The VICE PRESIDENT submitted a report from the Secretary of War, in compliance with a resolution of the Senate of the 2d instant, in relation to the suspension of payments under treaty with the Stockbridge and Munsee Indians; which was laid on the table, and ordered to be printed.

Mr. CLAY of Alabama presented a memorial of citizens of Morgan county, Alabama, praying the passage of a general bankrupt law; which was laid on the table.

Mr. YOUNG presented the petition of a number of the citizens of Indiana, Illinois, and Iowa, praying the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. WILLIAMS presented the memorial of a number of the citizens of Maine, praying the enactment of a bankrupt law; which was laid on the table.

Mr. BENTON submitted the memorial of Susan Dougherty; which was referred to the Committee on Revolutionary Claims.

Mr. ANDERSON submitted the following resolution, which was considered and agreed to:

Resolved, That the Secretary of War communicate to the Senate the number of claims filed before the Board of Commissioners under the Cherokee treaty of 1835, '6, for compensation under said treaty for reservations taken by the claimants or their ancestors, under the Cherokee treaties of 1817 and 1819; the names of the claimants, and the amount claimed for each reservation; the number of reservation claims allowed by the Board; the amounts severally awarded, the aggregate thereof, and the names of the claimants to whom awarded; the number of reservation claims rejected by the Board; the amounts severally claimed, the aggregate thereof, and the names of the claimants. Also, the number of reservations registered for under said treaties of 1817 and 1819. That he also communicate how much of the three hundred thousand dollars appropriated under the third supplemental article of the treaty of 1835, '6, for the satisfaction of reservation claims, has been applied to that object, and how much of said fund remains unexpended; whether, in his opinion, any, and what, reservation or other claims rejected by the Board of Commis-

sioners are, from the evidence on file, within the equity of the provisions of the treaty of 1835, '6.

Mr. WRIGHT submitted the following motion; which was considered and agreed to.

Resolved, That the Secretary of State inform the Senate what progress has been made in the completion of the census of 1840; whether the work, or any part of it, has yet been placed in the hands of the printer to Congress, as required by the laws; and whether the printed abstracts may be expected to be laid before Congress during its present session.

Mr. LINN submitted the following resolutions, which were considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Harrisonville, south, to Charlottesville, on the south side of Merridierine river, fifteen miles above the Harmony mission, in the State of Missouri.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of extending the mail route from Little Osage along the western line of the State of Missouri, so as to intersect the route terminating at Clemmons's office in Jasper county, fifty-five miles.

The following resolution, submitted some days since by Mr. PHELPS, was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate whether any money has been paid from the Treasury of the United States to any person whose name is included in a list of balances standing on the books of the Treasury, which have remained unsettled by receivers of public moneys more than three years prior to the 30th September, 1839; and if any money has been paid to any such receivers, to whom, with the amount and date of each payment; and, also, when the sums constituting such balances against any receiver were severally received by him, if there be such information, and if not, when such balances were reported against such receivers upon the books of that Department.

Mr. NORVELL moved to take up the resolution relative to the admission of ladies to the privileged seats on the floor of the Senate, which was laid on the table on Thursday. The motion was disagreed to—ayes 17, noes 26.

On motion by Mr. NORVELL, the Senate proceeded to consider the bill authorizing the erection of certain light-houses and light-boats, and the establishment of certain buoys and beacon lights, and after various amendments had been adopted, it was ordered to be engrossed for a third reading.

On motion by Mr. HUBBARD, the Senate proceeded to consider the House bill further to continue in force the act for the payment of horses and other property lost in the military service of the United States; and it was ordered to a third reading, and then read a third time, and passed.

The House bill to extend for five years the act, approved July 7, 1838, granting half pay and pensions to certain widows, was read a first and second time, and referred to the Committee on Pensions.

The bill to provide for the allowance of invalid pensions to certain Cherokee warriors, under the provisions of the fourteenth article of the treaty of 1835; and

The bill for the relief of John McLeod; were severally considered as in committee of the whole, and ordered to be engrossed for a third reading.

The House bill concerning navy pensions and half pay, was taken up, and after various amendments had been adopted, it was, on motion of Mr. WALKER, laid on the table for the present.

The Senate then, in pursuance to the order of yesterday, proceeded to the

ELECTION OF PRINTER.

Mr. MANGUM announced his intention of not voting.

The ballots having been counted, the VICE PRESIDENT announced the result as follows:

For BLAIR and RIVES,	26
F. P. BLAIR,	1

So BLAIR and RIVES were declared to be duly elected Printers of the Senate for the 27th Congress.

[Mr. NICHOLSON (Dem.) and Mr. BATES (Fed.) were absent when the vote was taken.]

REPEAL OF THE INDEPENDENT TREASURY.

The resolution submitted by Mr. CLAY of Kentucky for the repeal of the Independent Treasury law, with the amendment proposed by ALLEN, was taken up, and Mr. CLAY addressed the Senate in favor of its adoption.

Mr. ALLEN, after a few remarks in explanation of the motion he was about to make, moved to lay the whole subject on the table, but withdrew it at the request of

Mr. CLAY, who briefly replied to Mr. ALLEN.

Mr. WILLIAMS and Mr. WALKER followed, assigning their reasons for the votes they were about to give.

Mr. WILLIAMS said, that the yeas and nays having been ordered, and as the resolutions of his State, which it became his duty to present to the Senate a few days since, had reference to the question to be voted upon, he deemed it his duty to say something before recording the vote which he should give. The resolution now under consideration, instructs the Committee on Finance to bring in a bill to repeal the act passed last year, called the Independent Treasury bill; and it will be recollected that one of the resolutions passed by the Legislature of Maine, now in session, declares, "that the act of Congress in relation to the collection, keeping, and disbursing the public money, approved on the 4th of July last, commonly denominated the Independent, or Sub Treasury act, was uncalled for by the people, and is against the genius of our free institutions, tending to substitute a metallic for our present mixed currency, and ought forthwith to be repealed;" and another resolution is, "that the honorable Reuel Williams, previous to his election to the Senate of the United States, having declared and published that it is the duty of the elected to carry into effect the will of his constituents, if he is instructed what that will is, or resign his trust—we, therefore, hereby instruct him that the foregoing resolutions express the will of his constituents." Intending to obey the instructions of the Legislature, when given as such, or resign his trust, Mr. W. said the question was, whether or not the resolutions of his State were instructions to him how he should vote upon this or any other of the subjects named in the resolutions. Some one should be responsible to the people for every vote given by a Senator upon this floor, and that responsibility should not be uncertain, or the subject of contest between the Senator and the Legislature, if it should happen that the vote should prove wrong or adverse to the public good. A Senator must be held responsible to his constituents and to his country for all votes may give, unless he can say and prove that he gives the vote under the instructions of his Legislature, and in such case the vote so given is, virtually, not his vote, but the vote of the Legislature; in which case the responsibility attending it is upon the Legislature, and they are responsible to the people for it, and not the Senator. In this view of the case, Mr. W. said he could not regard the resolutions of his Legislature as instructing him how to vote upon this or any of the subjects named in them, and he was confirmed in this belief that they were not such instructions as would change the responsibility of the votes he might give, from himself to the Legislature, by the opinion of those in whose judgment he had great confidence. If, said Mr. W. the Legislature of his State desired him to vote for or against any measure, it was only for them to say so, in terms not liable to dispute or question, and he would obey or resign. He only wished the instructions to be in such language as would authorize him to say, now and hereafter, that the votes he should give under instructions, were the votes directed by his Legislature, and for which they, and not he, were responsible to their common masters.

Are the resolutions of the Legislature of Maine, then, to be regarded as such instructions as would make the Legislature responsible to the people of Maine for any consequences which may result from the adoption of the various measures they recommend? Did the majority of the Legislature which passed the resolutions contemplate or intend to assume any such responsibility? He thought

not, because in terms they are not such, and he had seen in the reports of the proceedings of that Legislature, while the resolutions were under consideration, that the same majority which passed them, refused, by a vote, taken by ayes and noes, to adopt an amendment then proposed to precede the words "the honorable" in these words: "believing the doctrines of instructions to be founded in sound sense and enlightened reason, and holding firmly to the opinion that it is the duty of the elected to obey the will of the electors, or else to resign the trust confided to his care." Again, if the majority intended to instruct, and to make themselves responsible for votes given in conformity with the resolutions, why did they not do it in terms not liable to misconception or dispute? Why "instruct him that the foregoing resolutions express the will of his constituents," and nothing more? Suppose (said Mr. W.) his vote should be given in accordance with what the Legislature declare to be the will of his constituents, and it should prove that such was not the will of his constituents, or that ruinous consequences should result from such a vote; and upon being called to account for thus voting, he should attempt to screen himself from the responsibility of the vote, and cast it upon the Legislature of his State, could he do it? Might not the majority well say that by the resolutions they meant to instruct him what they considered and held to be the will of his constituents, and then leave him to act upon his own responsibility? and that they had no idea of responsibility further than to express their opinion of the will of his constituents?

But, continued Mr. W. it may be said that, although the Legislature had not instructed, or intended to instruct him, in such manner as to make them responsible for the votes he might give pursuant to their resolutions, still it was his duty to obey or resign, in consequence of his answers to certain questions published near the time of his first election to the Senate, and alluded to in the resolutions. Is this so? To determine this point, the question and answer should both be considered, and they are these. Question—"Is it the right of the people, through their Representatives, to instruct their public servants, and direct their action upon all matters of general interest; and is it, or is it not, the imperative duty of such public servants to obey such instructions, or give up the trusts confided to them?" Answer—"I regard the elected as the agent of the electors. By the election, a confidence is reposed in the agent, and he is to act, in the absence of instructions, according to his best judgment and discretion, when instructed, he is to vote the will of his constituents, if he can conscientiously—if not, to resign his trust, and thereby put it in the power of those who gave him power, to cause their will to be obeyed." Taking the question and answer together, is there any thing in them to charge or enlarge the doctrine of instructions as generally received and understood? What is there in this answer beyond admitting the right of the Legislature to instruct their public agents, and direct their action upon all matters of general interest, and the duty of the agent, when thus instructed and directed, to obey or resign?

For himself, he would say that nothing more was intended, and that he could not see how others could fairly make any think more of it. Mr. W. added that the Legislature of his State were now in session, and would have ample opportunity to instruct him and direct his action upon any subjects of general interest they might choose, before any action could be had by Congress upon such subjects; and if they shall take the responsibility of the votes which they may direct him to give, he should promptly obey or resign.

Mr. SEVIER then obtained the floor, and renewed the motion to lay the resolution on the table, giving notice he would not withdraw it for friend or foe.

The question was then taken on laying the resolution on the table, and decided in the affirmative—ayes 27, noes 25, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Mouton, Nicholson, Norvell, Pierce, Roane, Robinson, Se-

vier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wall, Williams, Wright, and Young—27.

NAYS—Messrs. Bayard, Bates, Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Henderson, Huntington, Ker, Knight, Mangum, Merrick, Nicholas, Phelps, Porter, Prentiss, Preston, Rives, Rugles, Smith of Indiana, Southard, Tallmadge, Webster, and White—25.

Mr. LINN then moved that the Senate proceed to the consideration of bills connected with the Territories, and after a few remarks from Mr. BUCHANAN in favor of the motion, it was agreed to.

Mr. MERRICK gave notice that on Monday he would ask the Senate to take up the bill for the re-charter of the banks of the District.

The bill to provide for running and marking the northern boundary line of a tract of land reserved for the half-breeds of the Sac and Fox tribes of Indiana; and

The bill granting to the county of Johnson, in the Territory of Iowa, the right of pre-emption to a tract of land for a seat of justice for said county; and repealing the second section of an act, approved the 3d day of March, 1839, entitled "An act making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon; were severally considered as in committee of the whole, and ordered to be engrossed for a third reading.

The Senate then went into Executive session.

And then adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, February 20, 1841.

As soon as the journal had been read,

Mr. SMITH of Indiana moved to amend the journal, as follows:

"Mr. SMITH of Indiana asked the general consent of the House to allow him to lay before the House, and have printed, a number of joint resolutions which had been accumulating on his hands from his Legislature.

"It being objected to by Mr. RUSSELL,

"Mr. SMITH then moved to suspend the rules for the purpose of leave; which was ruled out of order by the CHAIR.

"Mr. JOHN W. JONES having obtained the floor, moved that the House resolve itself into Committee of the Whole on the state of the Union."

Mr. SMITH said he wished his motion to appear on the journal, that he had attempted, as he had frequently attempted, to obtain the floor for that purpose. He thought it due to his State, and especially to himself, as they were in his opinion intended for himself and others of his colleagues who act here politically with him.

Mr. CRABB and Mr. LINCOLN objected to the placing of this motion on the journal, on the ground that it was unusual, and if indulged in, would swell it to an enormous size.

Mr. SMITH replied, though it was unusual, and perhaps improper, he could have it appear on the journal by calling for the ayes and noes; but he said, as the time of the House was precious, and the session far spent, he would withdraw the proposition to amend; but gave notice that he would take every opportunity to introduce them, and he hoped the House would afford that opportunity.

Mr. RUSSELL said that as this was one of the days set apart for the consideration of private bills, he would move that the day be devoted to the purpose.

The SPEAKER suggested that a suspension of the rules was necessary.

Mr. FILLMORE then moved a suspension of the rules.

Mr. JONES of Virginia hoped that the motion would not prevail, as there were but a few days of the session now remaining in which to transact the public business.

The question was then taken—ayes 79, noes 68, not two thirds

So the rules were not suspended.

CIVIL AND DIPLOMATIC APPROPRIATION BILL.

On motion of Mr. JONES of Virginia, the House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. LINCOLN in the

chair,) and resumed the consideration of the bill making appropriation for the civil and diplomatic expenses of the Government for the year 1841. The question pending being the motion of Mr. STANLEY to strike out the enacting clause—

Mr. UNDERWOOD, being entitled to the floor, observed, after some introductory remarks, that his object was to call the attention of the House and the country to abuses which ought to and might be corrected to a great extent, if Congress would act properly on the subject now before them; and after saying that he had some amendments which he intended to offer, alluded to the waste of time by members of the House, in raising useless questions of order and calling the yeas and nays, as one of these abuses. He also referred to the fact that the postmaster of the city of New York received, in addition to his salary, by perquisites from box rent and branch post offices, the sum of twenty-six thousand dollars per annum—one thousand dollars more than the salary of the President of the United States. In relation to custom houses, Mr. U. would not speak of those in Charleston, Boston, New Orleans, Philadelphia, and other cities, but would merely point to the custom-house of New York, and by that, gentlemen might make their estimates in respect to those of other cities of the Union. It appeared from documentary evidence that the collector of the customs, the naval officer, and the surveyor of the port, received \$14,000 each from the condemnation of a single importation; and the collector, in addition to his salary, etc. in one year, amassed the enormous sum of thirty-nine thousand dollars!

Mr. U. after some suggestions respecting the customs, said that in no possible way could the revenue for the coming year amount to anything like what was estimated by the Secretary of the Treasury; and for that reason, Mr. U. said we ought to husband our resources, so far, at least, as this Congress was concerned, because he apprehended there would be a deficit in the Treasury. He would not go into a discussion of the tariff, duties on wines and silks, etc.; that would be premature; and in effect, remarked that the duties on all the articles that entered into the consumption of the people ought to be so equalized as to make the burdens of Government fall equally upon all.

Mr. U. expressed his opinion that, to accomplish the objects for which this Government was established, it was necessary to diminish the number of Representatives in the House to one-half—to a business standard; and after illustrating his argument, said that, as the House was now constituted, it was impossible to transact the public business with any degree of expedition.

Mr. U. said the presumed conduct of the next Administration, and a number of important questions—the public lands, internal improvements, as well as the tariff, had been made the subjects of discussion in the House. It had been said by a gentleman from Ohio [Mr. DUNCAN] that the dead march would be played over General Harrison and the Whig party in 1844. That was Lochiel's warning; and, said Mr. U. it ought to come to pass unless the Whig party adhere to the principles which they promulgated before the election. But if you will carry out the principles which brought you into power—if you will make an Independent Treasury in fact, let Congress appoint the Secretary of the Treasury, and amend the Constitution so as to appoint the Postmaster General in the same way. If you allow them to be independent men, requiring them to look into laws, and not to the White House, for a definition of their duties, your administration will be glorious.

Mr. U. said, he would belong to a party so long as it fought for principle; but so soon as they should scramble for the spoils, he was off. He never belonged to such a party, and never would. But he believed the coming Administration would adhere to its policy, and carry out the great principles for which its friends had contended.

Mr. U. was in favor of a distribution of the proceeds of the sales of the public lands, and for a National Bank. If that could not be established, he would agree so to amend the Sub-Treasury law, that every man might there deposit a silver dollar, and receive a Government bill in return for it. Mr.

U. contended it was the bounden duty of Government to furnish the people with such a currency as could be used for the purposes of exchange; and concluded his remarks (of which this is necessarily but a brief sketch) by adverting to the subject of the public lands.

Mr. SERGEANT said he had a few words to say on the question before the CHAIR; for it appeared, according to the course of gentlemen; that the good old-fashioned rule of speaking to the subject before them was to be exploded.

Mr. S. then proceeded to reply to some of the arguments of the last speaker in relation to a reduction of the number of members, etc.

Without concluding, Mr. S. gave way to a motion that the committee rise; which motion prevailed.

So the committee rose, and reported progress.

A motion was then made to adjourn until Monday next.

Mr. JONES of Virginia demanded the yeas and nays; which were ordered, and were—yeas 76, nays 60.

And, at twenty minutes to four o'clock, the House adjourned.

IN SENATE.

MONDAY, February 22, 1841.

Mr. WHITE presented resolutions passed by the Legislature of the State of Indiana in favor of a distribution of the proceeds of the sales of the public lands, and in favor of supporting the General Government by duties on imports, and not by direct taxation. The resolutions were read, laid on the table, and ordered to be printed.

Mr. CLAY of Kentucky presented the memorial of citizens of East Tennessee, praying the imposition of duty on foreign silks, and of counter-vailing duties; which was laid on the table.

Mr. YOUNG presented the memorial of Levi Owen, and others, of Illinois, praying the opinion of Congress as to the true meaning and construction of the Constitution, touching the right of property in slaves; the right of the States to issue bills of credit, and the power of Congress to create a National Bank.

Mr. Y. vouched for the great respectability of the memorialists, though their opinions might, to some, appear singular. The memorial was laid on the table.

Mr. CRITTENDEN presented a memorial of citizens of Pennsylvania, in favor of a general bankrupt law; which was laid on the table.

Mr. PRENTISS presented two memorials of citizens of the county of Erie, State of New York, and the memorial of citizens of the town of Alexander, in the same State, remonstrating against the ratification and execution of the late treaty with the Seneca Indians; which were referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. P. also presented the petition of John Pope; which was referred to the Committee on Pensions.

Mr. HENDERSON presented resolutions of the Legislature of Mississippi, asking that a River Land District may be established in that State; which were referred to the Committee on the Public Lands.

Mr. ROBINSON presented the petition of Joseph Shoemaker; which was referred to the Committee on Pensions.

On motion by Mr. KING, the Committee on Commerce was discharged from the further consideration of the memorial of the Legislature of Louisiana, respecting the placing of buoys at the mouths of the Mississippi—a bill having been already passed on this subject.

BILLS PASSED.

The bill to authorize the Legislative Council of the Territory of Iowa to increase the jurisdiction of justices of the peace in civil cases;

The bill to provide for running and making the northern boundary line of a tract of land reserved for the half-breeds of the Sac and Fox tribes of Indians;

The bill granting to the county of Johnson, in the Territory of Iowa, the right of pre-emption to a tract of land for a seat of justice in said coun-

ty; and repeating the second section of an act, approved the 31 day of March, 1839, entitled "An act making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon;

The bill to provide for the allowance of invalid pensions to certain Cherokee warriors, under the provisions of the fourteenth article of the treaty of 1835; and

The bill for the relief of John McLeod; were severally read a third time, and passed.

Mr. CRITTENDEN asked leave to introduce a bill to prevent the interference of certain federal officers in elections, and explained and advocated the propriety of the bill, concluding with a wish that a test vote might be made on granting leave.

He was followed in the debate by Messrs. NORVELL, WRIGHT, CLAY of Kentucky, CALHOUN, BUCHANAN, CUTHBERT, and PRESTON.

At the close of Mr. PRESTON's remarks much noise was made in one of the galleries by the stamping of feet and clapping of hands.

Mr. CLAY of Alabama demanded that the gallery should be cleared.

Mr. ANDERSON also insisted that the gallery should be cleared.

Several other Senators joined in the request.

Mr. CLAY: Spare the ladies—they have not sinned. I hope they may be suffered to remain.

Mr. ANDERSON said the noise proceeded from the eastern gallery; and he or his friends had no wish to disturb the ladies.

The eastern gallery was then cleared; and

Mr. CALHOUN having made some remarks on the bill, the question was taken on granting leave to introduce it, and it was decided in the negative—ayes 14, noes 26, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Graham, Henderson, Huntington, Mangum, Merrick, Prentiss, Preston, Rives, Southard, and Tallmadge—14.

NAYS—Messrs. Allen, Anderson, Benton, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, Hubbard, King, Linn, Lumpkin, Mouton, Nicholson, Norvell, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Sturgeon, Tappan, Walker, Williams, Wright, and Young—26.

The VICE PRESIDENT submitted the following letter to the Senate:

"WASHINGTON, Feb. 22, 1841.

"Hon. R. M. JOHNSON,

Vice President of the United States:

"SIR: It is the object of this letter to make known to the Senate the resignation of my seat as one of the Senators from Massachusetts, having already informed the Executive of that State that from this day my place would be vacant.

"In retiring from a situation in which so considerable a part of my life has been passed, I hope I may be permitted to express my high respect for the body of which I have been a member, the interest I shall ever feel in the preservation of its character and dignity, and my cordial wishes for the health and happiness of all those with whom I have been associated.

"With much personal regard, I have the honor to be your obedient servant,

D. WEBSTER."

When the letter had been read,

Mr. CUTHBERT and Mr. WRIGHT simultaneously rose, but the former gentleman obtaining the floor, expressed his regret that the Senator from Massachusetts was not present to explain or retract certain opinions heretofore expressed by him on a subject of vital interest to the Southern section of the Union.

An animated debate followed, in which Messrs. CLAY of Kentucky, PRESTON, CUTHBERT, and RIVES, participated, and which was terminated by a successful motion for adjournment.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 22, 1841.

Mr. LANE moved a suspension of the rules for the purpose of taking up the bill from the Senate,

confirming to the State of Indiana certain lands for canal purposes.

At the suggestion of Mr. CLIFFORD,

Mr. LANE modified his motion so as to include the bill making further provision for the expenses of an exploration and survey of a portion of the Northeastern boundary line.

Mr. JONES of Virginia, chairman of the Committee of Ways and Means, expressed his willingness that one hour should be devoted to these bills; after which time he should feel bound to insist on the further execution of the special order on the general appropriation bill.

NATIONAL DEFENCES.

Mr. WADDY THOMPSON, chairman of the Committee on Military Affairs, (Mr. LANE having given way for that purpose,) reported a bill, in compliance with the instructions of the House, making appropriations for certain fortifications of the United States generally for the year 1841, and for armament of fortifications; also, for raising a company of sappers, miners, and pontoniers, and appropriating \$500,000 for steam ships of war. The amount proposed by the bill to be appropriated is \$1,678,000.

The bill was read a first and second time, and,

On motion of Mr. THOMPSON, it was committed to a Committee of the Whole on the state of the Union, and ordered to be printed.

The question was then taken on the motion to suspend the rules; which was decided in the affirmative; and

The House resolved itself into a Committee of the Whole on the state of the Union—Mr. BANKS in the chair—and proceeded to the consideration of the bill entitled "An act to confirm to the State of Indiana the land selected by her for that portion of the Wabash and Erie canal which lies between the mouth of the Tippecanoe river and Terre Haute, and for other purposes."

INDIANA CANAL LANDS AND NORTHEASTERN BOUNDARY OF THE UNITED STATES.

At the instance of Mr. PROFFIT, the report of the Committee on the Judiciary of the Senate on the subject was read; and the bill was then laid aside to be reported to the House.

The committee then proceeded to the consideration of the "bill to make further provision for the expenses of an exploration and survey of that part of the Northeastern boundary line of the United States which separates the States of Maine and New Hampshire from the British Provinces."

When this bill was under consideration on the 13th instant, a motion was made by Mr. UNDERWOOD to amend it by striking out \$75,000, the amount proposed to be appropriated, and inserting \$37,500. Mr. PETRIKIN, on the same day, moved to reduce the appropriation to \$12,000.

Mr. PROFFIT said he believed he was entitled to the floor when the bill was up before. Since that time he had paid some attention to the bill, and was convinced that the sum contemplated to be appropriated was necessary for the purpose. He, therefore, should withdraw opposition in every shape, and he would vote for the bill. He had ascertained that there were three lines to be run instead of one.

Mr. CLIFFORD expressed the hope that he might have the attention of the committee for a few minutes, while he made a brief explanation of the necessity of the appropriation asked for in the bill under consideration. He believed it would be wholly unsafe to reduce the amount, and he could not doubt that all would concur with him when the facts of the case were fully understood. Before he attempted to explain the estimates which had been submitted by the commissioners, he desired to make one or two remarks in reference to the position which the State he in part represented, occupied in regard to this survey and exploration. He wished to remind the committee that neither the people nor the authorities of Maine have ever asked this Government to institute it; and he did not know as it would be going too far to say it was not desired by his State at the time it was first recommended, or when that recommendation received the sanction of Congress. At that time the Executive of Maine was pressing upon this Government the performance of its constitutional obligations to protect the State against invasion from a foreign

foe. If the wishes of the State had been consulted, a military occupation of the territory in dispute, under the authority of the United States, in all probability would have removed the necessity which may now be supposed to exist, to take any steps to counteract the influence of the *ex parte* exploration of British agents. But, sir, what answer did the action of Congress instituting this survey give to the authorities of Maine, as a reply to the demand to repel the invaders from its soil? It amounts to this, in my estimation: England is a great and haughty power; if the request made should be immediately granted, there is danger that the peaceful relations between the two countries may be interrupted; it has become important to institute a counter survey, to be made the basis of another effort (fruitless he feared it would be) to convince Lord Palmerston of the preposterous character of the British claim. This survey is not necessary to convince the people of Maine of their rights; they understand them full well; nor is it necessary to enable this Government to judge of the rightful character of their claim under the treaty of 1783. Every branch of this Government, over and over again, and in the most solemn manner, has admitted the right of the State to the whole territory in dispute. No objection, however, was made to the proposed survey; none will be by any member from Maine, unless it should be converted into an excuse for unreasonable delay in removing the British troops quartered upon the soil, and within the jurisdiction of the State. Mr. C. said, he did not desire any extravagance in this or any other branch of the public service. All he desired was, that the amount should be sufficient to insure the completion of the work during the next season. Negotiation is at a stand for the want of the information expected from commission. Let the survey be completed—to that he would not object. It ought to be made; but let it be well and quickly done. Last year's appropriation is now exhausted, and but little, comparatively, has been accomplished. The commissioners, in pursuance of that duty, have estimated the expense to complete the survey, basing the calculation upon the actual cost per mile of the last year's work. It is said to be extravagant—doubtless gentlemen think so—but does any one know, and can it be demonstrated, that a less sum will be sufficient to ensure the accomplishment of the object in view, without unnecessary delay? He would appeal to the committee if it is not more reasonable to believe that if any considerable reduction should be made from the estimates submitted, the effect of it will be to throw the whole matter over another year, and to invite an application at the next session of Congress for a new appropriation. He thought so, and he feared such would be the result. It is true the sum is large, but the service to be performed is far greater than gentlemen seem to suppose, and much more expensive than an ordinary survey of courses and distances; the commissioners are required to make a barometrical survey to ascertain the altitude of all the principal elevations on the different routes, and, as he supposed, their latitude and longitude. There are three lines to be explored, each extending through a wilderness, or rather a dense forest, the distance of two or three hundred miles. One of these lines or routes, called the meridian line, extends from the monument marked on the map, to the northwest angle of Nova Scotia, and the other two extend quite across the State from west to east, being the true north line, and the one recently surveyed by the British agents. As every member of the committee must perceive, it requires three companies to prosecute the work, and as he (Mr. C.) understood, of forty men to a company. The necessity of so large a force is easily explained, on account of the distance from settlements, and the difficulty of transporting provisions and the necessary implements to prosecute the work. Mr. C. made some further explanations as to the extraordinary character of the report of Messrs. Featherstonagh and Mudge, and concluded by remarking that, as the members on all side of the House informed him they were ready to vote the whole amount asked for, he would not pursue the subject at this time.

Mr. PETRIKIN said that any member of the

committee had been challenged to show that the appropriation asked for by this bill was not too large. Now, Mr. P. would state, that two distinct lines were run between Texas and the United States, and only \$10,000 were appropriated for that purpose. The distance was about three times greater than that part of the Northeastern boundary line of the United States which separates the States of Maine and Hampshire from the British Provinces. He said that the reason for this small appropriation was obvious. Men had been taken from the woods, and were acquainted with the country; while, on the other hand, gentlemen had been taken from colleges, who knew nothing.

The question was then taken on the amendment to the amendment, and it was rejected.

And the question was then taken on the amendment, and it was also rejected.

On motion of Mr. JAMESON, the committee then rose, and reported the bills to the House.

The question was then taken, Shall the bill to confirm certain lands to the State of Indiana be read a third time? and passed in the affirmative.

The bill was read a third time; and the question being put, Shall the bill pass?

It was passed in the affirmative.

The question was about being taken on engrossing, for a third reading, the bill to make further provision for the expenses of an exploration and survey of a portion of the Northeastern boundary line, when

Mr. PETRIKIN moved that the words \$75,000 in the third line be stricken out, and that \$20,000 be inserted in lieu thereof.

Mr. L. WILLIAMS moved \$50,000.

Mr. W. B. CAMPBELL moved that \$37,500 be inserted.

Mr. STANLY moved the previous question; which being seconded, was put and carried, and

The main question was then put,

1. On striking out \$75,000 and inserting \$50,000.

2. On striking out \$75,000 and inserting \$37,500.

2. On striking out \$75,000, and inserting \$20,000.

All of which amendments were severally rejected.

The bill was then ordered to be engrossed, and was read a third time.

And the question was then stated, Shall the bill pass? when

Mr. PETRIKIN moved to re-commit the bill to a Select Committee, with instructions to inquire how many French cooks, pots of currant jelly, and sweet meats, were required for the commissioners to conduct the survey.

Pending which motion,

Mr. SMITH of Maine moved the previous question; which was seconded, put, and carried; and

The main question was then put, and passed in the affirmative.

So the bill was passed.

STEAMBOAT EXPLOSIONS.

Mr. PETRIKIN inquired of the SPEAKER whether there was not a special order for this day?

The SPEAKER replied that a special order—the steamboat bills—had, on the 16th instant, by a vote of two-thirds, been further postponed until this day.

On motion of Mr. JONES of Virginia, the special order was postponed until Monday next, and

The House resolved itself into a Committee of the Whole on the state of the Union—Mr. BELL in the Chair—and resumed the consideration of the CIVIL AND DIPLOMATIC APPROPRIATION BILL.

The question pending was the motion of Mr. STANLY to strike out the enacting clause.

Mr. SERGEANT resumed his remarks, and concluded at one o'clock.

Mr. STANLY then withdrew the motion to strike out the enacting clause of the bill, stating that he did so at the earnest request of gentlemen of both sides. He had made the motion in the first instance, in order that he might have an opportunity of making his speech. He was satisfied, if others were. If other gentlemen desired to speak, they could renew the motion.

The question recurred on the motion of Mr. HUNT to strike out the following proviso:

"Provided, however, That the district attorneys of the United States, in and for the several districts, the clerks and marshals, respectively, of the same, shall render an account quarter year-

ly, each and every year hereafter, to the Secretary of the Treasury, of all fees, emoluments, and receipts, of every name and nature whatever, by them respectively received by virtue of their said offices; which account shall be rendered upon oath or affirmation, and shall be in such form, and supported by such proofs as the Secretary of the Treasury in his judgment may prescribe for the purpose of enforcing the provisions hereinafter named, that is to say: if it shall appear that the salaries, fees, emoluments, receipts and earnings, of any of the said attorneys, shall exceed the sum of ——— dollars, then such attorneys shall pay such excess into the Treasury of the United States for general purposes of the Government; and if the salaries, fees, emoluments, or earnings, of any of said clerks shall exceed ——— dollars, then the excess shall, in like manner, be paid into the Treasury for the purposes aforesaid; and if the salaries, earnings, fees, and emoluments, of any of the said marshals shall exceed the sum of ——— dollars, then such excess shall also be paid into the Treasury for purposes aforesaid."

Mr. CUSHING then obtained the floor, but yielded it momentarily, for purposes of explanation, to

Messrs. STANLY, RHETT, and RIVES.

[These explanations had reference to some facts stated by Mr. STANLY in his speech on Thursday evening last.]

Mr. RIVES requested the gentleman from Massachusetts to let him have the floor for a few moments, to notice the charge of the gentleman from North Carolina, [Mr. STANLY,] "that Abolitionists were in the caucus that prepared the Atherton resolutions."

Mr. CUSHING consented; and

Mr. RIVES was about to proceed, when

Mr. THOMPSON of South Carolina and Mr. PECK objected.

Mr. RIVES insisted that he had the floor, and as the statement of the gentleman from North Carolina, [Mr. STANLY,] was in conflict with the account he had given during his canvass for Congress two years ago, he hoped to have the attention of the committee for a few moments.

Mr. R. said he went into that caucus, but not with Abolitionists. There was not any man in it who wished Congress to interfere with slavery. He would not go into an examination of the opinions of the member from Ohio, [Mr. DUNCAN,] but he felt it his duty to say here, what he had said at home, "that the gentleman from Ohio had no agency in preparing the resolutions alluded to, nor was he in the caucus."

Mr. STANLY insisted that he was, and that he could prove it by respectable members of the party to which Mr. R. belonged.

Mr. RIVES said the gentleman's informant was mistaken; that the same thing had been said, and perhaps founded on the same evidence, in his district, which caused him to inquire into the matter when he came to the last session of Congress, and he had not met with a man who had any recollection of seeing the member from Ohio in caucus, and that the member himself had authorized him to say that he was not there.

Mr. CUSHING then renewed the motion to strike out the enacting clause, but after some remarks on the impropriety of attempting reform at the present session, withdrew it.

The question then recurred on the motion of Mr. HUNT to strike out the proviso in relation to district attorneys, marshals, &c. (as above stated.)

Mr. HUNT took the floor, but yielded it for the moment to

Mr. THOMPSON of Mississippi, who desired to submit an amendment; but, it not being in order then to do so, he gave notice that he would move it at the proper time.

Mr. HUNT then addressed the committee strictly with reference to the immediate motion submitted by him—explaining certain particulars in which his former remarks had been misunderstood; and expressing himself ready to enter upon a system of retrenchment and reform whenever the moment arrived at which, from the composition of the House, any efficient action could be had.

Mr. REED entered into a history of this matter, and of the various efforts that had been made to provide a remedy for what he considered an evil which ought to be corrected. The fees were exorbitant and should be reduced.

Mr. G. DAVIS submitted the following amendment to the amendment:

"After the word districts, in the 416th line, insert 'shall render an account quarterly, each and every year hereafter, to the Secretary of the Treasury, of all fees, commissions, and other emoluments, of every name and nature whatever, accruing to them, directly or indirectly, in consequence of any ser-

vice pertaining to their office rendered for the Government of the United States; and no district attorney shall be entitled to be paid, or to retain as compensation for all such services so rendered the Government of the United States, a sum exceeding \$—, in any one year, including his salary, and all other emoluments arising directly or indirectly from his office, and."

"Also amend said clause by striking out these words: 'If it shall appear that the salaries, fees, emoluments, receipts, and earnings, of any of the said attorneys shall exceed the sum of \$—, then such attorneys shall pay such excess into the Treasury of the United States for the general purposes of the Government.' And before the words *salaries, fees, &c.* insert the word *net*."

"And at the end of the proviso proposed to be stricken out, add: 'And that in all cases where the fees, emoluments, receipts, and earnings of any clerk of any District or Circuit Court of the United States, or of both together, where they may be blended and united in the same individual, shall in any year exceed the sum of \$—, such District Court may allow to the Clerk thereof, and such Circuit Court may allow to the Clerk thereof, a reasonable compensation for as many deputies as may have been necessary, in addition to his own attention and labor, to have enabled him to perform the duties of his office in any one year. And the Circuit Court that may sit in any district, or, if there be no such Circuit Court, then the District Court thereof, may allow to any Marshal of any District of the United States the like reasonable compensation for as many deputies as may have been necessary to have enabled him to perform the duties of his office in any one year in which his emoluments, earnings, and receipts shall have exceeded the sum of \$—; and also the reasonable travelling expenses of such Marshal and his deputies, actually incurred in the execution of their official duties; which several allowance for deputies, and the expenses of any Marshal or Deputy Marshal, so made by any Court, shall be forthwith certified to the Treasury of the United States.'"

Mr. D. explained to the committee the effect of his proposition, and submitted some general remarks in regard to the reform and retrenchment which they had undertaken to carry out. He had not concluded when, the hour of 2½ having arrived,

The House took a recess until 4 o'clock.

EVENING SESSION.

After the recess,

Mr. DAVIS of Kentucky resumed his remarks in support of his amendment. He spoke at some length in favor of reducing the salaries of all officers in the employ of Government. When that shall be the case, he contended that the Executive would no longer be annoyed, as under the present system of high salaries. If the salaries were not higher than a fair compensation, then individuals would no longer aspire to office, for it would hold out no inducement. Mr. D. went on to show, that by this plan the influence of the Executive would be lessened, and concluded by slightly modifying his amendment.

Mr. SALTONSTALL agreed that this subject required attention, and that there were many abuses in the system which called loudly for reform. He submitted, however, whether at this late period of the session there was time for the investigation of so important a matter. Only a few days remained of the session, and there were now no less than five appropriation bills to be acted upon. He hoped, therefore, that the appropriation bills would be first passed, and the present subject be postponed until there should be a more favorable opportunity for doing it justice.

Mr. WADDY THOMPSON hoped, that in case he could not vote for the proviso, he should not be accused of being opposed to retrenchment and reform. If the system were an evil, it appeared to him an irremediable evil. Mr. W. proceeded to contend that although in two or three places the fees of United States district attorneys, etc. might be too large, yet in the majority of cases in various parts of the country, the compensation was hardly sufficient to ensure the services of competent men. The consequence was, that, in numerous instances, none but third-rate lawyers could be procured to act for the Government. It was absurd and unjust to reduce the fees of a whole class merely because one or two might receive a liberal sum. The fee bill did undoubtedly require some alterations, but yet he did not hesitate to say that the fees in the majority of cases in other parts of the Union, were not sufficient to ensure the services of competent men.

Mr. MASON of Ohio followed, and concluded by raising a point of order as to whether the proviso in question could, under the rules, be inserted in an appropriation bill.

Mr. VANDERPOEL contended that the proviso, according to the previous practice of the House, was strictly in order. He referred to various instances to show that, when crying abuses existed,

Congress had always corrected those abuses in an appropriation bill. Mr. V. also gave his views at some length on the merits of the question involved in the proviso.

The point of order raised by Mr. MASON still pending,

The CHAIR observed that he could not decide that the proviso should be stricken from the bill, because the committee only had the power, and could strike out the proviso as improperly reported if they thought proper. Were the CHAIR to decide that it should be stricken out on the ground that it was improperly reported, it would be a usurpation of power. He must therefore leave it for the action of the committee.

The committee then acquiesced in the decision of the CHAIR.

The question then being on the amendment of Mr. DAVIS to the motion of Mr. HUNT to strike out the proviso,

Messrs. GRINNELL, VANDERPOEL, and MONROE, gave their views.

Mr. FLOYD said that he had not intended to address the committee upon this provision of the bill for reducing the fees of district attorneys, and should not do so now, were he not an ardent admirer of the principles of "economy and reform," which appeared to be deserted by those who had professed for them the highest regard. We have been told (said Mr. F.) that the party which has lately triumphed had inscribed, in the ample folds of its banner, "economy and reform;" and he supposed, when he came to attend this session of Congress, that those who had preached so loud and so long on that subject would make some attempt to practise, after election, what they had preached before the election. We have been told, too, that the present Administration has been condemned for its extravagance; and where is the member on this floor, of the Opposition party, who can rise in his place and say that he did not give circulation to speeches, delivered here at the last session, denouncing the Administration as prodigal and extravagant? And yet we have reached the 17th page of the general appropriation bill, and the first dollar is not yet stricken out by any move from any member of this great "economy and reform" party. An honorable member has told us that the reform called for by the recent election is a general reform, and not a trifling picayune business. So be it. Let him apply his general reform to this bill, and reduce the expenses of the Government. Another has told us that they will begin the work when they have the power. Sir, said Mr. F. they have the power now—let them try; and if any one has the courage to make the attempt, my word for it, he will find enough here to help him carry it through. Now is the time to commence the good work, before the offices are filled with their friends; now, when they can escape the odium of reducing salaries after appointments are made. Will they be more willing to apply the pruning knife when their political friends are in possession of the offices? Why, sir, it is but a day or two since, that my honorable colleague from the Columbia District [Mr. VANDERPOEL] attempted to strike out an appropriation of \$1,000 for a clerk in the Fifth Auditor's office; but, although the clerkship is vacant, and has been for some time, he got no aid from the economy and reform party; they shrunk from abolishing a single solitary vacant clerkship; and if they cannot spare one clerk from so large a bureau as this, where, I ask, are they to carry out their principles of reform? They have told the people that the expenses of the Government were too great. I have no doubt that many believed them, and have decreed a reduction of expenditures. Let gentlemen now redeem their pledges to the people. Let them begin somewhere; and they will find those here who will aid them in carrying out the principles of economy and reform on the most enlarged and liberal scale.

Mr. EVANS rose to a question of order. The amendment proposed to alter the fees allowed by the existing law, and was, to that extent, a repeal of the law. The proviso, as reported in the bill, did not alter the charge for fees, but this amendment did. He considered it irregular and unusual, and put it

to the Chair whether the proposition to amend could be admitted.

The CHAIR observed that if this were an original proposition to insert such a proviso in the bill, he would have no hesitation in ruling it out of order. But though the proviso in the bill was irregular, yet the Chair could have no control over it, inasmuch as it had been reported by the Committee of Ways and Means, and entertained by the House. Therefore, the proviso being in the bill, it was competent to amend or perfect the same, although it might go to change an existing law.

Mr. THOMPSON of Mississippi, in pursuance of notice given, then submitted his amendment, as follows:

Strike out, in the eighteenth and nineteenth pages of the bill, that part relating to the district attorneys, clerks, and marshals, respectively, and insert:

"That hereafter, in lieu of all fees, emoluments, and receipts, now allowed, it shall and may be lawful for the United States clerks, attorneys, counsel, and marshals, in the district and circuit courts of the United States in the several States, to demand and receive the same fees that now are, or hereafter may be, allowed by the laws of the said States respectively where said courts are held, to the clerks, attorneys and counsel, and sheriffs, in the highest courts of the said States in which like services are rendered; and no other fees or emoluments, except that the marshals shall receive in full, for summoning all the jurors for any one court, thirty dollars; and shall receive, for every day's actual attendance at any court, five dollars per day; and for any services, including the compensation for mileage, performed by said officers in the discharge of their official duty, for which no compensation is provided by the laws of said States, respectively, the said officers may receive such fees as are now allowed by law according to the existing usage and practice of said courts of the United States; and every district attorney, except the district attorney of the southern district of New York, shall receive, in addition to the above fees, a salary of two hundred dollars per annum."

After some incidental remarks by Messrs. HAND, FILLMORE, J. THOMPSON, UNDERWOOD, CURTIS, JONES of Virginia, BROWN of Mississippi, and WELLER,

The question was taken on agreeing to the amendment, and decided in the affirmative—ayes 67, nays 66.

Mr. CAVE JOHNSON moved to amend the amendment first adopted, by adding thereto the following:

And provided also, That in addition to the account now required to be rendered by every collector of customs, naval officer, and surveyor of ports, every such collector, naval officer, and surveyor shall, each and every year hereafter, render a quarterly yearly account under oath to the Secretary of the Treasury in such form as said Secretary shall prescribe, for the purpose of giving full effect to this proviso, of all sums of money by them respectively received or collected for fines, penalties, or forfeitures, or for seizure of goods, wares, or merchandise; or on account of suits instituted for frauds against the revenue laws; or for rent and storage of goods, wares, or merchandise, beyond the rents paid by the collector or other such officer; and if from such accounting it shall appear that the account received in any one year, by any collector, naval officer, or surveyor, an account of fines and penalties, or forfeitures, and on account of any seizures made or suits instituted for frauds or evasions of the revenue laws, and for rents and storage as aforesaid, shall, in the aggregate, exceed the sum of two thousand dollars, such excess shall be paid into the Treasury for the use of the United States. And no such collector shall hereafter, under any pretence whatever, have, or receive, or retain for himself, in the aggregate, more than six thousand dollars per year, including commissions for storage, and any other commissions or salaries as now allowed and limited by law. No such naval officer shall, on any pretence, in the aggregate, have or receive, or retain for himself, more than five thousand dollars per year, including commissions and salaries as aforesaid:—no such surveyor shall, in the aggregate, have or receive, or retain, more than four thousand five hundred dollars per year, including commissions and salaries as now allowed and limited by law.

The CHAIR decided the amendment out of order.

Mr. UNDERWOOD moved that the committee rise; but the motion did not prevail.

Mr. C. JOHNSON appealed from the decision of the CHAIR.

The CHAIR said that a similar proposition—to reduce contingent salaries—was, at the last session of Congress, ruled out of order.

Mr. UNDERWOOD inquired if the appeal was debatable?

The CHAIR said he would not refuse to hear any suggestions on the subject.

Mr. UNDERWOOD then asked the CHAIR to point to any particular rule which prohibited such amendments.

The CHAIR remarked that his decision was based upon the 50th rule, which is as follows:

"No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution shall, at any time, be amended, by annexing thereto, or incorporating therewith, any other bill or resolution pending before the committee."

Several precedents were then read in support of the decision of the CHAIR.

Mr. CASEY asked Mr. JOHNSON to withdraw his appeal.

Mr. UNDERWOOD said he had some important amendments to offer to the bill under consideration, and that if the decision of the CHAIR should be sustained, they would be cut off. He believed, however, that there was nothing in the rules of the House which would prevent his amendments from being offered. Mr. U. contended that he had uniformly seen the rules of the House bent to the circumstances of the times, and proceeded, at some length, to contrast the decision of the CHAIR with the provisions on the statute book; but, without concluding, gave way for a motion that the committee rise; which prevailed—and

The committee then rose, reported progress, and asked leave to sit again.

Mr. GALBRAITH submitted the following resolution:

Resolved, That from and after one o'clock to-morrow, all debate in Committee of the Whole on House bill No 601 (the general appropriation bill) shall cease; and after said period, the committee shall proceed to vote on any amendments that may be offered thereto, and report the same to the House.

Mr. G. moved a suspension of the rules, for the purpose of considering the resolution at this time.

But, pending the motion,

The House adjourned.

IN SENATE,

TUESDAY, February 23, 1841.

Mr. ANDERSON presented the petition of Samuel Martin, submitting a plan for a National Bank.

Mr. BUCHANAN said that in 1836 he had presented the documents of Charles F. Sibbald, asking indemnity for property destroyed by the United States. These documents were now on file, and he asked that they might be again referred to the Committee on Claims; which was agreed to.

Mr. PRENTISS presented the memorial of citizens of Chataque county, and citizens of the towns of Collins and Brandt, in the State of New York, remonstrating against the removal of that portion of the Seneca nation who refused their assent to the treaty; which were severally ordered to be laid on the table and printed.

Mr. LINN presented the petition of J. Epes Cowan, praying the confirmation of his title to a tract of land; which was referred to the Committee on Private Land Claims.

Mr. WHITE presented the petition of a number of the citizens of the States of Indiana, Illinois, and Iowa, praying the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Mr. KING presented the petition of a number of the citizens of Marengo county, Alabama, praying the enactment of a bankrupt law; which was laid on the table.

Mr. SOUTHARD presented the memorial of citizens of Princeton, New Jersey, in favor of a bankrupt law; which was laid on the table, and ordered to be printed.

Mr. BENFON submitted the following resolution:

Resolved, That there be paid, out of the contin-

gent fund of the Senate, to each of the messengers of the Senate and office of the Secretary of the Senate, three dollars per day *per annum*; and to the assistant messenger of the office of Secretary of the Senate, and laborers of the Senate, two dollars per day *per annum*, in lieu of all other allowances whatever.

Mr. KING thought the system proposed by the resolution was much better than the one at present pursued, but, that it might have proper consideration, he hoped it would be referred to the Committee on the Contingent Expenses of the Senate; which was agreed to.

Mr. BUCHANAN asked the unanimous consent of the Senate to introduce

A bill to amend the act entitled "An act to amend the act approved May 13, 1800, entitled 'An act to amend an act entitled 'An act to establish the judicial courts of the United States.'"

Leave was granted, and the bill was read twice, and referred to the Committee on the Judiciary.

Mr. WILLIAMS, from the Committee on Naval Affairs, asked to be discharged from the further consideration of the petition of James McDonald; which was agreed to.

Mr. CLAY of Alabama, from the Committee on the Public Lands, to which was referred the bill to continue in force the first section of an act entitled "An act to extend the time for locating Virginia military land warrants, and returning surveys thereon, to the General Land Office, approved July 7, 1838."

Mr. WRIGHT, from the Committee on Finance, made an adverse report on the petition of David Green; which was ordered to be printed.

Mr. FULTON, from the Committee on the Public Buildings, to which was referred the petition of a number of the stonecutters employed on the new Treasury building, reported a bill for their relief; which was read, and ordered to a second reading.

GENERAL ORDERS.

The following bills were taken up, and considered as in committee of the whole, and ordered to be engrossed for a third reading:

The bill for the relief of certain railroad companies therein named.

The bill to authorize the issue of patents to certain entries of the public lands.

The bill for the relief of the legal representatives of John Scott.

The bill explanatory of an act supplemental to an act entitled "An act to grant pre-emption rights to settlers on the public lands;" approved June 22, 1838.

The bill for the relief of the legal representatives of Henry Eckford, deceased.

The bill for the relief of Samuel Crapin.

The bill in favor of Mary Snow.

The bill from the House making further provisions for the expenses of the exploration and survey of the boundary line between Maine and New Hampshire, and the British Provinces, was taken up on its first reading.

Mr. WILLIAMS explained the objects of the bill, and hoped that the Senate would unanimously agree to consider it at the present time, without referring it to a committee.

No objection being made, the bill was considered as in committee of the whole, went through its various stages, finally passed, and wants but the signature of the President to become a law.

BANKS OF THE DISTRICT.

On motion by Mr. MERRICK, the Senate proceeded to consider the bill to revive and continue the corporate existence of the banks of the District of Columbia; and after a debate, in which Messrs. CLAY of Alabama, WRIGHT, MERRICK, BENFON, and TAPPAN, participated, and the adoption of amendments proposed by Messrs. CLAY of Alabama and WRIGHT, the bill assumed the following shape:

A BILL to revive and continue the corporate existence of the banks in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charters of the Farmers and Mechanics Bank of Georgetown, the Bank of Metropolis, Patriotic Bank of Washington, and Bank of Washington, in the city of Washington, and the Farmers Bank of Alexandria, and Bank of Potomac, in the town of Alexandria, be, and the same are hereby, revived as they

existed on the third day of July last, and extended to the fourth day of March, eighteen hundred and forty-three:

Provided The said banks shall each for itself redeem all its notes and specie liabilities in specie when demanded from and after the passage of this act, and throughout the whole period for which the said several charters are hereby extended. And in the event that any one or more of said banks shall decline to meet its liabilities in specie as aforesaid, or having commenced to pay specie, shall, hereafter, during the period aforesaid cease or fail to do so, any bank so declining, ceasing, or failing to pay in specie, shall, *ipso facto*, forfeit its charter, and shall proceed to wind up its concerns under the provisions of the law passed on the 3d of July, 1840, entitled "An act to continue the corporate existence of certain banks in the District of Columbia for certain purposes," which said act is hereby made applicable in all its provisions to every of said banks failing as aforesaid, for the period of two years from the date of any such failure or neglect to pay in specie. And any attempt by the officers of any of said banks so as above said forfeiting its charter, after any such forfeiture, to exercise any of the banking privileges conferred by this act, shall subject such officers to all the penalties of illegal banking.

Sec. 2. And be it further enacted, That neither of the said banks shall, by virtue of any thing in this act contained, be authorized to issue or pay out any note, bill, check, or draft of any bank company, incorporation, association, or individual, which said note, bill, check, or draft, shall not be payable and paid on demand in specie at the place where it is made payable; and any violation of this restriction shall be, *ipso facto*, a forfeiture of all the rights, powers, and privileges conferred by this act in the manner specified in the first section thereof as to a failure of specie payments.

Provided, That nothing contained in this section shall prohibit either of said banks from receiving the paper of any non-specie paying bank or special deposit, and returning the same to the depositor.

Mr. TAPPAN then offered a substitute for the whole bill, and spoke at great length in opposition to the present banking system; and without concluding his remarks, yielded to a motion to postpone its further consideration until to-morrow.

The Senate then proceeded to the consideration of Executive business.

And then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 23, 1841.

The SPEAKER stated the first business before the House to be the motion of Mr. GALBRAITH to suspend the rules to enable him to offer the following resolution, and pending which motion last night the House had adjourned, viz:

Resolved, That from and after one o'clock to-morrow, all debate in Committee of the Whole on House bill No. 601 shall cease, and after said period the committee shall proceed to vote on any amendments that may be offered thereto, and report the same to the House.

Mr. GALBRAITH then modified his resolution, at the suggestion of a number of friends, so as to read "four o'clock this day."

Mr. FILLMORE suggested to Mr. GALBRAITH to delay the time one hour longer, so that the bill in relation to taking testimony in cases of contested elections might be taken up.

Mr. RIVES concurred in the suggestion of the gentleman from New York. The matter was important, and he understood that it was probable several cases of contested election would be brought before the next Congress.

At the suggestion of Mr. FILLMORE, Mr. GALBRAITH further modified his resolution by substituting "five o'clock this day."

The question was then taken on the motion to suspend the rules, and decided in the affirmative.

The resolution, as amended, was again read. Mr. GALBRAITH moved the previous question, which was seconded, put, and carried.

The question now recurring on the adoption of the resolution,

Mr. PECK called for the yeas and nays; but they were not ordered.

The resolution was then adopted.

And so the debate on the bill making appropriations for the support of Government for the year 1841, will cease this day at 5 o'clock.

CIVIL AND DIPLOMATIC APPROPRIATION BILL.

On motion of Mr. JONES of Virginia, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. BELL in the chair,) and resumed the consideration of the bill making appropriation for the civil and diplomatic expenses of the Government for the year 1841.

The pending question was on the appeal taken by Mr. CASEY JOHNSON from the decision of the Chair last evening, that the following amendment offered by the gentleman was not in order, on the ground, first, that the subject was entirely

different from that under consideration; and secondly, that the amendment related to a class of officers for whom no appropriation was made in the bill.

And provided also, That in addition to the account now required to be rendered by every collector of customs, naval officer, and surveyor of ports, every such collector, naval officer, and surveyor, shall, each and every year hereafter, render a quarterly account under oath to the Secretary of the Treasury in such form as said Secretary shall prescribe, for the purpose of giving full effect to this proviso, of all sums of money by them respectively received or collected for fines, penalties, or forfeitures, or for seizure of goods, wares, or merchandise; or on account of suits instituted for frauds against the revenue; or for rent and storage of goods, wares, or merchandise, beyond the rents paid by the collector or other such officer; and if from such accounting it shall appear that the account received in any one year, by any collector, naval officer, or surveyor, on account of fines and penalties, or forfeitures, and on account of any seizures made or suits instituted for frauds or evasions of the revenue laws, and for rents and storage as aforesaid; shall, in the aggregate, exceed the sum of two thousand dollars, such excess shall be paid into the Treasury for the use of the United States. And no such collector shall hereafter, under any pretence whatever, have, or receive, or retain for himself, in the aggregate, more than six thousand dollars per year, including commissions for storage, and any other commissions or salaries as now allowed and limited by law. No such naval officer shall, on any pretence, in the aggregate, have or receive, or retain for himself, more than five thousand dollars per year, including commissions and salaries as aforesaid; no such surveyor shall, in the aggregate, have or receive, or retain, more than four thousand five hundred dollars per year, including commissions and salaries as now allowed and limited by law.

Mr. SMITH of Indiana rose and moved to reconsider the vote taken last evening on the proposition of Mr. THOMPSON of Mississippi.

The CHAIRMAN said that it was not in order to move to reconsider a vote in committee; the question would gain come up in the House.

And the question recurring, "Shall the decision of the Chair stand as the judgment of the committee?"

The question of order was debated at considerable length by Messrs. ATHERTON, CLIFFORD, TILLINGHAST, BANKS, UNDERWOOD, WINTHROP, and EVERETT.

After which the CHAIRMAN stated briefly the grounds of his decision.

Mr. TILLINGHAST said, if the gentleman from Maine would direct his mind, with that discrimination of which he was so capable, to the distinction between this point and that upon the proviso which had been sustained, he believed he would be satisfied that the present decision of the Chair was correct. That proviso was reported to the House by the Committee of Ways and Means, was received by the House as part of the report, was a part of the bill committed to the Committee of the Whole by the House, and was, therefore, of itself a subject-matter on which the House had directed this committee to act and report. The committee, therefore, could not, of its own authority, discharge itself on this subject-matter on the ground that the House erred in referring it to them. Besides, that proviso pertained to the appropriation of \$325,000 for the support of the judiciary, to which it was attached as a condition, relating to offices of the judiciary, and in effect conditionally reducing that identical appropriation. But he had understood the Chair that even that proviso, if it had been originally moved in the Committee of the Whole, would have been ruled out of order. The amendment now proposed did not relate to any appropriation in the bill; it related to the collectors; it went into a branch of the Government which was not in anywise a subject of the bill, and for which no proposition for an appropriation was before the committee. It did not pertain at all to the subject-matter of the proviso itself, or to its substitute, to which the gentleman said it was an addition. True, it might be called an addition in point of locality and position in the bill, but not otherwise. On looking it over at the table, he found no provision in it in regard to any judicial officer. Here, then, was the express rule that no proposition on a subject different from that under consideration should be admitted as an amendment. On what ground could the committee disregard this rule, and proceed to the consideration of a subject not committed to them? Additions of this sort had, it is true, been made in former bills, in a few instances remembered as aberrations, but they had been made either by general consent, expressly dispensing with the rule, or in the Senate, where

the rule did not exist. No decision of the House could be shown, upon the point of order raised, sanctioning such an amendment as in order when objected to. He believed the decision of the Chair was conformable both to the words of the rule and to all former constructions of it, and should therefore support it.

And the question being then put, "Shall the decision of the Chair stand as the judgment of the committee?" it was decided in the affirmative without a division.

So the decision of the Chair was affirmed.

Mr. CAVE JOHNSON then offered the following amendment:

"Provided further, That the district attorneys for the United States in and for the several districts, the clerks and marshals respectively of the same, shall render an account quarterly, each and every year hereafter, to the Secretary of the Treasury, of all fees, emoluments, and receipts of every name and nature whatever by them respectively received by virtue of said offices; which account shall be rendered upon oath or affirmation, and shall be in such form, and supported by such proofs as the Secretary of the Treasury in his judgment may prescribe for the purpose of enforcing the provisions hereinafter named: that is to say, if it shall appear that the salaries, fees, and emoluments, receipts, and earnings of any of the said attorneys shall exceed the sum of \$4,500, then such attorneys shall pay such excess into the Treasury of the United States for general purposes of Government. And if the salaries, fees, emoluments or earnings of any of the said clerks or marshals shall exceed \$3,500, then the excess shall in like manner be paid into the Treasury for the purposes aforesaid. And if the salaries, earnings, fees, and emoluments of any of the said marshals shall exceed the sum of \$5,000, then such excess shall also be paid into the Treasury for the purposes aforesaid."

Mr. CUSHING inquired of the CHAIR whether this proposition was not substantially the same as that struck out last evening?

After a few moments' consideration, the CHAIRMAN said that he had not had time to examine the proposition minutely, but, from looking at it, he thought he saw that it was a proposition to insert as an amendment to the amendment of the gentleman from Mississippi, [Mr. THOMPSON] engrafted on the bill last evening, that portion of the original proviso which was struck out, almost in the very terms of the proviso. If that was so, it was not in order.

Mr. CAVE JOHNSON then offered the following amendment to the amendment:

Provided, That the fees and emoluments retained by the district attorneys, marshals, and clerks, shall in no case, exceed, for the district attorney and marshal, or either of them, the sum of \$6,000; and those for each of the clerks shall not exceed, in any case, \$4,500; the surplus of fees and emoluments to be paid into the public Treasury, under such rules and regulations as may be prescribed by the Secretary of the Treasury, subject to the disposition of Congress.

Mr. HUNT submitted that this was precisely the same proposition in principle as the proposition struck out last night, which was, fixing a maximum.

The amendment was debated by Messrs. CAVE JOHNSON, EVANS, WISE, CURTIS, VANDERPOEL, STANLY, GRANGER, GRAVES, and CUSHING.

The latter observed that, during the debate, he had been much edified at the exhibition of such new born zeal of the Administration going out of power, to reduce the salaries of these officers. It was a sudden conversion—a conversion in the very agonies of death. Mr. C. went on to contend that, during the last twelve years, the Administration had made no effort for the reform now proposed, but now their successors were about to be carried into power, this attempt was made. Mr. C. also contended that under the present and last Administrations, the burdens of the people, instead of being diminished, had been increased. He then proceeded to say that Mr. Van Buren had expended \$23,000,000 during his term, of the surplus revenue of the fourth instalment, not distributed among the people. Yes, all this, in addition to the ordinary revenue of Government, had been devoured, destroyed, burnt up, by this Administration. After some further remarks, complaining that this measure of reform had not been introduced until the dying throes of the Administration, Mr. C. concluded by appealing to members of both parties to suspend all further debate of a party character, and proceed at once to the merits of the bill before them.

After some remarks from Mr. CRARY in favor of commencing reform at the present time, without waiting for another opportunity,

Mr. GENTRY took the floor, and made some very violent remarks against the party now in power, for not commencing this reform at an earlier period.

Mr. ALFORD was surprised to hear his Whig friends talk in the way they did. His object in rising was to urge upon them not to reserve the work of reform until General Harrison should come into power, but to do it now. This was the proper time to do the deed. He hoped his friends would not think because he deemed this an improper time to touch the tariff, that he considered it too soon to commence reform. It was always too soon to do wrong, but never too soon to commence doing right.

After some further remarks in relation to the impropriety of wasting time in party recriminations, now that the battle had been won, Mr. A. again urged that now was the accepted time—now was the day of salvation. He would tell his friends, that after making thousands of stump speeches through the country about "reform," it ill became them to refuse to commence that reform whenever they had the power.

At the late canvass there were three candidates, viz: Harrison, Tyler, and Reform. They had elected two of the candidates, Harrison and Tyler, and it was their duty to bring up the third.

But, (continued Mr. A.) gentlemen say they will not commence now. Why not? What excuse could they have in not carrying out their promises whenever an opportunity should offer? These Loco Focos, as they are called, and I think very properly too, although they do repent at the last moment, like the thief on the Cross, yet as they do not repent, I call on my friends to embrace the opportunity and co-operate with them, whatever may be their motive, in the correction of these abuses. No matter what may be the motive, now these Loco Focos are ready to go for reform, although at the last hour, I say go with them. Do good whenever you can.

After drawing a contrast between the high salaries of the United States District Attorneys, Marshals, etc. and those of the high officers of the Government, Mr. A. asked his friends what excuse they could possibly have for refusing to reduce the salaries of these attorneys. For a long time past the Whigs have been condemning the extravagance of the Loco Focos, and bawling about "reform, reform," on every stump; and now when they had a chance to commence that reform, they were anxious to put it off until another opportunity. They had been constantly teasing the Loco-Focos about retrenchment, and now those sinners repented, the Whig reformers refused to co-operate with them. Mr. A. continued his remarks at some length, censuring his Whig friends for their indisposition to show their faith by their works, now that the opportunity was afforded. He warned them that the people would never consider it a good reason for opposing measures of retrenchment, that those measures originated with the party now going out of power. Neither would the people hold them blameless for violating their promises, upon the pretence that those who called on them for the performance, belonged to an expiring Administration. He hinted that the real motive of the Whigs, who opposed a limitation of the excessive salaries which the pressure of the times had produced, was that certain gentlemen, belonging to the incoming Administration, were casting their eyes towards them, and looked to enjoy them. But, said Mr. A. I tell the gentlemen who have opposed this reform, that if no one can be found in the North who will accept the office there, at the limited salary of \$6,000 a year, I shall be glad of it, for then there will be some chance for a Nullifier of Georgia to come in for the appointment.

Mr. A. concluded by saying, that with all his prejudices against the present Administration, yet now they proposed reform, although at the last hour of their existence, he was ready and willing to co-operate with them. And he would say to his friends in the words of Shakspeare,

"Lay on Macduff,
And d—d be he who first cries hold! enough."

Mr. STEENROD asked Mr. THOMPSON when he (Mr. T.) introduced his bill to reduce the salaries of the marshals and district attorneys.

Mr. THOMPSON of Mississippi said, in answer to the question propounded to him by the honorable gentleman from Virginia, he had to say that, when he came here last session, being fully apprized of the enormous sums (as the gentleman from Ohio will have it) received by the marshals and clerks of the courts of the United States for their services, he, at a very early period of the last session, introduced a bill, the object of which was to remedy the evils now complained of, and which contained the identical principles of the proviso he had offered on last night. This bill was referred to the Committee on the Judiciary; and on several occasions he sought interviews with some of the members of that committee, and urged upon them to report the bill back to this House. At last, it was reported, and placed upon the calendar of this House; but it was at so late a period of the session, that it was impossible to reach and act upon it. Among all his political friends with whom he had consulted as to that bill, he never heard one of them object to its principles, propriety, or policy. The course of remarks which had been indulged in during this debate, made it proper for him to make this statement.

But, while he was up, he thought it proper to make one or two remarks further. Gentlemen ask, whence this new-born zeal for reform? So far as he was concerned himself, all who have observed his course in this House will bear him witness that it was by no means a new feeling or a new line of conduct. He had always been prepared to vote for every thing which savored of reform, whenever it came up, and wherever it could be reached. The question was now up in order, and he hoped the practice of gentlemen would square with their often repeated professions. He hoped that a great principle was not to be lost and frittered away by technical questions of order. But the gentleman from Tennessee, [Mr. GENTRY,] who has just taken his seat, has been pleased to denominate the Democratic party as an expiring party, in the last gasp. He would tell that gentleman, he shoots wide the mark in supposing the Democratic party a dying party. He, no doubt, would be glad to have it so. He, no doubt, would rejoice in his heart, firmly to believe its truth. But he would tell him, lay not the flattering unction to his soul; the spirit of Democracy is not dead—it is not down; and like Banquo's ghost, it will not down at his bidding. But, in some shape or other, he will have to speak to it, either as "a spirit of health or a goblin damned;" and if he did not mistake, it would bear to him no joyful tidings of quiet and repose. It is true the people have, in their sovereign pleasure, taken the offices of the country out of their hands and given them to the Whig party. We have been defeated and not overthrown. We have lost power, but our principles the principles of the people. And if the incoming Administration shall fail to carry out those great principles, gentlemen will find, to their great discomfiture, that after this supposed death, will come the resurrection and the judgment, when righteousness, justice, and truth, will prove triumphant.

But the gentleman from Tennessee [Mr. GENTRY] likens the Democratic party to condemned criminals under the gallows, in a condition of infamy, and are now making the confessions which are extorted from them by a guilty conscience. This, sir, is not an original idea with the gentleman; it is but the echo of what has been said by another greater man in Israel in the other end of the Capitol. He protested against the application of any such terms to the party to which he belonged. They were unjust and unmerited, and found no justification in his opinion, in the feelings of the people. But should the gentleman seek to apply the *infamy* he speaks of to the individual members of the Democratic party—

Here the CHAIR interposed, and said he did not understand the gentleman from Tennessee as in-

tending his remarks to be taken in any personal sense whatever.

Mr. THOMPSON said he had not a word more to say, if that was his intention, and would not longer detain the committee.

Mr. MORGAN moved to amend the amendment by inserting a proviso that all the fees over \$6,000 received by district attorneys, marshals, etc. for the last twelve years should be refunded, but subsequently withdrew it, with the remark (as the Reporter understood) that, as he supposed very little could be obtained from the gentlemen who had held these offices during that time, he would not press it.

Mr. MORGAN then moved to amend the amendment by inserting after the word "service" the words "exclusive of clerk hire."

Which motion was rejected.

The question was then taken on the amendment of Mr. CAVE JOHNSON; and, by ayes 98, noes 48, it was agreed to.

The House then took a recess until 4 o'clock.

EVENING SESSION.

At 4 o'clock, Mr. BELL, the chairman of the Committee of the Whole on the state of the Union, resumed the chair, and called the committee to order.

The CHAIRMAN stated that the question before the committee was now on the motion of Mr. HOWE to strike out the entire proviso.

Mr. FILLMORE asked if the amendments were not in lieu of the motion to strike out the proviso.

The CHAIR answered no; that the amendments had been made under the law of Parliament, which permitted a proposition to be amended so as to make it as perfect as possible before the question be put on striking it out altogether.

Mr. CAVE JOHNSON took the floor and spoke upon the subject of reform generally, and as to his own course in particular, in relation to that subject, during the ten years he had served in Congress.

Mr. GRAVES, Mr. GENTRY, and Mr. C. H. WILLIAMS, made frequent explanations during Mr. JOHNSON'S speech.

Mr. J. had not concluded at 5 o'clock, when, under the order of this morning, the debate was arrested, and the committee commenced to vote.

The question was then put on striking out the entire proviso, as amended on the motions of Mr. THOMPSON of Mississippi and Mr. CAVE JOHNSON. The House was counted by tellers, and there appeared for striking out 57, against it 113.

And so the proviso, as amended, stands.

Numerous other amendments were offered to the bill, some of which elicited interesting explanations. A full report is in course of preparation.

At half past nine o'clock, on motion of Mr. JONES of Virginia, the bill, as amended, was reported to the House.

Whereon,

Mr. WISE moved the previous question on the bill and amendments.

But, pending that motion,

The House adjourned.

IN SENATE,

WEDNESDAY, February 24, 1841.

Mr. PIERCE presented resolutions of the Legislature of New Hampshire in favor of a law fixing the election of electors for President and Vice President of the United States on the same day throughout the Union; which were laid on the table, and ordered to be printed.

Mr. BATES presented resolutions of the Legislature of Massachusetts in relation to claims for French spoliation prior to 1800, and recommending the passage of the bill now before Congress making indemnity therefor; which were laid on the table, and ordered to be printed.

Mr. MERRICK presented the memorial of citizens of Havre de Grace, praying an appropriation for deepening the channel at the mouth of the harbor; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. HUBBARD moved that the Senate would take up the bill for the relief of Joseph M. Hernandez, and made a strong appeal to the Senate in

behalf of the claimant; but at the suggestion of Mr. WRIGHT, on account of the thinness of the Senate, Mr. HUBBARD withdrew his motion, and gave notice that he would renew the motion tomorrow at half past twelve o'clock.

On motion by Mr. CLAY of Alabama, the Senate took up the bill for the relief of Isabella Hill, widow, and John Hill, Elizabeth Hill, and Samuel Hill, children and minor heirs at law of Samuel Hill, deceased; and it was ordered to be engrossed for a third reading.

Mr. HUBBARD, from the Committee on Claims, to which was referred the bill for the relief of Charles F. Sibbald, reported the same without amendment.

Mr. LINN presented the petition of Thomas M. Isett; which was referred to the Committee on Public Lands.

Mr. BENTON submitted the following resolution; which was referred to the Committee on the Contingent Expenses:

Resolved, That there be allowed to Robert Peale, for extra duties as assistant doorkeeper, during the past session of Congress, and for the performance of the duties of Sergeant-at-Arms during a part of the last and the present session, the same amount that was allowed to John Shackford for similar services, by a resolution of the Senate of the 1st of March, 1833?

GENERAL ORDERS.

The bill for the relief of Sarah M. Charlton, a Cherokee Indian, and others;

The bill for the relief of Garry Hinant;

The bill for the relief of Jacques Bon and Alexander Coleman;

The bill for the relief of John McClanahan; and

The bill granting a pension to Margaret Jamison; were severally considered as in committee of the whole, and ordered to be engrossed for a third reading.

The House bill for the relief of Mary Tucker, was considered as in committee of the whole, and ordered to a third reading; and on motion by Mr. CLAY of Alabama, it was read a third time and passed.

BANKS OF THE DISTRICT.

The Senate then took up the bill to revive and continue the corporate existence of the banks of the District of Columbia.

Mr. TAPPAN concluded his remarks, and the question was taken on his amendment, and it was disagreed to—ayes 2, noes 33.

Mr. CLAY of Alabama then offered the following amendment to the bill:

And provided, further, that nothing herein contained shall be so construed as to prevent said banks, or either of them, from paying deposits heretofore made in said banks, or either of them, in the kind of funds in which said deposits were made.

After some remarks by Mr. WRIGHT and Mr. CLAY, the amendment was agreed to.

Mr. ALLEN then offered an amendment, making the stockholders liable for the debts of the bank; which was disagreed to—ayes 18, noes 19.

The bill was then ordered to be engrossed for a third reading—ayes 28, noes 13.

The Senate then went into Executive session, And afterwards adjourned.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, February 24, 1841.

Mr. ANDREWS asked the unanimous consent of the House to present a resolution from the Committee of Accounts, directing the payment of the *per diem* to such members as were prevented from reaching Washington at the commencement of the present session, in consequence of the storm which prevailed about that time.

Objection being made,

Mr. ANDREWS moved a suspension of the rules.

The SPEAKER stated that the motion of the gentleman from Kentucky could not be then entertained, inasmuch as the motion of the gentleman from Virginia, [Mr. WISE,] made last evening for the previous question on the amendments adopted by the Committee of the Whole to the

CIVIL AND DIPLOMATIC APPROPRIATION BILL,
Was then pending.

The question was then taken on seconding the motion of Mr. WISE, and resulted: Ayes 75—noes 21.

But no quorum voting.

Mr. VANDERPOEL moved a call of the House, and thereupon called for the yeas and nays; which were ordered, and resulted: Yeas 106—nays 42.
So a call of the House was ordered.

The Clerk was proceeding in the call, when Mr. MORGAN moved that all further proceedings therein be dispensed with; and on that motion, Mr. ANDERSON called for the yeas and nays; but

Mr. MORGAN having withdrawn his motion, The yeas and nays were not ordered.

The Clerk resumed the call.

Mr. EVANS moved that all further proceedings therein be dispensed with; on which motion,

Mr. ANDREWS called for the yeas and nays; but they were not ordered.

The call having been concluded, the names of the absentees were then called; and it appeared that 189 members answered to their names.

The names of the absentees were about being again called, when,

On motion of Mr. CLIFFORD, all further proceedings in the call were dispensed with.

The motion for the previous question was seconded, and the main question ordered to be put.

The question now recurring on agreeing to the amendments to the general appropriation bill, adopted in the Committee of the Whole.

Several of the amendments were then agreed to *seriatim*.

The question was then taken on the amendment appropriating \$30,000 for the repair of the Potomac Bridge, and decided in the affirmative—yeas 115, nays 75.

On the proviso relating to the reduction of the fees and emoluments of United States District Attorneys, Marshalls, etc. as amended by Messrs. JACOB THOMPSON and CAVE JOHNSON,

Mr. GRANGER called for a division of the question.

And the SPEAKER decided that it was divisible.

Mr. WISE appealed from the decision; but on the question being taken, the decision of the SPEAKER was affirmed.

The question was then taken by yeas and nays on the first branch, being the amendment of Mr. JACOB THOMPSON, of Mississippi:

"That hereafter, in lieu of all fees, emoluments, and receipts, now allowed, it shall and may be lawful for the United States clerks, attorneys, counsel, and marshalls, in the district and circuit courts of the United States in the several States, to demand and receive the same fees that now are, or hereafter may be, allowed by the laws of the said States respectively where said courts are held, to the clerks, attorneys, and counsel, and sheriffs, in the highest courts of the said States in which like services are rendered; and no other fees or emoluments, except that the marshalls shall receive in full, for summoning all the jurors for any one court, thirty dollars; and shall receive, for every day's actual attendance at any court, five dollars per day; and for any services, including the discharge of their official duty, for which no compensation is provided by the laws of said States, respectively, the said officers may receive such fees as are now allowed by law according to the existing usage and practice of said courts of the United States; and every district attorney, except the district attorney of the southern district of New York, shall receive, in addition to the above fees, a salary of two hundred dollars per annum."

And resulted as follows:

YEAS—Messrs. Alford, Judson Allen, Anderson, Andrews, Atherton, Banks, Baker, Beatty, Beirne, Bell, Blackwell, Boardman, Boyd, Brewster, Briggs, Aaron V. Brown, Burke, Sampson H. Butler, William B. Campbell, Carr, Casey, Chapman, Chinn, Chittenden, Clark, Clifford, Coles, Connor, Mark A. Cooper, William R. Cooper, Crabb, Crary, Crockett, Cross, Curtis, Cushing, Edward Davies, John Davis, John W. Davis, Garrett Davis, Dawson, Deberry, Dennis, Dickerson, Dellet, Doan, Doe, Dromgoole, Duncan, Earl, Eastman, Edwards, Everett, Fillmore, Fisher, Floyd, Fornance, Galbraith, Garland, Gates, Gentry, Gerry, Goggin, Graham, Granger, Graves, Green, Griffin, Grinnell, Habersham, Hammond, Hand, William S. Hastings, John Hastings, Hawes, Hawkins, Henry, Hill of Virginia, Hoffman, Holmes, Hopkins, Hunt, Jackson, Charles John-

ston, Joseph Johnson, William Cost Johnson, Nathaniel Jones, John W. Jones, Keim, Kemble, Kempshall, Kille, King, Lane, Leadbetter, Leet, Leonard, Lewis, Lincoln, Lowell, Lucas, McCarty, McClellan, McCulloch, McKay, Meredith Mallory, Francis Mallory, Marvin, Mason, Medill, Mitchell, Monroe, Montanya, Montgomery, Moore, Morgan, Samuel W. Morris, Morrow, Newhard, Nisbet, Osborne, Parmenter, Parris, Paynter, Peck, Pickens, Prentiss, Proffit, Randolph, Rayner, Reed, Reynolds, Ridgway, Edward Rogers, Russell, Samuels, Sergeant, Shaw, Shepard, Simonton, John Smith, Truman Smith, Thomas Smith, Stanly, Starkweather, Steenrod, Strong, Stuart, Sumter, Sweeney, Taliaferro, Philip F. Thomas, Waddy Thompson, Jacob Thompson, John B. Thompson, Tillinghast, Trumbull, Turney, Underwood, Vanderpoel, David D. Wagener, Peter J. Wagner, Warren, Weller, Edward D. White, John White, Wick, Jared W. Williams, Thomas W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, Winthrop, and Wise—176.

NAYS—Messrs. John W. Allen, Barnard, Calhoun, Cranston, Evans, Goode, James, Jameson, Miller, Calvary Morris, Randall, Saltonstall, Albert Smith, Toland, and Christopher H. Williams—16.

So this branch of the proviso was concurred in.

The question then recurring on agreeing to the second branch, being the amendment of Mr. CAVE JOHNSON, viz:

Provided, That the fees and emoluments returned by the district attorneys, marshalls, and clerks, shall in no case exceed for the district attorneys or marshalls, or either of them, the sum of six thousand dollars; and those for each of the clerks shall not exceed in any case four thousand five hundred dollars—the surplus of fees and emoluments to be paid into the public Treasury, under such rules and regulations as may be prescribed by the Secretary of the Treasury, subject to the disposition of Congress.

And it was decided in the affirmative, by yeas and nays as follows:

YEAS—Messrs. Alford, Judson Allen, Anderson, Andrews, Atherton, Banks, Baker, Beatty, Beirne, Blackwell, Boardman, Boyd, Brewster, Briggs, Aaron V. Brown, Burke, Sampson H. Butler, William O. Butler, Calhoun, William B. Campbell, Carr, Carroll, Casey, Chapman, Clifford, Coles, Connor, Mark A. Cooper, William R. Cooper, Crabb, Cranston, Crockett, Cross, Edward Davies, John Davis, John W. Davis, Garrett Davis, Deberry, Dennis, Dickerson, Dellet, Doan, Dromgoole, Duncan, Earl, Eastman, Fisher, Floyd, Fornance, Galbraith, Garland, Gerry, Giddings, Goggin, Goode, Graham, Green, Griffin, Hand, John Hastings, Hawes, Hawkins, Henry, Hill of Virginia, Holmes, Hopkins, Jackson, Jameson, Charles Johnston, Joseph Johnson, Nat. Jones, John W. Jones, Keim, Kille, Lane, Leadbetter, Leet, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Meredith Mallory, Francis Mallory, Mason, Medill, Miller, Montanya, Montgomery, Naylor, Newhard, Osborne, Parrish, Parmenter, Parris, Paynter, Pickens, Prentiss, Reynolds, Rives, Edward Rogers, Ryall, Samuels, Shaw, Shepard, Simonton, John Smith, Thos. Smith, Stanly, Starkweather, Steenrod, Strong, Stuart, Sumter, Swearingen, Sweeney, Taliaferro, Philip F. Thomas, Jacob Thompson, John B. Thompson, Tillinghast, Trumbull, Turney, Underwood, Vanderpoel, Vroom, David D. Wagener, Peter J. Wagner, Weller, J. White, Wick, Jared W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Wise—138.

NAYS—Messrs. John W. Allen, Barnard, Bell, Brockway, Albert G. Brown, John Campbell, Chinn, Chittenden, Clark, Curtis, Cushing, Dawson, Edwards, Evans, Everett, Fillmore, Gentry, Granger, Grinnell, Habersham, Hammond, William S. Hastings, Hunt, James, Wm. Cost Johnson, Kemble, Kempshall, King, Leonard, Lincoln, Marvin, Mitchell, Monroe, Moore, Morgan, Morrow, Nisbet, Peck, Randolph, Rayner, Ridgway, Russell, Saltonstall, Sergeant, Slade, Albert Smith, Truman Smith, Waddy Thompson, Toland, Warren, Edward D. White, Thomas W. Williams, and Winthrop—53.

So the proviso, as amended, was agreed to.

On the amendment "for the payment of ar-

rearages for completing the custom house at New York, \$34,321 21," the yeas and nays were demanded by Mr. CAVE JOHNSON, and being ordered, were taken, and resulted as follows:

YEAS—Messrs. Judson Allen, John W. Allen, Baker, Bell, Boardman, Brewster, Aaron V. Brown, Albert G. Brown, William O. Butler, Calhoun, John Campbell, Casey, Chinn, Chittenden, Clark, Cranston, Curtis, Cushing, Edward Davies, John Davis, Garrett Davis, Dawson, Deberry, Dennis, Doe, Earl, Evans, Everett, Fillmore, Floyd, Fornance, Galbraith, Gentry, Granger, Graves, Green, Grinnell, W. S. Hastings, Hawes, Henry, Holmes, Hunt, Jackson, Charles Johnston, Joseph Johnson, Nath. Jones, Kemble, Kempshall, King, Lane, Lincoln, McCarty, Meredith Mallory, Marvin, Mason, Mitchell, Monroe, Montanya, Moore, Morgan, Samuel W. Morris, Morrow, Newhard, Osborne, Parmenter, Paynter, Proffit, Randall, Randolph, Ariden, Reed, Ridgway, Edward Rogers, Russell, Saltonstall, Sergeant, Truman Smith, Stuart, John B. Thompson, Tillinghast, Toland, Trumbull, Vanderpoel, Edward D. White, John White, Thomas W. Williams, Joseph L. Williams, Christopher H. Williams, and Winthrop—89.

NAYS—Messrs. Alford, Andrews, Atherton, Beatty, Beirne, Blackwell, Boyd, Burke, Sampson H. Butler, W. B. Campbell, Carr, Carroll, Chapman, Clifford, Coles, Connor, Mark A. Cooper, Wm. R. Cooper, Crabb, Crary, Crockett, John W. Davis, Dellet, Doan, Dromgoole, Duncan, Eastman, Fisher, Garland, Gerry, Goggin, Goode, Graham, Griffin, Hammond, John Hastings, Hawkins, Hill of Virginia, Hill of North Carolina, Jameson, J. W. Jones, Kille, Leet, Leonard, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Francis Mallory, Medill, Miller, Montgomery, Nisbet, Parrish, Parris, Reynolds, Rives, Ryall, Samuels, Shaw, Simonton, John Smith, Thomas Smith, Stanly, Starkweather, Steenrod, Strong, Sumter, Swearingen, Taliaferro, P. F. Thomas, Waddy Thompson, Jacob Thompson, Underwood, Vroom, David D. Wagener, Warren, Weller, Wick, Jared W. Williams, Henry Williams, Lewis Williams, and Wise—88.

So the amendment was concurred in.

The yeas and nays were also taken on agreeing to the following amendment:

"For furniture for the custom house, New York, \$8,000."

And the amendment was rejected, as follows:

YEAS—Messrs. Judson Allen, John W. Allen, Baker, Bell, Boardman, Brewster, Brockway, John Campbell, Carroll, Chinn, Chittenden, Clark, William R. Cooper, Cranston, Crockett, Curtis, Cushing, Garrett Davis, Dawson, Deberry, Dennis, Dickerson, Doe, Earl, Evans, Everett, Fillmore, Graves, Green, Grinnell, Habersham, William S. Hastings, Holmes, Hunt, Jackson, James, Charles Johnston, Nathaniel Jones, Kemble, Kempshall, King, Leonard, Lincoln, McCarty, Meredith Mallory, Marvin, Mason, Mitchell, Monroe, Morgan, Osborne, Palen, Peck, Pickens, Randall, Randolph, Reed, Ridgway, Edward Rogers, Russell, Saltonstall, Sergeant, Albert Smith, Truman Smith, Stuart, Tillinghast, Toland, Trumbull, Vanderpoel, Peter J. Wagner, Edward D. White, John White, Thomas W. Williams, Joseph L. Williams, and Winthrop—75.

NAYS—Messrs. Alford, Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Blackwell, Boyd, Albert G. Brown, Burke, Sampson H. Butler, William O. Butler, William B. Campbell, Carr, Casey, Chapman, Clifford, Coles, Connor, Mark A. Cooper, Crabb, Edward Davies, John Davis, John W. Davis, Dellet, Doan, Dromgoole, Duncan, Eastman, Fisher, Floyd, Fornance, Galbraith, Gentry, Gerry, Goggin, Goode, Graham, Griffin, Hammond, Hawes, Hill of Virginia, Hill of North Carolina, Hopkins, Jameson, Joseph Johnson, John W. Jones, Keim, Kille, Lane, Leadbetter, Leet, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Francis Mallory, Medill, Miller, Samuel W. Morris, Calvary Morris, Newhard, Nisbet, Parrish, Parris, Paynter, Prentiss, Ariden, Reynolds, Rives, Ryall, Samuels, Shaw, Simonton, John Smith, Thomas Smith, Stanly, Starkweather, Steenrod, Strong, Sumter, Swearingen, Taliaferro,

Philip F. Thomas, Jacob Thompson, John B. Thompson, Turney, Underwood, Vroom, Warren, Weller, Wick, Jared W. Williams, Henry Williams, Lewis Williams, Christopher H. Williams, and Wise—100.

The question was then taken on the following amendment, viz:

"For furniture for the President's House, of American manufacture, so far as may be practicable and expedient, to be expended under the direction of the President, in addition to the avails of the sales of decayed furniture, the sum of \$6,000;"

And decided in the affirmative—yeas 90, nays 86, as follows:

YEAS—Messrs. Judson Allen, John W. Allen, Bell, Boardman, Brockway, Sampson H. Butler, Calhoun, Carroll, Chinn, Chittenden, Clark, Cranston, Cross, Edward Davies, Garrett Davis, Dawson, Deberry, Dennis, Dickerson, Dellet, Doc, Earl, Evans, Everett, Fillmore, Fisher, Galbraith, Gentry, Giddings, Granger, Graves, Grinnell, Habersham, Hammond, Wm. S. Hastings, John Hastings, Hawes, Henry, Hill of Virginia, Holmes, James, Chas. Johnston, Kemble, Kempshall, King, Leadbetter, Leonard, Lincoln, McCarty, Meredith Mallory, Marvin, Mason, Monroe, Moore, Morrow, Naylor, Nisbet, Osborne, Parmenter, Peck, Pickens, Randall, Rariden, Rayner, Reed, Ridgway, Rives, Edward Rogers, Russell, Saltonstall, Sergeant, Simonton, Albert Smith, Truman Smith, Stanly, Stuart, Sumter, Philip F. Thomas, Waddy Thompson, Tillinghast, Toland, Trumbull, Underwood, Peter J. Wagner, Warren, Edward D. White, John White, Wick, Thomas W. Williams, and Winthrop—90.

NAYS—Messrs. Alford, Anderson, Andrews, Atherton, Banks, Beatty, Beirne, Boyd, Brewster, Aaron V. Brown, Burke, W. O. Butler, W. B. Campbell, Carr, Casey, Chapman, Clifford, Coles, Connor, Mark A. Cooper, Wm. R. Cooper, Crabb, Crary, John Davis, John W. Davis, Doan, Dromgoole, Duncan, Eastman, Floyd, Garland, Gerry, Goggin, Goode, Graham, Green, Griffin, Hand, Hawkins, Hopkins, Jackson, Jameson, Nathaniel Jones, John W. Jones, Keim, Kille, Lane, Leet, Lewis, Lowell, Lucas, McClellan, McCulloch, McKay, Francis Mallory, Medill, Miller, Montgomery, S. W. Morris, Newhard, Palen, Parrish, Parris, Paynter, Prentiss, Reynolds, Ryall, Samuels, Shaw, John Smith, Thomas Smith, Starkweather, Steenrod, Strong, Taliaferro, Jacob Thompson, John B. Thompson, Turney, Vroom, David D. Wagener, Weller, Jared W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, Christopher H. Williams, and Wise—86.

The next amendment was then read, as follows:

"For annual repair of the President's House, gardener's salary, horse and cart, laborers and tools, and for amount due F. Masi and Company for repairs on furniture, \$2,628."

The question was about being taken, when

Mr. MEDILL called for the yeas and nays; which were ordered. But

Before the question was taken, it being now half past two o'clock,

The House took a recess until four o'clock.

[EVENING SESSION.]

After the recess,

The SPEAKER resumed the chair, and there being but few members present,

Mr. ANDREWS moved a call of the House.

The SPEAKER said that as the previous question was pending on the amendments adopted by the Committee of the Whole to the civil and diplomatic appropriation bill, a motion for a call of the House was not in order.

Mr. ANDREWS. Well, then, I move to adjourn.

On that motion, Mr. BANKS demanded the yeas and nays, which were ordered, and resulted, yeas 4, nays 103.

So the House refused to adjourn; but no quorum voted.

Mr. DROMGOOLE. What are we to do then? We have no quorum; the House refuses to adjourn, and a call of the House is not in order.

Several other members having now arrived, the SPEAKER decided that a quorum was present.

The question pending being on the following amendment:

"For annual repair of the President's House, gardener's salary, horse and cart, laborers and tools, and for amount due F. Masi and Company for repairs on furniture, \$2,628;" it was agreed to—yeas 112, nays 49.

After the adoption of several other amendments, without a division,

The amendment appropriating \$3 000 for completing the court-house at Alexandria, was concurred in as follows: yeas 105, nays 7.

The next amendment was then read as follows:

"For payment to the stonecutters and the other workmen on the new Treasury building, of the sums allowed them by the commissioners appointed by the President of the United States to superintend the prosecution of the work, etc. in fulfillment of the resolution of Congress of 20th July, 1840, \$12,923;" and it was agreed to—yeas 109, nays 60.

The question then recurring on agreeing with the Committee of the Whole in their amendment striking out the appropriation for "a Minister to Mexico, and inserting an appropriation for a Charge only;"

Mr. WM. COST JOHNSON wished to know whether the Committee on Foreign Affairs had seconded this amendment, striking off the Minister to Mexico.

Great confusion here arose, owing to many members attempting to speaking at once.

Mr. MONROE, in a very loud tone, propounded a question to the SPEAKER as to the effect of a rejection of the amendment.

The noise prevailing was so great that the response of the SPEAKER was not heard.

But several members now calling on Mr. MONROE to sit down, and not ask such simple questions,

Mr. MONROE insisted on his right to ask any question he might think proper, before he was called upon to vote.

Mr. WISE. Well, then, will the SPEAKER please to tell me how to spell apple pie?

After some remarks from Mr. STANLY, in which he asked to be excused from voting,

Mr. GRAVES took the floor, and was proceeding with some remarks, when

Mr. WISE said he insisted on having order, and requested the gentleman to take his seat.

Mr. GRAVES said, well, then, let him state his point of order for the decision of the CHAIR, but I will not take my seat at his [Mr. Wise's] command.

Mr. WISE. Well, I submit my point of order, which is, whether a gentleman has a right, for the purpose of evading the previous question, to—

Loud cries of "order," "sit down," etc. arose from various parts of the hall.

Mr. WISE. It's of no use; gentlemen may call "order" as much as they please; I cannot be put down on my own point of order.

Mr. GRAVES. What is the point of order?

Mr. WISE. Hear it, and do not call upon me to sit down before you know what it is. The point of order is, whether a gentleman can, to evade the previous question, ask to be excused from voting, and then give his reasons?

The SPEAKER said it was obvious that such a course was not in order.

Mr. GRAVES desired to know if, under the consideration of a bill making appropriation for the civil and diplomatic expenses of Government for 1841, the gentleman from Virginia was in order in asking the SPEAKER "to please to tell him how to spell apple pie?"

After some further discussion of a conversational character, the question was taken on agreeing to the amendment of the Committee of the Whole, and decided in the negative, as follows:

YEAS—Messrs. Judson Allen, Banks, Beatty, Beirne, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, Bynum, Carr, Casey, Chapman, Clifford, Coles, Connor, Mark A. Cooper, Crabb, Crary, John Davis, John W. Davis, Deberry, Dickerson, Dellet, Doan, Dromgoole, Duncan,

Earl, Eastman, Fine, Floyd, Fornance, Galbraith, Ga's, Gerry, Goggin, Hammond, Hand, John Hastings, Hawkins, Hill of North Carolina, Hopkins, Jackson, Jameson, Joseph Johnson, Nathaniel Jones, John W. Jones, Keim, Kille, Leadbetter, Lucas, McClellan, McCulloch, McKay, Meredith Mallory, Francis Mallory, Medill, Miller, Montanya, Montgomery, Samuel W. Morris, Newhard, Parrish, Parmenter, Parris, Paynter, Prentiss, Reynolds, Rives, Edward Rogers, Samuels, Shaw, Shepard, John Smith, Thos. Smith, Starkweather, Steenrod, Strong, Swearingen, Sweney, Philip F. Thomas, Jacob Thompson, Turney, Underwood, Vanderpool, Vroom, David D. Wagener, Weller, Jared W. Williams, Henry Williams, Lewis Williams, and Wise—86.

NAYS—Messrs. Alford, John W. Allen, Andrews, Baker, Barnard, Bell, Boardman, Brockway, Sampson H. Butler, William O. Butler, Calhoun, John Campbell, William B. Campbell, Carroll, Chinn, Chittenden, Clark, Cranston, Cushing, Edward Davies, Garrett Davis, Dawson-Dennis, Edwards, Evans, Everett, Fillmore, Garland, Gentry, Giddings, Goode, Graham, Granger, Graves, Green, Griffin, Grinnell, Habersham, Hall, William S. Hastings, Hawes, Henry, Hill of Virginia, Hoffman, Holmes, Holt, Hunt, James, Charles Johnston, William Cost Johnson, Kemble, Kempshall, King, Lane, Leet, Lewis, Lincoln, Lowell, McCarty, Marvin, Mason, Monroe, Moore, Morgan, Calvary Morris, Naylor, Nisbet, Osborne, Palen, Peck, Pickens, Proffit, Randall, Randolph, Rariden, Rayner, Reed, Rhett, Ridgway, Russell, Saltonstall, Sergeant, Simonton, Albert Smith, Truman Smith, Stanly, Stuart, Sumter, Taliaferro, John B. Thompson, Tillinghast, Toland, Trumbull, Peter J. Wagner, Warren, Edward D. White, John White, Thomas W. Williams, Joseph L. Williams, Christopher H. Williams, and Winthrop—101.

So the House refused to strike out the appropriation for a Minister to Mexico.

The question was then taken on the following amendment of Mr. UNDERWOOD:

After the word dollars in the 535th line, page 23, insert the following proviso:

Provided, however, that in addition to returns now required to be rendered by postmasters, it shall be the duty of the postmasters at New York, Boston, Philadelphia, Baltimore, and New Orleans, and the other several cities of the Union, each and every year hereafter, to render a quarterly yearly account to the Postmaster General, under oath, in such form as the latter shall prescribe for the purpose of giving full effect to this proviso, of all emoluments or sums, by them respectively received for boxes or pigeon holes, or other receptacles for letters or papers, and by them charged for to individuals; or for the delivery of letters or papers at or from any place in either of the said cities, other than the actual post office of such city, and of all emoluments, receipts, and profits, that have come to their hands by reason of keeping branch offices in either of said cities; and if from such accounting it shall appear that the nett amount received by either of the postmasters at either of such cities for such boxes and pigeon holes, and other receptacles for letters and papers, and for delivering letters or papers at or from any place, in either of said cities, other than said post office, and by reason of keeping a branch post office in either of said cities, shall, in the aggregate, exceed the sum of three thousand dollars in any one year, such excess shall be paid to the Postmaster General for the use and purposes of the Post Office Department; and no postmaster shall hereafter, under any pretence whatever, have or receive, or retain for himself, in the aggregate, more than five thousand dollars per year, including salaries or commissions now allowed and limited by law.

The amendment was agreed to, as follows:

YEAS—Messrs. Alford, Judson Allen, John W. Allen, Anderson, Andrews, Banks, Baker, Beatty, Beirne, Blackwell, Boardman, Boyd, Brewster, Aaron V. Brown, Albert G. Brown, Burke, William O. Butler, Bynum, Calhoun, William B. Campbell, Carr, Carroll, Casey, Chapman, Clifford, Coles, Connor, Mark A. Cooper, Crabb, Cooper, Crabb, Cranston, Crary, Cushing, John

Davis, John W. Davis, Garrett Davis, Dawson, Deberry, Dennis, Dickerson, Dellet, Doan, Dromgoole, Duncan, Earl, Eastman, Everett, Fillmore, Fine, Floyd, Fornance, Galbraith, Garland, Gates, Gentry, Gerry, Goggin, Goode, Graham, Graves, Green, Griffin, Habersham, Hall, Hammond, Hand, William S. Hastings, Hawes, Hawkins, Henry, Hill of Virginia, Hill of N. C. Hopkins, Hunt, Jackson, James, Jameson, Charles Johnston, Nathaniel Jones, John W. Jones, Keim, Kempshall, Kille, King, Lane, Leadbetter, Leet, Leonard, Lowell, Lucas, McClellan, McCulloch, McKay, F. Mallory, Mason, Miller, Montgomery, Moore, Morgan, Samuel W. Morris, Calvary Morris, Naylor, Newhard, Nisbet, Parrish, Parmenter, Parris, Paynter, Peck, Pickens, Prentiss, Randolph, Rariden, Rayner, Reynolds, Rives, E. Rogers, Samuels, Shaw, Simonton, John Smith, Truman Smith, Thomas Smith, Stanly, Starkweather, Steenrod, Strong, Stuart, Sumpter, Swearingen, Sweney, Taliaferro, Philip F. Thomas, Jacob Thompson, J. B. Thompson, Turney, Underwood, Vanderpoel, Vroom, David D. Wagener, Peter J. Wagner, Warren, Weller, Edward D. White, John White, Wick, Jared W. Williams, Henry Williams, Lewis Williams, Joseph L. Williams, Winthrop, and Wise—152.

YAYS—Messrs. Barnard, John Campbell, Chinn, Chittenden, Edward Davies, Evans, M. Mallory, Marvin, Pallen, Sergeant, Toland, and Christopher H. Williams—12.

The amendment of Mr. JACOB THOMPSON, appropriating \$10,000 for continuing a survey of the Gulf of Mexico, was also agreed to—yeas 97, nays 84.

The bill, as amended, was then ordered to a third reading, and, being read a third time by its title, was passed.

The House then adjourned.

Mr. SMITH of Indiana, when his name was called on an amendment to the civil and diplomatic appropriation bill, appropriating \$6,000 for furnishing the President's House, arose and said: On yesterday, when the amendment was proposed in Committee of the Whole, he was unavoidably absent, and he asked the CHAIR for information whether the amendment was reported by a responsible committee having that matter in charge, or whether it was proposed on the responsibility of a single member? He said he desired this information, for upon it depended the vote he felt bound to give. The SPEAKER said it was not in order to give any explanation, but many voices cried out that the amendment was proposed by a single member. If so, Mr. S. said he did not deem it required, and should vote against it.

IN SENATE.

THURSDAY, February 25, 1841.

The bill from the House, making appropriations for the civil and diplomatic expenses of the Government for the year 1841, was taken up, read twice, and referred to the Committee on Finance.

Mr. WALKER, from the Committee on the Public Lands, to which a memorial on the subject was referred, reported a bill to grant the right of pre-emption to settlers upon the Dabueque claim, in the Territory of Iowa, which was read, and ordered to a second reading; and on motion by Mr. W. and by unanimous consent, it was considered as in committee of the whole, and ordered to be engrossed for a third reading.

Mr. WILLIAMS presented a memorial of citizens of Maine, praying that measures may be taken for a Congress of Nations; which was laid on the table.

BILLS PASSED.

The bill to revive and continue the corporate existence of the banks of the District of Columbia; The bill for the relief of Isabella Hill, widow, and John Hill, Elizabeth Hill, and Samuel Hill, children and minor heirs at law of Samuel Hill, deceased;

The bill for the relief of Sarah M. Charlton, a Cherokee Indian, and others;

The bill for the relief of Garry Hinant;

The bill for the relief of Jacques Bon and Alexander Coleman;

The bill for the relief of John McClanahan; and

The bill granting a pension to Margaret Jamison; were severally read a third time, and passed.

ORDERS OF THE DAY.

The following bills were taken up as in committee of the whole, and ordered to be engrossed for a third reading.

The bill for the relief of Mary Neal, widow of Samuel Neal, deceased.

The bill for the relief of Huldah Tucker.

The bill granting pension to William Rand.

The bill for the relief of Converse and Rees.

The bill for the relief of Samuel Norris and Frederick Saugrain of Arkansas.

The bill for the relief of Jesse Carpenter.

The bill to cause monuments to be erected in honor of Brigadier General Francis Nash and Brigadier General William Davidson, being taken up,

Mr. GRAHAM advocated its passage at some length.

Mr. KING regretted that, from a sense of duty, he was compelled to oppose this bill. Resolutions to erect monuments to the memory of the brave officers who fell in our Revolutionary contest, were numerous in the journals of the Congress of the Confederation. They were deemed appropriate tributes of respect for the distinguished services of the deceased; but up to this day not a single monument has been erected—not even to Washington. No one felt more deeply the obligations we were under to the illustrious men of our Revolution. To them we owe every thing; to their exertions are we indebted even for the right to our seats in this hall. But he hoped, when we entered into this subject, it would not be in isolated cases, but to consider it generally—to take up the numerous resolutions that have been passed in cases similar to those of Generals Nash and Davidson, who he knew were brave and worthy officers, but not more brave and worthy than many others who fought and fell in the Revolution. As there was not time at this advanced period of the session to do justice to this subject, he would move to lay the bill on the table.

After a few remarks from Mr. GRAHAM, the bill was laid on the table.

On motion by Mr. HUBBARD, the bill for the relief of Joseph M. Hernandez was taken up, read a third time, and passed.

The bill to revive and continue in force, for a limited time, an act approved on the third day of March, eighteen hundred and thirty-seven, entitled "An act for the appointment of commissioners to adjust the claims to reservations of land, under the fourteenth article of the treaty of eighteen hundred and thirty, with the Choctaw Indians;" and, also, an act approved on the twenty-second day of February, eighteen hundred and thirty-eight, entitled "An act to amend an act entitled 'an act for the appointment of commissioners to adjust the claims to reservations of land, under the fourteenth article of treaty of eighteen hundred and thirty, with the Choctaw Indians,'" was taken up and debated at much length by Messrs. SEVIER, HENDERSON, LINN, and WALKER; and after being amended, on motion by Mr. SEVIER, was ordered to be engrossed for a third reading.

The Senate went into Executive session.

And then adjourned.

HOUSE OF REPRESENTATIVES,

THURSDAY, February 25, 1841.

Mr. CHAPMAN of Alabama asked that, by general consent, the House resolve itself into a Committee of the Whole on the state of the Union, to consider Senate bill No. 12, "to establish a land office in the State of Alabama, for the lands acquired by the late treaty with the Cherokees."

Mr. C. said, that as he should be obliged to move a suspension of the rules to take up this bill, if any objection should be made, he would ask the indulgence of the House to state that this territory, for the sale of which this bill was intended to provide,

had been acquired more than five years ago. The Legislature of Alabama had, at every session since, memorialized Congress to establish a land district for the sale of the lands, and a bill had passed the Senate, and one had been reported from the Committee on Public Lands in this House, at each session of Congress since; but (said Mr. C.) owing to the state of the public business, he had failed in every effort to have the subject acted on, and the bill had regularly failed for want of time only. He had made frequent motions to take up this measure, so important to his constituents, and, indeed, to the country, and had watched, week after week, to get the floor at this session, and this was the first time he had succeeded.

Mr. C. said that the settlers on the public lands in the Cherokee country were anxious to have an opportunity to enter their lands, which they could not do, unless a new land office was established, or the territory annexed to other districts. He believed there were some two millions of acres of public land in the territory, one half of which, he presumed, would sell, and a considerable portion of it at an early day; so that he could inform gentlemen who were apprehensive that the accruing revenues of the country would fall short of the current expenses of the year, that he believed the passage of this bill would bring into the Treasury nearly a million of dollars. Mr. C. said that as he troubled the House but seldom, he hoped no objection would be made to his motion.

But objection being made,

Mr. CHAPMAN moved a suspension of the rules; whereupon,

Mr. GRAVES called for the yeas and nays; which were ordered.

Mr. CRABB said he hoped he should be permitted (although no debate was allowable) to make a suggestion to his colleague [Mr. CHAPMAN] who had made the motion to suspend the rules. It was this: that he would amend his motion so as to go into Committee of the Whole upon another bill on the same subject of the Cherokee lands, at the same time with the bill to create a new land district. It was a bill which had passed the Senate since the one on which the gentleman proposed to act, and provided for an attachment of the Cherokee territory to two existing land districts, instead of creating a new land district. It had passed the Senate, in accordance with instructions from the Legislature of Alabama, and he desired the Committee of the Whole to have before it, at the same time, both bills, so as to determine between them.

To this suggestion, Mr. CHAPMAN acceded. Mr. C. further modified his motion, at the request of Mr. CHINN, so as to take up, at the same time, the bill to establish a new land district in the State of Louisiana.

Mr. CHAPMAN said that, as he could assure the House he would consume as little time as possible, not intending to enter into any debate, he would, in order that his motion might prevail, ask for a suspension of the rules for one hour only.

The question was then taken, and resulted—yeas 64, nays 89.

So the rules were not suspended.

On motion of Mr. JONES of Virginia, the House resolved itself into a Committee of the Whole on the State of the Union, (Mr. McKAY in the chair,) and took up the bill making appropriations for the

NAVAL SERVICE FOR THE YEAR 1841.

The bill having been read,

Mr. SALTONSTALL moved to amend the following section, viz: "for increase, repairs, armament, and equipment of the navy, and wear and tear of vessels in commission, \$1,425,000," by striking out that amount, and inserting in lieu thereof \$2,000,000.

A discussion on the amendment arose, in which Messrs. SALTONSTALL, JONES of Virginia, EVANS, TILLINGHAST, REED, and PROFIT, participated.

When, the hour of two and a half o'clock having arrived,

The House took its usual recess.

[EVENING SESSION.]

After the recess,

The consideration of the

NAVAL APPROPRIATION BILL

was resumed, in Committee of the Whole, the question pending being on the amendment moved by Mr. SALTONSTALL, to amend the following section, viz: "for increase, repairs, armament, and equipment of the navy, and wear and tear of vessels in commission, \$1 425 000," by striking out that amount, and inserting in lieu thereof \$2,000,000.

Mr. DAVIS of Indiana being entitled to the floor, addressed the committee, at some length, against the amendment. His remarks will be given hereafter.

The debate was further continued by Messrs. MASON, COOPER of Georgia, and WISE, when Mr. MALLORY moved further to amend, as follows:

"\$500,000 of which sum shall be expended in building and equipping war steamers of medium size."

After some remarks from Messrs. HOFFMAN, WISE, CUSHING, VANDERPOEL, and ALBERT SMITH,

On motion of the latter, the committee rose.

And, at a few minutes before eight o'clock,

The House adjourned.

IN SENATE,

FRIDAY, February 26, 1841.

DEATH OF THE HON. P. P. BARBOUR.

Mr. ROANE submitted the following letter, which was read:

WASHINGTON, Feb. 26, 1841.

SIR: As one of the Senators of the State of Virginia, of which our lamented brother, Judge BARBOUR, was so distinguished a citizen, I enclose you a copy of the funeral ceremonies which have been determined upon.

I am, sir, with great respect,

Your obedient servant,

R. B. TANEY.

Hon. WM. H. ROANE,

Senate Chamber.

Order of the funeral ceremonies attending the removal of the remains of the Hon. P. P. BARBOUR, late Associate Justice of the Supreme Court of the United States.

The Judges of the Supreme Court, with its officers, and the Judges of the Courts of the District, with the members of the bar, will assemble at 2 o'clock to-day at Mrs. TURNER'S, (Pennsylvania avenue,) and thence attend the remains of the deceased to the room of the Supreme Court, where the usual services will be performed by the Chaplains of Congress; and where

THE PRESIDENT,

The Heads of the Departments,

The Senators and Representatives in Congress,

The Members of the foreign Legations,

And citizens and strangers, are requested to attend; after which, the procession will move in the above order to the steamboat wharf, where the remains of the deceased will be embarked with proper attendants, in order to be conveyed to his country seat in Orange county, Virginia, for interment.

The documents having been read,

Mr. ROANE addressed the Senate in the following words:

Mr. PRESIDENT: I ask a moment of the precious time of the Senate: I will not abuse it—for already had the mournful intelligence, now officially announced to us, reached every member of this body; and already had the heart of every individual in this community been touched by that pure and exalted feeling which is ever awakened, when the patriot hears that his country has suddenly lost, and that forever, one of its benefactors.

Mr. President, had I the talent and the material, which I have not, to offer a just tribute to the memory of the distinguished Judge, whose funeral we are now invited to attend, I should deem it inappropriate to do so on the present occasion. That task I shall leave in other and abler hands.

But knowing, as I do, the exemplary virtues of the deceased, in all the social and domestic relations of life; knowing, as I do, the exalted estimation in which his virtues, talents, and patriotism were held in his native State, which I have the honor in part to represent; and knowing, as does every member of this body, his long, faithful, and valuable public services within the walls of this building, I feel myself authorized to ask the Senate to adopt the resolution I now offer:

Resolved unanimously, That in testimony of their respect for the memory of the honorable PHILIP P. BARBOUR, late Associate Justice of the Supreme Court of the United States, the Senate will adjourn this day at two o'clock, for the purpose of attending the funeral of the deceased.

The resolution was unanimously agreed to.

Mr. KKIGHT presented the memorial of Amey Babbitt; which was referred to the Committee on Pensions.

Mr. CLAY of Alabama gave notice that to-morrow he would ask leave to introduce a bill to remodel the judicial circuits of the United States.

Mr. WHITE, in pursuance of previous notice, asked and obtained leave to introduce a bill for the relief of Wm. R. Davis; which was read twice, and referred to the Committee on Claims.

Mr. WALKER, from the Committee on the Public Lands, to which a memorial of citizens of Illinois upon the subject had been referred, reported a bill concerning an act granting lands to certain exiles from Poland; which was read, and ordered to a second reading.

On motion by Mr. HUBBARD, the bill for the relief of Charles F. Sibbald was considered as in committee of the whole, and ordered to be engrossed for a third reading.

The bill for creating a new land district in the State of Missouri, and for changing the boundaries of the southwestern and western land districts in said State; and

The bill for the relief of Jesse Carpenter, were considered as in committee of the whole, and ordered to be engrossed for a third reading.

The bill for the relief of the Eagle Railroad and Lumber Company was taken up.

Mr. BENTON thought, at this advanced period of the session, we had not time to investigate the affairs of railroad companies. He hoped, therefore, that all bills in relation to them would be passed over.

Mr. CLAY of Alabama assented, on the understanding that the rule should apply generally.

The bill for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois, was then taken up.

Mr. KING hoped the bill would be also passed over.

Mr. YOUNG said he had no expectation of being able to pass this bill the present session; but he gave notice that it was by no means the intention of the friends of this work to abandon it. He alluded to the sales of the implements engaged in the improvements on the lakes and Western waters, as evidence of an intention to refuse appropriations to the West for the purposes of internal improvement, while large sums were appropriated to works on the seaboard. If they had the constitutional right under the power to regulate commerce with foreign nations, to vote money for the improvement of harbors on the seacoast; under the power to regulate commerce between the States, they had the right to make appropriations for the improvement of the channels of the commerce of the West. He called on the representatives of the West to rally in defence of their interests, and to see that appropriations for improvements in the North and the South, the East and the West, went hand in hand.

Mr. KING said the Senator from Illinois had taken occasion to speak of improvements and harbors, and had made the extraordinary assertion that the West was neglected and abandoned. Why, four-fifths of the expenditures for harbors and improvements had been made for the West.

Mr. YOUNG. Not of late.

Mr. KING. Why, of late, none had been made, and for the reason that they had not the money to make any. But the Senator called upon the West to rally in defence of itself: why, the West had been their favorite child. He (Mr. KING) was a Southwestern man, and he had hitherto shown that he was in favor of giving every facility to the West that could properly be given to her. Look at her harbors, and they would find some of them made where nature never intended they should be; in this they had gone beyond the bounds of prudence, and it was from an anxiety to foster the West. They had aided in speculations of companies, and then to give value to their lands they had given them harbors. With regard to these roads, he hoped the Senator from Illinois would bring the subject forward, and if those who are coming into power are willing to take up these internal improvements, let them do so; he (Mr. KING) had felt it to be his duty to oppose every appropriation of the kind on constitutional grounds, and he should continue to do so. And he protested against any attempt to produce sectional prejudices. He asked the honorable Senator where were the expenditures for the South and the Southwest? Where were the expenditures for the East? Had New Hampshire got them?

Mr. HUBBARD. Not a dollar.

Mr. KING would not further detain the Senate.

Mr. YOUNG said, in reference to the condition of the Treasury, that with the resources of this great country, it weighed with him as nothing. Former appropriations were made when they were ten times more in debt than they are at present; and yet they had found means to pay the national debt. The public debt ought not to operate as an objection, nor ought the works already commenced on that account to be allowed to fall into dilapidation. But he had risen to say that he had no sectional prejudice: he was willing to promote the interests of the West and the South, the East and the North; but he wished them to go hand in hand. Let them all go together. However, under existing circumstances, he was willing that the bill should be passed over.

The bill was accordingly passed over.

BILLS PASSED.

The following bills were read a third time and passed:

The bill for the relief of Mary Neal, widow of Samuel Neal, deceased;

The bill for the relief of Huldah Tucker;

The bill granting a pension to William Rand;

The bill for the relief of Converse and Rees;

The bill for the relief of Samuel Norris, and Frederick Saugrain of Arkansas; and

The bill for the relief of Charles F. Sibbald.

GENERAL BANKRUPT BILL.

The Senate then proceeded to the consideration of the special order—the bill to establish a uniform system of bankruptcy—the question being on the amendment proposed by Mr. HUBBARD, to include incorporated companies within its provisions.

Mr. CLAY of Alabama spoke at length in opposition to the amendment, and in reply to the remarks of Mr. BENTON.

The Senate then adjourned to carry into effect the resolution to attend the funeral of the Hon. PHILIP P. BARBOUR.

HOUSE OF REPRESENTATIVES,

FRIDAY, February 26, 1841.

On motion of Mr. ANDREWS, the rules were suspended, to enable him to submit the following resolution:

Resolved, That the Committee on Accounts be instructed to allow the pay of all such members of this House as may have been unavoidably detained on their way to the seat of Government at the commencement of this session, by the storm which occurred about that time; they having left their respective places of abode in sufficient time to have reached the Capitol in time to have taken their seats on the first day of the session.

Mr. DROMGOOLE said, that there was a rule of the House which prevented those whom this resolution was designed to benefit from voting for the resolution. He referred to the 25th rule, which provided, that "no member shall vote on any

Continued from No. 13.

question in the event of which he is immediately interested," etc.

The SPEAKER stated that, in his opinion, the rule did not apply to the case now before the House.

The question being on the passage of the resolution,

Mr. DROMGOOLE called for the yeas and nays; which were ordered.

The CLERK was proceeding in the call, when

Mr. CRABB asked to be excused from voting.

The SPEAKER said, that the gentleman should have asked leave before the call was commenced.

Mr. CRABB replied that he did arise for that purpose.

Mr. BRIGGS asked Mr. CRABB his reasons for making that request.

Mr. CRABB remarked that he was one of those who left their homes in time to arrive here before the commencement of the session, but he had been detained on the way by the storm. He believed that the rule of the House, referred to by the gentleman from Virginia, excluded him from voting, although the SPEAKER had decided otherwise.

The question was then taken on excusing Mr. CRABB from voting, and decided in the negative—ayes 51, noes 94.

The question was then taken on the resolution, and passed in the affirmative—yeas 100, nays 48.

DEATH OF JUDGE BARBOUR.

Mr. BANKS laid the following letter before the House:

WASHINGTON, Feb. 26, 1841.

SIR: As the Representative of the district in which our lamented brother, Judge BARBOUR, resided, I enclose you a copy of the funeral ceremonies which have been determined upon.

I am, sir, with great respect,

Your obedient servant,

R. B. TANEY.

HON. LINN BANKS,

House of Representatives.

Order of the funeral ceremonies attending the removal of the remains of the Hon. P. P. BARBOUR, late Associate Justice of the Supreme Court of the United States:

The Judges of the Supreme Court, with its officers, and the Judges of the Courts of the District, with the members of the bar, will assemble at two o'clock to-day, at Mrs. Turner's (Pennsylvania avenue,) and thence attend the remains of the deceased, to the room of the Supreme Court, where the usual services will be performed by the Chaplains of Congress; and where the President, the Heads of the Departments, the Senators and Representatives in Congress, the members of the Foreign Legations, and citizens and strangers, are requested to attend. After which the procession will move, in the above order, to the steamboat wharf, where the remains of the deceased will be embarked, with proper attendants, in order to be conveyed to his country seat, in Orange county, Virginia, for interment.

Mr. BANKS arose and said:

Mr. SPEAKER: I do not rise for the purpose of interrupting the business of the House, but to announce the death of the Hon. PHILIP P. BARBOUR, late a Judge of the Supreme Court of the United States. In the performance of this painful duty, (said Mr. B.) no language which I possess is adequate to portray the virtues, talents, and the distinguished public services of the individual whose loss we are now called upon to deplore. In all his relations, whether in public or in private, he stood pre-eminent for his high honor, and his incorruptible integrity. Whether in the halls of legislation, or engaged in expounding the laws of his own State,

or of the Union, he was always prompt, impartial, and able. In 1812, when war was declared against Great Britain—the second Declaration of Independence—when the political horizon was darkened o'er with portentous clouds—Judge BARBOUR was elected a member of the Legislature of Virginia from his native county of Orange. He served his constituents at this important crisis of our history with distinguished ability in sustaining the interest, the honor, and the glory of his country. In the month of May, 1814, he was elected a member of the House of Representatives of the United States, and served from that time, without intermission, and with the entire approbation of his constituents, until 1825. During that eventful period, he was the Speaker of this House from December, 1821, to March, 1823. In 1825 he was elected by the Legislature of Virginia, a Judge of the General Court of that State; the duties of which station he discharged with great ability and to the satisfaction of all parties interested.

In 1827, Judge BARBOUR was called upon by some of his old friends in the Congressional District in which he resided, to become a candidate for Congress. He promptly obeyed the call, and forthwith resigned his judicial station, and was again elected to Congress without opposition. He served until the end of the first session of the 21st Congress, in 1830, when he was appointed a judge of the federal court for the Eastern district of Virginia. He continued to discharge the duties of that office until 1836; at which time he received the appointment of Associate Justice of the Supreme Court of the United States.

Judge BARBOUR was a member of the Convention which assembled in Virginia in 1829, to amend the Constitution of that State, and was president of the Convention, which contained some of the most distinguished men of Virginia, among whom were Judge MARSHALL, JAMES MADISON, JAMES MONROE, WM. B. GILES, LITTLETON W. TAZEWELL, and others of distinguished abilities.

I have attempted, Mr. Speaker, to give a brief epitome of the public stations voluntarily bestowed upon PHILIP P. BARBOUR by his countrymen. I say voluntarily, because he was one of those high-minded and honorable men who never sought office. His high and commanding talents and virtues made him one of Virginia's most distinguished sons. In the discharge of all the high duties devolved upon him, his course was marked with great ability; and, above all, his motives of action were never suspected. He was connected with a numerous train of friends and relatives, and beloved by all. If he had an enemy on earth, he did not know it. No man stood higher than Judge BARBOUR for his purity of character, and his high and ennobling virtues. No language can describe them. He was a kind, tender, and affectionate husband, father, and friend, and a humane master.

I can only say, in conclusion, that his sudden death admonishes us all of the sacred volume, which declares that "in the midst of life we are in death."

I move you, Mr. SPEAKER, that the House adopt the following resolution:

Resolved, That the House have learned with deep sensibility the decease of the Hon. PHILIP P. BARBOUR, for many years a member, and late Speaker of the House of Representatives of the United States, and at the time of his death an associate Justice of the Supreme Court of the United States, which melancholy event took place suddenly in the city of Washington on the 24th of February, instant; and that, as a mark of the respect entertained for the memory of the deceased, this House will adjourn at two o'clock this day, for the purpose of attending the funeral of the deceased, and will at four o'clock of the same day re-assemble in the hall of the House for the despatch of the public business.

Mr. WISE, after cordially uniting in the sentiments just uttered, expressed his regret that Mr. BANKS had not consulted with his colleagues before he offered his resolution. With all due respect, Mr. WISE said he could not vote for it, for the reason that a mightier man than Judge BARBOUR had fallen, and whose death was not even announced to the House. He meant the illustrious father of the judiciary, JOHN MARSHALL. He would ask his colleague to withdraw the resolution, and not compel him to vote against it.

Mr. BANKS said it so happened that, at the time Judge MARSHALL died, Congress was not in session, nor was the Supreme Court in session; besides, the event took place in another city. The Supreme Court was now in session, and the Senate had adopted a similar resolution unanimously. Mr. B. paid a high compliment to the talents and virtues of Chief Justice MARSHALL, and said there was no man to whose memory he would more cheerfully pay a tribute of respect. Mr. B. remarked that when the death of the Hon. WM. WIRT was announced to this body, although he was at that time a private citizen, the House, on motion of the venerable gentleman from Massachusetts, [Mr. ADAMS,] adjourned. Mr. B. stated that he had consulted with several of his colleagues, but having just received the communication from the Chief Justice, it had not been in his power to consult with Mr. WISE. He hoped this explanation would be satisfactory.

The resolution was then adopted.

DEFECTIVE LAND PATENTS.

On motion of Mr. LINCOLN, by general consent the House took up the following bill, introduced by him on the 17th instant, viz:

A BILL to confirm land patents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all patents for public lands, which have been issued from the General Land Office since the passing of the act, entitled "An act for the establishment of a General Land Office in the department of the Treasury," passed on the 25th day of April, one thousand eight hundred and twelve, in the name of the President of the United States, instead of being "in the name of the United States," as prescribed in the eighth section of said act; and all patents for public lands, which have been issued from the said General Land Office since the passing of the act entitled "An act to reorganize the General Land Office," passed the fourth day of July, one thousand eight hundred and thirty-six, and which have been countersigned by the Recorder of the General Land Office, or other person acting in his stead, instead of being countersigned by the Commissioner of the General Land Office, as prescribed in the act of the twenty-fifth day of April, one thousand eight hundred and twelve; and all patents which have been issued from said General Land Office since the passing of the act entitled "An act prescribing the mode by which patents for public lands shall be signed and executed," passed the second day of March, one thousand eight hundred and thirty-three, and which have been subscribed by a secretary duly appointed, pursuant to the provisions of said act, with the printed or written name of the President prefixed to the personal signature of such se-

cretary, in the execution of such patents, notwithstanding the name of the President may not have been written personally by the secretary, shall be deemed, taken, and held good and valid patents in law, and shall have all the force and effect to pass from the United States to the patentee or patentees named in such patents, respectively, their heirs, executors, administrators, and assigns, the lands described therein, as though, in each and all the respects before enumerated, the patents, in their form and manner of execution, had conformed to the requirements of law.

Sec. 2. *And be it further enacted*, That from and after the passing of this act, it shall be the duty of the Recorder of the General Land Office, in addition to the duties now required of him by law, to countersign all patents issued from said office, instead of the same being countersigned by the Commissioner, as required by the eighth section of the act entitled "An act for the establishment of a General Land Office in the Department of the Treasury," passed the twenty-fifth day of April, one thousand eight hundred and twelve.

The bill was then engrossed for a third reading, and was read a third time and passed.

On motion of Mr. JONES of Virginia, the House resolved itself into a Committee of the Whole on the state of the Union, (Mr. McKAY in the chair,) and resumed the consideration of the bill making appropriations for the

NAVAL SERVICE FOR THE YEAR 1841.

The question pending was the motion of Mr. SALTONSTALL, to strike out \$1,425,000 "for increase, repair, armament, and equipment of the navy, and wear and tear of vessels in commission," and insert \$2,000,000; and the amendment to the amendment, submitted by Mr. MALLORY, as follows: "\$500,000 of which sum shall be expended in building and equipping war steamers of medium size."

Mr. MARVIN, being entitled to the floor, spoke at some length in favor of the amendments pending.

Mr. SALTONSTALL followed, and replied to the objections which had been urged against his amendment. He said if the gentleman [Mr. MALLORY] who had moved the additional amendment on last evening, would alter it so as to insert \$400,000, instead of \$500,000, he (Mr. S.) would accept it as a modification of his own.

Mr. MALLORY acceding to the request, his amendment was accepted by Mr. SALTONSTALL as a modification.

The hour of two having arrived, the House, in pursuance of the resolution of Mr. BANKS, adjourned until 4 o'clock.

[EVENING SESSION.]

At four o'clock, p. m. the House met.

After some debate of a conversational character to the propriety of ordering a call of the House,

On motion of Mr. JONES of Virginia, the House resolved itself into a Committee of the Whole on the State of the Union, (Mr. McKAY in the chair,) and resumed the consideration of the

NAVAL APPROPRIATION BILL.

The question pending was on the modified amendment of Mr. SALTONSTALL, to strike out "\$1,425,000 for increase, repair, armament, and equipment of the navy, and wear and tear of vessels in commission," and insert "\$2,400,000, of which sum \$400,000 shall be expended in building and equipping war steamers of medium size."

Mr. WELLER being entitled to the floor, made some remarks expressive of his regret that members of both parties did, at this late period of the session, think proper to spin out the debates of a party character to such a length. He alluded more especially to the prevalence of that evil after gentlemen had been to dinner, and mentioned some instances, when, on the previous evening, the House had heard a display of eloquence which could not have been displayed before dinner.

Mr. W. then proceeded to reply to the speech of his colleague [Mr. Mason] on yesterday. That gentleman, said Mr. W. told us there was no money in the Treasury, and then, in the same breath,

said he was willing to vote large sums for the navy.

Mr. W. went on to shew, in a very forcible manner, that the charges of his colleague and other members in relation to a neglect of the navy, were without foundation. He showed that the navy had been materially increased since 1829, and that since that period the active force of our navy had been doubled. After some further remarks, which will appear hereafter, Mr. W. said that having given facts to show that the charges of gentlemen were erroneous, he would make an appeal to all parties to allow the question to be taken at once.

Mr. FLOYD said he wished to state very briefly his objections to this proposition of the gentleman from Massachusetts, [Mr. SALTONSTALL] to increase the appropriations for the naval service, half a million of dollars beyond the amount deemed sufficient by the Secretary of the Navy, and which had been reported by the Committee of Ways and Means. He regretted that the propriety or impropriety of this amendment could not have been discussed upon its merits without the disparaging remarks upon the present condition of the navy, in which some gentleman had indulged, and which they had appeared to consider necessary in urging this amendment upon the committee. He would not proclaim his attachment to this proud arm of our national defence, nor would he build a man of straw, to show his prowess in demolishing him, by supposing that there was a man upon this floor opposed to the navy. Upon other subjects we may have sectional feelings of interest or may be influenced by State pride—one may boast of his Bunker hill—another of the plains of Saratoga—another of Yorktown—but all, all, glory in the achievements of our navy, and all here, he had no doubt, were ready and willing to make such liberal appropriations as would sustain its honor and its efficiency.

But he would bring to this and every other subject under the control of Congress the same wise and prudent principles which are applicable to the ordinary affairs of life—and those principles required that in making this appropriation, regard should be had to other and equally urgent claims upon the public Treasury, and to the probable amount of revenue for the coming year. Mr. F. asked if those who urged this increase of half a million, were aware that the bill already appropriated five millions and a quarter for the naval service? And was this a niggardly appropriation? Was it not liberal, considering that it amounted to one quarter of the whole estimated revenue for the current year, and considering, too, the other duties which this Government is bound to discharge? This amount is deemed sufficient by the officers of the Government, who have the best means of forming an opinion upon this subject, and Mr. F. believed that with economy and good discretion in its disbursement, it would be found ample to sustain the Naval Department in all its necessary operations, and give a respectable increase to our naval force.

Sir, said Mr. F. notwithstanding the reflections which have been cast upon our navy, I insist that it has performed every duty which has been required of it, and has answered every beneficial object of its establishment. Our commerce has been protected on every sea. In the single instance of insult to our seamen which has occurred in many years, and that by a barbarous people, chastisement was promptly and effectually administered, and redress demanded and obtained; and at this moment the lightest shallop that dare venture her frail sides upon the mountain wave may fold her wings in safety in every port of the civilized world under the simple protection of the stars and stripes.

I deny, said Mr. F. that our flag has been insulted again and again for want of an efficient maritime force, as has been alleged by the honorable member from Maine [Mr. SMITH]. We have heard rumors, it is true, recently, of detention of several vessels by British cruisers on the coast of Africa, but we have heard but one side of the story. These matters are proper subjects of inquiry by our Government; and if these detentions were without excuse, they are proper subjects for a demand for redress. But there may be palliating

circumstances. These vessels may have been found under suspicious circumstances, though, in fact, driving a legal traffic. It should be remembered that the detentions complained of were made upon the African coast by the vessels of England stationed there for the suppression of the slave trade—a most honorable undertaking, in which I hope she may be eminently successful. She has reaped profit enough from her unjust aggressions in other parts of the world to enable her to be humane where she can gather nothing by conquest. Africa offers nothing to her rapacity but flesh and blood, of which she has already more than she can well take care of; and, therefore, affords a proper field for the exhibition of a national virtue, because there is no temptation to be unjust.

Complaint has also been made that, during the recent difficulties between Great Britain and China, our nation was not properly represented, nor our commerce protected in the Chinese seas by our vessels of war. Why, sir, do not gentlemen know that representations were made here by those interested in the Chinese trade, that it was inexpedient to send a fleet there; that American interests there were in no danger; that our merchantmen were profiting by the troubles between England and China; and that an armed force there might do more harm than good, by exciting the jealousy or suspicions of that peculiar people? Sir, said Mr. F. gentlemen are mistaken. Our flag is known, and is respected wherever a vessel can float in the known world, and it is related of the late Sultan that before he knew any thing else of America, he acknowledged he had "heard of a fellow with a blue jacket who had flogged John Bull on the ocean."

Our present navy consists of sixty-eight sail, of which thirty-six are now in commission. Will any one say that this is not enough for a peace establishment? The Secretary of the Navy informs us that it has been found sufficient for all the purposes of a navy in time of peace; and the sum of six hundred thousand dollars of the naval appropriation of last year remains unexpended because it was considered unnecessary.

Gentlemen have compared our navy with that of Great Britain. Sir, it is not to be expected, nor is it desirable, that our navy should equal that of Great Britain. We have no colonies to keep in awe—we have no negotiations which it is necessary to conduct under the influence of a large fleet—we have no entangling alliances to guard, nor are we surrounded by ambitious States, ever ready to take advantage of any moment of apparent weakness. The material of which our naval force must be composed, is now employed in more profitable avocations than the public service. Our navy must grow with a necessity for a navy. Napoleon's wars made Napoleon's marshals; and when the naval service offers the proper inducements, in the shape of pay or of honor, a force can be gathered from your coasters, your fishing vessels, and your merchantmen, such as the world has never yet seen for bravery, enterprise, and every quality which can ensure the honor and safety of our country. In a young and peaceful nation like ours, where every avenue of business is more inviting than the public service, it is not surprising that the naval spirit should fall somewhat to decay. What inducement has a man of ability and enterprise who can earn his bread in any other way, to embark for a three years' voyage in a man of war, to leave behind nearly all the attachments of life, to endure, as Dr. Johnson says, all the privations of a prison, with the additional risk of being drowned. But the naval spirit "is not dead, it sleepeth;" and the first gun which shall boom across the water, will awake it, refreshed and invigorated, "like a strong man to run a race."

Another reason has been urged, said Mr. F. why this amendment should pass, and that is the present state of our foreign relations and the possibility or probability of a war. He considered this entitled to less consideration than any other which had been mentioned. It was conceded that we were in no danger of collision with any power except England, and he would imagine no such extremity of folly in the year 1841, as it would be on the part of Great Britain to declare war against the

United States. What is and has been the national policy of Great Britain? Why, sir, to talk of glory and to fight for gain—and surely there is nothing in this country which can excite her cupidity; which would pay the cost of taking. What must be the inevitable, to say nothing of the probable, consequences of such a war? Sir, put down the certain and immediate loss of her North American Colonies—the destruction of her manufactures, by cutting off the supply of the raw material which gives her operatives employment, the destruction of the best market for her manufactured articles; add to this, that she suspends, perhaps extinguishes, a debt due to her citizens, it is said, of some two hundred millions of dollars. Besides, sir, has she no unsettled questions with her European neighbors; or, if there are none, may they not be raised when her neighbors think a favorable opportunity occurs for a successful negotiation? Is not France almost “sick of a calm?” Is she not her “natural enemy?” and does she not now possess the abundant means, as she ever has had the inclination, for an encounter with England? Has not Russia, in her eastern progress, already reached the confines of the British possessions? But, aside from all these collateral considerations, what can England gain by a war with us? Nothing, sir, nothing. The utmost she can do is, the destruction, perhaps, at the onset, of some maritime towns, which would not weaken our ability by the strength of a single man, or the value of a single dollar; as to conquering a foot of American soil, no man in his senses ever thinks of it. Sir, said Mr. F. I have but glanced at a few of the considerations which, in my opinion, show that we are in no danger of a war with Europe; and all these things she knows, as well as we do; she knows our strength and our resources; she knows that a war begun is not to be ended in a day; she has had a “taste of our gifts” in the Revolution, and again in the last war; and within the last few years, she has seen a specimen of the stuff of which American militia are composed, which will not suffer by a comparison with Bunker Hill or the San Jacinto. I allude to that most unfortunate occurrence, the battle at Windmill Point.

Let me add, Mr. F. continued, that in my opinion there is not, and has not been, any cause for collision between the two countries. The correspondence between the two Governments on the questions at issue, which has been carried on both here and at London, is, in my opinion, in all respects creditable to the present Administration. And notwithstanding the odium which a reckless party has sought to heap upon the Executive for pusillanimity, for cowering before the British lion, I was pleased to hear my honorable colleague, [Mr. GRANGER,] but a day or two ago, express his approbation of the negotiations as conducted by this Government. On this subject all has been done which the honor of the country required; and I shall be content if the coming Administration do as well. Again, it is argued that the report of the Committee on Foreign Affairs, lately made to the House, is calculated to produce dissatisfaction on the part of the English Government. I have read that report, and I approve of it—it speaks out boldly in terms worthy of the nation, and will, I doubt not, find a hearty response in the bosom of every patriot in the country, and especially among those on the Northern frontier, who feel the deepest interest in the questions discussed in that report. The language of that report, said Mr. F. falls far behind, in spirit and force, the language of the public press on the frontier, where the public mind has been most excited on this subject. True it is, sir, that much of that excitement has been created by political demagogues for the basest party purposes, and when the debate took place here on the motion to print that report, and my honorable colleagues from Erie and Ontario objected to the violence of its language, it occurred to me that those whose friends had rode into power upon the whirlwind, already began to tremble, lest, now that they are about to assume the reins of Government, they should be unable to direct the storm.

I shall mention, continued Mr. F. but one other reason why I shall vote against this increase of the naval appropriation. I am not disposed to treat

the recent election as if it had not taken place. The people were told that the expenses of the Government were too great; and if the gentlemen of the successful party have forgotten the pledges of retrenchment they made before the election, I have not; and I assure them that so far as my vote is concerned, both in this Congress and the next, “the economy they teach I will execute, and it shall go hard, but I will better the instruction.”

Mr. JONES of Virginia observed that after the able speech of the gentleman who had preceded him, it would be hardly necessary for him to say a word. He would, nevertheless, submit a few facts by way of correcting the erroneous impression which was likely to be made on the public mind, by the remarks of gentlemen who considered the navy had been neglected. After noticing the various and contradictory statements which had been given by members of the Opposition in relation to the condition of our navy, Mr. J. referred to authentic documents to show what was the actual condition of that branch of the public defence, and that it was not in the “ruinous and dilapidated” condition as was represented.

Mr. J. then read from official documents to show that we had now twenty-six vessels in commission, and that these twenty-six were so arranged as to afford an effectual protection to the commerce of the country.

After showing the great and gradual increase of the navy for the last fifteen years, Mr. J. said he referred to those facts to show that much had been done to strengthen this arm of our national defence, and that a larger amount of money had been appropriated than was thought necessary to be used.

He then called attention to the preparations made by the Navy Department so as to put it in the power of Government, in case of emergency, to bring into service almost any amount of vessels that might be required.

Gentlemen appeared to have lost sight of the fact that contracts had been entered into by the Department for frame-timbers of a great number of vessels, which frame-timbers were reasoning and being prepared in a proper shape, ready to be put together when required. From the document appended to the report, it would be seen that contracts had been made for frame-timbers for

15 ships of the line,
18 frigates,
15 sloops of war,
9 steamers,
9 brigs and schooners,

besides copper, iron, &c.

Here, then, was the wood seasoning and being prepared in a proper shape, ready for putting together this great force, whenever an emergency might arise.

Mr. J. then read from the report to show what number of the above were actually complete and required nothing more than putting together. This, in addition to the increase of the navy during the last ten years, would exhibit a state of preparation which certainly could not have been borne in mind by the gentlemen who had addressed the committee.

Mr. PICKENS said it was his intention to vote in the first instance for the amendment of the gentleman from Virginia [Mr. MALLORY] and then to have voted against the amendment of the gentleman from Massachusetts, [Mr. SALTONSTALL] as amended. He had intended to do that because, at this time, he felt it his duty to go against all further appropriations than \$1,425,000, as reported in the bill.

The CHAIR observed that there was but one amendment then pending, that of the gentleman from Virginia, having been accepted by the gentleman from Massachusetts, as a modification.

Mr. PICKENS said he would then vote against the whole proposition to amend, as he considered \$1,400,000 amply sufficient for all practical purposes, at the present time. He protested against any action being had with a view to a contingency, or any legislation being based on the expectation of a war. If that were the real aspect of things, the sum proposed by the amendment would be a mere bagatelle; instead of such a paltry amount, they would want millions; and he, in such a state of things, would be ready to vote for ten millions,

instead of \$1,425,000. But, at present, he did not desire any thing to be done which looked towards war. There was no necessity for it.

Mr. J. went on to say that when the proper time should arrive for a revision of the tariff, he then would pledge himself to go with gentlemen of the North for such a tax as should be amply sufficient for every want of the country. But let gentlemen wait until the time should arrive, for he protested against this legislation by piecemeal. At this late period of the session, now that four days only remained, we were not prepared to do justice to the subject referred to by the mover of the amendment. But if any thing should occur, which might lead to a war, he trusted that an extra session would be called, and that then, when the case should actually exist, they would act like a free people. But at present he would raise his voice against any legislation looking towards a war.

Mr. HAWES, after some remarks, offered the following amendment:

“Provided, That the Secretary of the Navy may, if he may deem it expedient, disburse two hundred thousand dollars of said sum in the construction of two steam ships of such size as will pass the outer bar of the Mississippi; said ships to be built at Cincinnati, Ohio, and Louisville, Kentucky; and said steam ships to be built by contract, or otherwise, as said Secretary may order.”

After some remarks from Messrs. WICK, PROFFIT, and SMITH of Indiana,

The amendment was then modified at the suggestion of Messrs. GRAVES, W. C. JOHNSON, and PROFFIT, as follows:

“Provided, That the Secretary of the Navy may, if he may deem it expedient, disburse two hundred thousand dollars of said sum in the construction of two steam ships of such size as will pass the outer bar of the Mississippi; said ships to be built at Cincinnati, Ohio, at Louisville, Kentucky, or Covington, Kentucky, or New Albany, Indiana, or Paducah, Kentucky, or any other place or places on the Ohio or Mississippi rivers, if he believes the public service will thereby be promoted; said steamships to be built by contract or otherwise, as the said Secretary may order.”

After some remarks by Messrs. WM. COST JOHNSON, PROFFIT, THOMPSON of Mississippi, MALLORY, W. THOMPSON, GRAVES, and BRECKENRIDGE,

The question was taken on the amendment, and disagreed to.

Mr. FILLMORE submitted the following amendment:

“And in case the Government of Great Britain shall build any naval armaments for any of the lakes or rivers separating the United States from the Canadas, then it shall be the duty of this Government to build vessels on our side of at least a corresponding size; and so much of the money hereby appropriated as may be necessary, shall be applied to that object.”

The CHAIR ruled the amendment out of order. Mr. RIVES submitted the following; which was also ruled out of order:

“Provided, however, That the Secretary of the Treasury shall have authority to employ an amount out of said sum, not exceeding \$10,000, in testing the utility of the inventions of Messrs. Hunter and Hobdy for propelling steam vessels.”

The question was then taken on the amendment of Mr. SALTONSTALL, as modified by Mr. MALLORY, as follows:

“For increase, repair, armament, and equipment of the navy, and wear and tear of vessels in commission, \$2,000,000; \$500,000 of which sum shall be expended in building and equipping war steamers of medium size,” and decided in the negative—ayes 62, noes 67.

The item “for medicines and surgical instruments, hospital stores, and other expenses on account of the sick, \$30,000,” having been read,

Mr. UNDERWOOD moved to amend the item, by adding:

“For payment of debts contracted in the purchase of sites for the erection of marine hospitals, under the act of March 3, 1837, to those individuals who have actually conveyed their property to the United States, ——— dollars.”

After some remarks by Messrs. GRAVES, UNDERWOOD, and MALLORY,

The CHAIR decided the amendment out of order.

Mr. GRAVES appealed from the decision of the Chair.

Mr. CHAPMAN of Alabama moved that the committee rise; but the motion did not prevail.

The question was about to be taken, Shall the decision of the CHAIR stand as the judgment of the House? when

Mr. GRAVES withdrew his appeal.

Mr. ANDREWS moved that the committee rise; but no quorum voting,

The question was taken by tellers, who reported—ayes 25, noes 94: no quorum.

On motion of Mr. GRAVES, the committee rose and reported that fact to the House.

Mr. MONROE then moved a call of the House, and

The question was taken by tellers, who reported—ayes 34, noes 75.

No quorum voting, and the House refusing to have a call,

Mr. BEATTY moved that the House adjourn; And the question being taken, there appeared—

ayes 39, noes 92.

A quorum being now present, the House again went back into Committee of the Whole.

Mr. GRAVES then offered the following as a modification of Mr. UNDERWOOD's amendment.

"And that the sum of thirty-eight thousand dollars, or so much thereof as may be necessary, be, and are hereby appropriated, out of which the Secretary of the Navy is authorized to pay for such of the sites, selected on the Western waters for marine hospitals, as have been deeded to the Government, with the approval of the Secretary of War.

The CHAIR decided the amendment to be out of order, for the reason that the 50th rule declares that "no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment," etc.

Mr. GRAVES appealed from the decision of the CHAIR.

The question was then taken, "Shall the decision of the CHAIR stand as the judgment of the House? and decided in the affirmative—ayes 97, noes 13—no quorum voting.

Mr. GRAVES moved that that fact be reported to the House; but

A quorum now appearing,

Mr. GRAVES withdrew his motion.

Mr. UNDERWOOD offered the following amendment:

"For the purchase of Raub's Self-acting Safety Valves, to be applied to the boilers of the steamships heretofore authorized to be built, if in the opinion of the President such valves should be deemed useful."

The amendment was disagreed to.

The following item was then read:

"The improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, \$15,000."

Mr. SALTONSTALL moved to strike out \$15,000 and insert \$25,000; but the motion was negatived.

The next item was read, as follows:

"For improvement and necessary repairs of the navy yard at Charlestown, Massachusetts, \$25,200."

Mr. HOFFMAN moved to amend by striking out all after the word Massachusetts, and inserting "and for the erection of barracks, \$55,200."

Mr. H. gave notice that, if this motion should prevail, he would move to amend similarly all the items for the several navy yards; but

After some remarks by Messrs. JONES of Virginia, SALTONSTALL, DOWNING, and REED, Mr. HOFFMAN withdrew his amendment for the present.

Mr. SALTONSTALL moved to amend by striking out \$25,200 in the same item, and inserting \$42,000.

The question being taken, the amendment was disagreed to.

The next item being read, viz:

"For improvement and necessary repairs of the navy yard at Brooklyn, New York, \$46,800."

Mr. SALTONSTALL moved to strike out \$46,800 and insert \$78,000; but the amendment was negatived.

Mr. SALTONSTALL further moved to strike out \$5,400 "for the improvement and necessary repairs of the navy yard at Philadelphia, Pennsylvania," and insert \$9,000; but the amendment was negatived.

Mr. SALTONSTALL also moved to strike out \$6,600 for the improvement and necessary repairs of the navy yard at Washington, District of Columbia, and insert \$11,000; and this was likewise negatived.

Mr. MALLORY moved to amend the item "for improvement and necessary repairs of the navy yard at Gosport, Virginia," by striking out \$29,400, and inserting \$49,000.

After some remarks by Messrs. MALLORY and JONES of Virginia,

The amendment was rejected.

Mr. DOWNING then moved to amend the item "for improvement and necessary repairs of the navy yard near Pensacola, Florida," by striking out \$12,000, and inserting \$20,000.

The question being taken, the amendment was disagreed to.

Mr. HOFFMAN offered the following:

"For the purchase of a site and to commence the erection of barracks at Brooklyn, New York, \$30,000.

"For the purchase of a site and to commence the erection of barracks at Charlestown, Massachusetts, \$30,000.

"For the purchase of a site and the erection of barracks at Gosport, Virginia, \$30,000.

"To commence the erection of barracks at Pensacola, Florida, \$10,000."

The CHAIR ruled the amendment out of order.

Mr. REED moved to strike out \$1,500 for necessary repairs of the hospital building at Charlestown, Massachusetts, and insert \$5,000; but the amendment was decided out of order.

Mr. SALTONSTALL moved to amend the bill by inserting after the seventy-ninth line, as follows:

"To commence the erection of barracks in Pensacola, Florida, \$10,000."

The CHAIR having decided the amendment out of order,

Mr. SALTONSTALL appealed from his decision; but

The question being taken, the decision of the CHAIR was sustained by the House.

Mr. MALLORY offered the following amendment:

And be it further enacted, That the duties heretofore discharged by the Commissioners of the Navy shall be apportioned as follows, viz:

The first division shall comprehend whatever relates to the construction, repairs, equipment, and preservation of vessels of war, and the officer presiding over its administration shall have attached to his bureau, to aid him in the performance of his duties—

A chief naval constructor;

An engineer qualified to superintend the operations of steam; and

A draughtsman.

The second division shall comprehend the construction, repairs, and preservation of all buildings on shore belonging to the navy, or used for naval purposes, and generally the superintendence of navy yards, hospitals, magazines, and other appendages to a naval station. This officer shall have placed under his direction—

A captain in the navy, as inspector of ordnance;

A commander, and two lieutenants and assistants;

A commander having charge of charts and instruments for hydrographical purposes;

A lieutenant, and two passed midshipmen;

A civil engineer; and

A draughtsman.

The third division shall comprise the purchase, manufacture, collection, and distribution of all provisions, clothing, and materials of every description required for the use of the navy. The

officer charged with this division shall have placed under his direction—

A surgeon to superintend the purchase of medicines, hospital stores, and surgical instruments, and to perform such other duties, in connection with the medical branch of the service, as may be required of him by the Department; and two assistant surgeons to aid him in their performance;

One purser for contracts, and correspondence, for slop-clothing, and provisions.

And be it further enacted, That so much of an act approved February 7, 1815, entitled "An act to alter and amend the several acts for establishing a Navy Department, by adding thereto a Board of Commissioners," as comes within the meaning of this act, and is contrary thereto, be, and the same is hereby, repealed.

The CHAIR decided that under the 76th rule of the House, the amendment was not in order.

Mr. MALLORY appealed from the decision of the CHAIR; and

On the question being taken, Shall the decision of the CHAIR stand as the judgment of the House? It was decided in the affirmative.

On motion of Mr. JONES of Virginia, the committee then rose, and reported the bill to the House.

The question was then stated, Shall the bill be engrossed and read a third time? when

Mr. EVANS moved various amendments.

Mr. DROMGOOLE inquired of the CHAIR, whether it was in order to offer a series of amendments at one time?

The SPEAKER replied that it was not in order to offer more than one amendment at a time, and that the amendments offered were not in order.

From this decision, Mr. EVANS appealed; and pending the question on said appeal,

On motion of Mr. HOFFMAN, at ten o'clock, p. m.

The House adjourned.

IN SENATE,

SATURDAY, February 27, 1841.

The bill from the House making appropriations for the naval service for the year 1841, was read a first and second time, and referred to the Committee on Naval Affairs.

On motion by Mr. STURGEON, one thousand extra copies of the annual report of the Commissioner of Patents were ordered to be printed.

On motion by Mr. WALL, the Senate took up the "bill to declare the rights of the children of the citizens of the United States born abroad;" and, after being considered, it was ordered to be engrossed for a third reading.

Mr. BUCHANAN, from the Committee on Foreign Relations, reported a bill for the relief of the administrator of William A. Slacum; which was read, and ordered to a second reading.

Mr. RUGGLES, in pursuance of previous notice, asked and obtained leave to introduce a bill granting copy-rights to inventors of designs, &c. which was read twice and referred to the Committee on Patents and the Patent Office.

Mr. TAPPAN presented a memorial from a citizen of New Jersey, praying Congress "to adopt measures for securing an equitable and adequate market for American wheat." Mr. T. said that the memorial now presented was one of great value and importance; it contained an examination and expose of the present capacity of the six Northwestern States to grow wheat, and the probable increase of the wheat culture, the want of a foreign market for the already surplus production, and the consequence of continuing the existing restrictions of foreign Governments upon the introduction into their dominions of foreign wheat. It also examines the nature, and exposes the effect, of the British corn laws upon the revenue of that Government, as well as its effect upon their people, showing conclusively that the existence of those laws is alike detrimental to the interests of both countries. Mr. T. did not expect any action upon this important subject at this late period of the session; he would, however, move that it be referred to the Committee on Agriculture, and printed; which was agreed to.

Mr. CLAYTON submitted the following resolutions of the Legislature of the State of Delaware,

which were laid on the table and ordered to be printed:

IN THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE—January session, 1841.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met. That the cession by the States of Virginia and Maryland of the territory of the District of Columbia, their grants of money to facilitate the erection of suitable buildings and fortifications for the accommodation and security of the President, Congress, and the several Departments of the Government, and the generous donation of lands by the proprietors of the soil upon which the city of Washington was laid out, and its plan projected, to the United States, was highly beneficial, and merited a kind, liberal, and generous consideration in return.

Resolved, That, in the opinion of this Legislature, the refusal by a majority of Congress to recharter the banks of the District of Columbia, was unwise and oppressive.

Resolved, That this Legislature are unwilling to believe, with the citizens of Washington and Georgetown, that their only chance for good government and prosperity, rests in a retrocession of the territory ceded to the United States to the State of Maryland, but confidently hope the next, if not the present Congress, will grant them ample redress of all their grievances.

Resolved, That the people of the District of Columbia ought to be represented in the Congress of the United States, and that measures should be taken, as soon as conveniently may be, to bring about such a just and desirable end.

Resolved, That the foregoing resolutions be signed by the Speaker of the Senate, and the Speaker of the House of Representatives, and transmitted to our Senators and Representatives in Congress, to be laid before their respective Houses.

R. HOUSTON,

Speaker of the House of Representatives.

CHARLES POLK,

Speaker of the Senate.

Mr. PRESTON submitted the following resolution, which was considered and agreed to:

Resolved, That the Secretary of War be requested to communicate to the Senate a report of the experiments made upon the bomb cannon invented by John Cochran, in conformity with the joint resolution of April 25, 1840.

Mr. WALKER submitted the following resolution, which was considered and agreed to:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of appropriating a sufficient sum for defraying the expenses of the employment of a special agent to procure information as to mining and smelting lead, copper, and other ores.

Mr. WALL, from the Committee on the Judiciary, to which was referred a bill to amend the act entitled "An act to amend the act approved May 13, 1800, entitled 'An act to amend an act entitled 'An act to establish the judicial courts of the United States,'" reported the same without amendment.

Mr. W. said he would take that occasion to say that it was the unanimous opinion of the Committee on the Judiciary that no such defect existed in the law as that which this bill was intended to remedy.

Mr. BUCHANAN concurred in opinion with the Judiciary Committee; but the highly respectable judges of the court in Pennsylvania thought otherwise; and the consequence was, that all the criminal business in the circuit courts was prevented. In this state of things, it was highly necessary that the bill should pass; and he hoped the Senate would indulge him by acting upon it at that time.

After a few remarks from Mr. CLAYTON, concurring in the remarks of Mr. WALL, the bill was ordered to be engrossed for a third reading.

On motion of Mr. SMITH of Indiana, the Senate took up, as in committee of the whole, the bill to reorganize the judicial circuits of the United States.

Mr. S. said his object in moving to take up the bill was to have it amended so as to conform the circuits and the duties of the judges to the state of the business of the country, by an equalization of

the business and duties. At the time the bill was introduced and reported to the Senate, he had little hopes of seeing it become a law, as there were at that time many difficulties to encounter in the adjustment of the matter, the most of which he conceived were removed by a recent melancholy event—he alluded to the decease of Judge Barbour. That distinguished judge having been removed by Providence, the way was now clear to do that which would long since have been done, but for the locality of the judges. As the circuits were now arranged, six judges were located east of the mountains in the Atlantic States, and the other three in the West and Southwest. A most unequal and unjust imposition of duties was imposed upon the latter judges. He believed this to be the accepted and propitious time to do complete justice on the subject. He understood that the judges had agreed to an arrangement which would give four circuits to the West and Southwest, and leave five in the East; so that the West and Southwest would have the services of an additional judge. This arrangement he believed to be necessary to a due administration of justice, as well as to a just equalization of the laborious duties of the three Western judges, with those rendered by the judges of the Atlantic. He would only premise this much in anticipation of the amendment which the Senator from Alabama [Mr. CLAY] was ready to propose.

Mr. CLAY of Alabama then offered the following amendment, explaining the reasons which induced him to offer it:

"That hereafter the eastern and western districts of Pennsylvania and the district of New Jersey, and the district of Delaware shall form the third circuit; the district of Maryland and the eastern district of Virginia shall form the fourth circuit; the district of North Carolina, the eastern and western districts of South Carolina, and the district of Georgia shall form the fifth circuit; the southern district of Alabama, and the Eastern district of Louisiana shall form the sixth circuit; the southern district of Mississippi, the eastern and middle districts of Tennessee, shall form the eighth circuit; and the district of Arkansas, the district of Missouri, and the district of Kentucky shall form the ninth circuit."

"SEC. 2. And be it further enacted, That the circuit court for the district of Arkansas, shall be holden on the fourth Monday of April, and the fourth Monday of October in each and every year; and it shall be the duty of the associate justice of the Supreme Court allotted to the ninth circuit, to preside at the spring term of the circuit court for the district of Arkansas; and the associate justice of the Supreme Court allotted to the eighth circuit, to preside at the spring term of the circuit court, for the southern district of Mississippi, which shall be holden on the second Monday in December."

Mr. ROANE said, he could not reconcile it to himself to permit this question to be taken, without offering a word or two on the subject. If he understood aright the amendment just offered and read to the Senate, its object and effect is to abolish, to obliterate from existence, the ancient judicial circuit composed of the States of Virginia and North Carolina! Never was he taken more by surprise than now! Without the time and the means of giving due consideration to the reasons we have just heard in favor of this measure, and without the possibility of any express knowledge of the wishes of these two long associated old States in regard to this proposed severance, I but yield to the impulse of the moment in rising in my place, and entering my solemn and earnest protest against the proceeding. I protest against it, sir, because at this last hurried moment of an expiring session of Congress, it is impossible that such a change as this can be made with that deliberation which a due regard to the wants and interests of all the parts of the Union requires at our hands. I protest against it, sir, because if a general change is required so as to equalize the labors of all the judges, I cannot see why this particular circuit is to be made the point of departure, and thereby cut in twain, merged into two other circuits, and thus blotted out from her old position on the judicial map of the Union.

Mr. President, these are two of the old Atlantic States of the good "old Thirteen." They embrace

a long extent of seaboard, and from their local position, and long standing judicial connection, are certainly entitled to consideration. The reasons assigned for this measure are, first, the long travel of some of the judges of the West and Southwest to their courts, and second, the heavy dockets they find in them. The first is caused by the extensive territory and sparse population of those States, and must soon be obviated by the strong stream of immigration which is rapidly filling up our wilderness. And as regards the second reason, if there is now but little business in the circuit proposed to be abolished, I am very thankful for it, as it indicates two things: that our citizens are free from debt; and that our country is at peace with foreign nations. If there be, as is alleged, an unusual crowd of business at this time in the courts of the Western and Southwestern States, no man deplures more than I do the state of indebtedness which it indicates. But that state of things cannot always be. The deranged state of the currency, and the rage for speculation and wealth, which has caused this heavy mass of litigation in these courts, cannot always be; nor can peace a ways exist. And it should be borne in mind that, in time of war, when some of those courts would feel no consequent accession of business, the circuit proposed to be sponged would, from its local position, necessarily have thrown into its courts maritime and admiralty business. But, sir, it is not to the precise quantum of court business to which I look in this matter; for that cannot be kept equalized amongst the circuits, except by a legislation too frequent for the necessary permanency of any system. It is to the local position of this circuit—it is to the section of the Union in which it stands—it is to the position it has so long and so honorably occupied on the judicial map of the country, that I look. And, sir, it is the causes which come before the Supreme Court, no matter where originating, involving her dearest constitutional rights, that add to my feeling on this subject. But, Mr. President, if a new arrangement of the judicial circuits is necessary to equalize the labors of the judges, why not, let me ask, add to this old circuit her sister South Carolina, or her beloved daughter Kentucky, or her respected neighbor Tennessee, and thus obviate the evil complained of, and at the same time preserve this old circuit and its homogeneous character. I am certain, sir, that there is no reasonable expansion of this circuit which the public weal may demand, to which it would not cheerfully yield. But, sir, whilst it is at this moment submitting, in mournful resignation, to the late heavy dispensation of Providence, which has suddenly deprived it and the country of an eminent jurist and judge, I do hope that this body will pause before it avails itself of that dispensation as a reason for striking from existence a circuit almost coeval with our judicial system, and which, to say the least, has never yet impaired its strength, or disturbed its symmetry. I have thought these hasty remarks due to my position here on the present occasion; and however they may be received, and whatever may be the fate of the proposed measure, I feel that in making them I have done my duty.

Mr. CLAY of Alabama said, for the last few years there had been more or less said about the inequality of the duties of the members of the Supreme Court; and in 1837, as would be recollected, he submitted a resolution calling upon the Secretary of State to furnish information respecting the number of suits tried, and the number of miles travelled by each judge, with a view to an equalization of the labors of the judges. The return of the Secretary was then in his hand, and it showed that the West and the Southwest furnished much the greatest part of the business of the Union; but there had been difficulties in the way of any alteration of the different circuits, and the proposition made for that purpose was voted down. But a late melancholy and deplorable event which had occurred, (the death of Judge Barbour,) had obviated the difficulties that were previously in the way, if the Senate thought proper now to act, and there would now be no violation of good faith with the judges. And what objection could be opposed to the proposition now before the Senate? Because a State had heretofore had, should a State always

have a judge appointed from, and resident within, her limits? He felt for Virginia as much veneration as any other honorable Senator, and he was as ready to see that she had a just participation in all that was enjoyed by the other States; but did they not know that Virginia had had a judge of the Supreme Court almost for the last forty years, when associated with North Carolina? Really, complaint from Virginia came now with a very bad grace; it would come with a better grace from North Carolina, which, during the period he had mentioned, had not been represented in that court. But this was a question in which the public interest was involved; it was a question how the circuits could be best arranged, so as to promote a proper discharge of judicial duties, and how the public interests could be best taken care of and best despatched. The arrangement now proposed was to add Virginia to the circuit in which the Chief Justice resided, and to add North Carolina to the circuit in which Judge Wayne resided. And what was the objection, unless it was that one State should always have a judge? This was no valid objection. If any claim existed, it was that of North Carolina. But the present judge of the circuit to which North Carolina was now proposed to be added, was fully competent to the performance of the additional duties that would devolve upon him; and when he should resign, or his seat should be vacated in any other way, North Carolina would then be entitled to consideration. But there was no objection; and he hoped they would not pass over the auspicious moment which then presented itself to equalize the duties of these judges. He then referred to the report on his table, to which he before referred, to show that there should be some modification of the circuits. The honorable Senator read largely from the returns of judicial business on the circuits, by which it appeared that the business of the other circuits was very inconsiderable, as compared with those of the Southern and Southwestern circuits, and he invited the attention of the Senate to the state of the business, that they might see how impracticable it was that the judges of those circuits should do justice to themselves and to the country. The amount of business was to great to be despatched by the judges to whom it was assigned; and should they then, by a reference to any supposed claim of any particular State or individual, and in disregard of those who were so nearly interested, refuse to equalize the amount of labor which the judges should bear? He trusted they would not; and he hoped they would put the court on a footing, in special reference to the public interest, against all other interests and considerations whatever. Virginia had no claim which should operate to the rejection of this proposition. He had said that she had had one judge for the last forty years; but he had not stated the whole truth, for she had not only had the Chief Justice, but one of the Associate Judges also. He was not disposed to do injustice to any one; and he was satisfied no injustice would be done by the adoption of this measure. It was an arrangement which met the approbation of all the judges on the bench, and he was of opinion it should receive the acquiescence of the Senate. He hoped the Senate would adopt the amendment he had proposed.

Mr. CLAYTON suggested a modification of an amendment by which Delaware would be included in the fourth district; which was accepted by Mr. CLAY.

Mr. HUNTINGTON supported the proposed change in the arrangement of the circuits as conducive to the public interests, and contended that every other State had as good a right as Virginia to a judge to reside within their limits.

Mr. KING rose to say that if the Senate should debate this bill, they might as well lay it on the table; for unless it was sent to the other branch of Congress to day, it could not be sent at all, without a suspension of the rules, in which the other House must concur. He (Mr. KING) was in favor of the bill, and he entreated gentlemen who might likewise be favorable to the measure, not to consume the time with a lengthened debate, for they might just as well vote it down at once.

Mr. MANGUM said in a short time the West

would require more judicial aid, and he supported this proposition because he was unwilling to see the bench of the Supreme Court increased in number. In times of peace, the business of the court, in his own State, could be despatched in two or three days; in times of war, the business would be increased, but, when it became necessary, it would be easy to detail more force to that part of the country. But in order to keep down the number of Judges in the Supreme Court, it became necessary to re-arrange the circuits.

Mr. ROANE. It is said by the friends of this bill that it cannot pass for want of time, if it is to be debated! Sir, I assure those gentlemen that I would not defeat the most obnoxious measure by mere debate, for that purpose only. He had but discharged what he felt to be his duty in rising in the first instance, and promptly entering his protest as one of the Representatives of Virginia against this sudden and unexpected attempt to put that old Commonwealth out of that position in our judicial system which she had so honorably maintained from its foundation. And, sir, I should not have risen again, but for remarks which have fallen from two or three Senators. In reference to that of the Senator from Kentucky, [Mr. CLAY] that he hoped and believed that Virginia, in any desire she might feel to remain in her judicial position, would not be actuated by any consideration of office; he had cordially to thank the Senator for the justice he does his native State in this respect. No man knows better than does that honorable Senator, that Virginia has been as little actuated by low considerations of office, as any other State in the Union, and been at all times as prompt and ready as any one of them to sacrifice all selfish considerations on the altar of the public good; and, for myself, I solemnly declare that no consideration of the kind moves me in the course I have taken on this sudden emergency. My heart tells me that if I was a North Carolinian, my feeling and conduct would be the same that I now manifest.

The Senator from Alabama, [Mr. CLAY] has adverted to the same subject in another aspect—and urges that Virginia has had the judge of that circuit for a continuous period of more than forty years, and also, that on one occasion two judges of the Supreme Court were residing within her limits at the same time. True, sir, for more than forty years the judge of that circuit has resided in the State of Virginia, but let it be borne in mind that during that entire period there were but two judges. Had there been during that long time many judges appointed, and all of them taken from Virginia, I do not know that, in such a case, complaints of the fact could be properly urged except from her associate sister, North Carolina. Sir, the very distinguished late Chief Justice of the United States, who all admit to have been one of the brightest ornaments to the bench and the country, was a resident judge of Virginia for more than thirty-five of the forty years! His distinguished successor, whose sudden death we are now mourning, resided in Virginia during the balance of that period; and never have I heard, nor do I believe there ever existed, a murmur of complaint in North Carolina or elsewhere, that these two eminent judges happened to be natives and residents of Virginia. It is also true, as the Senator alleges, that two Judges of the Supreme Court did reside at the same time in Virginia. Yes, sir, Judge Washington, who presided in the circuit immediately north of us, resided on the northern margin of Virginia; but, sir, he was thus most conveniently situated to attend to the duties of the circuit assigned to him, and he did attend to them faithfully; and I am perfectly certain that no human being would have torn him from the venerated shades of Mount Vernon, which he had inherited from his immortal relative and namesake, merely that he should reside within the territorial limits of his judicial circuit.

But, sir, I am asked by the Senator from Connecticut, [Mr. HUNTINGTON,] if it be possible that any consideration of office could operate in the aversion to the proposed change. The gentle and inoffensive manner in which the inquiry is made, induces me, as far as I am concerned, to answer most frankly and sincerely, no. I will not retort

the question, whether with that Senator any consideration of office connected with this subject weighs with him or any of his friends in this sudden and hurried attempt to strike Virginia from her old and natural position. If I was to ask it, I hope I should receive the same prompt and frank answer in the negative.

Mr. President, it only remains for me to say, that if this amendment is adopted, as I believe it will be, Virginia will part with great reluctance from her old and long associated sister North Carolina, between whom and her there is a peculiar identity of interests, habits, manners, and feeling, growing out of their common birth and kind neighborhood. I also say that she will be ready to extend the paternal embrace to her highly respected Northern neighbor, Maryland, in the fullest confidence that they will get along most harmoniously together, and enjoy an able and impartial administration of law and justice. But, Mr. President, without any the slightest disrespect whatever to Maryland or any other State, for I love them all, I cannot forbear to express a feeling that I have. It is, that if this thing is to be done, if the public good demands, and Congress wills that Virginia shall be pushed out of her old place, that she may be shoved on the South, or towards her "beloved West," beyond the Alleghenies, now as easily crossed as the Potomac, and daily becoming more accessible to her.

Mr. SEVIER sent to the Secretary's desk, to be read, a letter which he had received from Judge Craton on the subject, and in favor of this arrangement.

The Secretary having read the letter,

Mr. MANGUM asked if he were to understand that Virginia and North Carolina were to be separated.

The PRESIDENT replied in the affirmative.

Mr. MANGUM said he had not so understood it.

Mr. HUNTINGTON arose amidst a cry of "question," and he gave way to

Mr. ROANE, who called for the ayes and noes on the amendment.

Mr. GRAHAM inquired whether the proposed change would occasion any conflict in the times of holding the courts.

Mr. CLAY of Alabama said no conflict could arise, as the judges had the arrangement and regulation of their own circuits, and as in this measure the judges had concurred.

Mr. BENTON was opposed to the amendment, and he would state some of his reasons. Some years ago, when the judicial circuits were increased, he showed his anxiety to have an equalization of the circuits for the West; that desire had increased, and continued to increase, and could not be prevented increasing by any action on this bill. They had two Territories in the Northwest almost ready to be admitted into the Union; they might expect to hear their taps at the door of the Senate Chamber very soon, demanding admission; the South, too, had a Territory almost ready for admission into the Union; and if there was to be any change now, he should desire to see two new circuits for the West. He was in favor of increasing the number of judges in the Union; he to see as many as there were in Great Britain. He desired to see at least as many judges to take cognizance over 1,500 miles square, to take cognizance over the laws and the Constitution of the United States, and the laws and the Constitutions of the several States, as there were in England to take cognizance over a territory in extent not more than equal to one of our large States. He was in favor of seeing twelve judges of the Supreme Court. But the condition of the dockets he looked upon as accidental, and the quantum of business, he was of opinion, should not be taken exclusively as the rule to govern them. He looked upon the circuit judges—for all were circuit judges—in a two fold character; they had power to act as judges of their circuits, consisting of one, two, or three States, and as judges here of the whole Union; and therefore he should be opposed to sinking Virginia and North Carolina from the judicial map of the country. He was in favor of the different sections of this Union being represented on

the bench of the Supreme Court for the highest function were the duties they were called upon to discharge here: they had to pass judgment on the laws of the Union, and of the States of the Union, and whatever was their decision, no matter who were the parties—and one case was now depending—the case of the Africans—of great interest to this country—the decision became binding and obligatory all over the Union. And by whom were these cases decided? Not by the district judges, but by all the judges of the Union, at the metropolis of the Union; and he was not willing to strike Virginia out of the judicial map of the country. He now spoke as a citizen of the Union, interested in the construction of the Constitution of the Union, of the laws of Congress, and of the State laws, the whole of which came before the judges of the Supreme Court: he felt desirous that to determine these weighty matters, there should be an ample number, and that they should be brought from every great section of the country. Could they dismiss such States as North Carolina and Virginia, great as they were in extent and Revolutionary in their character, and belonging as they did to the original thirteen? Could they have the different sections of the Union represented on the bench of the Supreme Court when two such States were struck from the map. And if it were done, how long did they think it would last? He would answer the question himself—from the 4th of March to the 17th of May, which he understood was the day fixed upon for the meeting of the extra session. He was opposed then to this amendment, on important grounds, leaving entirely out of view the quantum of business the judges might at one time or another perform. The West needs more circuits—the bench of the Supreme Court needs twelve judges, and so far as his judgment went, they ought not to be put off with nine. He should therefore join the Senator from Virginia [Mr. ROANE] who had spoken against the proposition, Western man as he was.

Mr. BUCHANAN said: As he intended to vote in favor of this amendment, proposed by his friend from Alabama, [Mr. CLAY,] he should briefly state the reasons which had brought his mind to this conclusion. So far from intending any hostility to the "Old Dominion," he felt great pleasure in declaring that she had always justly enjoyed a very high and elevated character in the Confederacy, and that character, in his estimation, had never stood higher than at the present moment. He would much rather add to her laurels than pluck a single feather from her proud plume. His support of the present amendment must not, therefore, be construed into hostility to Virginia. He had never, in his life, felt more strongly convinced of the propriety of any vote which he intended to give, than upon the present occasion. The question was within a very narrow compass. It was simply this: Shall we prolong the existence of a judicial circuit east of the mountains which is not at all required to transact the judicial business of the country; or shall we abolish it, and in its stead establish a new circuit in the Southwestern portion of the Union, where it is so much wanted that it is now physically impossible for the circuit Judge there to transact one-half the business, or even personally to attend all the courts appointed by law to be held. This was most certainly the true state of the case; and under such circumstances, he did not believe that the people of Virginia, merely for the sake of obtaining the appointment of an unnecessary judge, would deprive their fellow-citizens of the Southwestern States of a court which was absolutely indispensable to their best interests.

The present number of Judges on the bench of the Supreme Court was already greater than he could have desired. Nine was too large a number if it could have been avoided. He would not go into the general question at the present moment, but he believed he was fortified in this opinion by all experience. It might become absolutely necessary to increase this number; and in that event, but in no other, should he ever give his consent to it. The question, then, with him, would be, did the transaction of the necessary business of the courts absolutely require an increase of the number

of the judicial circuits? If it did, he might then feel himself constrained to add to the number of the judges. Fortunately, no such necessity at present existed, nor would it, he believed, for many years to come, in case the present amendment should prevail. The fifteen States east of the Alleghany Mountains had now six of the nine judges, whilst the eleven Western and Southwestern States had only three. The business in the three Southern Atlantic circuits was notoriously inadequate for the employment of the judges. Maryland and Delaware constituted the present circuit of the Chief Justice; and he had expressed his entire willingness to hold the circuit courts in Virginia, should this be required by Congress. He would experience no difficulty whatever in transacting the circuit court business of these three States; and even with this addition, a great portion of his time would be unemployed. The same might be said of Judge Wayne, whose present circuit consisted of South Carolina and Georgia. He was willing to hold the circuit courts in North Carolina, and could do it without inconvenience. Indeed, there was comparatively but very little circuit court business in any of the Atlantic States south of Maryland. The judges of the Supreme Court themselves were convinced of the propriety of abolishing the Virginia and North Carolina circuit, and giving the new judge to the West; and, in contemplation of this change, they had made the arrangement proposed by the present amendment, which would enable nine judges conveniently to transact all the judicial business of the country.

What utility, then, was there in continuing the Virginia circuit? The public interest did not demand it—the public good did not require it. Nothing could be said in its favor, unless it might be the question which had been asked by his friend from Virginia, [Mr. ROANE,] Would you blot out of existence the ancient circuit of Virginia and North Carolina? I answer, yes, if time and experience had shown its existence to be unnecessary, and even prejudicial to the public welfare, by preventing another portion of the Union from obtaining a judge, where such a judge was imperatively required. It ought not surely to wound the feelings of the people of the Old Dominion, to be united to Maryland and Delaware for judicial purposes, when such an union was necessary to promote the public welfare. This was not a question of pride, but of principle. He might say the same of North Carolina.

Placed in similar circumstances, he might probably have acted as his friend from Virginia [Mr. ROANE] had done. Our feelings were naturally very strong for our respective States, and these feelings were highly honorable. It was, however, his duty to decide this question impartially, and he had never felt less hesitation in deciding any question than the present.

The inscrutable decree of an all-wise Providence had created a vacancy on the bench of the Supreme Court, by the death of a judge whose loss we all deplored. This enabled us to abolish a circuit wholly unnecessary in this portion of the Union, and create a circuit in the Southwest, where a new circuit was indispensable, without increasing the number of the Supreme Court judges. He thought it wise to embrace this opportunity. If you once appointed a judge for the Virginia circuit the case was hopeless. You could not then break up his circuit and ask him to transfer his residence to the far West. No judge would ever be transferred by Congress, against his will, from the East to the West. Who would have thought of making such an attempt in regard to Chief Justice Marshall or Judge Barbour, although the business in their circuit was comparatively so trifling? It would have been cruel as well as unjust. The present, therefore, was the propitious moment when such an arrangement could be made, and when the public might be accommodated without doing injustice to any human being.

He need scarcely repeat, that in the vote which he proposed to give, he intended no disparagement to Virginia or North Carolina. The whole country ought to feel grateful to Virginia for the distinguished luminaries which she had furnished to the bench of the Supreme Court; but as five circuits on

our Eastern maritime frontier were, in his opinion, abundantly sufficient to transact all the judicial business, he would not prolong the existence of the sixth, merely for the purpose of enabling Virginia to furnish another judge to the Union.

He was sorry to entertain but a feeble hope of the passage of the bill. Its friends ought to have first tried it in the other House, and if it had passed there, he presumed there would have been but little difficulty here. If we should pass it, of which he entertained no doubt, he feared it never would be touched by the other House.

Mr. BUCHANAN said as he intended to vote for the bill, he would very briefly express the reasons which actuated him. So far from having any desire to act in opposition to the "Old Dominion," he thought that State very justly occupied a very high and elevated character in this Confederacy; and she always should enjoy it, as she deserved to do so. He would not take a feather from her plume, nor depreciate her character and her standing; and therefore his support of this amendment must not be construed into hostility to that State. He believed that nine judges of the Supreme Court constituted as great a number as could conveniently discharge the judicial business of the country; but when the necessity arose, he should not be unwilling to increase the number. They knew that for years past six circuits had been wholly unnecessary to despatch the business of twelve or thirteen States. Why not, then, amend the system? The reason hitherto was palpable. Who would have ventured to interfere with the venerable judge lately deceased? Who would have proposed to send him to the West? for while the judge was in existence, he would always have sympathizing friends. But a mysterious Providence had enabled them to make such alterations as were necessary here, and to add judicial aid to the Southwest. They could well spare a judge from the East; and who could imagine that Pennsylvania and Delaware constituted a sufficient circuit to give the judges of the United States adequate employment? The business had ever been very small; yet who would ever have thought, during the lifetime of Judge Marshall, of extending his duties. But now the difficulties in the way of this proposed change were removed, and he could see in it nothing but what was correct and proper. Let the circuit be abolished, and add a circuit judge to the Southwest, and he believed it would be many years to come before it would be necessary to increase the number of the judges of the Supreme Court. In the vote he proposed to give, he intended no disparagement of Virginia or North Carolina. The country ought to be grateful to Virginia for the distinguished luminaries she had sent to the bench; but five circuits on the maritime frontier of the country were amply sufficient to do all the business. These had been his impressions for years past; yet he had little idea that the bill would pass. He thought its friends had done wrong in not introducing it into the other House; and if it passed there, it might pass here. However, it should have his vote.

Mr. WALKER spoke in favor of the bill, contending that to refuse to pass it was virtually denying to the Southwest her full participation in the blessings of the judicial system, observing at the same time that he conceived it peculiarly due to the State of Mississippi.

Mr. RIVES said that he should vote for the bill. He felt himself safe in following the lead of the distinguished Senator from Pennsylvania [Mr. BUCHANAN,] whose former position as a member of the Judiciary Committee justly gave his opinion great weight on this subject. He had therefore made up his mind to vote for the proposition before the Senate. It seemed just, and right, and proper; and he did not see how the rights of the State of Virginia were to be considered as involved in the matter. He wished to act in a national spirit; and he thought this was an occasion which ought to be improved in reference to the West and Southwest, without any inconvenient increase of the judges.

Mr. BENTON said, since he had last addressed the Senate, a few moments ago, he had been informed that the number of judges in England was

greater than he had stated. They had been twelve in number for several centuries, but within the last few years they had been increased to fifteen.

The vote was then taken on the amendment, which was adopted—ayes 34, noes 13, as follows:

YEAS—Messrs. Anderson, Bates, Bayard, Buchanan, Clay of Alabama, Clay of Kentucky, Clayton, Cuthbert, Dixon, Fulton, Henderson, Huntington, Kerr, King, Knight, Linn, Mangum, Merrick, Mouton, Nicholson, Norvell, Phelps, Porter, Prentiss, Preston, Rives, Robinson, Rugles, Sevier, Smith of Indiana, Southard, Tallmadge, Walker, and Williams—34.

NAYS—Messrs. Allen, Benton, Calhoun, Graham, Hubbard, Lumpkin, Pierce, Roane, Smith of Connecticut, Sturgeon, Tappan, Wall, and Wright—13.

Mr. SMITH of Indiana then submitted another amendment, which was also adopted.

The bill was then reported to the Senate, and the amendments adopted as in committee of the whole, were concurred in, and the bill was ordered to be engrossed and read a third time.

The bill was subsequently read a third time, and passed.

Mr. HENDERSON, from the Committee on the Post Office and Post Roads, reported a joint resolution authorizing the Postmaster General to make contracts for carrying the mail coastwise between Mobile and New Orleans; which was read, and ordered to a second reading.

Mr. WILLIAMS submitted the following resolution:

Resolved, That the Senate will, on this and each succeeding day of the present session, take a recess from half past two o'clock to four o'clock, p. m.

The adoption of the resolution was advocated by Messrs. WRIGHT and WILLIAMS; and, the question on its passage being taken, it was decided in the negative—ayes 21, noes 26.

Mr. WRIGHT, from the Committee on Finance, to which had been referred the House bill making appropriations for the civil and diplomatic expenses of the Government for the year 1841, reported the same with sundry amendments; which were read.

Messrs. ANDERSON, TAPPAN, KNIGHT, and HENDERSON, severally gave notice of amendments which they intended to propose when the bill came up for consideration; which amendments, with those of the committee, were ordered to be printed.

BILLS PASSED.

The bill for creating a new land district in the State of Missouri, and for changing the boundaries of the southwestern and western land districts in said State;

The bill for the relief of Jesse Carpenter; and

The bill to amend the act entitled "An act to amend the act approved May 13, 1800, entitled 'An act to amend an act entitled 'An act to establish the judicial courts of the United States,'" were severally read a third time, and passed.

The bill to declare the rights of the children of the citizens of the United States born abroad, was, on motion by Mr. CLAY of Kentucky, laid on the table.

On motion by Mr. WRIGHT, the Senate then proceeded to the consideration of Executive business; and in about an hour the doors were again opened.

The joint resolution authorizing the Secretary of the Treasury to pay to William J. Parham, and others, for attending as witnesses to establish the claims of the stone cutters under the resolution of 21st July, 1840, was considered as in committee of the whole, and on the question of engrossment, it was decided in the negative. So the resolution was lost.

Mr. HUBBARD moved that when the Senate adjourn, it adjourn to meet at 7 o'clock this evening.

This motion was strongly urged by Messrs. HUBBARD and WRIGHT, but before the question was taken, a motion was made for adjournment, which was carried—ayes 17, noes 15.

And the Senate adjourned.

HOUSE OF REPRESENTATIVES,

SATURDAY, February 27, 1841.

On motion of Mr. JONES of Virginia, the rules in relation to the order of business were suspended, and the House proceeded to the consideration of the bill making appropriations for the

NAVAL SERVICE FOR THE YEAR 1841.

The question recurred on the appeal of Mr. EVANS from the decision of the CHAIR, which was pending yesterday when the House adjourned.

Mr. EVANS withdrew his appeal; and moved to amend the bill by striking from the 13th line thereof the words, one million four hundred and twenty-five thousand dollars, and inserting in lieu thereof the following: "two million dollars; four hundred thousand dollars of which sum shall be expended in building and equipping war steamers of medium size."

The question was taken on agreeing to the amendment, and decided in the affirmative—ayes 94, nays 80.

The bill was read a third time;

And the question being stated on its passage,

Mr. WELLER moved the previous question; which was seconded, put, and carried, and the bill was passed, and is as follows:

A BILL making appropriations for the naval service for the year one thousand eight hundred and forty-one

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be appropriated, in addition to the unexpended balances of former appropriations, out of any unappropriated money in the Treasury, for the naval service, for the year one thousand eight hundred and forty-one, viz:

For pay of commission, warrant, and petty officers, and seamen, two million three hundred and thirty-five thousand dollars;

For pay of superintendents, naval constructors, and all the civil establishments at the several yards, forty thousand dollars;

For provisions, five hundred thousand dollars;

For increase, repair, armament, and equipment of the navy, and wear and tear of vessels in commission, two million dollars; four hundred thousand of which sum shall be expended in building and equipping war steamers of medium size;

For medicines and surgical instruments, hospital stores, and other expenses on account of the sick, thirty thousand dollars;

For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire, fifteen thousand dollars;

For improvement and necessary repairs of the navy yard at Charlestown, Massachusetts, twenty-five thousand two hundred dollars;

For improvement and necessary repairs of the navy yard at Brooklyn, New York, forty-six thousand eight hundred dollars;

For improvement and necessary repairs of the navy yard at Philadelphia, Pennsylvania, five thousand four hundred dollars;

For improvement and necessary repairs of the navy yard at Washington, District of Columbia, six thousand six hundred dollars;

For improvement and necessary repairs of the navy yard at Gosport, Virginia, twenty-nine thousand four hundred dollars;

For improvement and necessary repairs of the navy yard near Pensacola, Florida, twelve thousand dollars;

For defraying the expenses that may accrue for the following purposes, viz: For the freight and transportation of materials and stores of every description; for wharfage and dockage; storage and rent; travelling expenses of officers, and transportation of seamen; house rent to pursers, when duly authorized; for funeral expenses; for commissions, clerk hire, office rent, stationery, and fuel to navy agents; for premiums and incidental expenses of recruiting; for apprehending deserters; for compensation to judges advocate; for per diem allowance to persons attending courts martial and courts of inquiry, or other services authorized by law; for printing and stationery of every description, and for working the lithographic press; for books, maps, charts, mathematical and nautical instruments, chronometers, models, and drawings; for the purchase and repair of fire engines and machinery; for the repair of steam engines in navy yards; for the purchase and maintenance of oxen and horses, and for carts, timber wheels, and workmen's tools of every description; for postage of letters on public service; for pilotage and towing ships of war; for taxes and assessments on public property; for assistance rendered to vessels in distress; for incidental labor at navy yards, not applicable to any other appropriation; for coal and other fuel, and for candles and oil, for the use of navy yards and shore stations, and for no other object or purpose whatever, four hundred and fifty thousand dollars;

For contingent expenses for objects not hereinbefore enumerated, three thousand dollars;

For necessary repairs of the hospital building at Charlestown, Massachusetts, one thousand five hundred dollars;

For necessary repairs of the hospital building at Brooklyn, New York, three thousand dollars;

For necessary repairs of the hospital building at Norfolk, Virginia, two thousand dollars;

For necessary repairs of the hospital building at Pensacola, Florida, one thousand five hundred dollars;

For pay of officers, non-commissioned officers, musicians, privates, and servants, serving on shore, and subsistence of officers of the marine corps, one hundred and seventy-six thousand nine hundred and twenty-seven dollars;

For provisions for the non-commissioned officers, musicians, privates, and servants and washerwomen serving on shore, forty-five thousand and fifty-four dollars;

For clothing, forty-three thousand six hundred and sixty-two dollars;

For fuel, sixteen thousand two hundred and seventy-four dollars;

For keeping barracks in repair, and for rent of temporary barracks at New York, six thousand dollars;

For transportation of officers, non-commissioned officers, musicians, and privates, and expenses of recruiting, eight thousand dollars;

For medicines, hospital supplies, surgical instruments, pay of matron and hospital stewards, four thousand one hundred and forty dollars;

For military stores, pay of armers, keeping arms in repair, accoutrements, ordnance stores, flags, drums, fife, and other instruments, two thousand three hundred dollars;

For contingent expenses of said corps, viz: for freight, ferriage, toll, wharfage, and cartage; for per diem allowance for attending courts-martial and courts of inquiry, compensation to judges-advocate, house rent where there are no public quarters assigned, per diem allowance to enlisted men on constant labor, expenses of burying deceased marines, printing, stationery, forage, postage on public letters, expenses in pursuit of deserters, candles and oil, straw, barrack-furniture, bed-sacks, spades, axes, shovels, picks, carpenter's tools, and for keeping a horse for the messenger, seventeen thousand nine hundred and eighty dollars.

On motion of Mr. JONES, of Virginia, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. CUSHING in the chair,) and took up the bill making appropriations for the

SUPPORT OF THE ARMY FOR THE YEAR 1841.

The bill was read; when

Mr. DAVIS of Indiana offered the following amendment, to come in after the 91st line, viz:

"For the continuance of the Cumberland road through the States of Ohio, Indiana, and Illinois, \$300,000, to be subjected to all the restrictions and limitations of former appropriations."

Mr. JONES of Virginia suggested that the amendment was not in order, being a subject different from that under debate.

Mr. DAVIS of Indiana said, that if the gentleman from Virginia would waive his point of order, he would be satisfied to have the vote taken upon the amendment without debate.

The CHAIR decided that the amendment was in order.

Mr. MONTGOMERY appealed from the decision; and

On the question being taken, Shall the decision of the CHAIR stand as the judgment of the House? It was decided in the affirmative—ayes 85, nays 54.

The question on the amendment was then taken, by tellers, and rejected—ayes 77, noes 84.

Mr. HUNT moved to amend by inserting \$100,000 for the improvement of the navigation of the Hudson river, the money to be expended under the direction of the Secretary of War.

The amendment being ruled out of order by the CHAIR,

Mr. HUNT took an appeal, but the decision of the CHAIR was sustained.

Mr. MOORE moved to amend, by inserting after the 49th line, an appropriation of \$40,000 for removing obstructions in Red River; which amendment was likewise decided by the CHAIR to be out of order.

Mr. GRINNELL moved to amend, by inserting \$7,500 for the purchase or manufacture of repeating fire arms, under the direction of the Secretary of War.

Mr. WADDY THOMPSON moved further to amend by substituting \$20,000, and inserting the word "Colt's" before the word "repeating."

After some discussion between Messrs. WADDY THOMPSON and SMITH of Maine, the former modified his amendment by striking out the word "Colt's."

After some debate of rather a discursive character on a point of order, the question was taken on the amendment of Mr. THOMPSON to the amendment, and it was rejected.

The question was then taken on the amendment of Mr. GRINNELL, and it was also rejected.

Mr. JONES of Virginia then moved the following amendment from the Committee of Ways and Means, to come in after the end of the bill:

"For preventing and suppressing hostilities in Florida, to be expended under the direction of the Secretary of War, conformably to the acts of Congress of the 19th of March, 1836, and the acts therein referred to, viz: for forage, for freight or transportation of military supplies of every description, from the places of purchase to Florida; for the purchase of wagons and harness, of boats and lighters, and other vessels; of horses, mules, and oxen, to keep up the trains; of tools, leather, and other materials for repairs; for transportation within Florida, including the line of steamboats and other vessels for service in the rivers, and on the

coasts, and the expenses of maintaining the several steamboats and transport schooners connected with the operations of the army; for hire of mechanics, mule drivers, teamsters, and other assistants, including their subsistence; for miscellaneous and contingent charges, and for arrearages in 1840, one million sixty-one thousand eight hundred and sixteen dollars."

Mr. EVANS moved to strike out the sum in the amendment, and to insert \$1,666,906 30.

Mr. JONES made some remarks in explanation, after which

Mr. MASON gave his views.

The hour of two and a half o'clock having arrived, the House took its usual recess.

[EVENING SESSION.]

After the recess, the question being on the amendment of Mr. EVANS,

Mr. DOWNING addressed the committee at some length on the subject of the military operations in Florida.

Mr. DAWSON then suggested to Mr. EVANS the propriety of increasing the sum, by adding \$250,000 due to Georgia.

Mr. CRABB made a similar suggestion on the part of Alabama.

After some explanations from Messrs. DOWNING, EVANS, JONES, MORGAN, GRAVES, and DAWSON,

The question was taken on the amendment of Mr. EVANS, and it was rejected—ayes 73, noes 76.

The question then recurring on the section proposed by the Committee of Ways and Means, it was agreed to.

Mr. CRABB then referred to the services of the Alabama militia. The State had paid them \$130,000, and presented her claim here; but as it still remained before the Committee of Claims, he desired to submit an amendment to this bill.

The CHAIR inquired whether there was a standing law for these expenditures.

Mr. CRABB said there had been, but there was some irregularity in the vouchers, and therefore he wished the claim settled on principles of equity and justice.

Mr. JONES inquired for the law.

Mr. CRABB said there was a general law for the payment of militia, when called into the service of the United States, at \$8 a month.

Mr. LINCOLN said there was no other law than that under which the militia of Massachusetts and other States had been paid.

Mr. TILLINGHAST objected to the amendment as being for past services, while the appropriations in the bill were future.

The CHAIR pronounced the amendment out of order.

Mr. CRABB thereupon withdrew it.

The committee then rose, and the bill was reported to the House.

And the question being on concurring in the amendments reported to the bill—

Mr. CHAPMAN moved the previous question.

The call was sustained—ayes 93, noes 85.

The previous question was then put and carried, and the main question being on the amendment, (viz: the new section for the Florida war,) it was agreed to.

The bill was then ordered to its third reading. It was read a third time; when

Mr. HUBBARD moved the previous question.

Which was seconded, put, and carried, and the bill was passed.

The whole amount appropriated in the bill is \$5,275,919.

Mr. JONES moved to suspend the rules to go into Committee of the Whole on the state of the Union, with a view to take up the General Indian Appropriation Bill, but at the suggestion of Mr. BELL he suspended the motion till Mr. B. had reported the followed bills from the Committee on Indian Affairs, viz:

A bill to defray the expense of delegations of Seminole Indians west of the Mississippi to Florida, and for other purposes.

A bill making appropriations for the temporary support of certain destitute Kickapoo Indians, and to defray the expenses of removing and subsisting

for a limited time the Swan creek and Black river Indians of Michigan.

These bills were read and referred to the Committee of the Whole on the state of the Union.

THE INDIAN APPROPRIATION BILL.

Mr. JONES then renewed his motion, which was agreed to, and the House went into Committee of the Whole on the state of the Union, (Mr. DROMGOOLE in the chair,) and took up the Indian appropriation bill, which was read throughout by the Clerk for information.

The bill was taken up by items.

Mr. SALTONSTALL moved the following amendment:

"For presents for Indians under the same act, \$5,000."

After some remarks for Mr. S. in support of his amendment,

Mr. JONES opposed the amendment, on the ground that the whole amount of presents to the Indians was limited to \$5,000. Though this item has been introduced into previous bills, from year to year, it had been inadvertently done. The law, when rigidly examined, would be found not to warrant the annual appropriation.

Mr. RARIDEN explained: the withholding of the money would not injure the Indians, as the money ultimately fell into the hands of agents and sub-agents; and the Indians were more injured than benefited by the practice.

Mr. EVERETT considered the act as distributing \$5,000 annually. It was so intended at the time, and had been so understood ever since. The bill made permanent provision for the Indian Department.

Mr. PROFFIT inquired whether any law allowed part of the annuities to be paid to the Indians in goods?

Mr. JONES said this was according to each treaty; the payments were variously made.

Mr. PROFFIT said the law was daily violated; he had conducted Indians under one of the treaties, and knew that more than half the annuity of the Pottawatomies was forced on them in goods, although the treaty specified that they should be paid in gold and silver. Mr. P. made other statements in which he contended that the Department had not acted up to the treaties.

Mr. JONES asked Mr. PROFFIT to specify a particular treaty.

Mr. PROFFIT said that, in 1837, the treaty with the Pottawatomies promised gold and silver, and was paid, by force, in goods, charged at enormous prices.

Mr. JONES said at the proper time he would convince Mr. P. that he was mistaken. He denied that the law for presents was intended to operate annually.

Mr. EVERETT insisted on an opposite construction.

Mr. SALTONSTALL confirmed the view of Mr. EVERETT, intimating that the provisions of that law were permanent.

Mr. JONES would not yield, and the amendment was negatived.

Mr. DODGE, Delegate from Iowa, moved to insert an item of \$800 for the hire of a clerk for the Superintendent of Indian Affairs north of the Missouri river.

Mr. JONES objected on the ground that there was no law for it.

Mr. DODGE mentioned the need of the appropriation, but it was rejected.

Mr. JONES moved to reduce the items for the Choctaws from \$50,950 to \$44,950; which was agreed to: to reduce the item for the Omahas from \$2,440 to \$1,140: to increase the item for the Otoes and Missourias from \$3,140 to \$5,640; all of which were agreed to.

The bill having been gone through with, was laid aside to be reported to the House, and the committee took up the bill to defray the expenses of the delegation of the Seminole Indians west of the Mississippi.

No amendments being offered to the bill, the committee next took up the bill for the relief of certain Kickapoo Indians and Black River Indians of Missouri; which was in like manner laid aside.

Mr. UNDERWOOD made an effort to get the

Senate bill for removing the raft in Red river taken up, but without success.

Mr. JONES moved that the committee rise; which prevailing,

The committee rose accordingly, and the bills considered in committee were reported to the House, the amendments concurred in, the bills read a third time, passed, and sent to the Senate.

Mr. RUSSELL made an effort to get the hour of meeting changed to 10 o'clock, and to set apart two hours on Monday and Tuesday for private bills. The motion requiring two-thirds of the House, tellers were called, and the vote stood—ayes 91, noes 34. The rules were suspended to receive the motion. It was received and read.

Mr. DROMGOOLE moved to amend it by striking out the clause respecting private bills; on which motion tellers were called, and the vote stood—ayes 36, noes 92.

So the amendment was negatived.

The question being then put on the resolution, no quorum voted; when

Mr. WISE moved to adjourn; which prevailing,

The House adjourned.

IN SENATE,

MONDAY, March 1, 1841.

Mr. BATES presented the credentials of the Hon. RUFUS CHOATE, elected by the Legislature of the State of Massachusetts a Senator from that State for the unexpired term occasioned by the resignation of the Hon. DANIEL WEBSTER.

Mr. CHOATE appeared, was qualified, and took his seat.

The VICE PRESIDENT submitted a communication from the Secretary of the Navy in reply to a resolution of the Senate of the 28th ult. to which was laid on the table, and ordered to be printed.

Mr. LINN presented the memorial of the municipal authorities of St. Louis, praying an appropriation for the improvement of their harbor; which was referred to the Committee on Commerce.

Mr. NORVELL presented two memorials of citizens of Michigan, praying the passage of a general bankrupt law; which were laid upon the table.

Mr. HUBBARD said he had some days since mentioned that no memorials had been presented from New Hampshire on the subject of a general bankrupt law. Since the adjournment of the Senate on Saturday, he had received a memorial from the county of Coos on the subject. It appeared that a circular, printed in New York, had been received at Lancaster, in that county, and requesting the postmaster at that place to use his exertions to procure signatures to it. Instead of this, a remonstrance had been drawn up against the passage of any bankrupt law, which was signed by many respectable citizens. Mr. H. then presented the memorial; which was ordered to be printed.

Mr. WRIGHT presented the memorial of citizens of Chataque county, New York, remonstrating against the passage of a bankrupt law; which was laid on the table.

On motion by Mr. FULTON, the papers of of William J. Parham were permitted to be withdrawn from the files of the Senate.

Mr. SEVIER, from the Committee on Indian Affairs, to which was referred the memorial of citizens of East Florida, remonstrating against the cession of any portion of their Territory to the Seminole Indians, asked to be discharged from the further consideration thereof; which was agreed to.

Mr. HUBBARD said the only subject undisposed of by that committee was a bill which had been referred to it for the relief of William R. Davis, which he was instructed to report without amendment.

Mr. PHELPS, from the Committee on Indian Affairs, to which was referred memorials remonstrating against the execution of the treaty with the Seneca Indians, said as no appropriation would be asked at the present session to carry the treaty into effect, he had been instructed by the committee to ask to be discharged from their further consideration; which was agreed to.

RELATIONS WITH GREAT BRITAIN.

Mr. BUCHANAN said he was instructed by the Committee on Foreign Relations to move to be discharged from the consideration of the resolution

which had been referred to that committee, "requesting the President to communicate to the Senate, if not incompatible with the public interest, any correspondence which may have taken place between this Government and that of Great Britain relative to the Northeastern boundary, not heretofore communicated to the Senate."

He would state, with as much brevity as possible, the reasons which had induced the committee to believe that it would be inexpedient, at the present moment, to publish the correspondence to which the resolution referred.

It would be recollected by Senators who had directed their attention to this subject, that in consequence of the correspondence already published between the two Governments, and to which he need not particularly refer, it became the duty of Great Britain to submit to our Government the project of a convention for the settlement of this long disputed boundary question. This duty had been performed by the British Government in the month of May, 1839. The President did not approve of this proposed convention, chiefly because it contained no ultimate provision which must inevitably and finally determine the controversy between the two countries. Indeed, from its character, it was quite probable that, had it been adopted, it would not have produced this result so much to be desired. And the President was firmly convinced, considering the long delay—the high state of mutual irritation existing along the border, and the imminent danger of actual collision, that the interest of both parties imperatively demanded the adoption of such treaty stipulations as must necessarily make an end of the question. The British Government had since unequivocally coincided with the President in these sentiments, and the two Governments had already agreed upon the essential points of a convention based upon these principles, and alike advantageous and honorable to both. There were still some provisions of this convention, of comparatively minor importance, and involving detail rather than principle, which had not yet been agreed upon; but if it were the sincere desire of both parties, as he believed it was, to arrive at an amicable conclusion, the negotiation must soon be successfully terminated. Under these peculiar circumstances, the committee believed that it could do no good to either party, whilst it might be embarrassing to both Governments, to publish to the world the correspondence and the different projects and counter projects of treaties which had passed between them.

Mr. B. said that his official position in the Senate had afforded him free access to all this correspondence. He had examined it with care, and would now frankly state the impression which it had made on his mind. Although he would not pretend to say that there were no omens of war in the conduct of the British Government on our Northern frontier, yet this he should assert, with much confidence; that in the negotiation itself relative to our Northeastern boundary, nothing had occurred inconsistent with the sincere and anxious desire which had always been professed by that Government to preserve the peace which now so happily subsisted between the two countries, and to bring the question to a final and satisfactory conclusion. Probably this expression might be too strong, and he ought to have qualified the general terms he had used, by excepting the delays we had experienced from the tardy movements of the British Government at every stage in the progress of the negotiation. Still he felt himself justified in using, at the present moment, the language of the President in his message at the commencement of the session; that, "from the character of the points still in difference, and the undoubted disposition of both parties to bring the matter to an early conclusion, I look with entire confidence to a prompt and satisfactory termination of the negotiation." He had reason to believe that such were still the anticipations of the President in regard to the Northeastern boundary question.

Mr. B. said that on the present occasion he should purposely refrain from the expression of any opinion in regard to the case of the steamboat *Caroline*. This was rendered unnecessary by the

fact that all the correspondence in relation to this subject, of any general importance, had already been published, and each Senator had the same means of forming an opinion which he himself enjoyed. There was no truth whatever in the rumor now so current, that there had been an angry correspondence between the British Minister and the Secretary of State since the date of the last correspondence between them, now before the public. There was no foundation for this rumor. It was true that, since that time, a single note, bearing upon this subject, had been addressed by Mr. Fox to Mr. Forsyth, which the latter had answered; but this note and answer were of so little importance, that he, Mr. B. did not deem it necessary to call for their publication, and their tone was far from being of an angry character.

Mr. CLAY of Ky. said, the most important point related to the adjustment of the Northeastern boundary, and in order to produce a definite settlement of that question, there had been proposals made for its reference to arbitration, as had been stated by the chairman, and the principles which should regulate a matter of that nature had been agreed to, with the exception of some comparatively unimportant point. With respect to the case of the *Caroline*, there had been some delay; and the Government had not received any satisfactory answer as to the fact whether that capture within our jurisdiction was by order of the Government of Great Britain. As to the case of *McLeod*, he was not very well informed about it. Whether there had been any communication between the Executive and the Governor of New York, he knew not; but his opinion was, that there ought to have been a request from the Secretary of State to the Government of New York, if they persevered in trying this man, that he be brought to a place where he can have a fair and impartial trial; and whatever should be the result of that trial, that his personal safety should be put beyond all question. But without any such request, a sense of propriety would prompt the Government of New York to take that course without suggestion from any quarter. He [Mr. CLAY] was in hopes the man would have a fair trial; and he hoped, as he always did, that the result of the evidence of that trial would be such as would satisfy the jury of the country of the innocence of the man, and that he would be acquitted. With respect to the captures on the coast of Africa, he took it that satisfactory explanations could be made, for the Government of Great Britain should understand that this country will not submit to the right of search, which was the cause of the last war. But the general character of our relations was such that, and from what he had heard and seen out of doors rather than from what had occurred in this and the other branch of Congress, his opinion was that they would not require any special mission whatever. The ordinary minister accredited to Great Britain, would be quite competent to the discharge of all the special duties that would devolve upon him. He would add further that in reference to the state of the relations between this country and Great Britain, he had not begun to think of the possibility of any immediate war with Great Britain. But while he said this, he hoped he would not be understood as saying that he hoped to avoid any preparation which might be necessary in the event of the assertion of our rights, or any pretensions, whatever quarter they might come from abroad. No; he looked upon the condition of our navy and the want of steam batteries, and the absence of all those floating means of defence, as matters of just and deep concernment; and he did hope they would have a very early and constant attention, that the country might be prepared for any possible emergency. He would close by repeating the expression of his hope, that there would be no immediate cause of war; and he believed both Governments were animated by a desire to preserve peace, which was so essential to the happiness of both.

The question was then taken on discharging the committee from the further consideration of the subject, and it was agreed to.

Mr. CUTHBERT rose and stated his purpose to be to place before the Senate the proofs in rela-

tion to the sentiments of Mr. WEBSTER in regard to the constitutional power of the Government over the transportation of slaves from one State to another.

Mr. PHELPS interposed a point of order, which was subsequently withdrawn, and a debate arose in which Messrs. CUTHBERT, PHELPS, KING, PRESTON, CLAY of Kentucky, RIVES, BUCHANAN, WALKER, and WRIGHT, participated; at the conclusion of which,

On motion by Mr. WRIGHT, the Senate adjourned to meet again 5 o'clock this evening.

[EVENING SESSION.]

THE APPROPRIATION BILL.

On the motion of Mr. WRIGHT, the Senate took up, as in committee of the whole, the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1841.

Mr. WRIGHT said the first question in order would be on the amendments proposed by the committee, and he hoped they would be acted on in their order. He then briefly explained the first amendment, which proposed to limit the fees of certain officers of the United States courts.

Mr. SMITH of Indiana opposed the introduction of fee bills into an appropriation bill: it was a subject, he thought, which required more deliberation than they were then able to bestow upon it.

Mr. PHELPS also advocated the passage of the usual appropriation bill, and the postponement of this question to a future occasion. He was of opinion many officers were too highly compensated; but then, within forty-eight hours of the close of the session, they could not give the subject the consideration it required.

Mr. BENTON was in favor of the limitation proposed to be placed on these fees and salaries. He was opposed to the whole idea of making fortunes out of the public service. He was willing to allow to every person employed by the Government a fair compensation for his service; he was willing to give the person employed by the year, as well as the day laborer, a fair and liberal remuneration for his time and service; but he scouted the whole idea of making fortunes out of offices. It is not for that purpose, said he, that offices were created. They were created for the public good, and not for individual emolument; and those who wanted fortunes should look for them elsewhere—should look for them in their own exertions, and in the pursuits of trade and business. No good had resulted to the public from these great salaries; on the contrary, the greatest defalcations had happened where the fees and salaries were greatest. The idea of getting rich suddenly too often led to speculations and adventures, which ended in the application of the public moneys to private uses; fair and reasonable compensation was all that ought to be allowed. Besides the inherent objection to extravagant salaries, and their tendency to lead officers into speculations and the use of the public money, there was another objection to them, arising from their tendency to increase the thirst for office, and to bring improper characters to apply for them. When a fortune is to follow office, the desire for it is increased. The most avaricious become the most clamorous. They devote themselves to its acquisition. They enter the field for the candidate from whom they expect reward. They spare no means, fair or foul, to elect him. If they succeed in the election, they go and demand a reward, as if they had been working for wages, and become dissatisfied if they do not get it. There is enough in the honors of office, and in the attractions of a reasonable salary, to bring sufficient heat and strife into our elections. There is no necessity for adding to these inducements by setting up fortunes to reward the exertions of political adventurers. There is no necessity to whet the appetites, or to stimulate the passions, or to increase the exertions of the office seeking corps. They are numerous enough, ardent enough, zealous enough in elections, and importunate enough after elections are over, without requiring the prize of a fortune to be added to the honors and ordinary emoluments of office. Such fees and salaries as those mentioned—twenty—forty—sixty—eighty thousand dollars—ought to be curtailed. They excite cupidity for

office, lead to extravagance, are contrary to the frugal character of our Government, and tend to beget a sordid and mercenary spirit in our elections. The land office emoluments had all been limited in the new States; the custom-house, marshals, and others should be limited in the old States.

Mr. B. said the present was a suitable occasion to fulfil a promise which he had made a few days ago, in replying to some very disinterested and patriotic sentiments delivered by the Senator from South Carolina, on the opposite side of the chamber [Mr. Preston.] That Senator had then delivered very excellent sentiments in relation to removals from office—had denounced the spoils doctrine—had declared that proscription was itself to be proscribed—that henceforth there were to be no removals for opinion's sake—no faithful officer turned out to make room for a political friend—no changes except for misconduct—and that the new Administration, in all this, would the reverse of the present and the last passed. I took occasion upon the instant, (said Mr. B.) to correct that Senator, so far as the State of Missouri was concerned; and to let him know that proscription for opinion's sake had never been practised by the passed or present Administration in that State—that no removals had been made there except for cause—that many political opponents had been re-appointed to the offices which they had filled—that the spoils doctrine had never been practised upon there—that this was known to every body in Missouri, and should be known to every body here; and that he would take a suitable occasion to verify this statement by a reference to established facts. That occasion has now arrived, and I proceed to the fulfilment of my promise.

Premising that all the appointments made in Missouri during Mr. Adams's administration were from the ranks of his own political friends, and that most of those previously in office were of the same political character, I proceed to show, by facts, what was the conduct of the Jackson and Van Buren administrations with respect to them. I begin with the Indian Department—a large subject of Federal Executive patronage in that State. At the head of that department was General William Clark. He was the Superintendent of Indian Affairs, stationed at St. Louis, strong in the Opposition, and almost the last act of his life was to vote the whole Opposition ticket. He was not only not removed by General Jackson, but at the reorganization of the Indian Department in 1834, when he was legislated out of office, he was re-appointed by General Jackson, and remained in office till his death, about two years ago. After his death, the vacancy was filled by a gentleman of our politics, (Major Pilcher,) not for political services in the elections, but for pre-eminent fitness for the station. He had had nothing to do with the great political contest which terminated in General Jackson's election. He happened to be, during that period, some thousands of miles beyond the verge of civilization, engaged in the arduous pursuits of the fur trade; and the first news he received of General Jackson's election was about a year after the event, and through London newspapers, which had reached the head of the Columbia river, where he then was, by the way of Hudson's bay. He has held the place two years, and is better fitted for it than any man in America. I have known him for thirty years, and know what I say to be true. He is fitted for the station in every way—in judgment—in experience—in knowledge of the Indians and of the traders—in their confidence in him—in his quiet and firm temperament—in his age and habits—in his punctual attention to every duty—in his faithful application, and accounting for every dollar that goes to his hand.

Mr. John Dougherty, Indian agent on the Missouri, salary \$1,800. He was a native of Kentucky, appointed by Mr. Adams, thoroughly in opposition, and complaint made against him for improper interference in an election, and was on the point of being dismissed by the Secretary at War, (Mr. Eaton) when, at my instance, the order was suspended until the complaint could be examined, and was ascertained to be unfounded. He served until 1834, when he was legislated out

of office at the reorganization of the agencies. He was then re-appointed by President Jackson, served out the term of four years, was then re-appointed by President Van Buren, and resigned in 1839. He is now a member of the General Assembly of Missouri, and is as decidedly opposed to our party as any man in the State.

Major Taliaferro, Indian agent on the Upper Mississippi, salary \$1,300 per annum. Not only was he not removed, but when legislated out of office in 1834, with other agents, he was re-appointed by General Jackson, at an increased salary, served his term of four years, was re-appointed by Mr. Van Buren, and held the place till he chose to resign. He was entirely opposed to us in politics.

Mr. P. L. Chouteau; he was appointed agent to the Osages by General Jackson, though of opposition politics, remained in office till 1834, when, at the reorganization of the agencies, his place was reduced to a sub-agency, and he declined to hold it any longer.

Mr. J. V. Hamilton; he was appointed successor to Major Dougherty in 1839, in the recess of Congress, and without the knowledge of the Missouri delegation. They would have objected to it if they had known it, but the appointment began made, they left it to run its course. He is now in office, and in opposition to us.

These, sir, are the principal appointments of the Indian Department in Missouri, and from this statement it is seen that, so far from being proscribed for opinion's sake, the Opposition nearly monopolized the Indian offices during the administrations of General Jackson and Mr. Van Buren.

I now proceed to the Land Offices, another considerable subject of Federal patronage in Missouri. In this branch of the public service, the head of the business, and one who had much patronage, was appointed by General Jackson, and served out a term of four years. This was Mr. Elias Langham, Surveyor General. He was not re-appointed, and that for good cause.

Major Christy, Register of the Land Office at St. Louis; he was twice re-appointed by General Jackson, and died in his office in the year 1837.

General Praitte, Receiver of Public Moneys at St. Louis, served out his term of four years, and was then succeeded by a gentleman of different politics.

Mr. John Hays, Receiver of Public Moneys at Cape Girardeau, was re-appointed by General Jackson, and saved from removal upon my interposition, at one time when he was deficient temporarily in making a deposit of public money.

Mr. Guild, a gentleman of opposition politics, was appointed successor to Mr. Hays, and served out four years.

In the Post Office Department, in Missouri, no removals have been made that I know of, except for cause. A majority of the post offices are now held by the Opposition, while they are themselves a minority of the State. The post office at St. Louis, the best office in the gift of the President in Missouri, was held eleven years and a half, under the Jackson and Van Buren administrations, by Mr. Wilson P. Hunt, a gentleman decidedly opposed to us in politics. He held the office near twenty years in all, of which more than half the time was under the Administrations to which he was opposed. He was not only not removed, but was re-appointed by General Jackson in 1836, when legislated out of office by the new post office law. He served out the four years term under this appointment, and was succeeded in July last by Mr. Thomas Watson, a gentleman of our political party. Of the twelve years which this important appointment was in our gift, eleven and a half of it saw it occupied by a gentleman opposed to us in politics, and only half a year has it been occupied by one of our own party. The present incumbent (Mr. Watson) was for twenty-five years postmaster at the most considerable town in North Carolina, (Newbern); he understands his duties, and performs them correctly. No man can impeach his conduct, public or private, or attribute to him aught that is wrong in word or deed. He has been a consistent Democrat forty years; a quiet,

courteous, inoffensive man, of whom every one will speak well, except those who want his office.

Thus, sir, stands the account of proscription in Missouri, many of the best offices in the State being in the hands of the Opposition during their own pleasure, or until the expiration of their terms, and some of them ten and eleven years out of twelve. Certainly there were some removals; but they were few in number, fell nearly equally upon both parties, and were always for cause. Of three land officers removed, two were on our own side; of two marshals removed, one was on our own side; of two district attorneys either removed or not re-appointed, it was one and on each political party. In no case that I knew of, was there an instance of removal for the purpose of making room for a political friend, but for the purpose of getting rid of an improper officer. For myself, my uniform answer to all those who applied to have others removed, was that *they must show misconduct*. When that was not done, I refused to recommend the removal; and this is known to the whole State of Missouri.

Mr. B. said he could give other instances of political opponents retained in office in Missouri, but he had mentioned enough to comply with his promise, and to show, by facts, that proscription for opinion's sake had never been practised in that State—that it was a practice unknown there—and must originate with the new Administration, if it gets there at all. During the twelve years which the Democracy have borne sway, no appointments, or removals, have been made in Missouri, except for the public service; and he was proud to be able to say that they had been good appointments, and had promoted the public service. He looked with pride and satisfaction upon the conduct of the public officers in that State for twelve years past. It was an example to the whole Union. Great was the amount of public money collected and disbursed there—greater, perhaps, than at any point in the Union, except New York. The receipts of many land offices centred there; a great number of disbursing officers and agents received their supplies of money there; vast sums had been transferred from that point to New York; it was probable that twenty or thirty millions had been collected and distributed from that point in the last twelve years; and nothing had been lost to the Government. He believed there were no losses in all that time. All was well there; and if the new Administration practises on the professions which the Senator from South Carolina [Mr. Preston] has made, they will have no removals to make in that State. They can make none without violating those professions, and without commencing and introducing that system of proscription which we have avoided, and which they have denounced.

Mr. B. said that he felt himself at liberty to speak freely and disinterestedly on this subject. He had no relations in office to dread the removing power. During the twenty years that he had been in Congress, no relation of his had been appointed to office. He had uniformly discouraged and discountenanced applications for office, on the part of his relations. He had suffered no one of them to be appointed. Friends he had, in office, there, who are worthy of their places, and who cannot be removed without a violation of the principles which the Senator from South Carolina has proclaimed. If these principles are violated in the person of any of these friends, or in the person of any individual in Missouri, the party doing it must expect to hear of it, and to see their conduct confronted with their professions as well as with the examples of the Jackson and Van Buren administrations.

After a few words from Messrs. PHELPS, WALKER, and HENDERSON, the amendment of the committee was adopted.

And the amendment to the same clause, limiting the remuneration, by fees, of district attorneys, marshals, and clerks, after being debated by Messrs. WALKER, SEVIER, and WRIGHT, was also agreed to.

The next in order, was an amendment of the committee to the clause limiting the receipts of postmasters to \$5,000 per annum, in the following terms: "Including salary, commissions, boxes, and all fees, perquisites, and emoluments, of any name."

or character whatsoever, and for any service whatsoever."

Mr. SOUTHARD objected to any interference with the arrangements of postmasters to accommodate individuals with boxes; by the use of boxes, individuals received their letters without detention; and so long as the postmasters afforded this accommodation, at a small remuneration for the extra trouble undertaken, and the expense of the boxes, he was opposed to any interference by the Government with such arrangement.

Mr. WRIGHT explained to the Senator from New Jersey the clause under discussion. The clause provided that three thousand dollars per annum should be paid to the postmaster for the accommodation of the public with boxes, which, added to the salary of \$2,000, made the total of \$5,000 per annum, which, he conceived, was a sufficient remuneration for any postmaster.

Mr. BUCHANAN said the question was whether \$5,000 was not a sufficient remuneration for a postmaster. That point being settled, he proceeded to show that the use of boxes was advantageous, and a saving of trouble to the postmasters; and if the clause were adopted, he doubted not the number of boxes would be increased, and the sum paid for them reduced, for he never expected any surplus from this source to come to the public Treasury, and hence a larger number of business men would be benefited.

Mr. TALLMADGE opposed the clause at some length; and in the course of his remarks, he intimated that the subject was not understood by honorable Senators.

Mr. CLAY of Alabama said when they gave the postmaster of New York \$5,000 per annum, they gave him as much as they gave the Chief Justice of the Supreme Court, whose qualifications must necessarily be of a much higher order. Why, they only gave \$6,000 per annum to the heads of Departments here. He thought he understood this matter perfectly, and he trusted the Senate understood it, and that they would give the gentlemen who had been preaching "retrenchment" and "reform" so long, a proper start.

The debate was continued by Messrs. WHITE, PRESTON, LINN, and others.

A message was received from the House of Representatives, with a resolution for the suspension of the 16th joint rule, by which no bill could be received by one branch of Congress from the other during the last three days of the session, to which the assent of the Senate was asked.

On the motion of Mr. HUBBARD, the Senate concurred, and the navy appropriation and other bills were received and referred.

The VICE PRESIDENT laid before the Senate a letter from the President elect, informing the Senate that he will be ready to take the oath prescribed by the Constitution previously to entering on a discharge of his official duties, and at such place as the Senate may think proper to designate; which was read.

On motion by Mr. PRESTON the VICE PRESIDENT was directed to appoint a committee of three Senators to make the necessary arrangements for the reception and inauguration of the President elect, and to apprise him of the same; and Mr. PRESTON, Mr. BAYARD, and Mr. WHITE, were appointed the committee.

The Senate adjourned a few minutes past nine o'clock.

HOUSE OF REPRESENTATIVES.

MONDAY, March 1, 1841.

Mr. RUSSELL modified the resolution offered by him on Saturday, as follows:

Resolved, That hereafter the daily hour of meeting of this House shall be ten o'clock, a. m. and to-morrow, the time, from ten to twelve o'clock at noon, shall be devoted to the consideration of private bills from the Senate, in their regular order, in Committee of the Whole House; and on Wednesday next, the time from ten o'clock to twelve at noon, shall be devoted to the consideration of private bills from the Senate on the Speaker's table, if such length of time shall be required for that purpose.

The question being taken on the adoption of the

resolution, it passed in the affirmative—ayes 111, noes 38.

So the resolution was adopted.

Mr. TILLINGHAST asked the unanimous consent of the House to present certain resolutions from the Legislature of the State of Rhode Island, and that they be printed.

Objection being made,

Mr. TILLINGHAST moved a suspension of the rules in relation to the order of business: but the motion did not prevail.

Mr. JONES of Virginia moved that the House now resolve itself into a Committee of the Whole the state of the Union.

The SPEAKER stated that there was a special order for to-day—(the steamboat bills.)

On motion of Mr. JONES of Virginia, the special order was postponed until to-morrow.

The House then, on the motion of Mr. J. resolved itself into a Committee of the Whole on the state of the Union, (Mr. Dawson in the chair) and took up the bill making appropriations for certain

FORTIFICATIONS OF THE UNITED STATES FOR THE YEAR 1841.

The bill having been read,

Mr. THOMPSON of South Carolina moved to strike out the words "thirty-five thousand" for repairs of Fort Independence, and insert in lieu thereof \$90,000.

After some remarks from Mr. T. in support of his amendment, in which he contended that it was our imperative duty to provide for a more effectual defence,

Mr. JONES resisted the amendment. The bill submitted was intended to appropriate for the old works of the country which needed repair, and for the continuance of works now in progress. There was another large class of works which could not come into this bill. He admitted the importance of a work at the outlet at Lake Champlain; but as there was no law for it, it could not, under the rules of the House, be appropriated for. It was not in order to graft the provisions of other bills upon the general appropriation bill for fortifications. There were now unexpended appropriations to the amount of nearly a million of dollars. The amount at last session was \$712,897; at the present session \$439,500; making in all \$1,152,397, of which \$926,000 remained unexpended.

Mr. THOMPSON appealed to Mr. J. to take up the bill from the Committee on Military Affairs, which covered the entire ground of the present bill, and added other works necessary.

Mr. JONES said that the bill appropriated \$1,700,000 to fortifications; could it be expected such a bill should get through without protracted debate? It must cut off all other business. To the present bill no serious objection would be made. Let this pass, and then let the gentleman bring up his bill. The appropriations in this bill were sufficient to keep the works going till the middle of the following year; it had not reduced the estimates of the Department one dollar.

Mr. J. inquired if this amendment, being an item contained in another bill before the House, was in order?

The CHAIR decided that it was; it did not propose to engraft another bill on this bill.

Mr. HUNT made some remarks in favor of laying aside the present bill, and taking up that from the Military Committee.

After some remarks from Mr. FILLMORE,

Mr. THOMPSON withdrew the amendment.

Mr. CROSS moved to amend by inserting an appropriation of \$50,000 for Fort Wayne, but the CHAIR decided that it would not be then in order.

Mr. SMITH of Maine moved to amend the bill by inserting \$6,600 for Forts Preble and Scammel, in Portland harbor. Mr. S. referred to the report from the Department, showing that these works were going to ruin for want of a small appropriation, and he appealed to the justice of the House in favor of his amendment. The Committee of Ways and Means had taken good care of Boston harbor and the Gulf of Mexico, but seemed to have forgotten that the whole coast of Maine was exposed, while Halifax, the only northern depot of the British navy, was within a day's sail of every part of it.

Our fishermen were continually insulted. Here he yielded the floor at the request of

Mr. THOMPSON, who said he would state a fact that would supersede the gentleman's speech. This sum had been appropriated at the last session, and remained unexpended.

Mr. SMITH said that that statement would apply to many items of the bill as well as the item for Portland harbor.

Mr. JONES explained. The application of this money had only been suspended. The appropriation was still binding, as much so as if now passed over again.

Mr. SMITH warmly urged the defenceless state of the coast of Maine, on which, though two hundred and fifty miles in length, not a single gun was mounted. The State last year cleared 140,000 tons of shipping from those undefended ports of hers. Her commerce employed 6,000 men. Portland alone owned 46,000 tons of shipping, and her imports were \$192,000. True, there was a small appropriation made last year, but he was opposed to leaving its expenditure to the mere discretion of the President. The chairman said this bill was for old works. Well, if so, there were few works in the country older than those of Portland harbor.

Mr. W. C. JOHNSON said, he was not opposed to defence by fortification, but it was utterly useless to erect new ones, and then leave them unarmed. Scarce one was at this moment fully equipped with ordnance. If gentlemen would incorporate a provision for arming the forts, Mr. J. would go as far as he that went furthest in supporting such a measure. Here were \$400,000 asked to repair forts already built. He would glance for a moment at the present supply of ordnance in the country. He here went into a statement showing that, for forts already completed, 1,178 cannon were needed, while those under construction would need 2,578; all these were absolutely requisite to render the present bill of the least possible utility. 782 more would be needed for forts building and repairing, and 3,506 for works projected by the Board of Engineers; besides 5,283 to complete the defences of our coast. He made these statements on the authority of the War Department. How many cannon did we now possess? The fact would astonish every man. We had but 30 battering cannon, 42 pounders; 60 in depot, 42 pounders; 38 more under contract. Of other pieces, we had but 144. He then adverted to the improvements in gunnery in the throwing of hollow shot, and the adoption and perfection of this improvement by foreign nations. As to shells and balls, we stood in immediate need of 3,020,941 more than we now possessed. By the use of these hollow shot, fortifications had been in a few hours blown up and destroyed which had defied whole navies for centuries. Mr. J. urged the propriety and necessity of placing our entire coast in a state of defence. He was the last man to desire a state of war; but he held that the best way to avoid collision with England was to be prepared to meet her; and so with all foreign powers. He would urge this necessity even were the peace of the world the most profound; how much more pressing was it under circumstances like the present. It was due to the national honor to sustain the Executive in negotiations under our intricate relations, with a foreign power.

Mr. J. concluded by moving to lay aside the bill now before the committee, to take up the bill from the Committee on Military Affairs, with a view to move an amendment to it empowering the President of the United States to purchase a site for a foundry, and to enter into contracts for the requisite ordnance.

Mr. PICKENS rose for the purpose of disabusing the minds of the committee in relation to a rumor which he was astonished to find was in existence, in relation to the case of McLeod. When he came into the hall, to his great astonishment he found that a rumor was in circulation, and had been alluded to in debate, that an angry correspondence had taken place between Mr. Forsyth and Mr. Fox, in relation to the imprisonment of McLeod. It was with pleasure, therefore, he stated that he received information from the most authentic source, that there was no foundation for

such a rumor. There had been no correspondence calculated in any way to produce any more difficulty than previously existed. It was true that correspondence had taken place, but it was so unimportant as not to be deemed necessary to communicate it to either branch of Congress. He conceived it highly important that this explanation should be received, as he hoped the committee would not legislate under a false impression. No correspondence had taken place which was calculated to vary the position of the parties since the correspondence which had last been presented to the House. These false rumors had been alluded to from several quarters of the House, and were calculated to produce unsound legislation.

Mr. P. then proceeded to say that he hoped the bill reported by the Committee of Ways and Means would be adopted speedily.

The general system of fortification demanded by gentlemen, required a practical knowledge before all its bearings could be known; and he would take occasion to say, that when the next Administration came into power, let them propose a general system as a whole—a system of defence for all the points of the country; and if it should be a system that his judgment could approve, he would pledge himself that he would not stop to ask what was the miserable amount of revenue that might be derived from a tax on wines or silks, but he would cheerfully vote an amount equal to the whole proceeds of wines and silks imported, if the next Administration should deem it requisite and proper for the defence of the country by any new contingency.

Mr. P. went on to contend that no system of land fortification could possibly answer, unless it should be connected at various points with the navy. It would be utterly impossible to protect our extensive coast, unless a proper connection was had with a naval force. Take central and leading points, which can protect and sustain your naval defences, suited to our extensive coast of 2,000 miles. It is steam batteries and steamships that can give you defence suited to the improvements of the age.

Mr. P. contended that our present system of fortifications was utterly unsuitable for the present wants of the country. The system had been partially brought from France in 1816, and, since the introduction of steam power, was to a great extent inapplicable to our extensive territory and sparse population.

In answer to a question from Mr. MONROE, as to what was the system brought from France,

Mr. PICKENS explained its nature, and said it was principally carried through by General Bernard, distinguished in France and in this country; and again urged that it was a system, now, since the introduction of steam power, as totally inapplicable for the defence of a country with such an extensive coast as ours. Mr. P. then said how he would connect the land fortifications with the naval force. He would, he said, establish points at the following places, where the forts could co-operate with the navy; he would take a central point between the St. Croix and Cape Cod; and then New York and the mouth of the Chesapeake between Cape Cod and Cape Hatteras; and then between Hatteras and Cape Florida, he would fortify Charleston and the mouth of the Savannah river; and then between Cape Florida and the Sabine he would fortify Pensacola and the mouths of the Mississippi; he would have all these points well fortified to protect and sustain an efficient system of naval defences suited to your extensive sea-coast and commerce. As to the interior points of fortification, and those of smaller grades, he would discard them—he looked upon them as behind the age.

But, said Mr. P. any other system of fortification confined exclusively to land, will prove a miserable failure.

In answer to another interrogatory, Mr. P. observed that it would be folly to think that England would ever think of invading us again from the Canadas. England could have no object in attempting a permanent invasion on that frontier. The case now and at the last war in 1812, was widely different. In 1812 that portion of the country on the lake frontier was thinly populated, and

had but little connection with the Atlantic cities. Owing to its defenceless position, the consequence was that the British formed their plan of invasion of the lake coast, with a view to connect a military cordon through the interior to New Orleans, and cut off the Valley of the Mississippi from the Atlantic States. They had some prospects of succeeding at that period—hence the invasion was there. But now the case was widely different. That part of the country was now densely populated, and with a population, too, decidedly warlike and spirited to the highest degree, so that now it would be madness on the part of Great Britain to attempt an invasion in that quarter. She could gain nothing by it; but the danger would be the reverse, and the invasion would be from this country upon Canada if a rupture should take place, which he trusted would not occur; and he believed it would not. What I mean to say, continued Mr. P. is, let the next Administration, when it comes into power, propose a proper system of fortification—a system embracing the improvements of the age, and calculated to meet the wants of the country—and I will go with them to the utmost. I will not only go for a tax on wines and silks, but I will most cordially, when the proper time shall arrive, give them my support, if any serious difficulty should arise to call for it. I will, then, at a proper time, vote for all they may want. But I hold that this is not the proper time, and I protest against this system, of legislating by piecemeal, and without proper information, and unconnected with a system as a whole, suited to the wants of the country. If any serious difficulty should arise between us and a foreign power, (which he hoped would not be the case,) let the Administration call Congress together, and we will meet the issues as a free people ought. Let those who are to execute laws, and conduct negotiations in the future, take that course that patriotism may dictate, and there can be no difficulty.

After some remarks from Messrs. TILLINGHAST and CUSHING,

Mr. ANDERSON said he proposed to offer an amendment to the amendment of his colleague in the following words: For the repair of forts at Wiscasset, Damariscotti, Castine, and Eastport, the sum of three thousand dollars each, unless his colleague would accept this amendment as a modification of his own, providing an appropriation for the repair of Forts Preble and Scammel.

Mr. SMITH having so modified his proposition as to include the first named works,

Mr. ANDERSON remarked that he went with pleasure for the amendment as it now stood, and only regretted that he was prevented by the rules of the House from including in his amendment an appropriation for the commencement of a fortification greatly more important than any he had named, and one which had received the most favorable recommendation from the Corps of Engineers and the Department of War; he alluded to a fortification at the mouth of Penobscot river, opposite Bucksport. Mr. A. said he had now in his drawer an amendment appropriating fifty thousand dollars for the commencement of this important work, which he intended to offer should the motion of the chairman of the Committee on Military Affairs, to lay aside the present bill and take up that reported by him, prevail; and in reference to that bill, Mr. A. could not refrain from expressing his surprise, that this necessary work should have been omitted. Mr. A. read from the report of the War Department, upon the national defences, communicated at the last session, showing the importance of this work, and an estimate of its cost from the corps of engineers; and in the table appended to that report, Mr. A. showed that it was not only in the table of works to be first commenced, but the very first in that class, and he was astonished that the committee, who professed to be governed by the recommendation and estimates of the Department, should have wholly omitted this work. Mr. A. went into some particulars, showing the great importance of this fortification, as affording a refuge in time of war for the extension and growing commerce of Penobscot Bay and River, a commerce increasing with rapid strides, and which promises to surpass that of any other section of the State.

The bill reported by the Military Committee is singular in other respects, and anxious as he was to provide for the national defences, he should feel compelled, by a sense of duty to the State he had the honor in part to represent, to vote against it, unless considerably amended. Nearly three hundred thousand dollars are appropriated in that bill for the harbor of Boston, and the pitiful sum of twenty-five thousand dollars for the whole State of Maine—a State having three hundred miles of sea coast, and which is now utterly defenceless. His colleague had well and truly described the defenceless condition of our maritime and interior frontier, and he hoped that when the fortification bill, reported by the Military Committee, should come up, the amendment he should offer would receive the favorable consideration of the House. Mr. A. said he went in opposition to many of his friends, for the proposed increase to the naval appropriation, and he did so the more willingly, as it contained a provision for the building of steam vessels of a medium size, which, in case of war, may, in some small degree, supply the want of land fortifications, of which his own State was so totally destitute, and he was desirous to support any reasonable and equal proposition for a general system of frontier and maritime defences.

Mr. A. desired to say more in relation to this subject—a subject in which his own constituents, and the whole State, were deeply interested, but would not at this late period of the session further detain the committee.

Mr. VANDERPOEL opposed the idea of laying aside the regular bill from the committee, under the sanction of the Departments, and taking up another from a different committee, proposing larger, much larger, appropriations for a magnificent system of fortification. He was as much awake to the necessity for defence as any man; but other considerations were to be looked at. Here doctors disagreed: some held that the immense sums we had spent on these forts were thrown away; that, in spite of all the millions appropriated, the country was defenceless, and a single frigate might capture the city of New York! Instead of a new system for forts, his plan was entirely different. Every few days we had a war humbug to authorize the picking of the people's pockets. This very morning he had heard about a most angry correspondence between Mr. Fox and Mr. Forsyth.

His plan was to appropriate only for forts already begun, and then to appoint a commission to report on the point whether these forts were or were not worthy of being relied on.

Mr. THOMPSON replied that this very thing had been done. In May, 1840, a most luminous report had been rendered by some of the ablest military men in this country or in any other, going to show that the new inventions in gunnery and steam navigation rendered works like those now proposed by the Military Committee more needed than ever. He trusted he should hear no more of these wild and unfounded assertions by men unacquainted with military science.

Mr. VANDERPOEL said he was a man of peace, and professed not to "speak of war in the presence of Hannibal." But he must object to a magnificent bill at a time when gentlemen were proclaiming that the country was exhausted, and on the brink of ruin. Mr. V. here went back to the history of the distribution bill, when gentlemen, instead of applying our surplus to the defence of the country, divided it among the States. But now, when they saw the country was fainting, and almost dying, gentlemen's patriotism was vivid as the lightning. He was glad, however, to find that the fears of war were disclaimed on every side. Why, then, tax a people ground down by the mal-administration of these dreadful Locos? He protested against it, and washed his hands of it.

Mr. FILLMORE, in the course of his remarks, asked the chairman of the Committee on Foreign Affairs, [Mr. PICKENS] whether his declaration this morning, that there was no foundation for the rumor about an angry correspondence on the subject of McLeod, was not inconsistent with what the gentleman had told him a few minutes previous.

Mr. PICKENS explained that what he had first said in private conversation to the gentleman, was

owing to the rumor prevailing when he (Mr. P.) came into the hall. But subsequently he despatched a messenger for information, and it was on that subsequent information that he had made the public statement to the House.

The debate was further continued by Messrs. FILLMORE, MONROE, and POPE, until half past two o'clock, when the House took its usual recess.

[EVENING SESSION.]

After the recess,

Mr. POPE resumed and concluded his remarks.

Mr. HAND followed, and at some length spoke in favor of substituting the bill from the Military Committee for that from the Committee of Ways and Means. A full report of his remarks will be given hereafter.

After some remarks from Mr. JAMESON,

Mr. STARKWEATHER took the floor, and in some sarcastic remarks, which convulsed the hall with laughter, denounced the idea of any fear of a war, now that an "eternal hero" was coming into power. The Reporter took full notes, which will be written out as early as practicable.

After inserting additional items of appropriation, the committee rose and reported it to the House, with three small amendments, which were agreed to, and the bill was forthwith passed under the operation of the previous question.

An effort was then made to take up the bill from the Senate to continue the corporate existence of the banks of the District of Columbia; pending which

The House adjourned.

IN SENATE,

TUESDAY, March 2, 1841.

Mr. WALL presented the credentials of the Hon. JACOB W. MILLER, elected by the Legislature of New Jersey a Senator from that State for six years from the 4th of March next; which were read, and ordered on file.

On motion by Mr. WILLIAMS, the Committee on Naval Affairs was discharged from the further consideration of all subjects heretofore referred to them and unacted on.

Similar motions were made by Mr. WALKER, of the Committee on Public Lands; by Mr. WRIGHT, of the Committee on Finance; by Mr. YOUNG, of the Committee on Roads and Canals; and by Mr. LUMPKIN, of the Committee on Manufactures; which were agreed to.

Mr. BENTON submitted a communication from the Secretary of War, transmitting a report from the Board of Ordnance Officers who have recently visited Europe for objects connected with their profession; which was laid on the table and ordered to be printed.

Mr. KNIGHT, from the Committee on Contingent Expenses, to which the subject had been referred, reported the resolution allowing additional compensation to the assistant doorkeeper, and to the messengers, pages, and laborers of the Senate, and of the office of the Secretary of the Senate, which he asked the unanimous consent of the Senate to consider at the present time.

Objection being made, the resolution lays over one day.

Mr. YOUNG moved that a document in relation to certain citizens of Illinois of the sect called Mormons, be printed, and made some remarks in explanation of his motion, and, after some remarks in reply by Mr. LINN, who denied the jurisdiction of Congress in this matter, and by Messrs. KING and WALKER on the impropriety of discussing this matter at all, on motion by the latter, the motion to print was laid on the table—ayes 22, noes 12.

Mr. WRIGHT then moved that the Senate go into the consideration of the civil and diplomatic appropriation bill, and urged the necessity, from the little time left, to act upon it at once. The motion was withdrawn at the request of

Mr. BENTON, for the purpose of making a report from the Committee on Military Affairs, which he said would take but a few minutes.

Mr. BENTON, from the Committee on Military Affairs, to which was referred the memorials on the

subject of a fortification at Sillers Point Flats, made a report, which he asked might be printed.

In reply to a question of Mr. PRESTON, Mr. B. said the report concluded with a resolution requesting the views of the Administration about coming into power on the subject of a general plan of defence of the country. The resolution was precisely similar in its terms to those which had been formerly passed on the subject.

Mr. PRESTON wished to offer an amendment to the resolution, but was informed by the CHAIR that it was not in order, the report not now being before the Senate.

Mr. P. then said, that on the question of printing, he would take occasion to express some opinions on this subject, and then proceeded at considerable length, in the course of his remarks, alluding to the defenceless condition of the country, and charging the present and preceding Administrations with culpable neglect on this subject.

Mr. HUBBARD and Mr. BENTON rose simultaneously, but the PRESIDENT gave the floor to the Senator from New Hampshire, who moved to lay the motion on the table.

Mr. BENTON assured honorable gentlemen he was not going to lay the foundation for an extra session by talking out this day, and defeating the appropriation bills—by making speeches to the galleries, or to any body else—but as to the statements of the Senator on the other side [Mr. PRESTON] he gave them as peremptory a contradiction as the rules of parliamentary order would allow; and when the proper time came, he would furnish his proofs.

Mr. PRESTON, much excited, rose while Mr. BENTON was speaking, and called for the proofs of the Senator from Missouri; and said speeches addressed to the galleries came not exclusively from his side of the Senate Chamber.

Mr. BENTON reiterated his intention not to consume the day by addresses to the galleries, but he assured the Senator from South Carolina the proofs should be forthcoming at the proper time.

The Senator from South Carolina and the Senator from Missouri, continued the reiteration of similar observations, and much excitement existed in the Senate Chamber, from every part of which were heard cries of "order, order." Ultimately the Senators resumed their seats, and the motion was laid on the table, and the report was ordered to be printed.

Mr. SEVIER said he had nothing more to say on the subject just disposed of, than to inform the Senator from South Carolina, [Mr. PRESTON,] that when the army bill came before the Senate, he would give him an opportunity of acting out his opinions. He would not ask him for a speech on that occasion, but would be satisfied with his vote. Mr. S. said his object now was to report back, without amendment, the following bills from the House, which had been referred to the Committee on Indian Affairs, viz:

An act making an appropriation to defray the expenses of a delegate of the Seminole Indians west of the Mississippi river to Florida, and for other purposes.

An act making an appropriation for the temporary support of certain destitute Kickapoo Indians, and to defray the expense of subsisting and removing the Swan creek and Black river Indians of Michigan.

Mr. WRIGHT then inquired if it was in order to move to take up the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1841.

The VICE PRESIDENT answered in the affirmative.

Mr. WRIGHT. Then I make that motion, and I give notice that I will not withdraw it.

The bill above named was then taken up, and the question being on the amendments proposed by the Committee on Finance, they were concurred in without opposition.

Mr. HENDERSON then proposed an amendment relative to the compensation of officers in the federal courts, which was opposed by Mr. WRIGHT, and disagreed to—Ayes 5, noes 24.

The amendments next in order were those offered by Mr. ANDERSON, the first of which proposed to

make it obligatory on every collector of customs, naval officer, and surveyor, to render a quarterly account of all sums of money received or collected for fines, penalties, forfeitures, or seizures of goods, or on account of suits instituted for frauds against the revenue laws, &c. &c. and to limit the remuneration of the collector to \$6,000, the naval officer to \$5,000, and the surveyor to \$4,500.

Mr. PRENTISS spoke in favor of the amendment.

Mr. CALHOUN said he always heard the Senator from Vermont with the greatest attention, and he responded to every word that Senator had now uttered. He (Mr. CALHOUN) should be glad to see this Government brought back to its original simplicity; and he trusted the time had now come to bring these officers down. If they wished to allay the excitement of their Presidential contests, this was the time, and this the way to do it; for so long as these tempting prizes were put in the wheel, the excitement would continue. Gentlemen opposite had intimated a disposition to put the country in a posture of defence, in which he concurred, and he should be glad to see it done systematically; and he begged to call the attention of honorable gentlemen to the fact, that every dollar they saved from these officers would be so much added to their means to put the country in a state of defence. But, at the same time, he took occasion to say, he should not enter into any scheme of defence, unless some general principles were settled by eminent military and naval officers: when this was done, he was prepared, and should be on all occasions, to advance in a course of systematic policy, and to place this country where it ought to stand among the nations of the earth.

Mr. ANDERSON said, that he should be gratified, under proper circumstances, to enter into the discussion of the whole subject, but the time of the Senate was precious, and he would confine himself strictly to a very brief statement of the objects of the amendment. He had conferred with several of his friends in relation to that part of it which comprehended fines, penalties, and forfeitures, and, with a view to obviate any reasonable objection, he had struck it out altogether, although he believed that it would be proper to modify the existing laws even in that respect. The main object of the amendment was, to curtail the vast salaries now received by the collectors, naval officers, and surveyors, and to put into practical operation the law of 1822. This, he said, was but carrying out the purpose contemplated by that; and had been suggested by the recent developments in New York, in regard to the late collector of that port. There was but a single item in this which was not to be found, in truth, within the intention of the act of 1822. The terms of limitation used in that were designed to cover the whole salary of those officers, as then fixed; but it seems that there has been a material departure from the objects expressed in the law, and in conformity with the principle laid down in a recent decision of one of the circuit courts of the United States, the collector of New York claims a large sum of public money. This amendment, he said, gave the most ample salaries to the officers referred to, and provides against impositions, such as have been practised upon the Government heretofore. There was but a single item, as he had stated, that of storage, which was not comprehended by the act of 1822. The manner in which that had been made a source of large income, particularly in the city of New York, was highly reprehensible, and this amendment in that regard, is intended to remedy the evil by subjecting it to legal regulation. He said, he trusted that the amendments would meet with the general support of Senators as the means of reform.

In conclusion, he would ask for the ayes and noes on his amendment.

The amendment was then adopted—ayes 40, noes 0, as follows:

YEAS—Messrs. Allen, Anderson, Bates, Bayard, Benton, Buchanan, Calhoun, Choate, Clay of Alabama, Clay of Kentucky, Clayton, Cuthbert, Dixon, Fulton, Graham, Hubbard, King, Knight, Linn, Lumpkin, Mangum, Merrick, Mouton, Nicholson, Norvell, Pierce, Porter, Prentiss, Pres-

ton, Roane, Smith of Connecticut, Smith of Indiana, Southard, Sturgeon, Tappan, Walker, Wall, Williams, Wright, and Young—40.

Three other amendments, proposed by Mr. ANDERSON, were also adopted; the first providing that all stores hereafter rented by the collector, naval officer, or surveyor, shall be on public account; the second, that false swearing by either of the above mentioned officers, on taking the oath at the rendition of his accounts, shall be deemed perjury, and be prosecuted as such; and the last, that all laws inconsistent with the fifth, sixth, and seventh sections of this act, should be thereby repealed.

Mr. TAPPAN next submitted his amendment, providing that the Librarian of Congress should be authorized to employ an additional assistant at a yearly compensation of \$1,150, commencing December 1, 1841, which was agreed to, and the amount here granted was deducted from the sum of \$4,085, appropriated as contingent and other expenses of the library.

Mr. KNIGHT withdrew an amendment which he had offered; his object, he said, having been accomplished in an amendment of the Committee on Finance, which had been adopted.

The bill was then reported to the Senate, and the amendments were concurred in, and the bill as amended was ordered to a third reading.

Mr. NORVELL, from the Committee on Commerce, reported the bill making appropriations for the improvement of the harbors on the Northern and Northwestern lakes, with various amendments: the report accompanying the bill was ordered to be printed.

On motion by Mr. WILLIAMS, the Senate then proceeded to the consideration of the bill making appropriations for the naval service for the year 1841.

The amendments of the Committee on Naval Affairs, which augmented the appropriations for the several navy yards to the estimates of the Navy Department; which were agreed to.

Mr. WALL proposed as an amendment an appropriation of \$10,000 to maintain, under the control of the Secretary of the Navy, two of Francis's lifeboats, to be stationed at Rockaway, N. Y. and Long Branch, N. J. which was agreed to—ayes 18, noes 17.

Mr. TALLMADGE proposed an amendment appropriating \$3,000 for house-rent for the commandants of the navy yards at Philadelphia and Brooklyn; which was disagreed to.

Mr. PRESTON proposed an amendment appropriating a sum of money for defraying the expenses of transporting to Washington the objects of natural history collected by the Exploring Expedition.

After some remarks from Mr. SEVIER in opposition, and Messrs. WALKER and TAPPAN in favor of the amendment—

Mr. KING would go so far as to vote an appropriation to transmit these articles to this city if they were to be placed in the Patent Office, but he would go no further, if it were intended afterwards to appoint a committee to attend to them, or to erect a place in which they should be kept.

Mr. PRESTON said there was a large room in the Patent Office which that Department would not require for some years, and he therefore thought that would be the proper plan in which these things should be preserved until some arrangement could be made by which they could be made beneficial to the country.

Mr. CALHOUN said, in matters of this description, which were likely to involve other expenditures, great caution was necessary, and he should vote against the amendment.

Mr. LINN thought it was possible to exercise too much caution; he should desire to see an anatomy, as it were, of this great country, thus collected, and he believed the Patent Office was the proper place, which had been contemplated when that building was erected.

The amendment was then adopted—ayes 23, noes 16.

The bill was then reported to the Senate, and the amendments made as in committee of the whole were concurred in, except one offered by Mr. WALL making an appropriation of \$10,000 for the esta-

ishment of life boats at Rockaway, in the State of New York, and at Long Branch, in the State of New Jersey.

Mr. HENDERSON then moved an amendment to the amendment of the Senator from New Jersey, for the purpose of increasing the number of stations from 2 to 9, at various points of the extensive seaboard of this country, and the appropriation from \$10,000 to \$50,000.

Mr. NORVELL offered an additional amendment for the establishment of various similar establishments on the lakes.

Mr. SEVIER likewise submitted an amendment for the establishment of life-boat stations on numerous points of the Ohio river.

Mr. WALL said it was obvious these amendments were offered for the purpose of destroying the bill; and if the honorable Senator thought the lives of our sailors were worthy of the proposed appropriations for the trial of such an experiment, they would vote for the reconsideration of the amendment. He had offered the amendment in good faith; for he deemed the safety of the lives of our seamen required it.

Mr. BUCHANAN reminded the Senate that their sand was almost run, and that to-morrow, without a suspension of the rules, no appropriation bill could be sent to the President. They could not, by any possibility, do much more business; but if they passed much time in debate, they could not do that. When he was in Congress some years ago, it was understood that nothing should be introduced into an appropriation bill beyond that which was necessary to carry into effect existing systems, and that nothing new should be introduced. He hoped nothing would be added to this bill beyond that principle, and that the Senator from New Jersey would withdraw his amendment.

Mr. WALL defended his amendment, and said he was influenced by no local feeling in offering it.

Mr. KING hoped the Senator from New Jersey would withdraw his amendment, that the Senate might proceed with its business.

Mr. HENDERSON consented to withdraw his amendment, but

Mr. WALL refused to withdraw the amendment which he had proposed; and he asked for the ayes and noes thereon.

The amendment was negatived—ayes 12, noes 26.

The bill was then ordered to be engrossed, and read a third time.

On the motion of Mr. HUBBARD, the bill making appropriations for civil and diplomatic services of the year, was read a third time and passed.

The bill making appropriations for the support of certain Indians, after being considered as in committee of the whole, was ordered to be engrossed, and read a third time, as was also the bill making appropriations to defray the expenses of a delegation of Seminole Indians from Arkansas to Florida in attempting to effect a pacification of the of the Florida Indians; and the bills were passed.

The bill making appropriations for the support of the army for the year 1841, was taken up as in committee of the whole, and several amendments were made thereto, on the motion of Mr. BENTON—one for an additional appropriation of \$25,000 for the purchase of a site, and the building of an arsenal at Charleston, S. C. and another adding \$60,000 to the sum of \$300,000 mentioned in the bill as the appropriation for armories. He said \$360,000 was the usual appropriation, and \$300,000 only had been inserted in the bill, on the mistaken supposition that there was a surplus of \$60,000 in the Treasury.

Mr. SEVIER moved an appropriation to complete certain military roads, and he hoped he should have the support of the Senator from South Carolina, [Mr. PRESTON,] who had manifested such a desire to put the country in a proper state of defence.

The amendment was debated by Messrs. SEVIER, CALHOUN, LINN, ANDERSON, FULTON, WRIGHT, LUMPKIN, and WALKER, and was then negatived—ayes 18, noes 22.

Another amendment, offered by Mr. SEVIER,

making an appropriation of \$25,000 for the removal of the raft on Red river, was adopted.

Mr. KING proposed an appropriation of \$20,000 for a marine hospital at Mobile; which was not adopted.

Mr. PORTER proposed an appropriation of \$6,000 to defray the expense of surveying and designating the boundary line between Michigan and Wisconsin; which was debated by Messrs. WRIGHT, LINN, KING, CLAY of Alabama, and PORTER, and was opposed on the ground on which some previous amendments had been rejected, that it was not a proper appendage to the army bill.

The bills considered in committee of the whole, were severally read a third time, and passed.

Mr. WRIGHT reported from the Committee on Finance, without amendment, an act making appropriations for certain fortifications, which was considered as in committee of the whole, read a third time, and passed; and

The Senate then took a recess until 5 o'clock.

IN SENATE,
TUESDAY, March 2, 1841.
[EVENING SESSION.]

On motion by Mr. ROBINSON, the Committee on the Post Office and Post Roads, was discharged from the consideration of all subjects heretofore referred to them, and unacted on.

The bill making appropriations for the support of the army for the year 1841, was then taken up, the question being on agreeing to an appropriation for running the boundary line between Michigan and Wisconsin; which was agreed to, and the bill ordered to be engrossed for a third reading.

The motion of Mr. WALKER to reconsider the vote by which the bill making appropriations for the current and contingent expenses of the Indian Department for the year 1841 was ordered to be engrossed, was then taken up.

This proposition gave rise to an animated debate; the contested point being the provision to set apart the country west of the 19th degree of longitude in perpetuity for Indian settlement, Mr. SEVIER, Mr. CLAY of Alabama, and Mr. KING, in the affirmative, on the ground of the impropriety of confining the location of these Indians to the frontier of Arkansas and Missouri, and Mr. WALKER, Mr. TAPPAN, Mr. WHITE, Mr. ALLEN, Mr. BENTON, Mr. YOUNG, and Mr. WRIGHT, in the negative. The reconsideration was carried—ayes 31, noes 12, and the provision was stricken out.

Mr. SEVIER then moved to reconsider the appropriations for Indian treaties. In his opinion, there was no propriety of making treaties for the removal of the Indians, when you had not a foot of soil to put them on when you had removed them.

The motion was disagreed to.

Mr. WHITE moved to amend by adding \$5,000 for the expenses of the Miami treaty in November last, which was agreed to.

The bill was then ordered to a third reading.

The VICE PRESIDENT submitted a letter from the Secretary of the Treasury, transmitting a communication from the Register of the Treasury, in relation to the annual statement of commerce and navigation; which was laid on the table, and two thousand extra copies of the annual statement ordered to be printed.

Mr. BENTON submitted the following resolution for consideration:

Resolved, That the President of the United States be requested to cause to be laid before the Senate, at the commencement of the next session of Congress, a comparative statement of the condition of the public defences by land and water, and of all the preparations and means of defence, on the first day of January, 1829, and on the first day of January, 1841; together with a comparative statement of the actual and authorized strength of the army of the United States on the same days.

Mr. PRESTON objected to its consideration, and it lies over.

The bill making appropriation for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the Indian

tribes, for the year 1841, was read a third time, and passed.

The VICE PRESIDENT then rose, and addressed the Senate as follows:

Yesterday I intimated to the Senate that I should, some time during the session of this day, feel it my duty to retire from my seat, for the purpose of giving the Senate an opportunity of selecting a presiding officer, for the convenience of organization on the 4th of March; and I have selected this moment for that purpose, and to separate the official ties which have existed between myself and the members of this body for the last four years. I have much doubted the propriety of making any remarks on this occasion. What I say, therefore, shall be very brief, because the time would not permit, nor would it be proper for me to give utterance to all that my feelings suggest.

In taking my leave of the members of this body, language is inadequate to express the feelings which agitate my bosom. I have been associated with a very great majority of the members of the Senate, not only here during the last four years, but for many years, in the councils of our common country; and it has been my great happiness, during that period, whatever diversity of opinion or sentiment has existed between me and my political friends on minor points, or between me and those from whom I differ on points of greater magnitude, to know that my personal relations with them have ever been kind and tender. I was elected to the place I occupy by an equal vote of the Electoral College, and by a majority of the votes of the Senate, after having served my country for the term of thirty-two years—two years in my native State as a member of its Legislature, and thirty years in the Congress of the United States, either as a member of the House of Representatives or as a member of the Senate; and in the discharge of the labors and toils which devolved upon me in this chair—humble as was the attempt to discharge them faithfully—my station has been rendered pleasant and agreeable; and I must not omit to say that whatever momentary agitation or excitement in debate may have interrupted the harmony and quiet and order of the body, I can declare, with truth and with candor, that such has been the generous, the magnanimous course of the individual members of the body, and particularly such has been their indulgence towards me, who never studied the rules of order technically, that my station here has been rendered pleasant and agreeable. And if, in the discharge of my official duties, I have ever failed to gain your approbation or to meet your acquiescence in the course I have pursued, it has always arisen, not from any want of inclination, but from a want of ability on my part to have formed them better. It has been my constant endeavor to act with perfect impartiality towards the members of this body. I viewed each Senator as the representative of a sovereign and independent State, and as entitled to equal consideration from me. The place from which I am about to retire, will be occupied by a distinguished citizen of Virginia, who has been called by the voice of the people to this station; and I should not do justice to myself if I did not say that I retire from it without the least dissatisfaction; for, humble as have been my services to my country, I have been devoted to the great radical and fundamental principle of submission to the voice of the people when constitutionally expressed.

I now return to you, one and all, my grateful acknowledgments for the kindness and friendship which have always been extended towards me, and wish you all well, whatever destiny may attend you. And when I am far distant from you—as time must separate us all even here, not to speak of hereafter—as long as I shall have my recollection to remember the associations which I have had with this body, I shall always be animated by the sentiment of kindness and friendship with which I take my final leave of the Senate.

The VICE PRESIDENT having retired, and the chair being occupied by Mr. HUBBARD, Mr. MANGUM submitted the following resolution for the consideration of the Senate:

Resolved unanimously, That the thanks of the

Senate are due and are hereby tendered to RICHARD M. JOHNSON, the President of the Senate, for the dignity and impartiality with which he has presided over its deliberations.

The resolution having been read by the Secretary,

Mr. MANGUM said: I do not know, sir, that it will be out of place in me to rise in this Senate, on this occasion, to notice the conduct of our presiding officer, for I have had the honor of a personal acquaintance with that gentleman for many years past; and though it has been my misfortune, during a great portion of that time, to take different views on great political questions, I apprehend that I, in common with the great portion of the body of the people of the United States, can entertain but one sentiment respecting the kindness and excellence of his personal character; for his kindness, his generosity, his magnanimity, have placed him high in the estimation of every good man, without respect to political distinctions. I but give vent to my unaffected feelings of respect on this occasion, yet I should not have arisen and obtruded myself in advance of others, but for the consideration that it would proceed with a better grace from one who has taken different views, but whose private opinion of that distinguished man has never been impaired. I therefore move the unanimous adoption of the resolution.

Mr. CLAY of Kentucky said: I rise, sir, with peculiar satisfaction to second the motion of my friend near me. Perhaps that motion should have proceeded from myself, as one of the representatives of the State from which that gentleman comes. I should most undoubtedly have made such a motion, if it had not been made by the Senator from North Carolina; but I am happy that my friend has thought proper to offer this resolution. Sir, without meaning to refer at all to those great questions of national policy on which it is my misfortune to differ from the VICE PRESIDENT, who has just retired from the chair, I bear a willing testimony to his worth. He possesses that which I consider as one of the best qualities of our nature—an excellence of heart, and a kindness of disposition and of feeling towards all our common race. And in relation to the station he has filled, I can bear, as I do, with equal pleasure, this further testimony, that, on all occasions, he has evinced a perfect impartiality; and I have been able to judge, in the discharge of his duties, a quality amongst the first, if not the very first, to be possessed by the presiding officer of any deliberative body. Sir, he has been distinguished, both in the field and the cabinet of his country; and wherever he has been known, he has been esteemed and beloved for his patriotism, for his worth, and for his kindness of heart; and I hope, in the retirement which he is about to enter, he may continue to enjoy that felicity which should be ever felt and experienced by those who, whatever may have been their errors of judgment—and errors of judgment all must have made more or less—have the consciousness of having discharged, according to their best judgment, their duty to their country.

The resolution was then unanimously agreed to. The Senate then went into the consideration of Executive business,

And, at about 12 o'clock, adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, March 2, 1841.

Mr. DOTY of Wisconsin asked leave to introduce the following resolution; which was objected to:

Resolved, That the hours from twelve to half past two o'clock be set apart for the consideration of Territorial business.

Mr. TILLINGHAST, on leave, presented resolutions of the State of Rhode Island, on the subject of the public lands; which were laid on the table, and ordered to be printed.

Mr. GRAVES, also on leave, presented certain papers, (the nature of which could not be ascertained by the Reporter,) which were referred to the Committee on the Judiciary.

The SPEAKER stated that there was a motion pending for a call of the House.

On the question being taken, there were—ayes 47, noes 20.

So a call of the House was ordered.

The CLERK then called the roll, and one hundred and forty members having answered to their names, and a quorum being present,

All further proceedings in the call were dispensed with.

The question now recurred on the motion made yesterday by Mr. W. C. JOHNSON, that the rules prescribing the order of business be suspended, to enable him to submit a motion that the House proceed to the consideration of the bill from the Senate, entitled "An act to revive and continue the corporate existence of the banks in the District of Columbia."

On that motion the yeas and nays were ordered, and resulted—yeas 74, nays 71.

There not being two-thirds, the rules were not suspended.

The House then, in pursuance of the resolution adopted yesterday, resolved itself into a Committee of the Whole, (Mr. BAIGES in the chair,) and took up the following

SENATE BILLS:

- An act granting a pension to Lemuel White;
- An act for the relief of William P. Rathbone;
- An act granting a pension to Hannah Leighton;
- An act for the relief of Jacob Seeley;
- An act for the relief of William Jones;
- An act for the relief of Charles M. Keller and Henry Stone;
- An act for the relief of Lieutenant John E. Bispham;
- An act for the relief of Avery, Saltmarsh, and Co.;
- An act for the relief of John Carter;
- An act for the relief of Joseph Bogey;
- An act for the relief of Jean Baptiste Comeau;
- An act for the relief of Francis H. Harrison; and
- An act for the relief of the heirs of Miguel Es-lava.

Mr. CAVE JOHNSON moved to strike out the enacting clause of the last named bill.

After some remarks by Messrs. C. JOHNSON, MOORE, RARIDEN, BRECKENRIDGE, LEAD-BETTER, DILLET, SMITH of Maine, POPE, WISE, DOWNING, and CRABB, the question was taken on striking out the enacting clause, and decided in the affirmative.

The committee then rose and reported the bills, with various amendments, to the House.

The act for the relief of the heirs of Miguel Es-lava, and the act for the relief of Francis A. Harrison, were laid aside till to-morrow, and the others were severally read a third time and passed.

After the bill for the relief of Avery, Saltmarsh and Co. had passed,

Mr. EVERETT moved that the vote on its passage be reconsidered.

No action was taken on the motion. It will come up to-morrow.

On motion of Mr. VANDERPOEL, the House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. WISE in the chair,) and took up the bill providing for the support of the Military Academy for the year 1841.

After the bill had been read through, Mr. ANDREWS moved to strike out the enacting clause; which motion was rejected.

The bill was then read by clauses, and there being no amendment offered, it was laid aside to be reported.

Mr. EVANS moved that the committee take up the bill making appropriation for surveys, and other purposes; which motion was agreed to.

The bill was then taken up, and numerous amendments offered; pending the consideration of which, the hour having arrived, the House took its usual recess.

[EVENING SESSION.]

After the recess—

The House resumed its session in Committee of the Whole, and after some time spent therein, the committee rose and reported

The bill making appropriation for the support of the Military Academy at West Point for 1841, without amendment.

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

Continued from No. 14.

Also the bill making appropriation for surveys and other purposes, without coming to any resolution thereon.

The above bill making appropriation for the support of the Military Academy at West Point was then, after some debate, which will be noticed hereafter, read a third time, passed, and sent to the Senate.

The House then went into Committee of the Whole, and considered the amendments of the Senate to the bill making appropriations for the civil and diplomatic expenses of Government for 1841.

FEES OF NEW YORK COLLECTOR.

The question being on agreeing to an amendment of the Senate to the general appropriation bill, restricting the allowances of the Collector of the Customs at New York,

Mr. WISE said that the Investigating Committee appointed some years since, discovered that the Collector of the port of New York received immense sums from storage, in addition to his regular salary; and, in consequence of a report made by that committee, the salary of the collector was restricted in 1839 to \$4,000. That officer had then admitted that he made a profit of 7 per cent. on the protest money retained in his hands. He had been ordered by the Department to pay over these moneys to the Government, but he had positively refused to do so, replying to the Secretary of the Treasury that "he intended, when he should go out of office, to have his accounts settled according to Shrewsbury clock." This same collector had now resigned; but he was not a defaulter; oh no! there was now a more refined phrase in use—he "retained the fees," (which amounted to the moderate little sum of \$140,000.) Yet every other charge he had made in the settlement of his account, had been allowed by the Department. What should have been done with such a man, when he refused to pay over moneys belonging either to the merchants of New York, or to the Government of the United States? He ought to have been "expunged." The Government ought to have clipped his official head off his shoulders, and said, "so much for Hoyt." Instead of this, the Government might cry, "so much for our \$140,000."

Mr. VANDERPOEL observed, he was compelled to say a few words in reply; and what he said, should be on his responsibility as a member. A great many vague and erroneous rumors were in circulation about this affair of Mr. Hoyt, and he would now state it as he had understood it to be from the best authority. He would state, in the first place, that the balance retained in Mr. Hoyt's hands was only \$40,000, and the greater part of this was for official fees received by him. It had formerly been thought that the bill fixing the salary of the collector, cut off all fees for entries, permits, etc.; and under this impression, the predecessors of Mr. Hoyt had paid over these fees to the department. But Mr. Hoyt, on further examination, had come to the conclusion that the law did not forbid him to receive these fees; and, in this opinion, he claimed to be supported by a decision of Judge Story, establishing a legal distinction between "emoluments" and "fees;" and as the law cut off only "emoluments," he insisted that "fees" did not come under its provisions. The Treasury resisted this interpretation of the collector, and sued Mr. Hoyt for the amount of fees in his hands. The matter had been submitted to the President, who, after a personal examination of the question, had decided against the collector, and ordered him to be sued; and his sureties had been prosecuted accordingly, and Mr. Hoyt had been ordered to deposit the balance in court, to abide the issue of the suit. On this the collector, seeing what was coming, resigned, and had not paid over the money as ordered. Mr. V. said he was personally acquainted with Mr. Hoyt's bail, and believed them to be worth more than five times as much as the

amount claimed by the Government to be due from him. He believed and hoped, too, that Mr. Hoyt himself was able to pay it.

Mr. Hoyt had offered to discharge the duties of the office till a successor should be appointed, but the President had refused the offer, and nominated a successor, and the Senate had confirmed the nomination. Mr. Hoyt was the political and personal friend of the President; but the latter would not, it seems, treat him more leniently than he had treated others who retained money under circumstances somewhat similar.

He would add one word on the subject of fees. The collector had been in the habit of receiving, as was said by many, and believed, from \$10,000 to \$15,000, in the shape of storage, and nearly \$15,000 more in the form of fees. The fees had been excluded by the amendment adopted in the Senate, but the storage had been always conceded, as a perquisite of the collector's office at New York; but the Senate's amendment proposed to cut that off also. There were no public stores in New York. The collector, therefore, hired buildings on his own account, and on all goods stored there he charged importers for storage. The section in the act of 1839, to which the gentleman from Virginia [Mr. WISE] referred, as cutting off storage, had no more to do with that subject than a text from the Heidelberg Catechism. But the effect of the Senators' amendment, which would soon be read, was to cut off all fees; and leave the collector to his salary of \$4,000, and his storage to the extent of \$2,000 more, now put together in one sum of \$6,000. In addition to this, the collector got one-sixth of all seizures, fines, and forfeitures; which seemed a necessary incentive to vigilance in preventing frauds and abuses.

Mr. MORGAN observed that his colleague had defended the New York collector.

Mr. VANDERPOEL said he had not; he had merely stated the facts, and not by way of defence.

Mr. MORGAN gave it as his opinion that, instead of being a defaulter only to the amount of \$40,000, it would turn out, when the facts were fully investigated, as they soon would be, that this man was a larger defaulter than Price. The claims of Mr. Hoyt were understood to be over \$200,000, under the pretext of a guarantee for his responsibilities for seizures. Mr. M. suspected he would be found treading in the footsteps of his predecessor.

The committee having concurred in the amendments of the Senate, the bill, as amended, was reported to the House.

The amendments were then concurred in by the House, and the Clerk directed to apprise the Senate of that fact.

After the disposal of motions relative to private business, an account of which will be given hereafter,

At ten minutes before 10 o'clock,

On motion of Mr. BEATTY,

The House adjourned.

IN SENATE,

WEDNESDAY, March 3, 1841.

The Senate was called to order by the Secretary, and proceeded to ballot for a President *pro tempore*, and the votes being counted, the following was declared to be the result:

Whole number of votes	30
Mr. KING received	16
Mr. SOUTHARD	9
Scattering	5

Mr. KING, having received a majority of the whole number of votes, was declared to be duly elected; and having been conducted to the chair by Mr. BENTON and Mr. CALHOUN, in a short and pertinent address, expressed his grateful sense of the manifestation of the kindness and confidence of his brother Senators. It had been his fortune to preside over that body, as President *pro tempore*, for

several years: how he had discharged the duties of that station was known to every Senator present. He had ever attempted to discharge those duties with faithfulness and with the utmost impartiality. During the short period that remained of the present session, he hoped to continue to give evidence to the body of the same desire to discharge faithfully the duties of the station to which they had called him.

He must be permitted to say that he had witnessed on several occasions at the close of the sessions of Congress, a degree of excitement which did not, in his opinion, comport with the grave duties of the Senate, and which was calculated to impair the weight of their deliberations, and was not calculated to facilitate the despatch of their business. He trusted that spirit would be banished for the residue of the session, and that they should be actuated by that spirit of kindness and courtesy, and of self as well as personal respect, which ought to characterize the deliberations of that body, consisting of the representatives of great, of sovereign, and of independent States. But if, unfortunately, there should be any departure from strict order, he should feel it his duty to check it instantly; it was an obligation which he felt rested upon him to do so, but at the same time, he should do it in no spirit of unkindness. He trusted, however, he should have no occasion to exercise the power with which they had invested him, and that they should part as they had met, with sentiments of good feeling and kind fellowship.

On motion by Mr. SMITH of Connecticut, the Committee on Revolutionary Claims was discharged from the further consideration of all the subjects heretofore referred to them, and unacted on.

Similar motions were made by Mr. PIERCE, from the Committee on Military Affairs, and Mr. NORVELL, from the Committee on Commerce.

Mr. BENTON, from the Committee on Military Affairs, to which was referred the memorial of Major General Jesup, reported that, in the opinion of the committee, the prayer of the memorialist was reasonable, that it ought to be granted, and it would be accomplished by the printing of the memorial, which he accordingly moved, and the motion was agreed to.

Mr. STURGEON, from the Committee on Patents, to which was referred the memorial of Hazard Knowles, asked to be discharged from its further consideration, and that the memorialist have leave to withdraw his papers; which was agreed to.

The following resolution submitted some days since by Mr. HENDERSON, was considered and agreed to.

Resolved, That the Secretary of War be directed to furnish the Senate, as soon as convenient, either at this or the next session of Congress, with the best information he may obtain of the practicability of establishing a foundry and manufactory of arms on the banks of the Mississippi river, between St. Louis, in Missouri, and Memphis, in Tennessee, giving his opinion as to the site most practicable, with his reason therefor, predicated on the advantage and stability of the river bank; its convenient supply of ore, fuel, healthfulness of the locality, and other considerations promotive of the objects of such an establishment.

The following resolution submitted yesterday by Mr. BENTON, was considered and agreed to:

Resolved, That the President of the United States be requested to cause to be laid before the Senate, at the commencement of the next session of Congress, a comparative statement of the condition of the public defences by land and water, and of all the preparations and means of defence, on the first day of January, 1829, and on the first day of January, 1841; together with a comparative statement of the actual and authorized strength of the army of the United States on the same days.

The resolution submitted by Mr. KNIGHT, from

the Committee on the Contingent Expenditures of the Senate, allowing additional compensation to the assistant doorkeeper, and to the messengers, pages, and laborers of the Senate, and of the office of the Secretary of the Senate, was taken up for consideration.

The resolution was opposed by Mr. HENDERSON, and advocated by Messrs. FULTON, NORVELL, PORTER, and CLAY of Alabama, and was agreed to—ayes 29, noes 6.

The bill to provide for the support of the Military Academy for the year 1841, was taken up.

Mr. WALKER proposed an amendment appropriating \$20,000 for the continuation of the military and geographical surveys west of the Mississippi; which was agreed to, and the bill was ordered to a third reading.

Mr. PRENTISS, from the Committee on Patents, to which was referred the bill for promoting the progress of useful arts by securing the right of invention and copy-right to proprietors of new designs for manufactures for a limited time, reported the same without amendment, and it was laid on the table and ordered to be printed.

On motion by Mr. WILLIAMS, the House bill concerning navy pensions and half pay was taken up, and the amendments of the Committee on Naval Affairs having been concurred in,

Mr. WALKER moved to amend the bill so as to provide for the widows of those who have died or may die in the service; which was rejected, and the bill was ordered to a third reading.

The bill to provide for the support of the Military Academy for the year 1841, was read a third time, and passed.

On motion by Mr. PIERCE, the Senate proceeded to the consideration of the House bill to extend, for five years, the act approved July 7, 1838, granting half pay and pensions to certain widows.

Mr. P. proposed an amendment to the bill, which would embrace within its provisions those embraced in the law of 1836; which Mr. P. advocated at some length. He was followed in the debate, in which the policy of the pension system was discussed, and in which Messrs. WALKER, HUNTINGTON, SMITH of Connecticut, BENTON, PRESTON, CALHOUN, BATES, MERRICK, WRIGHT, and BUCHANAN, participated, and the bill was ordered to be laid on the table.

The bill concerning navy pensions and half pay coming up on its passage,

Mr. WALKER moved a reconsideration of the vote by which it was ordered to a third reading, for the purpose of proposing an amendment in relation to the widows of those who have died or may die in the service.

The motion to reconsider was lost—ayes 17, noes 23; and the bill was read a third time, and passed.

Mr. BUCHANAN presented a memorial of citizens of Pennsylvania, stating several provisions, which, in their opinion, should be incorporated in any bankrupt bill that might pass the Senate: the memorial was then laid on the table.

The Senate then took a recess until 5 o'clock.

[EVENING SESSION.]

Mr. TALLMADGE presented resolutions of the Legislature of New York in relation to the disposition of the public lands; which were laid on the table, and ordered to be printed.

Mr. WRIGHT said, as there was no business before the Senate, he would submit the following resolution which was considered and agreed to.

Ordered, That the Secretary inform the House of Representatives that the Senate, having finished the legislative business before them, are ready to adjourn.

On motion by Mr. TAPPAN,

Ordered, That a joint committee be appointed to wait on the President of the United States, and notify him that, unless he have other communications to make to the two Houses of Congress, they are ready to adjourn.

Mr. TAPPAN and Mr. WRIGHT were appointed said committee on the part of the Senate.

The bill making compensation to the State of Maine for the services of her militia, came back from the House with an amendment, appropriating

\$208,000 to the State of Georgia, for expenses incurred on account of militia called out to protect her inhabitants against Indian aggression.

The bill was taken up, and the question being on concurring in the amendment of the House,

Mr. CLAY of Alabama moved to amend the amendment, authorizing the auditing and settlement of the claim of Alabama for expenditures incurred in calling out her militia for similar purposes.

Mr. C. urged with much earnestness the justice of this claim, and the propriety of providing for its auditing and settlement. He was followed by Messrs. SOUTHARD, MANGUM, PRESTON, LINN, BAYARD, SEVIER, MERRICK, WRIGHT, and PIERCE, when

Mr. MANGUM moved to lay the whole subject on the table.

Mr. WILLIAMS demanded the yeas and nays, and the motion was withdrawn.

The question was then taken on the amendment proposed by Mr. CLAY of Alabama, and decided in the negative—ayes 14, noes 14, as follows:

YEAS—Messrs. Anderson, Benton, Clay of Alabama, Cuthbert, Fulton, King, Mangum, Merrick, Nicholson, Norvell, Pierce, Surgeon, Tallmadge, Walker—14.

NAYS—Messrs. Bayard, Choate, Henderson, Huntington, Porter, Preston, Rives, Ruggles, Smith of Indiana, Southard, Tappan, Wall, White, Williams, Wright—14.

Mr. PIERCE then proposed an amendment appropriating \$6,000 in payment of the claim of New Hampshire for services of her militia; which was negatived—ayes 14, noes 16.

The question then coming up on agreeing to the amendment of the House in relation to the claim of Georgia, Mr. CUTHBERT addressed the Senate in support of the motion, and submitted a letter from the Secretary of War in favor of the claim, and the amendment was concurred in—yeas 27, noes 3. The bill was then passed.

Mr. TAPPAN having obtained the floor, said that the joint committee appointed to wait on the President of the United States, and inform him that the two Houses of Congress were ready to close the present session by adjournment, reported that they had performed the duty assigned them, that the President informed them he had no further communication to make, and expressed his warm wishes for the welfare and happiness of the members, and their safe return to their families.

Mr. TAPPAN then moved that the Senate adjourn.

Previous to putting the question, the PRESIDENT *pro tem.* in a few brief and pertinent remarks, took leave of the Senate, and the motion being carried in the affirmative,

The Senate adjourned *sine die*.

HOUSE OF REPRESENTATIVES,

WEDNESDAY, March 3, 1841.

Mr. MITCHELL asked leave to submit the following resolution:

Resolved, That the Clerk be authorized to procure from the respective publishers, and furnish such members of the House of Representatives as have not received them under former orders, the following books, and pay for the same out of the contingent fund of the House, being such, in part, as have been supplied to members of the last and preceding Congresses, viz: the Congressional documents compiled by order of Congress, entitled State Papers, the Register of Debates, Elliot's Debates Contested Elections, and the Land Laws and opinions compiled by order of the Senate; but nothing herein contained shall be construed to authorize the reprinting of either of the above works.

Objection being made,

Mr. MITCHELL moved a suspension of the rules prescribing the order of business.

The question was taken by yeas and nays—yeas 72, nays 58—not two-thirds.

So the rules were not suspended.

The House then took up the Senate bill entitled "An act for the relief of Francis A. Harrison," which was laid aside on yesterday.

Mr. HOPKINS having explained briefly the principles involved in the bill,

Mr. L. WILLIAMS moved that it be laid upon the table.

Mr. BOYD said he hoped that the gentleman would not press his motion until an explanation could be made on the other side. It is true, Mr. Speaker, (remarked Mr. B.) as is stated by the gentleman from Virginia, [Mr. HOPKINS,] that the Committee on the Post Office and Post Roads have reported against the passage of the bill on your table; but it is also true (and I state it as an offset to the committee's report,) that the bill has passed the Senate twice, and that, too, as I understand, without one dissenting voice.

Mr. Harrison, the Postmaster at Paducah, Kentucky, (said Mr. B.) swears that a certain amount of money in his possession, belonging to the Post Office Department, was consumed by fire, under circumstances which rendered it utterly impossible for him or any body else to save it. A number of respectable citizens of the town state, in a memorial accompanying the bill, that the post office was kept in an eligible place, and in a suitable house near the centre of a front row of buildings in said town; the whole of which row of buildings was, together with all the principal part of the town, and nearly every species of property contained therein, wholly consumed. The fire was at the dead hour of the night, and the destruction of property was immense.

The honesty and private worth of Mr. Harrison is also fully proved, but on this point, I myself can bear testimony. I have known that man ever since I was three feet high, and, sir, from that time up, I have never heard him charged with a dishonorable act. But, sir, nobody seems to doubt the truth of Mr. Harrison's statement. The committee do not assume that there is any reason to doubt on that point. But they reported against the bill because they were of opinion that there existed no precedent in our previous legislation, involving the principle assumed in the bill. Now, sir, on this point I beg leave to call the attention of gentlemen to a case directly in point. I allude to the case of J. D. Hay, in 1814. He was postmaster at Vincennes, Indiana, and lost about the same amount of post office money by fire which Mr. Harrison did. Mr. H. took an oath as to the circumstances and amount of the loss. His neighbors bore testimony, in like manner, to his good character, and Congress relieved him from the payment of the money. Now, sir, if it was right to relieve Mr. Hay then, I appeal to gentlemen to say if it is not also right to relieve Mr. Harrison now. There are other cases, said Mr. B. and a great number of them, which might be cited, having a strong bearing as precedents to justify the passage of this bill. But, sir, I will not detain the House to give them in detail. I know that, to ensure the destruction of a measure at this late period of the session, it is only necessary to make a long speech about it. That the ends of justice will be met by the adoption of this measure, there can be no doubt; and I do hope gentlemen will withdraw their opposition, and that the bill will be passed.

After some remarks by Mr. ADAMS in favor of, and by Mr. CONNOR in opposition to, the bill,

The question was taken on the motion of Mr. L. WILLIAMS, and decided in the affirmative—ayes 85, noes 62.

So the bill was laid upon the table.

The question now recurred on agreeing to the amendment of the Committee of the Whole, to strike out the enacting clause of the bill entitled "An act for the relief of Miguel Eslava."

After some remarks by Mr. RARIDEN, the House refused to concur in the amendment and the bill was then read a third time and passed.

On motion of Mr. SERGEANT, the House took up Senate bill entitled "An act respecting the heirs of Agnes Dundas;" also,

On motion of Mr. CURTIS, Senate bill to abolish the office of Surveyor of the Customs of Currituck Inlet, North Carolina; which bills were severally read a third time, and passed.

Mr. CRABE moved a suspension of the rules for the purpose of taking up the bill to reorganize the judicial courts of the United States; but the motion did not prevail.

On motion of Mr. JONES of Virginia, the House then resolved itself into a Committee of the Whole, and considered the amendments of the Senate to the Naval Appropriation bill.

And the same having been concurred in, The amendment of the Senate to the bill making appropriation for the support of the Academy at West Point, was next considered, and also concurred in.

The amendments of the Senate to the Army bill were then considered, and concurred in.

The amendments of the Senate to the bill making appropriation for the destitute Kickapoo Indians, and for the removal of the Swan Creek and Black River Indians of Michigan, were adopted, with the exception of that in favor of Clements Bryan, and Co. On this amendment a debate arose, which had not terminated when the House took its usual recess.

EVENING SESSION.

After the recess—

On motion of Mr. JONES of Virginia, the Committee rose and reported on the amendments of the Senate to the army, navy, and Indian appropriation bills, leaving to be considered hereafter the amendment relating to Clements, Bryan and Co.

Mr. SERGEANT, from the Judiciary Committee, on leave, made the following report:

"The Committee on the Judiciary to whom was referred sundry memorials from citizens of New York, complaining of the official conduct of Alfred Conkling, Judge of the District Court of the United States for the Northern District of New York, and also a letter from Judge Conkling to the Hon. Christopher Morgan, explanatory of his conduct in the particular complained of in the memorial, report:

"That, having duly considered the complaint and the explanation, they are of opinion that there is not ground for the interposition of the power of this House. In coming to this conclusion, they would not be understood to approve the conduct of Judge Conkling, nor even to acquit him of some impropriety in the instance complained of. In saying to the recognizers, after the verdict was given, (as he admits he did,) 'I extremely regret the small respect you have shown for your oaths,' he was making an imputation beyond the line of his duty, and inconsistent with the mutual regard by judges and jurors for each other's rights and feelings which is essential to the due administration of justice.

"But the committee do not believe that there was any corrupt motive on the part of the judge, and they think that a single instance of the undue influence of excitement, though it must be disapproved, ought not to be visited with undue severity. Repeated incidents of the same kind, should they occur, might be deemed characteristic, and as such to require a corresponding measure of correction, lest the effect might be to injure, if not to destroy, the administration of justice. The proper application of one such occurrence is to let it serve as an admonition to guard against the indulgence of temper, and especially to avoid the imputation of undue motives where they are not legitimate subjects of inquiry.

"The committee, therefore, offer the following resolution:

"Resolved, That the committee be discharged from the further consideration of the subject."

Mr. CURTIS, from the Committee on Commerce, made an adverse report upon the petition of the Steam Navigation Companies, praying an alteration of the law of debentures so that drawback of duties may be allowed upon foreign coals exported from the United States, and consumed on board of steamships on the high seas; which was ordered to be printed.

The House then again resolved itself into Committee of the Whole on the state of the Union. Mr. LINCOLN was called to the chair of the committee.

Mr. EVANS moved the consideration of the bill to provide for the payment of the militia claims of the State of Maine.

Mr. TURNEY called for the consideration of the unfinished business of the committee, to wit: the amendments of the Senate to the bill making an appropriation for the relief of destitute Kickapoo Indians, &c.

Mr. WISE insisted that these amendments was the business actually before the committee without a question.

The CHAIR assented.

Mr. GRAVES then claimed that the bill making appropriations for surveys and light-houses, which was before the committee yesterday, and remained unfinished, took precedence of any thing else.

Much confusion here arose as to precedence of business.

The House at length resumed the consideration of the amendment to the bill making appropriations for the relief of destitute Kickapoo Indians, and for the removal of Swan Creek and Black River Indians.

The question pending was on a proposition to make the amendment of the Senate providing for the claim of Bryan, Clements and Co. conform to a proposition submitted by the Committee of Claims of this House for the settlement of the same case.

Mr. STANLY opposed the amendment of the Senate unless the amendment of this House was adopted, in which case he would vote for it.

An animating and exciting debate took place on this claim, in which it was advocated by Messrs. CLARK, BROWN, of Mississippi, and GALBRAITH; and opposed by Messrs. TILLINGHAST, WISE, GRAHAM, GIDDINGS, and RUSSELL.

Mr. LEET said: Mr. Chairman, there is no time, at this late hour of the session, to make apologies for trespassing upon the attention of the committee; therefore, I offer none. It may be permitted to me, however, to say, that I would not have risen on this occasion, did I not consider and believe the proposition now pending to be fair, and such as ought to be adopted; and, furthermore, did I not think that it was the determination of those honorable gentlemen who are hostile to the measure, to defeat its passage by the use of arguments which in their estimation may induce honorable members to vote in the negative. Why, Mr. Chairman, what are we invoked to do? Is it to make a direct appropriation of any particular sum of money? No. The Senate amendment, now under discussion, creates a tribunal to which the claims of Clements, Bryan, and Co. shall be referred, and directs that the claim shall be determined according to principles of equity. Without intending now to go at any length into the merits of this claim, I desire merely to remark that, as I understand, the persons named in the amendment entered into a contract with the regularly constituted agents of this Government, in the year 1838, for furnishing provisions for the Cherokee Indians in their march to the west of the Mississippi; that in pursuance of that contract, a part of the provisions were actually furnished, on which a profit was made, and then the contract was abrogated by the Government agents; in consequence of which, the contractors sustained a heavy loss. The loss was the greater, because, in accordance with the terms of the contract, a large amount of provisions had been purchased.

Now, Mr. Chairman, does it not appear as clear as any thing can be, that the claim of these persons is predicated upon a breach of contract on the part of the agents of the Government?

Mr. WISE here said, with the permission of the gentleman from Pennsylvania, [Mr. LEET,] he would ask him a question. Does he know that there ever was such a contract as he speaks of? Did he ever see it himself?

Mr. LEET proceeded to say, that in reply to the honorable gentleman from Virginia, he would remark, that he had not seen the contract in question; but he had been informed by those in whom he could repose full confidence, that such a contract had been entered into; and he would further say, that from the information given him, he believed such a contract did exist. He believed it, as he would feel bound to believe any fact which his honorable friend from Virginia [Mr. WISE] might tell him of.

Mr. WISE then read from the report of the Committee on Private Claims of the House of Representatives, a clause stating, in substance, that

the contract was subject to the approval of General Scott, and that bonds were required to be given.

Mr. LEET continued and said: Mr. Chairman, suppose, if you choose, that this contract was subject to the approval of General Scott, yet still it shows no reason wherefore this amendment should not prevail. Were not a part of the provisions furnished? Was not that an approval of the contract? Surely it was.

I am, said Mr. L. just now again assured, by a friend from Tennessee, that there was a contract, and that its requirements were complied with by Messrs. Clements, Bryan, and Co. Now, sir, this amendment, as I said before, does not directly appropriate money, but imposes upon the Secretary of War the duty of ascertaining and liquidating the damages sustained by the claimants, and authorizes that the sum ascertained shall be paid out of the Treasury. In Pennsylvania, which I have the honor in part, in my humble manner, to represent, we are accustomed, in cases of claims against the Government, growing out of contracts with individuals, and especially when accounts are to be carefully and patiently examined, to refer the matter to some tribunal who may have time for investigation. Loco Foco as I am, (as gentlemen of the Opposition are wont to call me and the party with whom I act,) I am entirely willing to confide the settlement and final adjustment of this business to the honorable gentleman [Mr. BELL] who will, in a day or so, be the Secretary of War. Such an arrangement would be fair as between individuals; and surely it can't be unfair as between the Government and an individual or individuals. But the honorable gentleman from Virginia [Mr. WISE] says we are as competent as any tribunal that can be erected, to decide the amount, if any, due to the claimants; and therefore, we should not transfer this power. Doubtless the honorable members of this House individually are altogether capable of doing as the gentleman says, but can we, as a House, now do it? Can we hope now, in the midst of the confusion and noise of the last hours of the session, satisfactorily to ourselves and the country, settle and determine this matter? Why, sir, at this moment, upon the eve of our adjournment without day, anxious as every honorable member is to turn his face homeward, the apparently unavoidable confusion would seem to me to utterly forbid any attempt at a patient investigation of the amount due these claimants. Why, sir, a man can hardly hear himself, though he speaks with a stentorian voice.

Sufficient has been made manifest to prove, that these persons named in the amendments have an equitable claim against the Government. I cannot see why we should not provide for their getting an impartial and patient hearing. Shall we, sir, say to these men, who have been knocking at your door for a hearing, Go thy way, it is not now convenient to inquire into these accounts between you and the Government? Would that be fair? I think not.

As regards the technical objection taken by honorable gentlemen, I will not detain the committee in discussing. I look at the justice of the matter, and believing the claim to be fair, and that the Government cannot be prejudiced by the passage of the amendment, I shall therefore cast my vote for it.

The question was then put on the amendment of this House to the amendment of the Senate—Ayes 73, noes 91.

So the amendment to the amendment was rejected.

Mr. WISE inquired if any one could tell him who were the actual claimants in this case.

Mr. STANLY said it was useless to contend any longer; there were too many claimants *within the bar*, (laying much emphasis on the last words.)

Mr. WISE made further remarks as to who are the owners of the claim.

Mr. WATTERSON said there were no persons whatsoever concerned in the claim but those whose names appeared on the face of it—Clements, Bryan, & Co. the Co. was intended to cover Gen. Clements, the brother of the claimant now here.

Mr. WISE asked Mr. W. if he asserted this on own knowledge, or from information from others?

Mr. WATTERSON. On my own knowledge.

Mr. WISE then read a portion of the report of

Committee of Claims, stating a suspicion of secret partners.

Mr. BROWN of Tennessee gave a full statement of the ownership of the claim.

Mr. CLARK thought it was a question the House had nothing to do with; the question to be decided was as to the justice and equity of the claim.

The question was then put to concur in the amendment of the Senate—ayes 95, noes 52.

So the amendment was adopted.

Mr. EVANS then called for the consideration of the bill to provide for the militia claims of the State of Maine.

The question being put on taking up the bill, there appeared—ayes 92, noes 33.

So the bill was taken into consideration by the committee.

Having been read—

Mr. DAWSON proposed to amend, by a provision appropriating \$208,618 to pay the militia of Georgia for services rendered in the Indian war. The amendment was adopted.

Mr. PROFFIT inquired what amount of money was required to pay the militia of Maine; and he wished to know by what authority the militia were called out. He wished the sum to be paid to be limited in the bill.

Mr. EVANS answered that the accounts were not audited, and, consequently, the amount was not ascertained. That Maine had paid about \$600,000, but did not expect to get, through this bill, over \$200,000; leaving the State of Maine to pay out of her own Treasury about \$400,000. The troops were called out by the Governor of Maine, and not by the United States, as the militia of Georgia, Alabama, Tennessee, and other States, had been called out. Mr. E. then, with great earnestness, advocated the bill.

The bill was then, on motion of Mr. W. THOMPSON, amended by restricting the sum to \$205,000.

Mr. ATHERTON then moved an amendment to cover the claims of New Hampshire for militia called out at Indian Stream.

Mr. SMITH of Maine objected to the amendment as out of order, for the reason that a bill was pending before the House for the same purpose.

The CHAIR said it was substantially the same.

Mr. ATHERTON referred to a note accompanying the rule.

Mr. SMITH asked if Mr. ATHERTON appealed?

Mr. ATHERTON appealed, and argued in support of the appeal.

The question was then taken, and stood: Ayes 50, noes 40. No quorum voting.

Mr. ATHERTON insisted that the question should be taken again.

Mr. THOMPSON argued in favor of the appeal.

Mr. VANDERPOEL took the same ground.

When the question being put, the decision of the CHAIR was sustained—ayes 72, noes 65.

Mr. LEWIS then moved an amendment to cover the claim of Alabama for services of militia in the late Creek war.

Mr. TRIPLETT inquired if the claim of Alabama had been presented and reported on by any committee.

Mr. LEWIS answered, the claim had not been presented or reported on; he had not had an opportunity to present the claim, but the memorial had been his possession many weeks. The claim he believed to stand upon the same footing as that of Georgia, which had just been voted in.

Mr. CRABB stated that the claim had been presented, and referred to the Committee on Military Affairs many weeks ago, but not reported on.

The amendment was adopted—ayes 68, noes 53.

Mr. DODGE offered the following amendment, viz:

"For the payment of the Iowa militia, called into service upon an order from the Governor, in accordance with a requisition from the United States Marshal, \$14,000."

Mr. DODGE said that, during the last summer, in conformity with a resolution adopted by the House of Representatives, the Secretary of War had appointed Lieut. D. Ruggles, of the United States army, to muster the Iowa militia, called in-

to service upon a requisition from the United States marshal. That officer had performed the duty which was thus assigned him, in a most gentlemanly and correct manner, (which Mr. D. knew from his own personal knowledge,) and had made his report to the Secretary of War, by whom it was submitted to this House, and, on Mr. D.'s motion, referred to the Committee on Military Affairs. That committee had agreed upon a report, which they had not, as yet, had an opportunity of presenting to the House, but with which he (Mr. D.) had been furnished through the politeness of one of its members, [Mr. ALLEN,] and which he would send to the Chair, that it might be read for information, not doubting but that the appropriation would be willingly voted when members heard and fully understood the grounds upon which the claim was predicated.

The report having been read,

Mr. THOMPSON of South Carolina said that he had given his consent privately, that the report should be brought into the House; but, nevertheless, felt himself bound to oppose the amendment as setting a dangerous precedent in similar cases which might hereafter arise. Mr. T. concluded by expressing his opinion that no necessity had existed for calling out the militia of Iowa, and that the Governor, in doing so, had acted improperly.

Mr. WISE strenuously advocated the amendment, and said he would vote for it, because he considered the appropriation asked for to be just and proper, and the account presented by the gentleman from Iowa, made out in compliance with existing laws. He had always believed that the Governor and people of the Territory were right in the course which they had pursued in relation to her boundary, and conceived that every friend of State Rights was bound to stand up for Iowa.

Mr. W. remarked that Iowa had started fair in support of State Rights; and he could not see how the gentleman from South Carolina, thorough-going Nullifier as Mr. W. was in other days, could oppose the amendment; for, if what he had heard was true, that gentleman had even patted little children on the head because they were nullifiers. Now, although he (Mr. W.) was no nullifier, yet he patted little Iowa upon the head for resisting the incursions of the armed force of the State of Missouri.

Mr. DODGE said that, although he had no disposition to protract this debate, he felt himself bound to disabuse the minds of the committee, as the gentleman from South Carolina [Mr. THOMPSON] had clearly intimated that the authorities in Iowa had acted prematurely in this matter, and had been the first to call out a military force. Such (said Mr. D.) was not the truth. Iowa made no display of military force until driven to it by an unjust and unholy attempt upon the part of Missouri to extend her jurisdiction beyond Sullivan's line—the line which Missouri had recognised, by the most solemn acts of legislation upon her own part, for upwards of twenty years, as her true northern boundary.

Mr. D. thanked God that Iowa had a Governor (Robert Lucas) and a people who would stand up for her rights when and wherever assailed. Even admitting, as the gentleman from South Carolina contended, that the call on the militia was illegal and improper—which he (Mr. D.) could never do—still it would be obligatory upon Congress to pay the militia of Iowa, because they had acted in obedience to the orders of the officers whom the Government had placed over the people of the Territory, and whom they, as law-abiding citizens, were bound to obey.

Sir, (said Mr. D.) this call was made upon us in the midst of winter, when the snow upon the ground was a foot in depth—to defend what? Why, sir, your territory, and maintain the boundaries which you, the Congress of the United States, had assigned to us in our organic act; and, sir, if our Governor and people had acted otherwise than they did act, it would have been a dereliction of duty upon their part, for which they would have deserved the reproach of every true-spirited American. A thousand militiamen of the State of Missouri were marched upon our line for the purpose of

collecting taxes from us, and an attempt was even made to possess themselves of one of the counties of our Territory. And, sir, instead of being reproached by members of this body, the Governor and people of Iowa deserve the thanks of Congress for the prompt and manly manner in which they shouldered their muskets to repel an insolent and tyrannical invasion of their dearest rights and of the laws of the United States.

Mr. D. concluded by expressing his sincere hope that the House would make the appropriation, which, it seemed to him, was demanded by every principle of right and justice.

Mr. JAMESON rose to say that whenever the question of the boundary line between Missouri and Iowa should come up before the House, he would pledge himself to show to any disinterested person that the right of Missouri to the soil contended for was as clear as noon-day. He said he felt constrained to say this much, lest silence on his part might be construed into an acquiescence in the views of the gentleman from Iowa.

Mr. J. gave notice that if the amendment just proposed should be adopted, he would move one to pay the militia of Missouri for similar services.

After some remarks by Messrs. POPE, DAVIS of Kentucky, and ALLEN of Ohio, in favor of the amendment, and by Messrs. CAMPBELL of South Carolina, and UNDERWOOD in opposition to it,

The question was taken on the amendment, and it was rejected.

Mr. DOWNING then proposed an amendment to cover claims for the services of militia of Florida.

Mr. JAMESON moved an amendment for the benefit of volunteers of Missouri who went to Florida some years ago.

The amendments were voted down.

Mr. EVANS moved that the committee rise and report the bills acted on.

Mr. WHITE of Louisiana insisted on moving an amendment to refund to Louisiana moneys paid by her for her militia serving in the Florida war several years ago.

The amendment was rejected.

The bill to refund the duties on the French ship *Alexandre* was then taken up, read, and ordered to be reported to the House.

The bill of this House concerning tonnage duties on Spanish vessels was then taken up, read, and ordered to be reported to the House.

The committee then rose and reported their proceedings.

The amendment of the Senate to the bill making appropriations for the support of destitute Kickapoo Indians, &c. to which the Committee of the Whole reported their agreement, were then again read, and all concurred in, except that for the relief of Clements, Bryan and Company: on this the yeas and nays were taken, and it was carried: yeas 99, nays 58.

So the bill was finally passed, with Clements, Bryan and Company included in it.

The bill to provide for the payment of the militia claims of the State of Maine then came up.

The previous question was then moved and carried.

And the question was put on the amendment making provision for the Georgia militia claims. It was taken by yeas and nays, and resulted as follows: For the amendment 80, against it 69.

The question was then also put on the amendment making provision for the militia claims of Alabama. It was taken by yeas and nays, and resulted as follows: For the amendment 41, against it 110.

A motion was made to lay the bill on the table; and the question being put, it was decided in the negative: ayes 60, noes 73.

The question on the third reading of the bill was then put and carried: ayes 92, noes 81.

The bill was then read the third time and passed.

THANKS TO SPEAKER HUNTER.

Mr. BRIGGS said he respectfully asked the attention of the House for one moment. He rose to offer the usual tribute of respect to the presiding officer of this House. For that purpose he would

end a resolution to the Chair, and he hoped it would receive the cordial and unanimous approbation of every gentleman present.

Resolved, That the thanks of this House be presented to the Hon ROBERT M. T. HUNTER for the able, impartial, and dignified manner in which he has discharged the duties of the Chair during the 26th Congress.

This resolution was read, and, on the question being put thereon, (by Mr. DROMGOOLE, who temporarily occupied the chair,) it was agreed to, unanimously.

The rules being suspended for the purpose, the usual resolutions of compensation for messengers, pages, and watchmen, were moved.

And the previous question being moved, Mr. BARNARD sent the following to the table, where it was read, as it might influence the vote on the previous question:

"Resolved, That the Clerk of this House be directed to furnish to such members of the present House of Representatives as have not already received them, such books as were furnished to the members of the last House: provided that this resolution shall not be construed to authorize the reprinting of any of said books."

The resolution having been read, Mr. KEIM moved to amend, by including the workmen on the public grounds in the list of attendants for whom extra compensation was asked; but the amendment was ruled out of order.

The previous question was seconded, the main question was put, and the resolutions for compensation to attendants were adopted.

Mr. CHAPMAN moved that the House resolve itself into Committee of the Whole on a bill to establish an additional land office in Alabama for the sale of Cherokee lands. The motion was refused.

Mr. REED called for the consideration of the amendments of the Senate to the bill concerning navy pensions and half-pay.

Mr. CUSHING objected to the consideration of the said amendments, on the ground that the amendments and bills recently reported from the Committee of the Whole on the state of the Union had not been definitely acted on, and until they were acted on and disposed of, nothing could be taken up by the House, unless on a suspension of the rules.

The SPEAKER decided in favor of Mr. REED's motion.

Mr. CUSHING appealed, and the Speaker's decision was affirmed.

And the question was put on Mr. REED's motion, and it was lost.

[NOTE.—These amendments were not afterwards considered or acted upon. The bills did not, therefore, finally pass—the amendments having remained unacted upon.]

FRANKING PRIVILEGE.

Mr. WISE moved a suspension of the rule to offer a joint resolution to declare that the franking privilege of members of Congress who may not be re-elected shall not be cut off by an extra session of Congress, but shall extend to the first Monday of December after they shall cease to be members.

On the question to suspend there were, ayes 89, noes 54.

There not being two-thirds, the question was lost.

BANKS OF THE DISTRICT OF COLUMBIA.

Mr. GRAHAM said that he was desirous of doing an act of justice to the District of Columbia by taking up the bill to continue the corporate existence of the banks of the District of Columbia; with this view he moved to suspend the rules.

The yeas and nays were demanded, and, being taken, resulted as follows: yeas 100, nays 59.

There not being two-thirds, the rules were not suspended, nor was the bank bill acted upon at all. The SPEAKER laid before the House sundry communications, viz.

CLAIMS ON HAYTI.

WASHINGTON, March 2, 1841.

To the House of Representatives:

I transmit the accompanying report from the Secretary of State in relation to the resolution of the House of Representatives of the 12th ult. on the subject of claims of citizens of the United

States on the Government of Hayti. The information called for thereby is in the course of preparation, and will be, without doubt, communicated at the commencement of the next session of Congress.

M. VAN BUREN.

The report of the Secretary of State sets forth that it is impracticable to furnish the information called for at the present session of Congress, the papers being numerous and scattered through a variety of documents.

OPINIONS OF THE ATTORNEY GENERAL.

WASHINGTON, March 2, 1841.

To the House of Representatives:

I transmit to the House of Representatives a report from the Attorney General, with the accompanying documents, in compliance with the request contained in the resolution of the 23d of March last.

M. VAN BUREN.

OFFICE OF THE ATTORNEY GENERAL,
March 1, 1841.

To the President of the United States:

Sir: In compliance with the resolution of the House of Representatives referred to this office, and adopted on the 23d of March, 1840, in the following words:

"Resolved, That the President of the United States be requested to cause to be prepared and communicated to this House at the commencement of the next session, all the opinions of the Attorney General and other officers connected with the Executive which give construction to the public laws not of a temporary character;"

I have the honor to transmit copies of all such opinions of the Attorney Generals of the United States as I have been able to obtain. Previous to the year 1817 no records of such opinions were prepared. It has, therefore, been necessary to procure them, as far as practicable, from the different Departments and offices to which they were sent; but many which were not doubt given before that period are not now to be found.

I have the honor, &c.

H. D. GILPIN.

List of Attorney Generals of the United States.
Edmund Randolph of Virginia, appointed September 26, 1789.

William Bradford of Pennsylvania, appointed January 27, 1794.

Charles Lee of Virginia, appointed December 10, 1795.

Levi Lincoln of Massachusetts, appointed March 5, 1801.

Robert Smith of Maryland, appointed March 3, 1805.

John Breckenridge, Kentucky, appointed August 7, 1805.

Cæsar A. Rodney of Delaware, appointed January 20, 1807.

William Pinkney of Maryland, appointed December 11, 1811.

Richard Rush of Pennsylvania, appointed February 10, 1814.

William Wirt of Virginia, appointed December 16, 1817.

John M. Berrien of Georgia, appointed March 9, 1829.

Roger B. Taney of Maryland, appointed July 20, 1831.

Benjamin F. Butler of New York, appointed November 15, 1833.

Felix Grundy of Tennessee, appointed September 1, 1838.

Henry D. Gilpin of Pennsylvania, appointed January 11, 1840.

BRITISH SEIZURES AND SEARCHES AND SLAVE TRADE.

WASHINGTON, March 3, 1841.

To the House of Representatives:

I transmit to the House of Representatives, in compliance with their resolution of the 30th January last, a report from the Secretary of State, with accompanying documents.

M. VAN BUREN.

The report of the Secretary of State merely communicates copies of papers called for by the House, in relation to recent seizures or searches of any of our vessels upon the coast of Africa or elsewhere by the British cruisers or authorities, and the cause

of the same, and the authority under which made; and of correspondence between the Governments of the United States and Great Britain relating to the African slave trade since the 3d March, 1837; as well as of communications from N. P. Trist, Consul of the United States at Havana, relating to the African slave trade. The documents are exceedingly numerous, and will make, when printed, a large volume.

INDEPENDENT TREASURY.

A letter from the Secretary of the Treasury, transmitting a large number of additional reports and papers, called for by the House on the 30th January last, in relation to the execution of the Independent Treasury law.

STATE BANKS.

A letter from the Secretary of the Treasury, transmitting the returns of the State Banks for the last year, collected by the Treasury Department and furnished the House under a resolution of the 10th July, 1832. Two thousand extra copies of this document were ordered to be printed, on motion of Mr. JONES of Virginia.

From the Treasury Department, accompanied with an abstract of the official emoluments and expenditures of the officers of the customs for the year 1840.

CANAL LANDS IN OHIO.

From the Treasury Department, accompanied by a report of the Commissioner of the General Land Office, containing information called for by the House on the 17th December, 1840, in relation to the sale, since 1st January, 1836, of surplus or additional sections or parts of sections, lying along and adjoining the alternate sections on the Miami canal, in Ohio, and withheld from sale at the same time with the said alternate sections, as being within them, showing to whom sold and at what land office; at what time and for what price; and whether patents have issued, and, if not, whether it is intended to issue them; with copies of instructions relating to the withholding lands from sale on the route of the canal and on the Auglaize river, together with the correspondence with the officers of the land offices and other persons on the subject of these lands.

EMIGRANTS.

From the Department of State, with a statement of the number and description of passengers who arrived in the United States, from foreign countries, in the year 1840, so far as returns have been received at the Department. The returns are incomplete; they, however, show that 115,206 persons came to the United States, by sea, during the year. We had to take some trouble to ascertain this result, as the statement sent to the House is not added up.

From the Treasury Department, accompanied by a statement of contracts made by the Department during the year 1840; a statement of payments made at the Treasury during the year 1840, an account of miscellaneous claims, for which appropriations were not specially made. These payments were all for services rendered on account of land claims in Florida, and were paid to—

Samuel L. Burritt, a lawyer, for counsel and fees	\$625
Thomas Douglas do do	375
John M. Fontaine, translations	415
Rosalie B. Reid, clerk to Judge of Eastern District, from 1st October to 31st December, 1839	180
Alexis M. Andrew, clerk to same Judge, quarter ending 30th September, 1840	33

Also, accompanied with the statement of the marine hospital fund for the year 1839—from which it appears that there were collected, in that year, \$66,311 83, and expended \$122,536 31.

CANAL LANDS IN OHIO.

From the Treasury Department, with a report of the Commissioner of the General Land Office, under a call of the House of 23d December last, showing what part or surplus or additional sections or parts of sections lying along and adjoining and within the line of alternate sections on the Miami canal, in the State of Ohio, and withheld from sale at the same time, has been sold since the 1st January, 1830, to 1st January, 1836; to whom sold, at what office, and at what price; with copies of all

instructions relating to withholding from sale lands on the route of said Miami canal, in the State of Ohio, as alternate sections on said canal.

HORSES, &c. LOST IN INDIAN WARS.
From the War Department, with a long report of the Third Auditor, in answer to a call of the House for a statement of the number of claims presented for horses, &c. lost in the campaigns in Florida against the Indians; the number that have been allowed, and the reasons why the others have not been allowed; as also, for similar information in relation to claims growing out of the Black Hawk Indian war.

From the War Department, with a report from the Colonel of Topographical Engineers, furnishing information required by the House in relation to the sale of tools, &c. used on the public works on the great Northern and Western lakes.

MAIL ROUTES.
From the Post Office Department, with a list of mail routes in operation on the 30th June, 1840, in Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, Michigan, Indiana, Illinois, Wisconsin, Iowa, Missouri, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, and Louisiana, with diagrams delineating said routes, and distinguishing them by their different grades of service. A similar report, covering the other States, was made to the House on the 27th January last. The reports show the amount of receipts of each office thereon, so far as the same has been ascertained, for the year ending 30th June, 1840, and the annual cost of transportation of each.

INDIAN SCHOOLS IN KENTUCKY.
From the War Department, with a report from the Commissioner of Indian Affairs, in answer to a call of the House on the 31st December last, respecting the fulfilment of stipulations in the Choctaw treaty, made at Dancing Rabbit Creek, for the support of schools; which stipulations, it appears, were executed by educating Indian youths at the Great Crossings, in Scott county, Kentucky.

INDIAN DISBURSEMENTS.
From the Second Auditor of the Treasury Department, with copies of such accounts as have been rendered by persons charged with the disbursement or application of moneys, goods or effects for the benefit of the Indians, from 1st October, 1839, to 30th September, 1840; with a list of the names of all persons to whom goods, moneys or effects have been delivered within the same period—specifying the amount and object, the amount accounted for, and the balance in the hands of agents.

From this statement it appears that—
The whole amount drawn from the Treasury during the year, and placed in the hands of agents, was \$2,132,141 32
Of which there has been accounted for 1,710,433 00

Leaving unaccounted for \$421,708 32

COMMERCE AND NAVIGATION.
From the Treasury Department, accompanied with a letter from the Register, stating that, owing to the late day at which some of the returns have been received, it is impossible to complete the statements of the commerce and navigation of the United States for the last year, in time to be reported to Congress at the present session, and suggesting that permission be obtained from Congress that the statements, when finished, be placed in the hands of the Secretary of the Senate and the Clerk of the House of Representatives, and printed during the recess.

The suggestion in the letter of the Register was agreed to by the House; and, on motion of Mr. J. Q. ADAMS, ten thousand copies of the documents were directed to be printed.

POST-OFFICE INCIDENTAL EXPENSES.
From the Post Office Department, accompanied by a statement of the incidental expenses of the Department for the year ending 30th June, 1840.

From this statement it appears that there was paid during the year as follows:

For wrapping paper - \$17 502 52
For office furniture - 6,256 23
For advertising - 38,792 24

For mail bags -	43,916 76
For blanks -	38,857 97
For locks, keys, and stamps -	11,157 81
For depredations and mail agents -	19,872 69
For clerks for offices -	214,789 80
Miscellaneous -	49,629 03
Total -	\$440,775 05

Resolutions were here introduced fixing the pay of the keeper of the stables of the House, the superintendent of the folding room, and granting pay to the postmaster of the House for extra services; which, after some modifications and explanations, were agreed to.

Mr. EVANS asked leave to move the following resolution:

“Resolved, That the Clerk of this House be directed to furnish to such members of the present House of Representatives as have not already received them, such books as were furnished to the members of the last House: Provided, That this resolution shall not be construed to authorize the reprinting of any of said books.”

The leave was objected to.
Mr. EVANS then moved to suspend the rules, to enable him to offer the same; and on suspending the rules there were, ayes 114, noes 33.

There being two-thirds in favor of the motion, the rules were suspended.

The resolution then came fully before the House, and the previous question was moved and seconded. And the main question, that is, That the resolution do pass, was put by yeas and nays, and resulted as follows: yeas 89, nays 50.

And so the resolution was agreed to.
On motion of Mr. LINCOLN, all committees were discharged from the business referred to them.

The bill reported from the Committee of the Whole to refund the duties improperly collected on the French ship *Alexandre*, was taken up, read the third time, and passed, and returned to the Senate.

On motion by Mr. KEIM, the bill from the Senate “to amend the act entitled An act to amend the act approved May 13, 1800, entitled an act to amend an act entitled an act to establish the judicial courts of the United States,” was taken up, ordered to a third reading, read the third time, and passed, and returned to the Senate.

The resolution from the Senate to appoint a joint committee to wait on the President of the United States, and notify him of the approaching close of the session of Congress, was taken up, read, and agreed to; and Mr. VANDERPOEL and Mr. BRIGGS were appointed of the committee on the part of the House.

Mr. GRINNELL asked leave to move the following resolution:

“Resolved, That the Sergeant-at-arms be directed to settle with the members of Congress for the present session of the 26th Congress at the rate of \$4 per diem; and in case any member has already received more than at that rate, he be directed to refund the same to the Sergeant-at-arms, for the use and benefit of the Treasury of the United State

Mr. DROMGOOLE objected.

Mr. GRINNELL moved to suspend the rules, to enable him to offer the resolution. The motion was rejected.

Mr. MALLORY of New York, from the Committee of Claims, obtained leave to make reports (adverse) on the cases of Hopewell Hebb and William Palms.

Mr. KEMBLE, from the Committee on Military Affairs, obtained leave to make a report (adverse) on the petition of William Hawkins.

Mr. LEONARD asked leave to move a resolution to authorize the members having petitions to present to hand them to the Clerk, with their names endorsed on the back; and directing the Clerk to enter such on the journal as were not excluded by any rule of the House; and if any were handed in which were excluded by the rules, to return them at the next session.

It was objected to.

Mr. UNDERWOOD asked that the resolution from the Senate in relation to water-rotted hemp be taken up.

Mr. STANLY said he had no objection, if the gentleman from Kentucky did not mean to insinuate that we should hereafter have more occasion for hemp than heretofore.

Mr. UNDERWOOD did not mean to make any such insinuation.

Mr. STANLY. Then I do not object.
The question was put to suspend the rules, in order to take up that subject, and negatived.

Mr. CALVARY MORRIS asked leave to present petitions, which was objected to.

Mr. LEET moved to suspend the rules in order to move a resolution similar, in all respects, to that which Mr. LEONARD a few minutes before asked leave to introduce, to authorize members to hand petitions to the Clerk.

The question was put, but the rules were not suspended.

Mr. UNDERWOOD obtained leave to move a resolution fixing the pay of Charles W. Steward for cleaning the Hall, attending upon the Speaker, &c.

The resolution was agreed to unanimously.

The SPEAKER laid before the House the following letter:

March 3, 1841.
SIR: Last evening I received notice of my appointment as Judge of the United States for the District of New Jersey. Therefore I resign my seat as one of the Representatives from the State of New Jersey in the 26th Congress.

I am, sir, very respectfully,
Your obedient servant,
PH. DICKERSON.

Mr. PROFFIT objected to receiving the letter.
Some conversation took place between the SPEAKER and Mr. PROFFIT and other members, when the SPEAKER withdrew the letter from before the House.

THE PERMANENT PRE-EMPTION BILL.

Mr. CASEY moved that the rules be suspended to take up the bill from the Senate to establish a system of general permanent pre-emption rights in favor of occupants of the public lands.

Mr. EVERETT moved a call of the House.

Mr. WISE said there was no occasion to call the House, as there were more members present now than could be kept in order.

Mr. STANLY. Yes; and two hundred and forty members of this House find it impossible to keep one member, (Mr. WISE,) in order.

The ayes and nays were taken on call; and there appeared for the call 23, against it 114.

Mr. VANDERPOEL, from the joint committee appointed to wait on the President, and inform him that, unless he may have further communication to make to Congress, the two Houses are about to close the present session by an adjournment, reported that the committee had discharged the duties imposed upon them; that the President answered that he had no further communication to make; and that he wished the members a safe return their homes and families.

And then, at 12 o'clock at night, a motion was made that the House adjourn.

And the question being put, it passed in the affirmative.

A motion to adjourn having been made, the Hon. R. M. T. HUNTER, Speaker, rose and addressed the House as follows:

GENTLEMEN: It is with the deepest sensibility that I rise to return you my grateful acknowledgments for all of your kindness, ere I perform the last official act which is to separate so many of us, perhaps forever. If it is no light thing, under any circumstances, to break up long standing associations, how much graver must be the emotions with which we part from those who met us in confidence, and take leave of us in kindness?

A consciousness of my own deficiencies forces me to attribute much of the high compliment which you have offered me, to that courtesy which relieves and softens our intercourse in the various relations of social and official life. But may I not, at the same time, ascribe it, in part, to your sense of the motives by which I have been governed in the discharge of the duties of my office? If I have not done all that an able man would have ef-

their foundations. But while this body shall continue to be what by its framers it was designed to be—deliberative in its character, unbiassed in its course, and independent in its action—then may liberty be regarded as entrenched in safety behind the sacred ramparts of the Constitution.

While I occupy this chair, Senators, I shall have frequent occasion to invoke your indulgence for my defects, and your charity for my errors. I am but little skilled in parliamentary law, and have been unused to preside over deliberative assemblies. All that I can urge in excuse for my defects is, that I bring with me to this chair an earnest wish to discharge properly its duties, and a fixed determination to preside over your deliberations with entire impartiality.

Mr. CLAY of Kentucky presented the credentials of the Hon. JAMES P. MOOREHEAD, elected by the Legislature of Kentucky a Senator from that State for six years from the 4th of March instant, which were read.

Mr. MOOREHEAD was then qualified, and took his seat in the Senate.

On motion by Mr. KING, the names of the Senators whose credentials have been heretofore read, were called over for the purpose of being qualified, and Mr. BATES of Massachusetts, Mr. CLAYTON of Delaware, Mr. FULTON of Arkansas, Mr. BERRIEN of Georgia, Mr. MANGUM of North Carolina, Mr. MACROBERTS of Illinois, Mr. SIMMONS of Rhode Island, Mr. WOODBURY of New Hampshire, Mr. BARROW of Louisiana, Mr. CALHOUN of South Carolina, Mr. WALKER of Mississippi, Mr. MILLER of New Jersey, Mr. EVANS of Maine, and Mr. WOODBRIDGE of Michigan, severally took the oath prescribed by the Constitution of the United States.

General WILLIAM HENRY HARRISON, President of the United States elect, then entered the Senate chamber with the Committee of Arrangements, and was conducted to the seat assigned for him, immediately in front of the Secretary's table.

At twelve o'clock, those assembled on the floor of the Senate proceeded to the eastern portico of the Capitol, in the following order:

- The Marshal of the District of Columbia;
- The Supreme Court of the United States;
- The Sergeant-at-Arms of the Senate;
- The Committee of Arrangements;
- The President elect, the Vice President, and Secretary of the Senate;
- The Members of the Senate;
- The Diplomatic corps;
- The Mayors of Washington, Georgetown, and Alexandria, and the other persons admitted to the floor of the Senate.

On reaching the portico, the President elect and Chief Justice Taney were conducted to seats in front of a large platform erected for the purpose, and those who followed in the procession having taken their seats, the President elect rose and delivered the following

INAUGURAL ADDRESS.

Called from a retirement which I had supposed was to continue for the residue of my life, to fill the Chief Executive office of this great and free nation, I appear before you, fellow-citizens, to take the oaths which the Constitution prescribes, as a necessary qualification for the performance of its duties. And in obedience to a custom coeval with our Government, and what I believe to be your expectations, I proceed to present to you a summary of the principles which will govern me, in the discharge of the duties which I shall be called upon to perform.

It was the remark of a Roman Consul, in an early period of that celebrated Republic, that a most striking contrast was observable in the conduct of candidates for offices of power and trust, before and after obtaining them—they seldom carrying out in the latter case the pledges and promises made in the former. However much the world

may have improved, in many respects, in the lapse of upwards of two thousand years since the remark was made by the virtuous and indignant Roman, I fear that a strict examination of the annals of some of the modern elective Governments, would develop similar instances of violated confidence.

Although the fiat of the people has gone forth, proclaiming me the Chief Magistrate of this glorious Union, nothing upon their part remaining to be done, it may be thought that a motive may exist to keep up the delusion under which they may be supposed to have acted in relation to my principles and opinions; and perhaps there may be some in this assembly who have come here either prepared to condemn those I shall now deliver, or, approving them, to doubt the sincerity with which they are uttered. But the lapse of a few months will confirm or dispel their fears. The outline of principles to govern, and measures to be adopted, by an Administration not yet begun, will soon be exchanged for immutable history; and I shall stand, either exonerated by my countrymen, or classed with the mass of those who promised that they might deceive, and flattered with the intention to betray.

However strong may be my present purpose to realize the expectations of a magnanimous and confiding people, I too well understand the infirmities of human nature, and the dangerous temptations to which I shall be exposed, from the magnitude of the power which it has been the pleasure of the people to commit to my hands, not to place my chief confidence upon the aid of that Almighty Power which has hitherto protected me, and enabled me to bring to favorable issues other important, but still greatly inferior trusts, heretofore confided to me by my country.

The broad foundation upon which our Constitutions rests, being the people—a breath of theirs having made, as a breath can unmake, change, or modify it—it can be assigned to none of the great divisions of Government but to that of Democracy. If such is its theory, those who are called upon to administer it must recognise, as its leading principle, the duty of shaping their measures so as to produce the greatest good to the greatest number. But, with these broad admissions, if we would compare the sovereignty acknowledged to exist in the mass of our people with the power claimed by other sovereignties, even by those which have been considered most purely Democratic, we shall find a most essential difference. All others lay claim to power limited only by their own will. The majority of our citizens, on the contrary, possess a sovereignty with an amount of power precisely equal to that which has been granted to them by the parties to the national compact, and nothing beyond. We admit of no Government by Divine right—believing that, so far as power is concerned, the beneficent Creator has made no distinction amongst men, that all are upon an equality, and that the only legitimate right to govern is an express grant of power from the governed. The Constitution of the United States is the instrument containing this grant of power to the several departments composing the Government. On an examination of that instrument, it will be found to contain declarations of power granted, and of power withheld. The latter is also susceptible of division, into power which the majority had the right to grant, but which they did not think proper to intrust to their agents, and that which they could not have granted, not being possessed by themselves. In other words, there are certain rights possessed by each individual American citizen, which, in his compact with the others, he has never surrendered. Some of them, indeed, he is unable to surrender, being, in the language of our system, unalienable.

The boasted privilege of a Roman citizen was to him a shield only against a petty provincial ruler, whilst the proud democrat of Athens could console himself under a sentence of death, for a supposed violation of the national faith, which no one understood, and which at times was the subject of the mockery of all, or of banishment from his home, his family, and his country, with or without an alleged cause; that it was the act, not of a single tyrant, or hated aristocracy, but of his assembled countrymen. Far different is the power of our sove-

reignty. It can interfere with no one's faith, prescribe forms of worship for no one's observance, inflict no punishment but after well ascertained guilt, the result of investigation under rules prescribed by the Constitution itself. These precious privileges, and those scarcely less important, of giving expression to his thoughts and opinions, either by writing or speaking, unrestrained but by the liability for injury to others, and that of a full participation in all the advantages which flow from the Government, the acknowledged property of all, the American citizen derives from no charter granted by his fellow man. He claims them because he is himself a man, fashioned by the same Almighty hand as the rest of his species, and entitled to a full share of the blessings with which he has endowed them.

Notwithstanding the limited sovereignty possessed by the people of the United States, and the restricted grant of power to the Government which they have adopted, enough has been given to accomplish all the objects for which it was created. It has been found powerful in war, and hitherto, justice has been administered, an intimate union effected, domestic tranquillity preserved, and personal liberty secured to the citizen. As was to be expected, however, from the defect of language, and the necessarily sententious manner in which the Constitution is written, disputes have arisen as to the amount of power which it has actually granted, or was intended to grant. This is more particularly the case in relation to that part of the instrument which treats of the legislative branch. And not only as regards the exercise of powers claimed under a general clause, giving that body the authority to pass all laws necessary to carry into effect the specified powers, but in relation to the latter also. It is, however, consolatory to reflect, that most of the instances of alleged departure from the letter or spirit of the Constitution, have ultimately received the sanction of a majority of the people. And the fact, that many of our statesmen, most distinguished for talent and patriotism, have been, at one time or other of their political career, on both sides of each of the most warmly disputed questions, forces upon us the inference that the errors, if errors there were, are attributable to the intrinsic difficulty, in many instances, of ascertaining the intentions of the framers of the Constitution, rather than the influence of any sinister or unpatriotic motive.

But the great danger to our institutions does not appear to me to be in a usurpation, by the Government, of power not granted by the people, but by the accumulation, in one of the departments, of that which was assigned to others. Limited as are the powers which have been granted, still enough have been granted to constitute a despotism, if concentrated in one of the departments. This danger is greatly heightened, as it has been always observable that men are less jealous of encroachments of one department upon another, than upon their own reserved rights.

When the Constitution of the United States first came from the hands of the Convention which formed it, many of the sternest republicans of the day were alarmed at the extent of the power which had been granted to the Federal Government, and more particularly of that portion which had been assigned to the Executive branch. There were in it features which appeared not to be in harmony with their ideas of a simple representative Democracy, or Republic. And knowing the tendency of power to increase itself, particularly when exercised by a single individual, predictions were made that, at no very remote period, the Government would terminate in virtual monarchy. It would not become me to say that the fears of these patriots have been already realized. But, as I sincerely believe, that the tendency of measures, and of men's opinions, for some years past, has been in that direction, it is, I conceive, strictly proper that I should take this occasion to repeat the assurances I have heretofore given of my determination to arrest the progress of that tendency, if it really exists, and restore the Government to its pristine health and vigor, as far as this can be effected by any legitimate exercise of the power placed in my hands.

I proceed to state, in as summary a manner as I

can, my opinion of the sources of the evils which have been so extensively complained of, and the correctives which may be applied. Some of the former are unquestionably to be found in the defects of the Constitution; others, in my judgment, are attributable to a misconstruction of some of its provisions. Of the former is the eligibility of the same individual to a second term of the Presidency. The sagacious mind of Mr. Jefferson early saw and lamented this error, and attempts have been made, hitherto without success, to apply the amendatory power of the States to its correction.

As, however, one mode of correction is in the power of every President, and consequently in mine, it would be useless, and perhaps invidious, to enumerate the evils of which, in the opinion of our fellow-citizens, this error of the sages who framed the Constitution may have been the source, and the bitter fruits which we are still to gather from it, if it continues to disfigure our system. It may be observed, however, as a general remark, that Republics can commit no greater error than to adopt or continue any feature in their systems of government which may be calculated to create or increase the love of power, in the bosoms of those to whom necessity obliges them to commit the management of their affairs. And, surely, nothing is more likely to produce such a state of mind than the long continuance of an office of high trust. Nothing can be more corrupting, nothing more destructive of all those noble feelings which belong to the character of a devoted republican patriot. When this corrupting passion once takes possession of the human mind, like the love of gold, it becomes insatiable. It is the never-dying worm in his bosom, grows with his growth, and strengthens with the declining years of its victim. If this is true, it is the part of wisdom for a republic to limit the service of that officer, at least, to whom she has intrusted the management of her foreign relations, the execution of her laws, and the command of her armies and navies, to a period so short as to prevent his forgetting that he is the accountable agent, not the principal—the servant, not the master. Until an amendment of the Constitution can be effected, public opinion may secure the desired object. I give my aid to it, by renewing the pledge heretofore given, that, under no circumstances, will I consent to serve a second term.

But if there is danger to public liberty from the acknowledged defects of the Constitution, in the want of limit to the continuance of the Executive power in the same hands, there is, I apprehend, not much less from a misconstruction of that instrument, as it regards the powers actually given. I cannot conceive that, by a fair construction, any or either of its provisions would be found to constitute the President a part of the legislative power. It cannot be claimed from the power to recommend, since, although enjoined as a duty upon him, it is a privilege which he holds in common with every other citizen. And although there may be something more of confidence in the propriety of the measures recommended in the one case than in the other, in the obligations of ultimate decision there can be no difference. In the language of the Constitution, "all the legislative powers" which it grants "are vested in the Congress of the United States." It would be a solecism in language to say that any portion of these is not included in the whole.

It may be said, indeed, that the Constitution has given to the Executive the power to annul the acts of the legislative body, by refusing to them his assent. So a similar power has necessarily resulted from that instrument to the Judiciary; and yet the Judiciary forms no part of the Legislature. There is, it is true, this difference between these grants of power. The Executive can put his negative upon the acts of the Legislature for other cause than that of want of conformity to the Constitution, whilst the Judiciary can only declare void those which violate that instrument. But the decision of the Judiciary is final in such a case, whereas, in every instance where the veto of the Executive is applied, it may be overcome by a vote of two thirds of both Houses of Congress. The negative upon the acts of the Legislative by the Executive authority, and that in the hands of one individual, would seem to

be an incongruity in our system. Like some others of a similar character, however, it appears to be highly expedient; and if used only with the forbearance, and in the spirit which was intended by its authors, it may be productive of great good, and be found one of the best safeguards to the Union. At the period of the formation of the Constitution, the principle does not appear to have enjoyed much favor in the State Governments. It existed but in two; and in one of these there was a plural Executive. If we would search for the motives which operated upon the purely patriotic and enlightened assembly which framed the Constitution, for the adoption of a provision so apparently repugnant to the leading Democratic principle that the majority should govern, we must reject the idea that they anticipated from it any benefit to the ordinary course of legislation. They knew too well the high degree of intelligence which existed among the people, and the enlightened character of the State Legislatures, not to have the fullest confidence that the two bodies elected by them would be worthy representatives of such constituents, and, of course, that they would require no aid in conceiving and maturing the measures which the circumstances of the country might require; and it is preposterous to suppose that a thought could for a moment have been entertained that the President, placed at the capital, in the centre of the country, could better understand the wants and wishes of the people than their own immediate representatives, who spend a part of every year among them, living with them, often laboring with them, and bound to them by the triple tie of interest, duty, and affection. To assist or control Congress, then, in its ordinary legislation, could not, I conceive, have been the motive for conferring the veto power on the President. This argument acquires additional force from the fact of its never having been thus used by the first six Presidents; and two of them were members of the convention, one presiding over its deliberations, and the other having a larger share in consummating the labors of that august body than any other person. But if bills were never returned to Congress by either of the Presidents above referred to, upon the ground of their being inexpedient, or not as well adapted as they might be to the wants of the people, the veto was applied upon that of want of conformity to the Constitution, or because errors had been committed from a too hasty enactment.

There is another ground for the adoption of the veto principle, which had probably more influence in recommending it to the Convention than any other. I refer to the security which it gives to the just and equitable action of the Legislature upon all parts of the Union. It could not but have occurred to the Convention that, in a country so extensive, embracing so great a variety of soil and climate, and, consequently, of products, and which, from the same causes, must ever exhibit a great difference in the amount of the population of its various sections, calling for a great diversity in the employments of the people, that the legislation of the majority might not always justly regard the rights and interests of the minority—and that acts of this character might be passed, under an express grant by the words of the Constitution, and, therefore, not within the competency of the judiciary to declare void; that, however enlightened and patriotic they might suppose, from past experience, the members of Congress might be, and however largely partaking in the general of the liberal feelings of the people, it was impossible to expect that bodies so constituted should not sometimes be controlled by local interests and sectional feelings. It was proper, therefore, to provide some umpire, from whose situation and mode of appointment more independence and freedom from such influences might be expected. Such a one was afforded by the Executive Department, constituted by the Constitution. A person elected to that high office, having his constituents in every section, State, and subdivision of the Union, must consider himself bound by the most solemn sanctions to guard, protect, and defend the rights of all, and of every portion, great or small, from the injustice and oppression of the rest. I consider the veto power, therefore, given by the Constitution to the Execu-

tive of the United States solely as a conservative power, to be used only, 1st, to protect the Constitution from violation; 2dly, the people from the effects of hasty legislation, where their will has been probably disregarded or not well understood; and, 3dly, to prevent the effects of combinations violative of the right of minorities. In reference to the second of these objects, I may observe, that I consider it the right and privilege of the people to decide disputed points of the Constitution, arising from the general grant of power to Congress to carry into effect the powers expressly given. And I believe, with Mr. Madison, "that repeated recognitions, under varied circumstances, in acts of the Legislative, Executive, and Judicial branches of the Government, accompanied by indications in different modes of the concurrence of the general will of the nation, as affording to the President sufficient authority for his considering such disputed points as settled."

Upwards of half a century has elapsed since the adoption of our present form of Government. It would be an object more highly desirable than the gratification of the curiosity of speculative statesmen, if its precise situation could be ascertained, a fair exhibit made of the operations of each of its Departments, of the powers which they respectively claim and exercise, of the collisions which have occurred between them, or between the whole Government and those of the States, or either of them. We could then compare our actual condition, after fifty years' trial of our system, with what it was in the commencement of its operations, and ascertain whether the predictions of the patriots who opposed its adoption, or the confident hopes of its advocates, have been best realized. The great dread of the former seems to have been, that the reserved powers of the States would be absorbed by those of the Federal Government, and a consolidated power established, leaving to the States the shadow, only, of that independent action for which they had so zealously contended, and on the preservation of which they relied as the last hope of liberty. Without denying that the result to which they looked with so much apprehension is in the way of being realized, it is obvious that they did not clearly see the mode of its accomplishment. The General Government has seized upon none of the reserved rights of the States. As far as any open warfare may have gone, the State authorities have amply maintained their rights. To a casual observer, our system presents no appearance of discord between the different members which compose it. Even the addition of many new ones has produced no jarring. They move in their respective orbits in perfect harmony with the central head, and with each other. But there is still an under current at work, by which, if not seasonably checked, the worst apprehensions of our anti-federal patriots will be realized. And not only will the State authorities be overshadowed by the great increase of power in the Executive Department of the General Government, but the character of that Government, if not its designation, be essentially and radically changed. This state of things has been in part effected by causes inherent in the Constitution, and in part by the never-failing tendency of political power to increase itself. By making the President the sole distributor of all the patronage of the Government, the framers of the Constitution do not appear to have anticipated at how short a period it would become a formidable instrument to control the free operations of the State Governments. Of trifling importance at first, it had, early in Mr. Jefferson's administration, become so powerful as to create great alarm in the mind of that patriot, from the potent influence it might exert in controlling the freedom of the elective franchise. If such could have then been the effects of its influence, how much greater must be the danger at this time, quadrupled in amount, as it certainly is, and more completely under the control of the Executive will, than their construction of their powers allowed, or the forbearing characters of all the early Presidents permitted them to make? But it is not by the extent of its patronage alone that the Executive Department has become dangerous,

but by the use which it appears may be made of the appointing power, to bring under its control the whole revenue of the country. The Constitution has declared it to be the duty of the President to see that the laws are executed, and it makes him the Commander-in-Chief of the armies and navy of the United States. If the opinion of the most approved writers upon that species of mixed Government, which, in modern Europe, is termed *monarchy*, in contradistinction to *despotism*, is correct, there was wanting no other addition to the powers of our Chief Magistrate to stamp a monarchical character on our Government, but the control of the public finances. And to me it appears strange, indeed, that any one should doubt that the entire control which the President possesses over the officers who have the custody of the public money, by the power of removal with or without cause, does, for all mischievous purposes at least, virtually subject the treasure also to his disposal. The first Roman Emperor, in his attempt to seize the sacred treasure, silenced the opposition of the officer to whose charge it had been committed, by a significant allusion to his sword. By a selection of political instruments for the care of the public money, a reference to their commissions by a President, would be quite as effectual an argument as that of Cæsar to the Roman knight. I am not insensible of the great difficulty that exists in devising a proper plan for the safe keeping and disbursement of the public revenues, and I know the importance which has been attached by men of great abilities and patriotism to the divorce, as it is called, of the Treasury from the banking institutions. It is not the divorce which is complained of, but the unhallowed union of the Treasury with the Executive Department which has created such extensive alarm. To this danger to our Republican institutions, and that created by the influence given to the Executive through the instrumentality of the Federal officers, I propose to apply all the remedies which may be at my command. It was certainly a great error in the framers of the Constitution, not to have made the officer at the head of the Treasury Department entirely independent of the Executive. He should at least have been removable only upon the demand of the popular branch of the Legislature. I have determined never to remove a Secretary of the Treasury without communicating all the circumstances attending such removal to both Houses of Congress. The influence of the Executive in controlling the freedom of the elective franchise through the medium of the public officers can be effectually checked by renewing the prohibition published by Mr. Jefferson, forbidding their interference in elections further than giving their own votes; and their own independence secured by an assurance of perfect immunity, in exercising this sacred privilege of freemen under the dictates of their own unbiased judgments. Never, with my consent, shall an officer of the people, compensated for his services out of their pockets, become the pliant instrument of Executive will.

There is no part of the means placed in the hands of the Executive which might be used with greater effect, for unhallowed purposes, than the control of the public press. The maxim which our ancestors derived from the mother country, that "the freedom of the press is the great bulwark of civil and religious liberty," is one of the most precious legacies which they have left us. We have learned, too, from our own as well as the experience of other countries, that golden shackles, by whomsoever or by whatever pretence imposed, are as fatal to it as the iron bonds of despotism. The presses in the necessary employment of the Government should never be used "to clear the guilty, or to varnish crimes." A decent and manly examination of the acts of the Government should be not only tolerated but encouraged.

Upon another occasion I have given my opinion, at some length, upon the impropriety of Executive interference in the legislation of Congress. That the article in the Constitution making it the duty of the President to communicate information, and authorizing him to recommend measures, was not intended to make him the source of legislation, and, in particular, that he should never be looked

to for schemes of finance. It would be very strange, indeed, that the Constitution should have strictly forbidden one branch of the Legislature from interfering in the origination of such bills, and that it should be considered proper that an altogether different department of the Government should be permitted to do so. Some of our best political maxims and opinions have been drawn from our parent Isle. There are others, however, which cannot be introduced in our system without singular incongruity, and the production of much mischief. And this I conceive to be one. No matter in which of the Houses of Parliament a bill may originate, nor by whom introduced, a minister, or a member of the opposition, by the fiction of law, or rather of constitutional principle, the sovereign is supposed to have prepared it agreeably to his will, and then submitted it to Parliament for their advice and consent. Now, the very reverse is the case here, not only with regard to the principle, but the forms prescribed by the Constitution. The principle certainly assigns to the only body constituted by the Constitution (the legislative body,) the power to make laws, and the forms even direct that the enactment should be ascribed to them. The Senate, in relation to revenue bills, have the right to propose amendments; and so has the Executive, by the power given him to return them to the House of Representatives, with his objections. It is in his power, also, to propose amendments to the existing revenue laws, suggested by his observations upon their defective or injurious operation. But the delicate duty of devising schemes of revenue should be left where the Constitution has placed it—with the immediate representatives of the people. For similar reasons, the mode of keeping the public treasure should be prescribed by them; and the farther removed it may be from the control of the Executive, the more wholesome the arrangement, and the more in accordance with Republican principle.

Connected with this subject is the character of the currency: The idea of making it exclusively metallic, however well intended, appears to me to be fraught with more fatal consequences than any other scheme, having no relation to the personal rights of the citizen, that has ever been devised. If any single scheme could produce the effect of arresting, at once, that mutation of condition by which thousands of our most indigent fellow-citizens, by their industry and enterprise, are raised to the possession of wealth, that is the one. If there is one measure better calculated than another to produce that state of things so much deprecated by all true republicans, by which the rich are daily adding to their hoards, and the poor sinking deeper into penury, it is an exclusive metallic currency. Or if there is a process by which the character of the country for generosity and nobleness of feeling may be destroyed by the great increase and necessary toleration of usury, it is an exclusive metallic currency.

Amongst the other duties of a delicate character which the President is called upon to perform, is the supervision of the government of the Territories of the United States. Those of them which are destined to become members of our great political family, are compensated by their rapid progress from infancy to manhood, for the partial and temporary deprivation of their political rights. It is in this District, only, where American citizens are to be found, who, under a settled system of policy, are deprived of many important political privileges, without any inspiring hope as to the future. Their only consolation, under circumstances of such deprivation, is that of the devoted exterior guards of a camp—that their sufferings secure tranquility and safety within. Are there any of their countrymen who would subject them to greater sacrifices, to any other humiliations than those essentially necessary to the security of the object for which they were thus separated from their fellow-citizens? Are their rights alone not to be guaranteed by the application of those great principles, upon which all our Constitutions are founded? We are told by the greatest of British orators and statesmen, that, at the commencement of the war of the Revolution, the most stupid men in England spoke of "their American subjects." Are there, indeed,

citizens of any of our States who have dreamed of their subjects in the District of Columbia? Such dreams can never be realized by any agency of mine.

The people of the District of Columbia are not the subjects of the people of the States, but free American citizens. Being in the latter condition when the Constitution was formed, no words used in that instrument could have been intended to deprive them of that character. If there is anything in the great principles of unalienable rights, so emphatically insisted upon in our Declaration of Independence, they could neither make, nor the United States accept, a surrender of their liberties, and become the subjects, in other words, the slaves, of their former fellow-citizens. If this be true, and it will scarcely be denied by any one who has a correct idea of his own rights as an American citizen, the grant to Congress of exclusive jurisdiction in the District of Columbia, can be interpreted, so far as respects the aggregate people of the United States, as meaning nothing more than to allow to Congress the controlling power necessary to afford a free and safe exercise of the functions assigned to the General Government by the Constitution. In all other respects, the legislation of Congress should be adapted to their peculiar position and wants, and be conformable with their deliberate opinions of their own interests.

I have spoken of the necessity of keeping the respective Departments of the Government, as well as all the other authorities of our country, within their appropriate orbits. This is a matter of difficulty in some cases, as the powers which they respectively claim are often not defined by very distinct lines. Mischievous, however, in their tendencies, as collisions of this kind may be, those which arise between the respective communities, which for certain purposes compose one nation, are much more so; for no such nation can long exist without the careful culture of those feelings of confidence and affection which are the effective bonds of union between free and confederated States. Strong as is the tie of interest, it has been often found ineffectual. Men, blinded by their passions, have been known to adopt measures for their country in direct opposition to all the suggestions of policy. The alternative, then, is, to destroy or keep down a bad passion by creating and fostering a good one; and this seems to be the corner stone upon which our American political architects have reared the fabric of our Government. The cement which was to bind it, and perpetuate its existence, was the affectionate attachment between all its members. To insure the continuance of this feeling, produced at first by a community of dangers, of sufferings and of interests, the advantages of each were made accessible to all. No participation in any good, possessed by any member of an extensive confederacy, except in domestic government, was withheld from the citizen of any other member. By a process attended with no difficulty, no delay, no expense but that of removal, the citizen of one might become the citizen of any other, and successively of the whole. The lines, too, separating powers to be exercised by the citizens of one State from those of another, seem to be so distinctly drawn as to leave no room for misunderstanding. The citizens of each State unite in their persons all the privileges which that character confers, and all that they may claim as citizens of the United States; but in no case can the same person, at the same time, act as the citizen of two separate States, and he is therefore positively precluded from any interference with the reserved powers of any State but that of which he is, for the time being, a citizen. He may indeed offer to the citizens of other States his advice as to their management, and the form in which it is tendered is left to his own discretion and sense of propriety.

It may be observed, however, that organized associations of citizens, requiring compliance with their wishes, too much resemble the recommendations of Athens to her allies—supported by an armed and powerful fleet. It was, indeed, to the ambition of the leading States of Greece to control the domestic concerns of the others, that the destruction of that celebrated confederacy, and subsequently of all its members, is mainly to be attri-

buted. And it is owing to the absence of that spirit that the Helvetic confederacy has for so many years been preserved. Never has there been seen in the institutions of the separate members of any confederacy more elements of discord. In the principles and forms of government and religion, as well as in the circumstances of the several cantons, so marked a discrepancy was observable, as to promise any thing but harmony in their intercourse or permanency in their alliance. And yet, for ages, neither has been interrupted. Content with the positive benefits which their union produced, with the independence and safety from foreign aggression which it secured, these sagacious people respected the institutions of each other, however repugnant to their own principles and prejudices.

Our Confederacy, fellow-citizens, can only be preserved by the same forbearance. Our citizens must be content with the exercise of the powers with which the Constitution clothes them. The attempt of those of one State to control the domestic institutions of another, can only result in feelings of distrust and jealousy, the certain harbingers of disunion, violence, civil war, and the ultimate destruction of our free institutions. Our Confederacy is perfectly illustrated by the terms and principles governing a common copartnership. There a fund of power is to be exercised under the direction of the joint councils of the allied members, but that which has been reserved by the individual members is intangible to the common Government or the individual members composing it. To attempt it finds no support in the principles of our Constitution. It should be our constant and earnest endeavor mutually to cultivate a spirit of concord and harmony among the various parts of our Confederacy. Experience has abundantly taught us that the agitation by citizens of one part of the Union of a subject not confided to the General Government, but exclusively under the guardianship of the local authorities, is productive of no other consequences than bitterness, alienation, discord, and injury to the very cause which is intended to be advanced. Of all the great interests which appertain to our country, that of union, cordial, confiding, fraternal union, is by far the most important, since it is the only true and sure guarantee of all others.

In consequence of the embarrassed state of business and the currency, some of the States may meet with difficulty in their financial concerns. However deeply we may regret any thing imprudent or excessive in the engagements into which States have entered for purposes of their own, it does not become us to disparage the State Governments, nor to discourage them from making proper efforts for their own relief; on the contrary, it is our duty to encourage them, to the extent of our constitutional authority, to apply their best means, and cheerfully to make all necessary sacrifices, and submit to all necessary burdens to fulfil their engagements and maintain their credit; for the character and credit of the several States form part of the character and credit of the whole country. The resources of the country are abundant, the enterprise and activity of our people proverbial; and we may well hope that wise legislation and prudent administration, by the respective Governments, each acting within its own sphere, will restore former prosperity.

Uplasant and even dangerous as collisions may sometimes be, between the constituted authorities or the citizens of our country, in relation to the lines which separate their respective jurisdictions, the results can be of no vital injury to our institutions, if that ardent patriotism, that devoted attachment to liberty, that spirit of moderation and forbearance, for which our countrymen were once distinguished, continue to be cherished. If this continues to be the ruling passion of our souls, the weaker feelings of the mistaken enthusiast will be corrected, the Eutopian dreams of the scheming politician dissipated, and the complicated intrigues of the demagogue rendered harmless. The spirit of liberty is the sovereign balm for every injury which our institutions may receive. On the contrary, no care that can be used in the construction of our Government, no division of powers, no distribution

of checks in its several departments, will prove effectual to keep us a free people, if this spirit is suffered to decay—and decay it will, without constant nurture. To the neglect of this duty, the best historians agree in attributing the ruin of all the Republics with whose existence and fall their writings have made us acquainted. The same causes will ever produce the same effects; and as long as the love of power is a dominant passion of the human bosom, and as long as the understandings of men can be warped and their affections changed by operations upon their passions and prejudices, so long will the liberty of a people depend on their own constant attention to its preservation. The danger to all well established free Governments arises from the unwillingness of the people to believe in its existence, or from the influence of designing men, diverting their attention from the quarter whence it approaches, to a source from which it can never come. This is the old trick of those who would usurp the Government of their country. In the name of Democracy they speak, warning the people against the influence of wealth and the danger of aristocracy. History, ancient and modern, is full of such examples. Cæsar became the master of the Roman people and the Senate under the pretence of supporting the Democratic claims of the former against the aristocracy of the latter; Cromwell, in the character of protector of the liberties of the people, became the dictator of England; and Bolivar possessed himself of unlimited power, with the title of his country's Liberator. There is, on the contrary, no single instance on record of an extensive and well established Republic being changed into an aristocracy. The tendencies of all such Governments in their decline is to monarchy; and the antagonist principle to liberty there is the spirit of faction—a spirit which assumes the character, and, in times of great excitement, imposes itself upon the people as the genuine spirit of freedom, and like the false Christs whose coming was foretold by the Saviour, seeks to, and were it possible would, impose upon the true and most faithful disciples of liberty. It is in periods like this that it behoves the people to be most watchful of those to whom they have intrusted power. And although there is at times much difficulty in distinguishing the false from the true spirit, a calm and dispassionate investigation will detect the counterfeit as well by the character of its operations, as the results that are produced. The true spirit of liberty, although devoted, persevering, bold, and uncompromising in principle, that secured, is mild and tolerant and scrupulous as to the means it employs; whilst the spirit of party, assuming to be that of liberty, is harsh, vindictive, and intolerant, and totally reckless as to the character of the allies which it brings to the aid of its cause. When the genuine spirit of liberty animates the body of a people to a thorough examination of their affairs, it leads to the excision of every excrescence which may have fastened itself upon any of the Departments of the Government, and restores the system to its pristine health and beauty. But the reign of an intolerant spirit of party amongst a free people, seldom fails to result in a dangerous accession to the Executive power introduced and established amidst unusual professions of devotion to Democracy.

The foregoing remarks relate almost exclusively to matters connected with our domestic concerns. It may be proper, however, that I should give some indications to my fellow-citizens of my proposed course of conduct in the management of our foreign relations. I assure them, therefore, that it is my intention to use every means in my power to preserve the friendly intercourse which now so happily subsists with every foreign nation; and that, although, of course, not well informed as to the state of any pending negotiations with any of them, I see in the personal characters of the Sovereigns, as well as in the mutual interest of our own and of the Governments with which our relations are most intimate, a pleasing guarantee that the harmony so important to the interests of their subjects, as well as our citizens, will not be interrupted by the advancement of any claim, or pretension upon their part to which our honor would

not permit us to yield. Long the defender of my country's rights in the field, I trust that my fellow-citizens will not see in my earnest desire to preserve peace with foreign powers any indication that their rights will ever be sacrificed, or the honor of the nation tarnished, by any admission on the part of their Chief Magistrate unworthy of their former glory.

In our intercourse with our Aboriginal neighbors the same liberality and justice, which marked the course prescribed to me by two of my illustrious predecessors when acting under their direction in the discharge of the duties of Superintendent and Commissioner, shall be strictly observed. I can conceive of no more sublime spectacle—none more likely to propitiate an impartial and common Creator, than a rigid adherence to the principles of justice on the part of a powerful nation in its transactions with a weaker and uncivilized people, whom circumstances have placed at its disposal.

Before concluding, fellow citizens, I must say something to you on the subject of the parties at this time existing in our country. To me it appears perfectly clear, that the interest of that country requires that the violence of the spirit by which those parties are at this time governed, must be greatly mitigated, if not entirely extinguished, or consequences will ensue which are appalling to be thought of. If parties in a Republic are necessary to secure a degree of vigilance sufficient to keep the public functionaries within the bounds of law and duty, at that point their usefulness ends. Beyond that, they become destructive of public virtue, the parents of a spirit antagonist to that of liberty, and, eventually, its inevitable conqueror. We have examples of Republics, where the love of country and of liberty, at one time, were the dominant passions of the whole mass of citizens. And yet, with the continuance of the name and forms of free Government, not a vestige of these qualities remaining in the bosom of any one its citizens. It was the beautiful remark of a distinguished English writer that "in the Roman Senate, Octavius had a party, and Antony a party, but the Commonwealth had none." Yet the Senate continued to meet in the Temple of Liberty, to talk of the sacredness and beauty of the Commonwealth, and gaze at the statues of the elder Brutus and of the Curtii and Decii. And the people assembled in the forum, not as in the days of Camillus and the Scipios, to cast their free votes for annual magistrates or pass upon the acts of the Senate, but to receive from the hands of the leaders of the respective parties their share of the spoils, and to shout for one or the other as those collected in Gaul or Egypt and the Lesser Asia, would furnish the larger dividend. The spirit of liberty had fled, and, avoiding the abodes of civilized man, had sought protection in the wilds of Scythia or Scandinavia; and so, under the operation of the same causes and influences, it will fly from our Capitol and our forums. A calamity so awful, not only to our country but to the world, must be deprecated by every patriot; and every tendency to a state of things likely to produce it immediately checked. Such a tendency has existed—does exist. Always the friend of my countrymen, never their flatterer, it becomes my duty to say to them from this high place to which their partiality has exalted me, that there exists in the land a spirit hostile to their best interests—hostile to liberty itself. It is a spirit contracted in its views, selfish in its object. It looks to the aggrandisement of a few, even to the destruction of the interest of the whole. The entire remedy is with the people. Something, however, may be effected by the means which they have placed in my hands. It is union that we want, not of a party for the sake of that party, but a union of the whole country for the sake of the whole country—for the defence of its interests and its honor against foreign aggression, for the defence of those principles for which our ancestors so gloriously contended. As far as it depends upon me, it shall be accomplished. All the influence that I possess, shall be exerted to prevent the formation at least of an Executive party in the halls of the legislative body. I wish for the support of no member of that body to any measure of mine that does not satisfy his judgment and his sense of

duty to those from whom he holds his appointment; nor any confidence in advance from the people, but that asked for by Mr. Jefferson, "to give firmness and effect to the legal administration of their affairs."

I deem the present occasion sufficiently important and solemn to justify me in expressing to my fellow-citizens a profound reverence for the Christian religion, and a thorough conviction that sound morals, religious liberty, and a just sense of religious responsibility, are essentially connected with all true and lasting happiness; and to that good Being who has blessed us by the gifts of civil and religious freedom, who watched over and prospered the labors of our fathers, and has hitherto presented to us institutions for exceeding in excellence those of any other people, let us unite in fervently commending every interest of our beloved country in all future time.

The oath of office was then administered to the PRESIDENT OF THE UNITED STATES by Chief Justice TANEY, and the President concluded his inaugural address as follows:

Fellow-citizens: Being fully invested with that high office to which the partiality of my countrymen has called me, I now take an affectionate leave of you. You will bear with you to your homes the remembrance of the pledge I have this day given to discharge all the high duties of my exalted station, according to the best of my ability; and I shall enter upon their performance with entire confidence in the support of a just generous people.

On the conclusion of the address, the members of the Senate, preceded by the Vice President, Secretary, and Sergeant-at-arms, returned to the Senate chamber.

Mr. BAYARD submitted the following resolution:

Resolved, That the thanks of the Senate be presented to the Hon. WILLIAM R. KING, for the ability and impartiality with which he has discharged the duties of President *pro tem.* of the Senate.

The resolution was considered and agreed to, unanimously.

Mr. MANGUM submitted the following resolution for the consideration of the Senate; which lays over one day.

Resolved, That Blair and Rives be dismissed as Printers of the Senate for the 27th Congress.

The Senate then adjourned until to-morrow at 12 o'clock.

IN SENATE,

FRIDAY, March 5, 1841.

Mr. MANGUM moved that the following resolution, which he offered yesterday, be now taken up:

Resolved, That Blair and Rives be dismissed as Printers of the Senate for the 27th Congress.

Mr. ALLEN said, before that motion was put, it appeared to him there was a preliminary question, on which it became the duty of the Senate to pass; that is, whether it was in order to entertain that resolution at this time, the Senate being in its Executive and not in its legislative capacity here. That resolution had for its object the undoing of that which the Senate did in its legislative character; and he therefore desired that the preliminary question should be first settled, whether it was competent for the Senate, in its character of an Executive Council to the President, (for that was then its character, and that alone,) to undo an act which it did in its legislative character, as part of the law-making power. He desired to take the pleasure of the Senate on the question, whether it is in order now to entertain the motion to call this resolution up.

The PRESIDENT said the point of order was involved in the motion to take up, and would be decided by the Senate in the vote on that question.

Mr. ALLEN then called for the ayes and noes on the motion to take up the resolution.

Mr. CLAY of Kentucky. Agreed.

The ayes and noes were then ordered.

Mr. CLAY of Kentucky wished to say a single word on this question of order. The Senate was there organized with its President at its head, and it might, therefore, do any thing which a Senate

can do. The resolution proposed to be rescinded related to an officer elected by the Senate, and it could no more be asserted that he was elected in their legislative than in their Executive capacity. He was elected as was their Doorkeeper, or their Sergeant-at-Arms, or any body else. The Senate was there, agreeably to the Constitution of the country, and it might do any thing which it was competent for a Senate to do, and it might appoint those officers whose agency was necessary to the discharge of the duties of the Senate.

Mr. ALLEN said, it was difficult to say whether the election of an officer was Executive or legislative in its character: properly speaking, it was neither. But here was an act done by the Senate whilst acting in its character of a branch of the legislative body. The proof of that fact was, that this body was required, when sitting on Executive business, to sit with closed doors; and the election of this Printer took place with open doors. The election of this officer took place under circumstances, and under a joint rule of the two Houses of Congress, which made it the duty of the Senate of the United States to communicate the fact to the House of Representatives, then in session, that it had elected A B, or C D, to be the Public Printer for the body; and now when this body, as a branch of the National Legislature, acting under a joint rule of the two branches of the Government, has elected a public officer, whose duties are connected with both Houses of Congress—when they had done that with open doors, not in their Executive but in their legislative character—and, furthermore, when they had informed the House of Representatives of this, could they now, when the House was disbanded, annul this act, and bring the House here next year, totally ignorant of the fact who is the Printer to the Senate? If it were an Executive election, why was it not done with closed doors, when the rule, under which this body acts, requires that all Executive business shall be transacted with closed doors? He repeated that, in itself, the act was neither Executive nor legislative; and it derived its character of an Executive or legislative act, from the position the Senate assumed at the time the act was done; and that was either as to the publicity or secrecy with which the Senate sat. This was done as a legislative act, and, as such, they informed the other branch of Congress of the fact. They had so acted, and it seemed to him they might, with equal propriety, rescind every resolution which they had passed in their character of a legislative body. And as to the assertion that this was a new Senate, he denied the fact. The argument so much relied on in this discussion, and on which so much logic and reasoning had been wasted in opposition to the election of these Printers, was untrue. There was no such thing as a new Senate known to the Constitution of this Republic. They might as well speak of a new Supreme Court as of a new Senate. There was a new House of Representatives, because the entire House expired at the expiration of the second year, and because the 4th of March terminated the life of that body. But not so the Senate. The Constitution replenishes that body every two years, by the election of a class of Senators, and thereby gives eternity to the duration of the body. There was no new, nor was there any old, Senate. The same Senate, therefore, which elected Blair and Rives, now, without charge or allegation, proposes to rescind the act; but he would not go into that. He again said the action of the Senate, on this election, was not with closed doors; their rules required all Executive action should be had with closed doors. This was not so had; and the circumstances of the act, which in itself was neither necessarily Executive nor legislative, compelled them to look to the character they assumed at the time they did the act, in order to decide on the character of the act itself. He had now done with this for the present.

Mr. WRIGHT, before the question was taken, wished to know whether he had correctly understood the Senator from Kentucky to say that the Senate, with its President at its head, was competent to do any act which a Senate of the United States can do?

Mr. CLAY. Separate from the House.

Mr. WRIGHT. That was a very important qualification; and it remained then for the Senate to inquire whether the Senate legislatively can do any act when there is no House of Representatives organized and sitting; and when there is none in existence. It seemed to him, then, they must come to the conclusion that their powers there, whatever they might be, were those which pertain to the Executive action of the Senate as a council of the President in matters of appointment. Though he had not had time to examine this question, he asked Senators on all sides what had been the uniform practice of the Senate on questions of this sort; for every four years since the commencement of the Government there had been a special session like the present. Had the Senate ever, at any session of that character, attempted to appoint even its Sergeant-at-arms or its Doorkeeper? Since he had been a member of the body he did not believe they ever had; and, within his experience, he knew that, although the new Senate, if gentlemen were pleased to call it so, had had these special sessions, there never had been a question that those offices were vacant, and to be filled at the commencement of a legislative session. What were properly their powers, acting as an Executive council, under the Constitution? Could they originate any thing? Could they do any thing but to advise and consent, or dissent, on subjects laid before them by the President of the United States—to wit, nominations or treaties? And had the Senate ever attempted to do any thing else, whether with open or with closed doors? for that, he apprehended, was a mere matter of rule of the Senate. Well, what were their rules, then? He had never heard it pretended that the rules of the Senate are not perpetual from Congress to Congress, unless they were changed by the body. The rules were not now changed; and what then were they doing? Why, they were debating this matter in violation of their rules, and by their action were assuming to exercise legislative powers. He had expected, from the necessity of the case, that the very first motion this morning, after the Senate was constitutionally organized, would be to communicate to the President that a quorum was present, and that they were ready to receive any communication from him that he might have to make; that they would then assume their Executive form, and, if their doors were thrown open, that it would be by order of the Senate, without assuming any other than an Executive form. These were the honest impressions of his mind.

Mr. CLAYTON admitted, with the Senator from New York, [Mr. WRIGHT,] that the Senate then assembled there could do no legislative act; they were not sitting as the Congress of the United States, but on the summons of the President of the United States; but, having come there, they could perform any act which was necessary to organize that body—they could do any act which a Senate can do, which did not require the action of the other House. For instance, if their President should be taken ill, nobody doubted that they could elect a President *pro tem.*; and if their Secretary should be sick, was there any doubt that they had the power to appoint another Secretary at their pleasure? These offices, beyond all question, were held at the pleasure of the Senate, and the officers might be removed at the pleasure of the Senate. It did not require the concurrence of the other House. It was an act simply of the Senate for its organization. Now they found it necessary to go into the election of a Printer; but they were told the office was filled. With that he did not agree. He believed the act performed was a nullity, and not consistent with the powers given them by the Constitution to appoint their own officers; and therefore they could remove these Printers, and go into the election of other Printers.

He confessed, however, he did not like the form in which it was presented, and he should have liked it better, if it had come in another shape; but he would not now discuss that. There they were, organized under the summons of the President of the United States. This was not a legislative act which required the concurrence of the House of Representatives; it was a mere act of this body, and to deny that they

had the power to do this act, was to deny that they were sitting as the Senate of the United States.

Mr. TAPPAN requested that the bond given by Messrs. Blair and Rives might be read.

The Secretary accordingly read the bond.

Mr. CLAY of Kentucky said he was scarcely in a condition to articulate, and he should economise words as much as possible. But as to the character of this bond, what was it? It was a bond to do the duties of the office; but if the Printers went out the bond was vacated by the fact. The question was not, then, on the propriety of the dismissal of these Printers; that question would come up when the resolution came up; but it was a question of order raised on the other side of the Senate, (by Mr. ALLEN,) and re-echoed on this side (by Mr. WRIGHT) but not with a perfect coincidence. It was contended on one side that the Senate was a continuous, never-dying body, and on the other side it was said there was no House of Representatives. But in the true contemplation of the Constitution, the Senate, and the House too, were supposed to be in existence; for if the States had discharged their duties by the election of members, they were ready to form a House. The Senate and the House were, in the contemplation of the Constitution, continuous bodies; they were not identical in the members that composed them, but he hoped that, though theoretically always in existence, the acts and measures of the Senate would depend on the component members that constitute the body. By the Constitution the Senate had power, exclusively of the House, or the President, or any other authority, to elect its own officers. They said that their Printer was an officer; but he should not go over the arguments which had been urged with so much ability by his friend from Delaware, [Mr. BAYARD,] and which stood unanswered to that day, that these Printers were officers, and were, in fact, performing the duties of clerks, using types instead of pens—that they were a part of the machinery of the Senate which was requisite to the transaction of the duties of the Senate. Suppose the Printers were to die, or some other contingency should happen which should prevent the execution of their work, could not the Senate fill that office? Could they not fill the office of Sergeant-at-Arms, which was then vacant? The case was too clear for argument. The Senate then in session could do whatever it was competent for a Senate to do. But the argument of the gentleman on the other side [Mr. ALLEN] was this; it is not a legislative function to elect a Printer, nor was it Executive. Then what was it? Was it a judicial function? It was certainly much less a judicial than an Executive or a legislative function. Well, if it was neither legislative, Executive, nor judicial, he thought the argument of the gentleman on the other side demonstrated that it was not competent in the Senate to elect at all. But this hair-splitting, this division and subdivision of the capacities of the Senate, was not the question. They were a Senate, with all the powers of the Senate; they could not act, it was true, in their legislative character, but they were competent to perform what a Senate could do without the co-operation of the other House.

Now let us see what was done at a somewhat analogous period of their history. The Senator from New York thought they ought to meet in conclave, and not in the presence of those who had done them the honor to attend their debates. Why, they had always met in open session, and, if they went into secret session, it was on a special motion. But he would call their attention to what was done on the 9th of March, 1829. He then read from the journal of March 9, 1829, when the Senate were in Executive session, a resolution submitted by Mr. BENTON to purchase Gales and Seaton's Register of Debates. On the next day the resolution was, on motion of Mr. WOODBURY, laid on the table.

On arriving at the name of Mr. WOODBURY in the extract, he said he was happy to see that honorable Senator here, and he hoped, by his vote, he would recognise the validity of the proceedings. On the next day it was again taken up, and then laid on the table—ayes 25, noes 15.

There were a variety of other proceedings, run-

ning from day to day, recognising their power to transact the business of the Senate. And could they not identify and examine into the character of the of individuals to compose that body? He could rights refer to numerous instances in which it had been done to ascertain the right by which any man was sitting there as a Senator. Unquestionably, it was the first, the primary duty of any deliberative assembly. Whatever related to their functions, whatever related to their composition, whatever related to the discharge of their duties, and whatever was necessary to enable them to fulfil them, it was competent for them to determine; and whatever officers were necessary and important, with all deference for the opinion of the Senator opposite, it was competent for the body to proceed to elect. He would detain the Senate no longer, for the reason he had before given—that he had not the power of utterance.

Mr. ALLEN said the Senator from Kentucky [Mr. CLAY] thought he had placed him (Mr. ALLEN) in an awkward dilemma. He (Mr. ALLEN) had said that the election of Printer was not, properly speaking, either an Executive or a legislative act; and the Senator from Kentucky had inquired if that was the case, as it was not a judicial act, where the Senate would find power to elect a Printer at all? He (Mr. ALLEN) would answer that question. The Senate acted in its legislative character, in virtue of certain express powers in the Constitution; and in its Executive character, in virtue of certain other express powers in the Constitution; and it acted in its judicial character, as in cases of impeachment, in virtue of certain other powers. But was it in virtue of either of those powers they elected a Printer? It was not in their legislative character that they acted, or why did the Constitution superadd that the Senate should choose its own officers?

Now, as to the question of the Senator from Delaware, [Mr. BAYARD,] if there should be a vacancy in the chair by the death of their President—which he hoped there never would be—would not the Senate, in that case, proceed to elect a President *pro tem.* of the body? And he had put the same question in regard to their Clerk. Yes, they would elect a President *pro tem.* by virtue of the power conferred by the necessity of the case, and justified by that necessity. But, let the Senator reverse the proposition, and see how it would apply. Because the Senate can fill a vacancy created by death—and fill that vacancy temporarily—it can remove an officer elected permanently, and thus create the necessity for a new appointment! Why, the Senate then might remove its President for the purpose of filling his place. And they could remove their Secretary—not because he had violated his trust, but for the sole reason that the Senate might thereby derive, from the necessity created by themselves, the power to fill the vacancy by a *pro tem.* appointment. If the proposition were good on one side it was good on the other. If they could fill a vacancy created by death, said the Senator, could they not turn out a man? If they could, in consequence of a vacancy created by death, appoint a temporary officer, could they not create a vacancy and appoint a permanent officer to fill the place? No: they could do no such thing. The proposition would authorize the Senate to displace the Vice-President and to make a vacancy, in order that they might make a necessity for a new presiding officer, and on that to found the right to create that officer. And so in regard to every other. Now, he took it he had extricated himself from the two dilemmas in which the Senator from Kentucky thought he had placed him.

Mr. WRIGHT was ready to admit that any suggestions of his might be crude, for the question was very new to him; but still he was not able to see, by the arguments of the gentlemen to his right, [Mr. CLAY and Mr. CLAYTON,] that the difficulties in his mind had been removed; nor did he see that those Senators had imposed any great difficulties against his position. The honorable Senator from Kentucky had appealed to them with some force, and he had put questions which he would answer, Yankee like, by putting another question: Was this a legislative or an Executive session, for the

honorable Senator contended that it was one or the other?

Mr. CLAY said the session was "Senatorial."

Mr. WRIGHT thought all their sessions were Senatorial. He had understood the honorable Senator to contend that this was not strictly legislative, that it was not strictly Executive, nor was it judicial; *ergo*, they could not do this act at all.

Mr. CLAY explained. He said they were there as a Senate, and were competent to perform any act which, as a Senate, irrespective of the other branch of Congress, they could, at any time, perform. It was "Senatorial."

Mr. WRIGHT admitted that this was to him a new classification of their powers, and it was one which he would not then discuss; but he hoped all they did would be "Senatorial," whether as a legislative, or as an Executive council. The powers, he apprehended, which were granted to them, were of one of two branches; and from the arguments which he had heard, it seemed to him they had then no legislative powers, and yet they were acting on this subject in a legislative form. He had before referred to the rules of the Senate, and he had stated what, he supposed, would not be controverted; that those rules were as perfectly binding on that body, as they were on the body which occupied those seats a week ago. Now, one of those rules was, that, "When acting on confidential or Executive business, the Senate shall be cleared of all persons, except the Secretary, the Principal or the Executive Clerk, the Sergeant-at-Arms and Doorkeeper, and the Assistant Doorkeeper. Well, then, under their rules, they must assume to be acting legislatively, a position which he undertook to show they did not occupy after their organization for Executive purposes. That disposed, as a matter of course, of the question who of right were members of the body; for that was a question which the Senate must always admit. The Senator from Delaware said, whether in an Executive or legislative capacity, they were always subject to the necessity of exercising their powers for self-protection; and hence, if the sickness or death of their Secretary happened while the Senate was exclusively Executive, it was competent to appoint a Secretary *pro tem.* for that Executive session, that that would go on the Executive journal, which had no connection with the legislative journal, for it was a journal of their own, which had no connection with the House of Representatives; and that it was published, or was forever sealed, as the Senate, acting as an Executive body, should decide; and the Senate, acting as a legislative body, was not permitted to make any order on the subject. Now, he [Mr. WRIGHT] took it, that if such a necessity were to arise, or if the Secretary should so misbehave as to require it, the Executive Senate might *pro hac vice* appoint a person to discharge the duties until the time allowed to make a permanent appointment. Those were the suggestions of his mind. Now, his impression was, that if the Senate, in its Executive capacity, should pass a resolution and order the printing of the Executive session to be done by others, the persons here named would not cease to be the Printers in, the operation of the law, to Congress. However, he did not now desire to detain the Senate with his reflections, which were necessarily crude.

Mr. PRENTISS, who spoke in a very low tone of voice, was understood to argue that the Senate now sitting could exercise any separate powers given to it by the Constitution, and that they had the power and the right to act upon this resolution, and to dismiss their Printers.

Mr. CLAY of Alabama conceived the whole question turned on one point which had not yet been regarded; and honorable gentlemen who proposed to act on this resolution, it appeared to him, were about to act on a misapprehension of the true nature of the question. On a former occasion, but a few days ago, he (Mr. CLAY) had contended that the Printer was not, in the constitutional sense of the term, an officer of the Senate at all; or, at all events, he could only be considered as a *quasi* officer. He did not deny that the Clerk or the Secretary was liable to be dismissed; but, even as a matter of right, or of sound discretion, he did not suppose any officer would be dismissed,

unless he had committed some offence, or had been guilty of some deep moral dereliction. In what position did they then stand? He maintained that they stood in the attitude of one of two contracting parties. The Printers, who were the other parties to the contract, did not perform ministerial, but mechanical duties, and those duties were not performed within the walls of this Capitol, but elsewhere. The resolution of 1819, to which he would ask the attention of the Senate, was in the following terms:

RESOLUTION directing the manner in which the Printing of Congress shall be executed, fixing the prices thereof, and providing for the appointment of a printer or printers.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the printing of Congress, unless when otherwise specially ordered, shall be done in the following form and manner, viz:

Bills, as heretofore, with English type, on foolscap paper. Rule or table work, in royal octavo size, where it can be brought into that size by any type not smaller than brevier; and where it cannot, in such form, as to fold conveniently into the volume. All other printing with a small pica type, on royal paper, in pages of the same size as those of the last edition of the laws of the United States, including the marginal notes.

And the following prices shall be allowed and paid for the above described work: For the composition of every page of bills, one dollar; of every page of small pica, plain work, one dollar; of every page of small pica, rule work, two dollars; of every page of brevier rule work, three dollars and fifty cents; and for a larger form of brevier rule work, in proportion.

For the press work of bills, including paper, folding, and stitching, for fifty copies, 25 cents per page; for 400 copies, \$1 25 per page; for the press work of tables, other than those in the regular octavo form, for 600 copies, including as above, \$5 50 per form; for the press work of the journals, of 900 copies, including as above, one dollar per page; for all other printing, in the octavo form, of 600 copies, including as above, 87 cents per page; and for a larger or smaller number in proportion.

That as soon as this resolution shall have been approved by the President of the United States, each House shall proceed to ballot for a Printer, to execute its work during the next Congress; and the person having the greatest number of votes shall be considered duly elected; and shall give bond, with sureties, to the satisfaction of the Secretary of the Senate and Clerk of the House of Representatives respectively, for the prompt, accurate, and neat execution of the work; and in case any inconvenient delay should be, at any time, experienced by either House, in the delivery of its work, the Secretary and Clerk, respectively, may be authorized to employ another Printer to execute any portion of the work of the Senate or House, and charge the excess, in the account of such Printer, for executing such work above what is herein allowed, to the Printer guilty of such negligence and delay: *Provided*, That nothing herein contained shall preclude the choice of the same Printer by the Senate and by the House of Representatives.

H. CLAY,

Speaker of the House of Representatives.

JAMES BARBOUR,

President of the Senate pro tempore.

APPROVED, March 3, 1841.

JAMES MONROE.

This resolution directs the manner and form in which the printing shall be done, and the price or rate of remuneration. It goes on to provide that, where it shall appear that the Printer failed in the discharge of his duty, the Senate might employ some other individual. Well, then, in what point of view were they to consider this resolution? The Senate stood as one of two contracting parties; and what was the character of all contracts? It required two parties to make a contract; and he submitted to the Senate whether it did not equally require the consent of both parties to rescind a contract. To say, after entering into a solemn contract, that, without the failure to perform, or consent of one, the other party could rescind the contract, would be as new in law as in morals. To test the accuracy of this position, suppose Blair and Rives should refuse to perform the duties which, by their bond, they had covenanted to perform, and wished to be relieved from their obligations—could they resign or be relieved without the consent of the Senate, or without being liable to the damages specified in their bond? By no means. Nor could this be controverted. And if they could not be relieved without the consent of the Senate, could the Senate, on the other hand, release itself from its part of the obligation? He denied that it could; and he regretted that the proposition had been made. He regretted it, as an indication of other things, which might be expected to follow, on which he should not now dwell. Here they had a law in all its forms; it had the approval of the Executive; and that law had been revised and reconsidered ten years after its adoption, and Congress passing another, which was a simple provision as to the time of the election of Printer, and fixing it within thirty days of the termination of the Congress. He would not detain the Senate by reading it, for it was sufficiently familiar.

They had, then, the resolution of 1819, providing for the election of Printer—specifying the manner in which the printing should be done, the kind of type, the size of the page, and the rate of compensation. It had only been changed so far, by the joint resolution of 1829, as to fix the time of election, as he had before stated, to take place within thirty days of the close of each Congressional term. Now this law had been acted upon ever since the passage of the resolution of 1819, with perfect uniformity. There had been a Printer to the Senate elected under it *eleven times*, notwithstanding the changes of parties, and the consequent changes of power. Yet it had never before entered into the head of any one that they were thereby violating the Constitution.

The fact of an election being required by the law, did not change the character of the transaction, nor necessarily make the person chosen Printer an officer, in the constitutional sense, as seemed to be supposed. It was a mere circumstance in the manner of making the contract. The proposer might be stated thus: the resolution of 1819 might be considered, as it was in effect, the *proposals* of the Senate for a contract for its printing, setting forth the manner in which the work should be done, and the prices to be paid for performing it. As might be supposed, a number of individuals applied for the work, and the election was held merely to ascertain and designate the individual who should be received as contractor. The person so designated, afterwards, pursuant to the terms specified in our proposals, executes his bond for the faithful performance of his contract, under a suitable penalty. Is it not, then, to all intents and purposes, a contract, in good faith, and in law as inviolable as any other? It is, most incontestably. Blair and Rives could not discharge themselves, as all officers may, by resigning. They could only be released from their liability by a full and faithful performance of their undertaking, or by our consent, as the other contracting party. Viewing it, then, as a contract, if, as must be admitted by all, Blair and Rives could not discharge themselves, by any act of theirs, without our concurrence, can we discharge ourselves, without their consent? This, sir, is the simple question; and any man who has learned the first principle which governs and determines the nature and obligations of a contract, must respond in the negative.

He should not occupy the time of the Senate longer on this point. He had merely risen to show the true character of the transaction; and to say that, unless it was intended by the party now in power to trample under foot the law of the land, and utterly to disregard that moral principle which lays at the foundation of all contracts, whether public or private—he repeated, unless the dominant party were resolved to trample down every principle heretofore sacred in law and morals, the Senate could not adopt the resolution dismissing Blair and Rives, and setting aside a contract which had been made and concluded in the most solemn form.

Mr. CALHOUN rose to say, that, in giving his vote on this occasion, he did not give it on the question of order. He agreed with the Chair that it was not now fairly before the Senate, and he should vote against taking up the resolution, because he thought it highly inexpedient to do so. But if he were overruled, and the Senate should decide the question of order, and determine to take up the resolution, then he should take occasion to express his opinion thereon.

Mr. YOUNG asked the Senator from Delaware [Mr. CLAYTON] whether he intended to convey the impression that the Secretary of the Senate was only there by courtesy, and that he might be removed at any moment?

Mr. CLAYTON wished to be understood to say that every officer was appointed to office during pleasure, and could be removed at any moment when the Senate was in session.

Mr. YOUNG wished to call the attention of the honorable Senator from Delaware to their forty-ninth rule, which was in these words:

"The Secretary of the Senate, the Sergeant-at-Arms and Doorkeeper, and the Assistant Door-

keeper, shall be chosen on the second Monday of the first session of the twenty-first Congress, and on the same day of the first session of every succeeding Congress."

Mr. CLAYTON observed that those officers were elected on a certain day for the convenience of the body, but they might be removed or displaced at any time the Senate was in session.

After a few words between Messrs. YOUNG and CLAYTON, the question was taken, and decided in the affirmative—ayes 29, noes 22, as follows:

YEAS—Messrs. Archer, Barrow, Bates, Bayard, Barrien, Choate, Clay of Kentucky, Clayton, Dixon, Evans, Graham, Henderson, Huntington, Ker, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Prentiss, Preston, Rives, Simmons, Smith of Indiana, Southard, Tallmadge, White, and Woodbridge—29.

NAYS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, King, Linn, McRoberts, Mouton, Nicholson, Pierce, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Williams, Woodbury, Wright, and Young—22.

So the resolution was taken up for consideration.

The Senate then went into the consideration of Executive business, and afterwards adjourned.

IN SENATE,

MONDAY, March 3, 1841.

Mr. MANGUM rose on the question coming up on the adoption of the resolution to dismiss Blair and Rives as the Printers to the Senate for the 27th Congress, and said this subject was so fully discussed some weeks past, that he did not think it necessary to say a single word on the subject; nor did he perceive any necessity on the part of his friends. He hoped, therefore, the question would be taken on the resolution.

Mr. BENTON called for the reading of the bond of Messrs. Blair and Rives.

The bond of Messrs. Blair and Rives was read. It bore date the 27th February, 1841, and, after reciting the various laws in relation to the printing of Congress, provided sureties, in the penalty of forty thousand dollars, for the prompt, accurate, and neat execution of the work, and was approved by the Secretary of the Senate.

Mr. BUCHANAN said he did not rise to oppose this resolution in the slightest hope that he should prove successful. He had no doubt execution was to be done, and that speedily, on Blair and Rives. The decree, the irreversible decree, had gone forth, and it must and would be executed. He had a few words to say, not with any expectation of arresting the judgment, because he knew this would be vain; but for the purpose of directing the attention of the Senate and the country to this extraordinary proceeding. He firmly believed that a principle would be established by the adoption of this resolution long to be remembered, and long to be deprecated.

In the Inaugural Address, which was delivered but a few days ago, he found the following sentiment:

"It was the remark of a Roman Consul, in an early period of that celebrated Republic, that a most striking contrast was observable in the conduct of candidates for offices of power and trust, before and after obtaining them—they seldom carry out, in the latter case, the pledges and promises made in the former. However much the world may have improved, in many respects, in the lapse of upwards of two thousand years since the remark was made by the virtuous and indignant Roman, I fear that a strict examination of the annals of some of the modern elective governments would develop similar instances of violated confidence."

What was the aspect of the case now before them? Did it not illustrate, in the most striking manner, the position maintained by the distinguished man, now the President of the United States. Hereafter he would have no occasion to travel back two thousand years, for the purpose of citing the authority of a Roman consul to prove that professions before an election, and practices after it, were two very different matters. His own friends in the Senate were about to establish a modern precedent on this subject, which would cast antiquity into the shade.

This was not merely the case of removing an officer, or "quasi" officer of the Senate, for political

offences—no such thing. If this had been all, although it would have violated that primary canon of the Whig faith, that "proscription must be proscribed," he should not have been, in the slightest degree, astonished. Indeed, it would then have been nothing more than he had anticipated. But the present case was far different. It was an attempt on the part of the Senate to violate as binding a contract as could be entered into by human language. It would present the spectacle before the American people of this body disregarding its plighted faith, and, in the face of the world, trampling under foot the vested rights which two American citizens had acquired under their contract. He would not be afraid to leave the decision of this question to any judicial tribunal in the land, upon a mere statement of the facts, against all the arguments which ingenuity could adduce on the other side.

From the character of the resolution offered by the Senator from North Carolina, [Mr. MANGUM,] it might be easily inferred that a military chieftain was at the head of the Government. His resolution was in true military style, and its language was precise, striking, and much to the point—without ambiguity, and without a single unnecessary word. The following was a copy of it:

Resolved, That Blair and Rives be dismissed as Printers to the Senate for the 27th Congress.

Short, pointed, and directly to the purpose, it was in the true style of Richard the Third: "Off with his head! So much for Buckingham." "If reasons were as thick as blackberries," he supposed their friends on this side of the House would not give us one "upon compulsion;" still less would they do so, when they had no reasons to give. The resolution, therefore, was an act of mere naked power, without any cause being assigned on its face for its adoption. There was but one legitimate cause which could, by possibility, have been assigned; and that had no existence in this case. If Blair and Rives had violated any essential stipulation of their contract, it might probably have justified the Senate in annulling it altogether, and employing other Printers to perform the work. This was not, this could not, be pretended. It had never even been insinuated that Blair and Rives had not heretofore faithfully performed their duty as *Printers* to the Senate; and this was the best pledge which could be given that they would do so hereafter. Why, then, were they to be dismissed in this military style? Why was our own solemn contract with them to be forfeited? Was it not simply because they were the editors of a political newspaper, and dared to publish articles in opposition to the party now in power? This had been openly avowed as the reason.

"Off with his head!" What sin had poor Mr. Rives ever committed, that he should be executed with Mr. Blair? It was true that Mr. Rives was a partner in the firm, and in this capacity had entered into the contract; but it was equally certain that the duties which he performed were of a mere business and mechanical character, and he had never given cause of complaint to any person. Why, then, should the political offences of Mr. Blair be visited on the head of his unoffending partner, and the whole Globe be prostrated for the purpose of reaching a single sinner?

This was, however, no subject to jest about; but a question—and he said so with the utmost sincerity and solemnity—involving a principle of greater importance to the people of this country than any which had been before the Senate of the United States since he had been a member of the body. Should Blair and Rives be dismissed from their contract, it would be recorded as a precedent, and would prove to be the fruitful foundation of many evils in our future history.

He would state the facts of the case with as much clearness and precision as he could.

Previous to the year 1819, the printing of Congress had been executed under contracts entered into with the lowest bidders, by the Secretary of the Senate and the Clerk of the House of Representatives, respectively. After long experience, it was found to be necessary, for reasons which he should not then enumerate, to change this practice, and fix the mode of employing Printers by positive law.

Accordingly, on the 3d March, 1819, a joint resolution was adopted by Congress, and approved by the President of the United States, declaring that each House, previous to the termination of every Congress, should elect a suitable person to execute its own printing "*during the next Congress.*" This resolution prescribed particularly the manner in which the printing should be done, and the prices which were to be paid to the Printer. The chief reason for adopting the resolution was clear and obvious. It was utterly impossible that any new contractor could be prepared with the necessary paper, materials, and workmen to execute properly the printing for either House of Congress, without some months previous notice; and, therefore, the joint resolution gave him the time for preparation, which would necessarily elapse between the termination of one Congress and the meeting of another. The Printer, thus elected, was required "to give bond, with sureties, to the satisfaction of the Secretary of the Senate, for the prompt, accurate, and neat execution of the work." And what power was granted by the resolution to your Secretary over this Printer? Why, sir, in case of any inconvenient delay in the delivery of the work, the Secretary was authorized to employ another Printer to perform any portion of it he thought proper; and, if he were obliged to pay an increased price, he was directed to charge this excess in the account against the regular Printer.

There was not one word in this resolution, from beginning to end, which gave the least color to the idea that this Printer was an officer of the Senate. Throughout the whole of it he was not called an officer, nor was his employment alluded to as official, nor was there a single term used which was not in strict accordance with the mechanical nature of the work to be performed. Thus, then, stood this case. A solemn contract had been entered into—under the joint resolution of 1819, confirmed as it was by the subsequent resolution of 1829—with Blair and Rives, who had been duly elected Printers to the Senate—their bond, with sureties, had been approved by the Secretary—the agreement on both sides was perfect and complete, and, by its terms was to endure throughout the twenty-seventh Congress; and these contractors had thus acquired an absolute right, which no human power could constitutionally divest, to execute our printing and receive for their work the stipulated compensation. Ten times in uninterrupted succession had the Senate elected printers under this resolution of 1819, and ten times had the Printers thus elected executed the printing "*during the next Congress.*"

When the eleventh period of election arrived, the Senators on this side of the house were seized with violent constitutional scruples. They denounced the joint resolution of 1819 as unconstitutional; and, to manifest their abhorrence of its provisions in a still more striking light, they resorted to the revolutionary movement of refusing to vote for Printer, and of giving notice that the moment they obtained the power they would nullify the election. According to their opinion, the Congress which had adopted the resolution could have known nothing about the provisions of the Constitution; and our predecessors, who, for almost a quarter of a century, and in times of the highest party excitement, had carried it into execution, must have been stupid dolts. During the whole of this long period they had been violating their oath to support the Constitution; for Senators on this side of the house had assured us that the joint resolution of 1819 was so plainly unconstitutional, that he who runs might read. No, sir, no: this would not do. This mantle was not broad enough to cover them. Without intending to give offence to any one, Mr. B. said, it would have been better, much better, for them to have boldly avowed that they were acting upon Rob Roy's rule:

*"That they should take who have the power,
And they should keep who can."*

This was their rule of action on the present occasion. The party to which he belonged had been denounced as Loco Focos, Agrarians, Levellers, and violators of vested rights. Should the resolution be adopted, all these hard names would, he trusted, be at once transferred to their opponents.

But the resolution of 1819 was unconstitutional!

And if it were so, what would be the consequence? It was this: that no constitutional power existed to pass any law under which a binding contract could be made for printing, or for the performance of any other mechanical labor for either House of Congress, previous to the meeting of that Congress for which the work was to be performed. And why? Because, say the Senators, the person who contracts to perform such printing, is thereby at once transformed into an officer of the Senate; and each Senate possessing the power under the Constitution to choose its own officers, the act of employing such a Printer by a previous Senate is in derogation of the constitutional right of choice, which belongs to the succeeding Senate; and is, therefore, unconstitutional, null, and void. This had been the argument! It was difficult to treat it seriously; but he should briefly show that our Printer was not an officer of the Senate in the constitutional sense; that if he were, it would not authorize the violation of this contract; and that no such thing existed, under our system of Government, as a previous and succeeding Senate; the Senate being a permanent body.

What argument had been used to prove that the firm of Blair and Rives was an officer of the Senate? He had heard but one; and that was the argument of the Senator from Delaware, [Mr. BAYARD,] which had afterwards been endorsed by the Senator from Kentucky, [Mr. CLAY.] The Senator must have been hard run to obtain it, for he was obliged, for that purpose, to go back to a period of the world before the art of printing was discovered. This he believed was about its form. "If the art of printing had not been discovered, our Secretary must have employed a great number of amanuenses to make copies of our proceedings; but the printers now make such copies by means of their type; therefore, the printers may be considered as deputies of the Secretary and as officers of the Senate." This argument assumed the fact, that, had the art of printing not been discovered, every amanuensis who might have been employed for the purpose of making copies of our journals and proceedings for distribution among the people, would necessarily have become an officer of the Senate. If this illustration had not been so far fetched, he should not have desired one more striking to prove the fallacy of the Senator's own argument, than that which he himself had thus presented. Was not the idea perfectly absurd, that the hundreds of mere copyists whom it would have been necessary to hire, had not the art of printing been discovered, would each one of them have become an officer—a deputy Secretary of the Senate? In this purely imaginary case, it would have been still more necessary than even at present, to have provided, by contract, at a preceding Congress, for procuring a great number of copyists; and it would then have been still more inconvenient to have held that no power existed under this Government which would enable Congress, at a previous session, to provide copyists for future service. But the bare statement of the proposition was sufficient to convince every candid and unprejudiced mind, that the mechanic who contracted to perform the printing of the body, and was to receive for it the regular wages fixed by law, was not one of our officers. Was the clock-maker, employed by the year to regulate your clock—or the paper-maker, who contracted with your Secretary to furnish the Senate with stationery, an officer of the body? Certainly not.

The printing of the Senate was a mere mechanical work, to be executed by men possessing skill in the art, and to be paid for in proportion to the amount of labor actually performed; and we might, with equal propriety, call any other man, who performed mechanical labor for the Senate, an officer, as thus to denominate the Printer. The fact of his election by the Senate could make no difference. It was the nature of the employment, not the mode of selection, which constituted the officer. If our Printer were now an officer of the Senate, he had been equally so during the long period preceding the year 1819, when he was selected by the Secretary; and all the Printers would be so again, who might be employed by the Secretary under the

resolution of Congress, in case the elected Printer should fail to perform his duty.

This joint resolution was conceived in great wisdom. What was the case before its adoption? Congress met—printing was immediately required, and the Clerk was authorized to employ the Printer; but the Printer was not prepared, and could not be prepared immediately with his paper, materials, and hands to perform the work. Great delay and defects in the execution of the printing were the inevitable consequence; and, in order to remedy these evils, the joint resolution was passed.

But suppose we should admit, for the sake of the argument, that Blair and Rives were officers of the Senate—would this benefit the Senators in the slightest degree? He apprehended not. Could not the Senate enter into a contract with its own officers which would be binding upon it? He should be glad to hear any argument to prove that it could not. Let us, then, suppose that the joint resolution had declared, in specific terms, that the Printers elected under it should be officers of the Senate: would such a declaration authorize the Senate to violate its own solemn contract with these officers? This was the position which gentlemen must establish, or they must fail in their argument. The resolution having expressly declared that the persons elected should have the printing of the Senate throughout the whole of the next Congress, and having required them to give a bond with sureties faithfully to execute the work during that period, could the Senate now, by dismissing them, even if they were officers, relieve itself from the obligation of the contract, which, by its terms, was to continue until the termination of the next Congress? No, sir; this contract stood firm, and would endure as long as the Constitution of the country shall remain in force. No human power could rightfully annihilate its binding obligation. He would pledge his whole fortune that such would be the decision, could this plain, simple question be submitted, even without a word of argument, to the tribunal now in session below us, (the Supreme Court.) Gentlemen, therefore, would not gain their point by proving, if they could, that Blair and Rives were officers of the Senate.

Senators had contended that one Senate or one Congress had no right to elect officers for their successors; and that, therefore, the joint resolution violated the Constitution, because it gave the election of a Printer for the next Senate to that which had expired on the third of March. This was as strange a position as any which had been assumed throughout the argument. An old Senate and a new Senate! There could be no new Senate. This was the very same body, constitutionally, and in point of law, which had assembled on the first day of its meeting, in 1789. It had existed without any intermission, from that day until the present moment, and would continue to exist as long as the Government should endure. It was emphatically a permanent body. Its rules were permanent, and were not adopted from Congress to Congress, like those of the House of Representatives. For many years after the commencement of the Government, its Secretary was a permanent officer, though our rules now required that he should be elected at stated intervals. The Senate always had a President, and there were always two-thirds of its actual members in existence, and generally a much greater number. It would be useless to labor this question. Every writer, without exception, who had treated on the subject, had declared the Senate to be a permanent body. It never dies; and it was the sheet-anchor of the Constitution, on account of its permanency. Senators were thus deprived of the poor apology that one Senate had no right to bind its successors. Here, then, we had the spectacle presented of the Senate, in all the forms of law, but two weeks ago having elected an officer, if Senators would have the firm of Blair and Rives thus called, and now dismissing that officer, and annulling their own solemn contract, which, by its express terms, was to endure for two years. If such things could be done—if this body of high and commanding influence throughout the country, could thus set aside its contracts, and that at a period when too strong a disposition already existed in the public mind to disregard the faith of

contracts, Heaven only could foresee what might be the disastrous results. The force of our evil example would be felt throughout the Union; and if we sanctioned the principle, that no contract could be binding on us, it was one which would be carried out in practice by other legislative bodies.

Let him beseech Senators to pause and reflect upon the tremendous consequences which might probably result from the adoption of the resolution. Once establish the principle that this body can exercise the power of violating a solemn contract, into which they had deliberately entered, and what would become of the country? Did it not at once sanction the principle in its fullest extent, which had been falsely attributed to the party to which he belonged, that a succeeding Legislature had a right to repeal the contracts entered into by a preceding Legislature. The principle on which this resolution was based, would completely justify Governor M'Nutt in his outrageous attempt to annul the bonds of the State of Mississippi. The principle which lay at the root of both cases was precisely the same, and the violation of faith in both cases would be similar. Blair and Rives, by virtue of a solemn contract, had a vested right to perform the printing of the Senate for two years, and to receive the price fixed by law for their work; and if we could now nullify this vested right, and release ourselves from the obligation of our contract, neither Mississippi nor any other State in the Union was obliged to pay its debts. If the Senate could not be sued, neither could the State be. In this respect, they both stood upon the same footing. A regard for public faith, and that alone, could bind either of them to the performance of their contracts.

But did Senators not perceive what a dangerous example they would set to us by violating this contract, and dismissing Blair and Rives from being Printers to the Senate? The signs of the times plainly indicated that it was their intention to charter a Bank of the United States, if they could, at the special session. Now, sir, the Democratic Senators firmly believe that Congress has no power under the Constitution to establish such a Bank. Suppose, then, we should imitate their example, and refuse to vote upon the question, at the same time declaring to the world our fixed purpose to repeal the charter at the very first moment the Democracy of the country shall be again triumphant: would they not consider this conduct revolutionary? And yet it would only be pursuing the very course which they have pointed out to us, in refusing to vote at the election of Printer, and declaring that they would remove Blair and Rives, and deprive them of their contract, at the very first moment they should attain the majority. Will not their conduct settle this principle, if any precedent could sanction such a measure, that, believing a Bank of the United States to be unconstitutional, we shall be perfectly justified in refusing to vote on the question, and in giving notice to the world of our fixed determination to repeal the charter the very moment we have the power? The one act would be no greater violation of pledged faith and of vested rights than the other. And if we should pursue this course, no Bank of the United States could be established. No capitalist, foreign or domestic, could be induced to advance his money for stock in this Bank, knowing that the charter would be repealed as soon as a change should be effected in the administration of the Government.

The Senator from Missouri (Mr. BREXTON) had, some years ago, proposed to repeal the joint resolution of 1819. This was the only constitutional mode of getting clear of it. He was informed that at that time the Senator from South Carolina (Mr. PAXTON) had earnestly opposed this repeal. He thus gave conclusive evidence that he did not then consider it a violation of the Constitution. What had since changed his opinion, he (Mr. B.) could only conjecture. But no repeal of it could now divest the existing rights of Blair and Rives. Neither the power of the Senate, nor of the whole Government, nor any human power which existed in this land, could violate this contract without the consent of the parties to be injured by such a violation. Just as certain as they had a future before them, the day would arrive, if Blair and Rives should be deprived of the benefit of their

contract, when they would be fully indemnified for every loss which they might sustain. That day would speedily come, if under the Constitution it were now in their power to bring a suit against the Senate of the United States.

He had ever held, and trusted he should ever hold, that contracts were sacred and inviolable; and he hoped that his party feelings might never carry him so far as to trample on the rights of any individual. He was, therefore, opposed to doing execution on Blair and Rives.

Mr. BAYARD said, in the course of this debate, objections to this proceeding had been placed on three grounds. The first was, that there was no power in this body, as now assembled, to go into this business and pass this resolution; it being assumed that they were there assembled in a particular capacity, which precluded the exercise of their other functions. The next ground was, that the Printer was not an officer of this body. And the third, that if he were an officer of the body, a contract had been made with him, which they had not the power to rescind. These were the principal grounds. The Senator from Pennsylvania had made an addition in relation to the character of this body, which seemed to him to go the whole length of the subject—that this was a permanent body—the same which came into existence on the 4th of March, 1789, and had continued from that day to this, and must continue in all time, as long as the Government endured, and the respective State Legislatures shall perform their duty. Now, this Senate being so deemed a perpetual body, was vested with certain inherent rights. What were they? They were either absolute or relative; and, whether the one or the other, they belonged to the body at all times, and were to be exercised when proper circumstances presented themselves. There was no such artificial classification, as the Senator supposed, of Legislative, Executive, and Judicial functions. It was a body vested with rights which, though they sometimes might be dormant, always existed, were to be exercised as soon as a proper case was presented. Now, as a part of the absolute rights of this body, was the right to judge of the election returns and the qualifications of its members. There was no question that this body could do this, whenever it was properly assembled; and the only question to arise was, whether the body was properly assembled, in the proper place, and under the proper authority. Another absolute right was, by a majority of its own number, to decide on any ordinary question. Another was, to make rules and regulations for its own government. Another was, to expel any member by a vote of two-thirds of the body; and another was, to elect its own officers. All these rights had no relation whatever to any other department of Government: they were inherent and absolute rights, which might be exercised when the Senate was properly convened. They could not voluntarily assemble in the city of Philadelphia: they could not by common consent assemble at any time they thought proper, to do this act; but when they were assembled, these were inherent and absolute rights, to be exercised beyond all controversy, and beyond all dispute. Now, what were the rights of the body? Why, they were delegated rights, when a session of Congress takes place, and they were acting in a legislative capacity. What was Congress? It was a thing having a definite commencement and conclusion. This must occur once a year—the Constitution says on the first Monday in December; but if the President thought proper, Congress might assemble whenever occasion should arise in which they might exercise their functions; and when they were assembled in Congress, and these inherent and relative rights exist, did that prevent the exercise of their absolute and inherent rights? Ought they not elect their officers and turn out members that may have misbehaved themselves? Well, then, there were other relative rights. The Senate was called the treaty-making power and the appointing power. He did not know whether the phraseology was correct; but this was when properly assembled, whether in session of Congress or at any other time when the House was not in session, and when they could have no session of Congress. He thought it must be apparent to

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every one, that this Senate possesses the absolute, inherent right to elect its own officers, at any time when lawfully assembled, without reference to any other case, when it might be called on to exercise its relative rights. That being true, was the Printer an officer of the Senate? The Senator from Alabama said it was not an office, nor was the Printer an officer of the Senate; or that he was not more than a *quasi* officer. He (Mr. BAYARD) confessed he did not well understand how he could be a *quasi* officer. He had heard of a *quasi* corporation—a body possessing some of the attributes of a corporation, but wanting others—but he had never heard of a *quasi* officer. If there were *quasi* officers, they must be officers with the name, but without employment—officers having sinecures. Now, what was an employment or office? He would quote from an authority, which was perhaps the best extant. Webster's Dictionary thus defines the word officer: "An officer is one who executes an office of some kind. Office, a particular duty, charge, or trust conferred by public authority, and for a public purpose; employment taken by commission from Government, and those who administer it." It might also be a duty or employment of a private nature. It was an employment, but office was a more dignified name. Did any one say the Printer was not an employment? If he had no employment, he (Mr. BAYARD) would agree with the Senator from Alabama, [Mr. CLAY,] that he was a *quasi* officer; but if he had an employment—if he were entrusted with the printing of all their documents, and their confidential documents; too, he thought the Senator from Pennsylvania would have some difficulty in showing that he was not an officer of the Senate. He was employed by the Senate; he was paid out of the contingent fund; his work was of a confidential character, for he had the printing of all their treaties; and yet he was no officer of the Senate! Why, what did he do? Why, by means of his types, precisely what their Secretary did. He transcribed—he was a copying clerk, and nothing more nor less. By the intervention of his types and his press he did what their Secretary did with his pen; he transcribed their documents and journals, and furnished them with a certain number of copies. How was he paid? Out of the contingent fund. How was he elected? By the body. And yet the Senator from Pennsylvania (Mr. BUCHANAN) said he was no officer; and the Senator from Alabama (Mr. CLAY) says a *quasi* officer. That brought him to the last proposition, which is, *it is a contract*. If it was a contract, he should be the last man in the Senate to violate it. What sort of a contract was it? A contract which carried in *gremio* the principle of its dissolution—a contract made with an officer who holds his office at the will of the Senate. He should like to know whether the employment of any officer was not a contract? It belonged to this class of contracts—"after you have performed the work, I will pay you." There was the contract; and in accepting an office, which is itself an office at will, the person accepted it with this consideration—that he could be removed at any moment. It was a parliamentary office; and all such were at will. No principle was better understood than that all parliamentary officers are at will. All were at will. The Speaker of the House of Representatives was at will—they might remove him. Did not our collectors, district attorneys, and marshals, hold their office for a period of years, and yet with a defeasible condition?

And what difference did the bond make? Did not their Clerk give bond? And yet was he not removable? This was the effect and operation of the bond—simply, inasmuch as they were charged with a very important duty, that they perform the duty with fidelity, as long as they remain in office. That was all. There was the limitation of it. It

was in the nature of things, that if an officer holds his office at will, the same condition goes with the contract. He takes it, subject to the necessary restriction. What, then, was the contract? We will employ you so long as agreeable for us, and pay you at a certain rate. And what did the other party say? I will do it at this rate—subject to your wish or refusal. There was the contract, and the whole contract.

The honorable Senator said, this was a most extraordinary proceeding. He thought not. They had full warning in relation to this matter. Did we not tell them then (continued Mr. B.) that they were doing what they had no right to do, and, the moment we had the power, we should correct it? Did they suppose we would suffer a mere partisan to be chosen, and thrown on us, for whom we were going to provide the means of support? We undertook to show at the time that there was no right to elect in this manner. They would do it; when they had but five or six days to remain in power. We gave them full warning that we should dismiss their officers who hold their office at will. It was an exercise of mere power, and we should submit no longer than we were compelled to. It was an abuse of power. Was it to execute the current work of the day that he was appointed? By the terms of that resolution it was a *prospective* appointment—it was undertaking to give them a Printer for the 27th Congress—to anticipate this matter; and, so for two years to come, we should be compelled thus to support a mere partisan editor; a paper that had been extremely wanton in its course, dealing in a foul species of detraction, both as to individuals and characters and members of the party.

It was an abuse of power on their part; and the party now in power would use it in correcting this, at least, so far as his vote went.

Mr. BENTON said there was a question connected with this case which was preliminary to the question under discussion, and which he wished to put on record. It was the question of power; and, for the purpose of presenting that, and making it part of the debate, he offered this as an amendment to the whole resolution, after the word "*Resolved*:"

"That Blair and Rives having been duly elected Printers to the Senate, during the late session of Congress, under the joint resolution of the two Houses, providing for the election of printers in Congress, and the Senate having acted with open doors and in its legislative character, in making the election, it is not now competent for the Senate acting alone in its executive character, to annul the election, and thereby divest the rights which Blair and Rives may have acquired from that election, and the contract resulting from it."

He intended to lay open the whole ground; and he would call for the ayes and noes thereon.

The ayes and noes were ordered.

Mr. BUCHANAN would say a few words in reply to the Senator from Delaware, [Mr. BAYARD.] That Senator had still contended that the Printer was an officer of the Senate. He should not again argue that question, because he believed he had shown conclusively that the Printer was not such an officer. The Senator had compared our Printer with the collector of the customs at New York, or the Secretary of the Senate here, both of whom might be removed at pleasure, and had contended that the cases were parallel. He would not now stop to point out the vast difference between them, but would confine himself to asking the Senator a single question. Had not the Senate, if such were their pleasure, a right to make a contract with a mechanic, be he an officer or not an officer, and bind themselves to perform it on their part during the period of two years? And if they had a right to enter into such a contract, have they any constitutional power to nullify it at the end of two weeks, by dismissing the officer, against his will, with whom they had thus contracted?

Mr. BAYARD said: Unquestionably, the Senate might enter into a contract; but all the terms of the contract must be considered. Part of the terms of this contract was, that it was defeasible in its own nature. But if the office be held at will, the ingredient was incorporated into the contract itself, and therefore it was defeasible at any time.

Mr. BUCHANAN continued. This was precisely as he had understood the Senator. This Senate, then, had the right to enter into a contract with an individual to perform its printing, which, by express terms, must continue two years; and yet, in the face of this positive stipulation, it might annul the contract the very next day; because, forsooth, the office was *defeasible*! That was the position to which the Senator was driven; and if any Senator, however ingenious he might be, could define the nature of such a contract, he would award to him the meed for his skill and ingenuity. The terms of the contract, under the joint resolution, were as precisely fixed as though each member of the Senate had collectively entered into the following stipulation with these Printers: "You shall do our printing for two years; and if you should not execute the work according to your contract, then our Secretary shall be vested with the power to have such portions of it done by others as he may think proper, charging you with the difference between your contract price, and what he may be obliged to pay." The Senate had reserved no power whatever to remove the Printer before the termination of the two years; but merely the remedy on his bond, and the right of punishing him for violating his contract, by employing another to do the work at his expense. The English language could not make a more binding contract upon both parties, and for the purpose of the present argument, he cared not whether the Printer was considered an officer or not.

Names were nothing; it was the substance which we ought to consider; and even if the Printer were an officer, which he clearly was not, he was one of a very different character from your Secretary, your Sergeant-at-Arms, or your Doorkeeper, who were removable at pleasure. These officers required no capital, engaged in no expensive business, and employed no workmen to enable them to perform their duties. They gave us their personal services merely in recording our proceedings, serving our process, preserving order in the chamber, and performing other similar offices, for which they received a certain fixed salary. Not so the Printer. He was selected under a resolution of Congress, directing the manner in which the printing should be executed, fixing the prices which he was to receive for each item, and assuring to him the contract for two years. Let him put a case to the Senator, which might readily occur under this resolution. A Printer is chosen by the Senate, who resides in Philadelphia, New York, or Boston. He invests fifty or a hundred thousand dollars in purchasing presses and paper, employing workmen, and setting up an establishment in this city, for the purpose of enabling him to perform his contract. The new Congress meets; and at the moment of their meeting, he is fully prepared to execute our work; but before he can enter upon it, the Senate dismiss him from employment, and inform him that he was but an officer, whose appointment, to use the language of the Senator from Delaware, was defeasible at pleasure, and that he must submit to be ruined without redress. Was there any Senator who could say that this would not be a plain, palpable violation of public faith, for which the Printer could obtain ample redress under his contract, if the Senate could be sued in a court of justice. The concluding clause of the joint resolution declared, that "each House shall proceed to ballot for a Printer." To do what? To perform the duties of an office? No, sir: such a word did not occur throughout the resolution; but "to execute its work." And for what period? "During the next Congress." What security did the Senate require

that the Printer thus appointed should faithfully perform his contract? "A bond, with sureties, to the satisfaction of the Secretary of the Senate, for the prompt, accurate and neat execution of the work," not for the performance of any official duty. And yet the Printer was an officer who could be dismissed at pleasure! No, sir, no. Blair and Rives were employed "to execute the work" of the Senate during the Twenty-seventh Congress, not to perform any official duties whatever. The joint resolution provided that they should be chosen before the termination of the 26th Congress; for, if this were not the case, no Printers could be selected after the meeting of the 27th Congress for either House, except Gales and Seaton or Blair and Rives. In order to prevent a monopoly in favor of Printers who owned large establishments in this city, it was absolutely necessary to afford others the time necessary to procure similar establishments before their duties should commence. But, under the doctrine contended for, a Printer elected by the Senate from Boston, New York, or Richmond, who had prepared himself fully "to execute its work" might be dismissed the first day of the session, and might be informed, in the language of the Senator from Delaware: "You should not complain, for you accepted this contract under the implied condition that we could turn you out at pleasure." No, sir; in order to promote a competition among printers, this joint resolution provided for the creation of an absolute contract, to endure for two years, which the Senate could not violate, and on which the Printer might confidently rely. It did not refer to an office at all, but placed the subject on its proper foundation, that of the execution work—of mechanical labor—not of official duties. It required bond and security to be given; and also, that, in case the Printer did not perform the work in proper time, the Secretary might have it performed by others, at his expense. By-the-by, would a Printer, thus casually employed by the Secretary, also become an officer of the Senate?

Casting away all the ingenuity used on the other side of the question, was not this the simple statement of the case? I enter into a contract to employ a carpenter, during the period of two years, to build a house or houses for me, for which I agree to pay him a fixed price, according to their measurement; and I take a bond and security from him for the faithful execution of his contract. I stipulate with him, that, in case he fails to perform his duty, I shall be at liberty to employ another mechanic to take his place, and that he shall be answerable for all damages. The moment he is prepared to enter upon his work, I turn about and say, I reserved, in my own mind, the power of annulling the contract, and I now annul it. You may go about your business. I am above the law, and you cannot recover any damages from me. You shall lose the expense and the trouble which you have incurred in preparing to perform your contract. What care I for that.

The Senate neither had the moral nor the constitutional power to violate this contract; and, if they should do it, Blair and Rives, some day or other, before this or some other tribunal, would obtain an ample indemnity for all losses sustained.

Mr. CLAY of Kentucky said, when the appointment of Blair and Rives took place, about ten or twelve days ago, on his side of the house they considered it one of the most extraordinary instances of the exercise of high-handed power they had witnessed during the present session of Congress from the other side of the house. By one gentleman—a gentleman of great candor and frankness—it was admitted to be an act of power—of pure, naked, unqualified power. Well, on that occasion, they (Mr. CLAY and his friends) gave notice to the other side of the house—they gave notice to the world and to these Printers, that, if they did go into an election under the existing circumstances, they (his side of the house) should, at the earliest possible period, correct the procedure by the dismissal of these Printers from office; and, on the 4th day of March, in the year of our Lord one thousand eight hundred and forty-one—the very day on which the pretended contract commenced—his friend near him (Mr. MANGUM) offered the resolution, according to the terms of which these

men were to be dismissed, if it were carried. He had said they considered it one of the most extraordinary exercises of high-handed power; for what was it? Why, when they looked at its character, they would see it to be an attempt, by a defeated party, to continue their power and appointments beyond the term of their official power. It was an attempt to throw their cast-off clothes on us. And what sort of soiled clothes were they? Such, as if my servant Charles had come into my presence with them, I would have driven him from my presence for the indignity.

The case of Mr. Rives had been mentioned, and their sympathies were to be excited for him. He would describe the case of Mr. Rives by an anecdote. There was a notorious fellow named Tom Moore, who, after a long course of villany, got into jail in England, and while there he instructed a jackdaw to say a few sentences. Tom played at cards in jail, and continued his tricks there which he had practised when out. The jackdaw looked on all the time, and, as Tom cheated his companions, the jackdaw cried, "Damn it, how he nicks them." At last Tom got hung, and the jackdaw got out among some birds of his own sort, and they were discovered in a farmer's barn making havoc among his corn. The farmer closed the door upon them, and Tom Moore's jackdaw flew upon a beam; from which, as the farmer tore off successively the heads of the rest, he cried, "Damn it, how he nicks them." This at length attracted the farmer's attention, and, looking up, he inquired, "Pray, sir, how got you here?" "Bad company brought me here," was the reply of Tom Moore's jackdaw. And as to poor Mr. Rives, it was bad company that brought him here.

Well, now, let them go into the circumstances of this case. In 1819, a resolution was passed by which each House agreed to appoint its own Printer—to do what the Constitution authorized them to do separately. That continued in force till 1829, when it was so modified that a majority was required to consummate an election of Printer. Well, this continued in force, or at least continued to be respected; but it was, if not unconstitutional, at least unnecessary. As far back as '34 or '35, the House utterly disregarded this resolution, and, instead of putting the appointment of the Printer at the end of the session, they had thrown the appointment to the other end, and made it at the commencement. So the House had done for the last four or five sessions; and it was now without a Printer, having put off the appointment to the next session. But that was not all. The House had not only not considered itself bound by the resolution, which gentlemen told them was the law of the case, but the House had gone on, and, by a resolution of the last session, had varied the terms, and considerably reduced them. Now, if the House was not bound by this resolution, on what principle could it be said that the Senate was bound? If it was a compact between the two Houses, it was a reciprocal obligation; but if the other House was not bound, neither was the Senate bound; and they were neither bound, because the Constitution, which was paramount to all law, gave them the power to elect their own officers. But the gentleman from Pennsylvania said this was a contract—a binding, obligatory contract, to the execution of which their honor, their good faith, their fair dealing, were all pledged. And how did he make it out a contract?

Mr. BUCHANAN. I will answer the Senator, if he will permit me.

Mr. CLAY. At the proper time.

Mr. BUCHANAN. I thought you desired an answer.

Mr. CLAY. I do at the proper time: at my time, not at your time.

Mr. BUCHANAN. I await your time.

Mr. CLAY. The argument of his friend [Mr. BAYARD] must have satisfied every one that heard it, that it was an office. What was the fact? Why, this Editor—this senior Editor—had stalked about this hall, day after day, having got the *entree* on the express ground that he was an officer of the Senate, for he could have got it on no other ground. But being regarded as an officer of the Senate by the Vice President, who had lately vacated his seat, he

walked about with all the freedom of any other person who had the *entree* of the Senate. Then, as to this contract under this resolution: was it a contract because it specified the terms, the fees, and the compensation? Why was not that the case with district attorneys and marshals? Were not they compensated by fees which were specified?

Mr. BUCHANAN. The time was not mentioned.

Mr. CLAY. Time! let me put it to that gentleman. Suppose the party, when it had the power, had chosen to appoint a Printer for ten years, running through General Harrison's term and into that of his successor, so as to disable us from separating ourselves and disencumbering ourselves from the putrid mass, so to be lashed to our bodies and borne by us the whole time—would the contract have been binding? Or suppose the contract, instead of for a term of years, had been for life? Now, in all the cases he had mentioned—those of an attorney, a marshal, a clerk, or any other officer—there were duties specified by law and as clearly enumerated as by the resolution of 1819. But all these held office, subject to the will of the appointing power. Now, in all these cases, what does the contract amount to? To fulfil the duties while they remained in the employment. Well, that is part and parcel of this contract, assuming that they are officers, and he thought it had been proven by the express terms of the resolution of '29 and of '19. What did they do? There was an election. Who succeeded? The one having a majority. How voted for? By ballot. How declared? In the usual mode. The whole ceremony was like that this morning, when they proceeded to the election of a Sergeant-at-Arms. There was an election by ballot—an election by a majority; there was the giving of a bond, the taking of an oath, and the performance of official duties; and, if all these did not create an office and make a man an officer, he should like the gentleman from Pennsylvania to favor him with a definition of an officer. It was the common case, then, of an officer. But they had been reminded of a passage of that inaugural speech delivered the other day, and which he trusted the gentlemen would study and profit by in all its parts.

They were reproached with violating some of the principles of the party coming into power, which were professed when out of power: How? Why, did gentlemen on the other side imagine that the party in power were going to consummate the triumph of proscription by retaining this man, because they had protested against proscription when it was carried on in this nation without regard to services or character, and when persons were introduced of an opposite description and of inferior merits? Could gentlemen "lay that flattering unction to their souls?" Why, if they were to let this man remain, it would be the triumph of proscription—an absolute triumph. He knew not what the rules might be which would be adopted by the Executive department of the Government; but he trusted they would see none turned out but those who were incapable, dishonest, faithless to the Constitution, or who had improperly intermeddled with the elections. That was his principle; and on a former occasion he understood the gentleman from Pennsylvania as giving in his adhesion to it. But gentlemen seemed disposed now to put themselves in opposition; and, on the first day of this session, they rose *en masse*. But if the gentlemen thought they could excite the sympathies of the country with such a being as Francis P. Blair, let them go out with him to the people, and proclaim the injustice which had been done to him. All he (Mr. CLAY) would wish was that they (Mr. CLAY and his political friends) might not be associated with him. If there was no other ground for his dismissal, he (Mr. CLAY) would go on the ground of infamy of character of the print and the Printer. They might be indicted on that ground. And let him tell Senators that, the other day, when the late and the present President, in a manner so honorable to themselves, were exchanging courtesies with each other—a spectacle with which every manly man must be gratified—that day was fixed upon by this Globe, as a foreign minister told him—for he (Mr. CLAY) scarcely ever saw the dirty

heet—that day this man who, against their protest, and all propriety, was to be forced upon them, selected to issue a tirade of abuse and scurrility against the President in power. If they regarded the character of the country at home or abroad, he ought to be dismissed; and he would tell them there was scarcely one circumstance that had done their party more mischief than the retention of such a man and such a paper as the official organ. Now, he said, on the ground of the character and reputation of the man and of the paper, they owed it to Christendom—they owed it to themselves—they owed it to the purity of the national character, to disconnect themselves at once and forever from these men. On the ground of the notoriously bad character of the print and the Printer, he should invoke the Senate to displace them, and give them no longer the sanction of an official character. And what injury would be done them? They were the Printers to the Senate to the 3d of March, and they executed all the duties to that time. Their new office, from which it was proposed to dismiss them, they did not enter until the 4th, and they knew that the attempt would be made to dismiss them. They were notified of it; and what injury then could happen? As to their bond, he hoped, after the passage of this resolution, an order would be made to return their bond to them. They had been put to no expense—they had incurred no outlay. It was but an attempt to prolong their power after the termination of its legitimate exercise, and to force on them (the present majority) unacceptable, unwelcome Printers, whom they had given notice they should attempt to remove as soon as they possessed the power to do it. The time had now come, and he trusted they should avail themselves of it, and by a majority adopt the resolution.

Mr. WALKER said they had been accused of being guilty of an abuse of power in electing a Printer for the next Congress. But if this were an abuse of power, it was one which arose out of a joint resolution of both Houses of Congress, which was passed more than twenty years ago, and which had been repeatedly acted upon by both Houses, and with perfect uniformity in this body. It was a strange abuse of terms to call that an abuse. They were acting precisely in conformity with the law of the land; and they were doing what had been uniformly done by all their predecessors from the period at which this joint resolution was passed to the present period. He repeated, then, it was an abuse, a gross abuse of language and truth, to say this was an abuse of power. But it was asked to be considered an abuse of power, because, at the period when they proceeded to this election, a new Senate was about to come into power, which would be composed of a political majority opposed to the majority which went into this election. And here again they had to complain of these very Senators who now charged this on them (the present minority) as an abuse of power. He would refer to the journals of the Senate of the 28th of February, 1835, but four days before the expiration of that body. And here he would remark, that the session of 1836 had been called the expunging session; but he thought that should be changed, and hereafter this should be called the expunging session, for here this body was to expunge a law of the United States—a joint resolution which had all the sanction of law; they were about to expunge a contract—yes, this body was about to expunge both law and contract. Now, let them see what those very gentlemen, who now charged the present minority with an abuse of power, did before the period arrived when they had to go into a minority. They did what they (Mr. WALKER and his friend) did ten days ago—they elected a Printer. Here were the proceedings on the 28th of February, 1835. And mark the date—but four days before that Senate was to expire.

Mr. PRESTON, in pursuance of notice, moved that the Senate proceed to the election of Printer of the Senate to the twenty-fourth Congress.

Mr. WRIGHT asked for the yeas and nays, which were ordered, and the question was decided in the affirmative—ayes 27, noes 18. Among those voting in the affirmative were Messrs. CALHOUN, CLAY

of Kentucky, CLAYTON, EWING, MANGUM, PRENTISS, PRESTON, SOUTHWARD, TYLER, and WEBSTER.

A motion by Mr. BENTON to postpone the election was negatived—Ayes 18, noes 28.

The Senate then proceeded to the election, and after 15 ballots, Mr. WRIGHT moved to postpone the balloting indefinitely, which was decided in the negative.

The Senate then proceeded again to ballot, and on the 18th ballot, Messrs. Gales and Seaton were declared to be elected Printers to the next Congress.

Then the Senators who now charged on them [Mr. WALKER's side of the House] as an abuse of power, the election of a Printer on going into a minority, did the very same thing themselves, and at a time when they were going into a minority, by the election of Gales and Seaton. And what did the Democratic majority do? In 1836, having then a majority in the Senate of the United States, did they come forward and annul the contract and the law of the land? No: they had too much regard for the sanctity of the law, to place unhallowed hands on a contract which had been entered into in pursuance of law; and, though they had an absolute majority, they submitted as freemen ought, and allowed Gales and Seaton to continue as Printers to the Senate, and during their two years to derive all the profits arising therefrom, which were enormous. He repeated, they were allowed to remain as the Printers to the Senate, by a majority opposed to them in sentiment. He had almost said, how dare gentlemen, in the face of this fact, and in the face of the country, charge the Democratic members now with an abuse of power?

Well, but what were the reasons given? Here was a motion to dismiss the Printers, and reasons were given. One was the infamy of the Printer. What! was that Printer who was charged to be an officer of the Senate, and whom they were asked to dismiss, on his trial? And were the Senators his judges? If so, who were his accusers? What were the charges? What was the evidence on which those charges were to be supported? For one, he (Mr. WALKER) challenged gentlemen on the other side to the proof. He called for specifications, and for proofs, and he appealed to them not to condemn unheard. Infamy of character! He denied it, and he again called upon gentlemen for proofs. Did they not all know, and had they not met, year after year, and during this very year, Senators and Representatives opposed to us in politics, and one who is now a cabinet minister of General Harrison, in social converse with, and partaking of the hospitality of, the man who was now charged with infamy of character? If he were infamous, did that cabinet minister partake of his infamy—for he was an individual who had known this Printer, and his private character well, in Kentucky during the period of his residence there, and more recently in Washington. He (Mr. WALKER) challenged proof of that character. If he was to be turned out, let him be heard—give him the privilege of an American citizen. Let him be confronted with his accusers, and let proof be adduced. Not only did the Senator who made this charge reflect on the cabinet minister who had partaken of this Printer's hospitality; but, when he charged this Printer with infamy, did he intend to charge infamy upon every Senator opposed to him [Mr. CLAY] in politics, who, ten days ago, voted for this man as the Printer of the Senate. Reasons must be given, and this must be the reason. Execution must be done. The blood of the first Democratic victim was that day to be sprinkled on that altar; but, instead of being rendered infamous, he would be exalted as the first martyred victim, under the proscriptive principles of the new Administration. But, if he could not be removed on the ground of infamy of character, which he (Mr. WALKER) wholly denied, on what other ground was he to be removed? Why, it was plainly on political and party grounds. If he was to be removed because he was the head of a party press, and the head of another party press was to succeed him, it was a direct attack on the liberty of the press. This man was to be punished because he had advocated

political doctrines opposed to those of the majority of this body, and a system of rewards and punishments was to be adopted to influence the press. A political editor was to be punished, and a political editor whose doctrines are consonant with those of the present majority of this Senate was to be rewarded. It was a most daring, open, and flagrant attack on the liberty of the press. It had but one parallel, and that was the celebrated case of William Duane, who, in 1800, during the last expiring days of the dynasty of the elder Adams when carrying out the sedition law, was brought up on a charge of libel on that body. That Democratic editor had opposed the administration of John Adams—he had opposed the violence of many of its acts and proceedings; and for this he was brought up before the Senate of the United States. And when he was called up, the counsel that he proposed to advocate his cause—the then Mr. Dallas and Mr. Cooper—were refused to be heard, and he was directed to be prosecuted for a libel on the Senate of the United States. But that, the first attack that was made on the liberty of the press, in the person of William Duane, consigned most of its actors, if not to infamy, at least to expulsion from political power; and he (Mr. WALKER) warned gentlemen that this act, that this bringing down of the political guillotine on the head of this individual—the depriving him, in this summary manner, of his contract, without charge, without accuser, without specification or accusation, and without being heard, might be followed by similar effects. It would be in vain to attempt to delude the country on this subject: there was not a human being that would believe that this was not a political proscription—that this man was not proscribed and deprived of his office or contract because he was the editor of a free press, and promulgated doctrines that were opposed to those of the party in power. For that, in this summary manner, they were to violate both law and contract; and, in the language of the summary resolution of the Senator from North Carolina, they were to dismiss him from office. Well, let it be done; and, though the dismissal might be summary, he (Mr. WALKER) said it might end in the dismissal of those whose first act was proscription.

On the motion of Mr. HUNTINGTON, The Senate then adjourned.

TUESDAY, March 9, 1841.

The resolution to dismiss Blair and Rives as Printers to the Senate, being taken up—

Mr. HUNTINGTON said, when he rose yesterday to address the Senate, it was not his intention to discuss, at large, the merits of this resolution; nor was it now his purpose to do so. When, a few weeks since, they had before the Senate the resolution to appoint these gentlemen Printers to the Senate, he improved the opportunity to express his views on some of the points, incidentally, and on others more particularly, which were involved in the resolution now before the Senate. It was not his purpose to repeat them; and he would not now say one word on the resolution, were it not that he felt desirous to reply to some of the arguments that had been urged against it—some reply to what had been brought forward; and he asserted (with deference to the honorable member to whom he should allude) what he considered some of the most extraordinary positions which had been advanced in the Senate. And although it was stated by the honorable Senator from Pennsylvania [Mr. BUCHANAN] who advanced them, that he believed he could be sustained by every judge on the bench below them, and by every judge and respectable lawyer in the Union, notwithstanding his respect for his [Mr. B's] legal attainments and his abilities, he felt almost constrained to say that he did not believe, that out of the Senate these positions would have been advanced and attempted to be maintained by any respectable professional lawyer, or that the opinions could be lawfully maintained. He might be wrong. He did not profess, and ought not to have, entire confidence in his own views, but he believed that on an analysis of the subject, it would be found that the charges against them

could not be successfully maintained. What were they?

1st. That the office of Printer to this body is in no sense an office; that what he does is merely mechanical; that he is employed under contract, and not as an officer, and as such, not subject to removal.

2. That if he be an officer, it is competent for this body to contract with him as such; that they had no right, and it would be a breach of faith and honor on the part of this Senate to pass this resolution, for the effect of it would be to break their plighted faith, and disregard their plighted honor.

These were the two positions; and it would be his design to show that they had no foundation in principle or in analogy.

The Senator had stated what, he had no doubt, was the conviction of his own mind to this Senate, and it had gone forth to the country that a repeal, or rather that a removal and dismissal of these men implied in it a breach of contract; and those who sustained the resolution now on the table were to be held out to the community, as those who, in effect, were prepared to break down the inviolability which ought to be thrown around, and by the Constitution and laws of the country is thrown around, all legal constitutional contracts.

He (Mr. H.) did not belong to that class of politicians who think all is fair in politics; nor to another class, who think that the spoils belong to the victors; nor yet to another class, who think that the supremacy of the laws, and the solemnity and binding obligation of contracts, is not to be maintained. No: his habits, his employment, his business in life, had led him at least to the maintenance of what he conceived true doctrine; and that was, that the laws, the Constitution and laws, are supreme, and to be maintained; and that lawful contracts are to be enforced. When this was presented, (if ever such a case should occur,) that a resolution should be passed by either branch of Congress, or both, directing the performance of a great public work, after a contract had been made, they would not find him one that would rise in his place and offer a resolution, that the contract should be rescinded.

He should not contend that it was not binding, and support a resolution which, if passed, would destroy the obligatory force of the contract. No: if this resolution implied in it any thing of the nature of a breach of contract—if its effect was, in the slightest degree, to violate the honor and faith of the Senate, he would be one of the last, in this body to interfere with its due and free execution.

But believing, as he did, that there was in this act proposed to be done, no interference, in the slightest degree, with any contract, expressed or implied—believing it was in the power of this Senate to pass this resolution, in the legal, constitutional power; and believing, further, that it was required, he should come up, and, if there were any responsibility in voting in favor of it, he should take this responsibility, and feel that he was discharging what he not only had a right to do, but what, under the circumstances, was an imperative duty.

The resolution implied two things: one was—that this Senate has the right to dismiss its Printers;

And the other was—that it is expedient to exercise that right. These were the only two points involved in the resolution.

In relation to the first—whether they had the right to pass it (he did not mean merely to vote on it) but whether they had the moral right to pass this resolution—he proposed, for the purpose of meeting the objections which had been urged against it by the Senator from Pennsylvania, (and he would consider it in a very brief manner, for it lay within the compass of a nut-shell,) to endeavor to answer them.

Suppose there had been no joint resolution. The resolution to elect them did not purport on its face to be in consequence or pursuance of a joint resolution. It was nothing more or less than this: "Resolved, That the Senate will to-morrow proceed to the appointment of a Printer"—not for two years, under the joint resolution of 1819, but "for next

Congress." Suppose there had been no joint resolution prescribing the duties, the compensation, the mode of appointment, &c. and they had appointed the Printer, could they not have removed him under this resolution?

Is he an officer of the body? If the Senator from Pennsylvania was right, they could not have removed him, if there had been no joint resolution; because, he tells you, that he is not an officer—that it is a contract made, and we cannot dissolve it by our own act.

This brought up the question, whether the Printer was an officer or not? The Senator from Pennsylvania said he was not, but that he was no more such than many individuals who performed services for the Senate; and asks, "is the page who waits on us an officer? Is the person that makes our fire, prepares our stationery, or repairs the clock, an officer?" And then asks whether they are not as much officers as the Printers to this body? They were required to do certain specific acts, and so is a printer. How, then, do you distinguish between the two? Did not the intelligent and honorable Senator perceive the difference; the difference between the page that waits on us here, not appointed by the Senate, and the Printer appointed by the body? If the Printer was not an officer, he (Mr. H.) wanted to know what was an officer? Is our Secretary an officer? He took it for granted that this would be agreed to by all. Why was he an officer? Was it not because he has certain duties to perform, and because he is appointed by the body to perform these duties? Was not that the reason? But the page, and the man that repaired their clock, was not appointed by the body; the Secretary employs him, and appoints him, but not the body itself; he was not, therefore, an officer of the body. If a Printer was not an officer, they had not an officer, except the Vice President, whom the Constitution declares an officer; and whom you cannot remove, except for misdemeanor, for there was not the slightest difference, excepting the duties to be performed, between the Printer and Secretary. What does the Secretary perform? How was he appointed? By the body—to perform certain duties necessary to the well being and honor of the body. What is your Printer? Does he not your printing, instead of writing it out? Do you not require of him the performance of certain acts? What difference is there between the two, excepting that, in the one case, your Secretary does certain specified duties, and has an annual salary; the Printer does some others, and has a different compensation? But in both cases it was a public office—a public appointment, made by the body under the Constitution, under which they were assembled.

Was there any mistake in this? Was he mistaken as to the conclusion they must come to, independent of the joint resolution? And could any one doubt that when under the joint resolution they declared they would appoint an officer, whether they did appoint an officer? They appointed one yesterday, (the Sergeant-at-Arms.) Was he an officer? Could they not remove him to-day, just as they could the Secretary—just what the President does every day he pleases—remove an officer that he appoints? Did the fact that his duties are mechanical make the slightest difference in the case? It seemed to him perfectly manifest, that, independent of the appointment of Printer under the joint resolution, there could not be the slightest doubt that such a person, appointed to perform such duties by this body, was an officer. If he was, (and nothing else was the case,) no principle of parliamentary law was better settled than that an officer holds his office at the will of the body appointing him. He should not go into an illustration of this point, for he was sure that he should have the assent of all Senators to this—that, as a general rule, the Clerk, the Secretary, and officers of Parliament, hold their office at the pleasure of the appointing power.

Another reason why he might be removed. It was not only incident to the nature of the office that he might be removed, but indispensable, as the case may be, to the due observance of the rights of the Senate. If their Secretary should think proper to divulge confidential communications made to this body, could they not remove him? Could they not

pass a resolution dismissing him, and appoint another? Suppose he insulted them in open Senate—were they obliged to keep him in office as Secretary? Were they obliged to go through the formality of proceedings to remove him, or could they not get rid of him at once? How was it with the Printer? Suppose he should abuse their confidence, and, when a confidential communication was given to him, should publish it in his newspaper—was it not indispensable, as the case might be, to the preservation of the rights of the Senate, that this person should be dismissed? It was inherent in the very constitution of the body: unless they had the power to remove a person whom they appointed as a servant, there was an end to the body—at any rate, to the preservation of its honor and dignity.

He would not enlarge further on this, but would assume, if there were no joint resolution on this subject, the case would be clear, and then they could pass this resolution without the slightest infringement of obligation.

This brought him to the more important point, to the able argument of the Senator from Pennsylvania, in which he had said every thing that could be said, with that skill and ingenuity that always characterized him in debate. What was the resolution? He would not now go into the difference between the resolution of 1819 and '29. That of 1819, if any lawyer would examine, he would see that it expended its force at the first appointment. He agreed that of 1829 provided that there should be an appointment within the last thirty days of the session; but it did not say how long he must hold it; that of 1819 did—"for two years." Did it make the slightest difference in point of principle whether this officer was appointed under the joint resolution or without it? It was not the creation of an office; the Constitution had prescribed in relation to this. The Constitution said they should appoint him; and though the joint resolution was merely carrying out this principle, it did not make an office—this was what he supposed to be a misapprehension of the Senator from Pennsylvania, as to its nature. Was there any thing in the resolution which made him less an officer than if he was appointed without it? So far from it, the resolution, even of 1819, did nothing more nor less than this—it pointed out in words, specifically, certain duties to be performed by the Printers; it directed the mode in which it was to be performed—the compensation; and then specified the time when to be appointed; that was all. He asked the attention of the Senator from Pennsylvania to this view of the joint resolution. He (Mr. B.) considered it as creating a contract between the two parties. There was no contract in this resolution—nothing in the form and nature of a contract—nothing more nor less than a declaration that they had certain duties to perform, how they should be paid for, and then at what time the officer to perform them shall be appointed. But did this make him less an officer? Was there any thing of the nature of a contract connected with it? If any one (which he denied) admitted that a contract grew out of the office, it was one which, if the office becomes vacant, or the officer be removed, was annulled and the official bonds with it, which are nothing more nor less than a bond for the faithful performance of the duties while in office.

He would illustrate his view of the joint resolution by a case which was so perfectly analogous, that the human mind could not distinguish between them. They had what was called a sub-treasurer; and then his duties are pointed out, and the mode and time when to be appointed—that was explained by the Constitution of the United States. If he had not been appointed by the resolution, he must have been by the President of the United States.

Now, because the duties were pointed out, the compensation pointed out, and because he gives bond and security, could not the President remove him? Was there any doubt about this? The Treasurer of the United States has certain duties to perform. Who appoints him? The Constitution says the President, unless Congress provide some other manner. Is the Treasurer an officer? Admitted. Can he be removed at the pleasure of the President? Why, has he not entered into a bond to discharge the duties faithfully? And if this Treasurer is such

an officer, having specific duties to perform, and as such could be discharged, notwithstanding he had been appointed, could not the Printer, who is appointed an officer under the joint resolution, pointing out his duties, be removed? Let us take the case of the Secretary of the Senate. Suppose, instead of there being any law on the subject, he was appointed by joint resolution, or otherwise—that the Secretary of the Senate and the Clerk of the House of Representatives should perform certain duties, pointing them out—he would suppose there was a similar joint resolution, only substituting the "Secretary" for the "Printer"—that hereafter the Secretary of the Senate and Clerk of the House shall be confined to these duties, to wit: (he then specified the duties;) and that he shall receive his compensation, \$3,000 per year, during the next Congress, and then that it proceed, just as this has done, "that on the first Thursday of the first session of each Congress they shall be appointed." Suppose that it was in the form of a joint resolution, could they not remove their Secretary if they pleased? Suppose we had required bonds of him: cannot we remove him because his duties are pointed out? He thought there was no doubt on this subject. Could they not do the same with the Printer? He might go on and multiply these remarks almost indefinitely. As to the nature of this resolution, he would not now go on into the discussion of it at length. He should not inquire whether it was one that could not be repealed by either body, without the consent of the President of the United States, but he wished to proceed on the principle that it was a law—a joint resolution; and then said that there was nothing more in the joint resolution than a declaration of the duties to be performed, and the compensation to be paid; and this was the case with any officer.

One word more. They had now, in the case of their Secretary, without the joint resolution, the duties marked out for him, implied by law. Did there not attach to every officer of the Senate certain duties that he must do? That he must be prompt in his attendance here—that he treat this body with all due respect and decorum? Was not this implied in the very nature of his office?

Did the joint resolution add any thing to the nature of his obligations? Was he less an officer? less subject to removal? If he did not very much mistake the nature of the joint resolution—for he could not think that any gentleman who voted for it supposed that there was any thing more in it than the declaration of what specific duties should be performed—that was all that the joint resolution proposed. He was an officer just as much; so that the joint resolution and the whole subject was brought within the compass of a single inquiry, and that was—*independent of this joint resolution, (if they had merely passed a vote declaring that they would appoint a Printer for the next Congress,) could they not remove him? And if they could not, he begged leave to know if there was any officer whom, if they chose, they had not the power to remove?*

He would endeavor, as well as he could, to compress his remarks within a short compass. The general view that he had in relation to this matter, considered this Printer as an officer under the Constitution; such an officer as, by acknowledged parliamentary law, is removable. The joint resolution did not make the slightest difference in the nature of the office; and in this point of view, he was prepared to say that the Senate has the power of exercising what was called their right, of removing or dismissing these Printers from office.

On the question, whether they should exercise it or not, he wished merely to say, that, the manner and the circumstances under which this appointment was made, not only justified, but demanded of them, that they should exercise this power; and that was the principle on which they were prepared to place it, independent of other considerations. He held it to be expedient to make this removal.

He knew much was said yesterday about "proscription," and we were told that the first blood of the first martyr was to be shed on your table. There was something rather ludicrous in this idea,

of these gentlemen being martyrs under the circumstances under which they were appointed.

He wished to correct what he thought an error. The Senator from Mississippi had said, when the appointment of a Printer was made by the Senate in 1834 and '35, it was an appointment by one political body, when another, at the next session, would be of a different character. He did not so understand it. There never had been an instance until the present, of one political party in either branch of Congress appointing Printers for the body to succeed them, when it was known that at the next session there would be a change in the majority of the body; he believed not a single one. He agreed with the Senator from Mississippi, that at that session those who were in the minority at the commencement, unexpectedly became a majority, and the Printer was not removed. Look at your journal; do you not find that the same body that appointed the Printer in the session of 1834-'35, appointed the committees at the next session. They all knew what was the occasion, in some respects, of the change that took place. A number of the members were removed by death. He could tell of one; and when he thought of his name, he was filled with esteem and respect—he meant his predecessor, the late Mr. Smith, who came at the commencement of the session, and, before its close, the Supreme Being, in his inscrutable Providence, removed him by death. He did not speak of others who were thus taken out of the Senate. Thus a change was effected in the body.

He repeated, so far as he knew, there never had been an officer appointed by this body, by a political party going out of power, when it was known that the succeeding would be of a different character. This was the very first time, in the history of this Government, in which an attempt was made, by a defeated party just going out of office, to elect a Printer, known to be, or supposed to be, unacceptable to the party coming into power. It was known at the time, said at the time; and the Senator from Arkansas, whose frankness on all occasions was worthy of regard, did not hesitate to avow the principle on which they acted. Now, was there any obligation resting on them, either towards Senators or towards the individuals, that they should retain them in office? If there was any principle of propriety that should induce them to continue in office these Printers, personally repulsive to them—if he thought it ought to be done, he would not then vote for this resolution. But he could perceive none. He would dismiss the whole subject, therefore, with the remark, that on the requisite examination of it in every point of view, he had arrived in his own mind to the result, that this body had the power to pass the resolution; and, under the circumstances in which they were called to act on it, not only was it their right, but their duty.

Mr. KING suggested the following modification of the amendment of the Senator from Missouri, which Mr. BENTON accepted:

"Resolved, That Messrs. Blair and Rives, having been duly elected Printers to the Senate during the late session of Congress, under the joint resolution of the two Houses providing for the election of Printers to Congress, it is not competent for the Senate to annul that election, and thereby divest the rights which Blair and Rives may have acquired by that election, they having entered into contract to execute the printing, and given bond, which has been approved, as directed by law."

Mr. HENDERSON said, by the amendment it would seem that there was a contract resulting from a law, and the objection to the removal of the Printer was predicated on that. Now, he proposed to show that there was no contract resulting from a law—in other words, he denied that there was a law at all. The resolution of 1819 he assumed to be void. It purported to be a joint resolution prescribing the form and manner in which each House shall elect its own Printer, and pay him. Now, if this were necessary, it was a law. If it were necessary that they should have the concurrence of the other House, and the sanction of the President it was a law; but if it were not necessary, if they had authority by which they could make this appointment—this resolution could

add nothing to their original powers. The Constitution says, "every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill." Now, the inquiry was, was this resolution such as, in the language of the Constitution, was necessary to be presented to the President? If it was, gentlemen were right respecting the resolution which they assumed to be a law. He denied that this, in the language of the Constitution, was an "order" or "resolution" that was to be presented to the President, or to which the signature of the President was requisite.

Without going into an argument on that point, after it had been so ably argued, he would assume that it was beyond contradiction. He took it for granted no man would contend, that, to empower the Senate to elect its Printer, it was necessary to confer with the House of Representatives or with the President, or that the Senate should have their concurrence. And how stood the resolution in its operation. Had the House regarded it as law? It was well known that the House had for years disregarded it; it had not been deemed obligatory by the House of Representatives, and the Printers had come in on different terms, and under different contracts. This being the case, it was shown to be no rule of action for the Senate, as it had not been for the House.

Mr. SMITH of Connecticut said he should not have trespassed on the time of the Senate for a moment, if it were not that he had heard declarations made which he felt bound briefly to notice; and he would take the liberty to express his opinion as to the soundness of the contract claimed to be such on his side of the House, and so regarded by himself. There appeared to be a necessity—and that seemed to be conceded on the part of their opponents—to enable the Senate to dismiss these Printers, to make them officers of the Senate. All seemed to proceed on that ground; and without that, there seemed to be no claim on their part to dismiss the Printers, and to declare their contract void. Now, there had been a joint resolution giving the appointment of the Printer to the separate bodies, under which, for something like twenty years, the two Houses had appointed their Printers. But it was claimed by the opposite side that this had fallen into disuse, and that, therefore, it was not binding. He could hardly see how it could be regarded as not binding, after twenty years' observance of it. But it had been said that Blair and Rives were admitted on this floor as officers. Could it be pretended that they were under the control of this body as servants? No; but on the contrary, their contract pointed out what they should do. But he understood there had been a proposition to employ a Printer in a different way—that the Secretary should employ the Printer. Now, if the Printer were an officer, he asked whether an officer could be thus constituted by proxy? To his mind it was clear it could not be done; and to him it was equally clear that the Printers were not officers. He would ask the indulgence of the Senate for a few moments on another point. The dismissal of Mr. Blair was advocated on the other side, on the ground that he was an infamous man. If this were so, was it not to be supposed that the Democratic Senators, who gave him their support, knew that as well as the gentleman who made the declaration? Could it be supposed he could have acquired that character without every man there knowing it? And if he (Mr. SMITH) would give his support to an "infamous" man, to a cheat, a robber, or a debauchee, must he not be as "infamous" as the man he supported? But, before he was charged with that infamy, the man who made the charge ought to know that there was truth in the accusation. If, then, it was meant to reflect infamy on the Democratic Senators, he undertook to say that it was a false, and a vile imputation. But he would ask where he was to

look for proof that their Printer was regarded as "infamous?" Was he to look at those entertainments which had been alluded to? Who were the men that were found there, and in intimate social communion with the man now denounced as "infamous?" He believed this man (Mr. Blair) stood as pure and virtuous as any man in the community, and he should not have had his (Mr. Smith's) vote if it had been otherwise. There being no objection, then, to his moral character, and the contract being legal and constitutional, he cautioned the Senate how it proceeded to annul the contract, and to declare it invalid.

The question was then taken on the amendment of the Senator from Missouri, and it was negatived—ayes 25, noes 18, as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, King, Linn, MacRoberts, Nicholson, Seyler, Smith of Connecticut, Sturgeon, Walker, Williams, Woodbury and Wright—18.

NAYS—Messrs. Archer, Barrow, Bates, Berrien, Choate, Clay of Kentucky, Clayton, Dixon, Evans, Henderson, Huntington, Ker, Mangum, Merrick, Moorehead, Phelps, Porter, Prentiss, Rives, Simmons, Smith of Indiana, Southard, Tallmadge, White, and Woodbridge—25.

The question then again recurred on the original resolution, on which the ayes and noes were ordered.

MR. CALHOUN said: I rise, Mr. President, as the question is about to be put, to state the grounds on which I propose to place my vote. There are some questions too clear to be supported or opposed by argument, and this appears to me to be one of that description. All that can be done in such cases, is to give a distinct statement of the points involved, and leave them to force their way by their own intrinsic evidence. It is that which I propose to do in the present instance.

The first point involved in considering this question, is, has the Senate a right to employ persons to do its printing? No one can doubt that. It is admitted on all sides.

The next is, can it enter into a contract with such persons for the purpose? How can that be doubted? How else could they be employed, but by contract, expressed or implied? It is the only mode in which it has ever been done from the foundation of the Government. At first, the mode was by letting it out to the highest bidder; but that was found to be objectionable. Persons not competent, and without adequate means, were in the habit of bidding for the contract on speculation, and afterwards either execute it improperly, or fail to execute at all. A change, in consequence, became necessary in the mode of selecting Printers, which twenty years ago terminated in the present; to fix the rate of compensation, and leave it to each House to select their Printers by the vote of a majority. Such has been the invariable practice ever since. It is, in fact, as far as the present question is involved, the same in principle with the original mode. The only difference is, that, in the present, the rate is fixed, and the persons selected or designated by each House by a vote of the majority; and in the original, the lowest bid determined both the rate and the persons. The execution, in each case, was under contract.

The next point is, has the Senate made its selection to do its printing for the time specified; and have the persons so selected entered into a contract to perform it? There, sir, on the table of the Secretary, lies the bond of Messrs. Blair and Rives, duly executed—signed, sealed, and delivered, with adequate security, and a heavy penal sum for the faithful execution of the printing; they having been previously selected, in due form, under the order of the Senate. Every thing has been done orderly, and according to the invariable practice which has prevailed for the last twenty years, without being disturbed, or questioned, under all the party changes which have occurred during that long period, until the present time.

It is this contract, thus made, that this resolution proposes to rescind, not directly, but indirectly, by dismissing Blair and Rives as Printers to the Senate, but which would be, in effect, to set aside and annul their contract; and what would that be but a

plain and palpable violation of contract—a naked act of power and bad faith on our part?

Such is the inevitable consequence, from a simple statement of the points involved in the question. There can be no escape, but by denying that the instrument which they have signed, and by which they have bound themselves to execute the printing of the body, is a contract; and to this extremity have gentlemen been driven, against the plain facts of the case. For this purpose, they distinguish between employment and office, and insist that they are not simply persons employed to do the printing of the Senate, but that they are officers of the body, appointed under the provisions of the Constitution, which authorizes each House to appoint its own officers; and that, as such, they are as liable to be dismissed as our Secretary or Doorkeeper. I do not deny that all public employments may be regarded as offices, taking the term in its broad sense, and offices as employments; but the distinction between them, as far as the question of contract, or the right of dismissing at pleasure, is concerned, is as broad and plain as the Pennsylvania avenue. When the business to be done is to be performed by the person employed, it may be either one or the other, according to circumstances. If the capital and materials belong to the person employed, if he hires the workmen, if he runs the risk of loss and gain, he is simply an employee, and not an officer; and the engagement between him and the public a contract, and not simply a bond for the faithful execution of official duties, as this has been represented to be. The reason of the difference is obvious. A reciprocal obligation in all such cases, either expressed or implied, between the employer and the employee, always exists, unless there is an express stipulation to the contrary; and it is on such understanding of mutual obligation that the business of the community is almost entirely conducted.

Such is the fact in this case. Blair and Rives engaged to do the printing of the Senate at their, not our, expense. For this purpose a large capital must necessarily be invested in building, printing apparatus, and materials, accompanied by a heavy outlay in the hire of hands and incidental expenses. There is the hazard. If the building or materials should be burnt or destroyed; if prices should rise, so as to make it a losing concern; the loss is theirs, not ours. And is it to be supposed that all this hazard would be incurred without the plighted faith, on our part, that they should continue to do our printing, for the time stipulated, provided they should faithfully perform their engagements? The contrary supposition would be absurd. I put it to the Senators on the opposite side, if, instead of having the buildings and printing apparatus, they had erected the one and purchased the other, under the bond which they have given to execute the printing, would you not regard the dismissal an act of gross injustice—a violation of a fair understanding between you and them, which justified the incurring of such heavy expense on their part, as necessary to the execution of the work? And can it make their bond more or less a contract, because they happen to have them already in their possession? If you reverse it, and suppose the building, the printing apparatus, and the expense and risk, to be the public's, and not theirs, and that they had been elected to take the general superintendence of a public establishment, instead of their own, then, indeed, they would be officers in the sense you contended for, and liable to be dismissed, like other officers, and not mere employees to do the printing of the Senate, as they clearly are. Such and so wide is the difference between officers, in the proper sense, and mere employees, as far as the question of rescinding this contract is involved.

But it has been said that it has been decided that they are entitled to be admitted into this chamber on the ground that they are officers of the body. But is there not obviously a marked distinction between that and the principle on which the question of contract stands? In deciding by the Vice President the case of the right of admission, it was not necessary to distinguish between an officer and that of an employee, the performance of whose duty made his presence necessary here, as much so as if he superintended a public printing establishment

as a salaried officer, and not a private one, at their own risk and expense, and even more so in some respects.

It is also said that their bond is no more a contract than that given by the collector of the customs, or any other officer, for the faithful discharge of duty, and which it is admitted does not permit his dismissal. What has already been said is sufficient to distinguish between the two cases. But suppose the case to be reversed, and that the collector, say of the port of New York, instead of being a mere superintendent, to collect the revenues of that port, at the expense of the public, as is the case, had made an arrangement with the Government to collect it at his own expense and risk, for a fixed period, at a given rate per centum, could he, in that case, be dismissed, so long as he faithfully performed his engagement, without violation of contract? If farther illustration of the difference of the two cases be necessary, the Post Office Department will furnish it. The two classes, officers and employees, are both to be found in that branch of service. The deputy postmasters are of the former description, and can be dismissed the service without violation of contract; but very different is the case with the persons employed to carry the mail. They do it at their own expense, and are acknowledged to be contractors; and can, as such, only be dismissed, as is acknowledged, in consequence of a positive stipulation in their contract to that effect.

But other grounds are assumed in attempting to justify this lawless act of power, as I must regard it. We are told that the other House have changed the practice under the joint resolution of 1819 and 1829. I reply, that each House has a right to interpret for itself; and it is not for us to say, whether they adopted the true interpretation or not. One thing, however, is certain, that they have never yet dismissed their Printer, or attempted to do so, even under circumstances any way similar to the present. But, suppose they had, would that justify us in departing from our uniform custom of twenty years' standing, and which, no one can doubt, is in conformity to the letter and spirit of those resolutions? But, sir, I lay both resolutions out of the question in the view I have taken. I do not inquire whether they are constitutional or not, or whether we have, or have not, conformed to them. It is unnecessary as far as the present question is concerned. It is sufficient that we have a right to employ contractors to do our printing; that Blair and Rives have been so employed, and that they have entered into a written contract, with all due solemnities, to perform their duty. If the original resolutions be unconstitutional, or if there be in what we have done any want of conformity to them, it is we, and not they, who are responsible. So say justice and common honesty, as well as self-respect.

But, sir, I have stated the case far stronger than is necessary for the side I support. I might waive our undoubted right to employ persons to do our printing by contract; I might admit it to be doubtful whether the bond given by Blair and Rives is a contract or not, and whether they are in fact officers or merely employees, and yet stand on impregnable grounds in maintaining that you have no right to pass this resolution. I might rest the question on the simple fact that you selected them as Printers, and have entered into a written instrument with them that they are to do the printing, and might concede that it is a disputed and doubtful point whether they are officers in the sense you contend for, or not, and yet show conclusively, on the soundest principles, that we have no right to do this act. We are one party, and they another, to this transaction—we the powerful, and they the weak; and is there any rule more fundamental, according to the code of morals, and the principles of our free political system, than that no one has a right to judge in his own case? Or that the right of decision, in such cases as this, belongs to another and appropriate department, and not to us? To assume the reverse, would be to assume that one Legislature had the right to set aside contracts entered into by its predecessors, whenever a question of doubt can be raised: no, still stronger, entered into by itself; for

the Senate is a perpetual body. It is the body which authorized this transaction, that now undertakes to undo. Pass this resolution, and you would set a precedent, as inconsiderable as is the interest involved in this case, which would authorize any State to cancel its bonds, to revoke its charters, and annul its contracts, and to make it a question of mere expediency—of personal and party like and dislike—and not a violation of the eternal principles of justice—whether they should or not adhere to their engagements.

And with whom does so dangerous a measure originate? With those who have assumed to be the protectors of the sanctity of contracts—the champions of vested rights and chartered privileges; who, in their zeal, stigmatized their opponents as loco focos, agrarians, and contempters of plighted faith. And let me ask, at what time is such a measure brought forward? At the moment when the indebtedness of the country is greater than has ever been known; when many of the States have thoughtlessly plunged themselves in debt almost beyond their ability to meet their engagements; when the pressure of the times, and the example of the non-fulfilment of engagements by the great moneyed institutions of the country, have done so much to weaken the force of contracts, in the estimation of many; and when especially it is the duty of all good citizens, and this body in particular, which has such just and great influence over public opinion, to avoid any act which can, by possibility, be interpreted into a disregard of the sacred obligation of contracts. It is at such a moment that the party which professes to be the special guardian of the public faith, call on us to do this dangerous act; and for what purpose? The poor, the pitiful one of turning out Printers of one political faith, in order to put in others of a different; to put out Blair and Rives to put in Gales and Seaton, who, in no respect whatever, either in punctuality in the performance of their duty, or personal respectability, are their superiors. I cannot but express my amazement at the step, coming from the quarter it does, and with the course which, it is understood, the party from which, it comes intend to take in reference to a leading measure of policy—I refer to a National Bank. It is said, and believed, that it will be one of their first measures, and that on which they rely to carry through their avowed policy. Do you not see that this measure, as inconsiderable as it is, will furnish ground from which to assail such an institution with powerful effect? You propose to set aside this contract because you believe that the Senate has no constitutional right to make it. Is there not a large party in the country, now accidentally in a minority, who believe, and have believed from the beginning, that Congress has no right to charter such a bank, and have ever resisted its establishment in consequence of such belief? You believe that the instrument signed by Blair and Rives to do your printing is not a contract. Is there not a considerable portion of the community who believe that a bank charter is no contract? That it is a grant merely of a public franchise, which can be withdrawn at the pleasure of the grantor? If I may venture an opinion, I would say it is far more difficult to prove that this instrument is not a contract, than that a charter of a bank is one.

But we are told that we were forewarned not to make the appointment of Printers; that we would soon be in a minority; and that if we ventured, in spite of such warning, to appoint, that those we might select would be dismissed when the majority changed sides. Will not the same warning be given when you come to propose a bank charter? Will you not be told that it is clearly unconstitutional; that you have seized on the accidental ascendancy of your party, to force it on the country, against its sober and habitual conviction, both as to its expediency and constitutionality; and that, if you venture to act under such admonitions, your acts will not be respected when you come to be again in a minority?

Thinking, as I do, in reference to a National Bank, I would rejoice to see you raising up such difficulties in the way of the establishing one, could the effect of this pernicious example you are

about to set be confined to that. But that is impossible. It will go far beyond, and be followed by immeasurable evils, unless, as I hope, the sense of justice in the public mind should react against what you purpose to do.

As to myself, I, on the present occasion, act on the same principles which guided me in 1834, on the question of the removal of the deposits by General Jackson. I then, and now, believed that the Bank had a right to the use of the deposits under its charter, and of which it could not be divested except on just apprehension that they were not safe in its vaults, or for its neglect or mismanagement as the fiscal agent of the Treasury. Thus regarding it, I acted with those whom I now oppose, in opposition to the removal, and that on the principle on which I now act. Of the two, I regard that a less clear case, as clear as I consider it, of contract than the present; and this resolution, should it pass, a more palpable violation of rights secured by contract, than the measure I then opposed.

Mr. KING of Alabama said he was not disposed to enter into a long argument. The clear, forcible, and incontrovertible ground occupied by the Senator from South Carolina, [Mr. CALHOUN,] rendered it unnecessary that he should say any thing. He felt that this matter was settled. He felt that argument was of no avail. He felt that an appeal to justice, to a sense of propriety, would be disregarded; that every consideration which ought to influence the Senate in the discharge of its duties, was to be set aside in this case. Did the Senator from Mississippi [Mr. HENDERSON] know any thing of the history of this Government, when he got up here and told them that this must necessarily be an office, because the individual executed their printing? If that Senator would but turn his attention to the subject, he would find that, uniformly, individuals had been employed by contract up to the year 1819. Previous to 1815, they were employed by the officers of the two Houses, and they entered into bond for the faithful execution of the work. The Printers were not elected by this or the other House, but the Secretary and Clerk caused the printing to be executed for their respective Houses. In 1815, in consequence of its being believed that it would be more economical and better for the country that the officers of the two Houses should be associated together in contracting for this work, a resolution was adopted which he would read to the Senate. [The resolution was read, and directed the Secretary of the Senate and Clerk of the House of Representatives, immediately after the adjournment of that and each succeeding Congress, to advertise for three weeks successively, in two newspapers printed in the District of Columbia, for proposals for supplying the Senate and House of Representatives for the succeeding Congress with the necessary stationery, printing, &c.]

Well, Mr. President, under that joint resolution, which thus became the law of the land, a Mr. DeKraft became the contractor. He was the lowest bidder, and he entered into bond to perform the work; but under that contract the printing was so badly done, that it became a serious subject of complaint in both Houses. The consequence was, that a committee was raised to ascertain the true value of the printing, for it had been intimated that this individual, from his anxiety to get the job, had stipulated to take less than it was worth, and consequently he could not execute it in such a manner as it was important the printing for Congress should be executed, and on paper of the proper description, without serious loss by his contract. At the head of that committee was Mr. Wilson, a Senator from the State of New Jersey, a practical printer. That committee reported, fixing precisely the prices to be paid for every species of work necessary for the printing of the two Houses. In conformity with that report, the resolution of 1819 was passed, and then it was they commenced designating the individual who should execute the work at the prices thus fixed. They had acted on that resolution from 1819 to the present time, without variation or change. What, he would ask, were the Printers of 1812, when Way and Weightman

were, the contractors? Were they officers of the Senate? No one will venture to make the assertion. They were simply contractors, and if they violated their contract, they were liable to have it set aside, and suit brought against them for damages. What were the obligations of DeKraft as an officer of the Senate, when he became the contractor under the resolution of 1819? None—nobody ever pretended that he occupied any such official position. It would have been ridiculous to have done so: for, though the work was badly executed, he was held to his contract; while some other printer was occasionally employed to do portions of the work, he being compelled to pay the difference in the price. He (Mr. KING) believed they had never heard of the Printer being an officer of the Senate until a gentleman, now no longer a member of this body, took offence at something published in the paper of the then Public Printer, when he intimated his intention to bring the matter before the Senate, and to move for the dismissal of the Printer; but that gentleman backed out, for he knew he could not sustain such a procedure. Has it come to this, that this Senate, actuated by political or private hostility, or by individual griefs, should set itself to work to nullify an agreement with an individual who has done his work faithfully? Was any Senator here prepared to say the work was not well done? No: political hostility alone actuated Senators, and it was all they could avow. He (Mr. KING) had traced this matter from the earliest period to the present time, and he could entertain no other belief, than that the Printer was simply an employee of the Government; that he was like other individuals who contracted to do work, and if he failed to execute it, or did not do it correctly, he was liable to be prosecuted for damages. But, as he had already said, he felt that the thing was settled. The fiat had gone forth from headquarters, and those who in their secret hearts might regret it, were brought to do an act of which their judgments disapproved; being carried along by their party predilections to perpetrate it. He (Mr. KING) would not reply—his indignant feelings would not permit him to reply—to the imputation of motive by which it was alleged his side of the House were actuated. Such imputations were unworthy of the person who uttered them—unjust towards his (Mr. KING's) friends, and unworthy of this body. What were Blair and Rives? The contractors for the public printing. Suppose, for a moment, they were every thing that Senators in their places here have thought proper to denounce them for—suppose they were base—suppose they had no character—suppose they did not deserve the countenance or support of this body—were these sufficient grounds on which to set aside their contract, so long as the work was correctly executed? What was it to the honorable Senators whether those individuals were of good or bad character? He (Mr. KING) was not there the advocate of Blair and Rives; he looked beyond that—he looked at the principle involved, and the consequences which would follow to the country, should this resolution be adopted. This act would become a precedent, which must forever shut the mouths of the Senators who established it. No more shall we hear of the Democrats being agrarians—of being disposed to break down vested rights; or to violate the obligation of contracts; they must be forever silenced by their own act. But who is this Mr. Blair, who has been so violently assailed on this floor? If his (Mr. KING's) recollection served him aright, this man Blair resided years gone by in the State of Kentucky, where he figured as no inconsiderable personage. He was then the political friend of the Senator from Kentucky; his intimate associate; and, if he was not misinformed, his confidential correspondent. Was he infamous then? He presumed not. He (Mr. KING) knew nothing of Mr. Blair, except by character, until he made his appearance in this city some years past. Since that time, he had been on terms of social intercourse with him—had observed his conduct in the social and private relations of life; and he felt bound to say, that for kindness of heart, humanity, and exemplary deportment as a private

citizen, he could proudly compare with the Senator from Kentucky, or any Senator on this floor by whom he has been assailed.

But he was the conductor of a political newspaper, which was abusive in its character. With the manner in which that paper was conducted, he (Mr. KING) had nothing to do. He should neither undertake here to approve or condemn. But were they to exclude, as Printers of the Senate, men who conducted political, or, if you please, abusive newspapers? Then they must exclude the man who, not twenty days past, in an address delivered on that avenue, and published in the National Intelligencer, grossly insulted every man, of both Houses of Congress, who was opposed to the present dominant party, by uttering and publishing what he must have known to be utterly untrue. Gentlemen speak of the importance of having for Printers, men who so conduct themselves as to produce harmony and good feeling in this body. Admitting it to be correct, and he (Mr. KING) was not disposed to question it, would the man who delivered that address, if elected Printer, produce this kindly feeling? He (Mr. KING) knew not who it was the majority in this body intended to elect as Printers; but he knew that gentlemen, actuated by political hate, were running counter to their declarations; and were about to do what they had denounced in such strong terms. The object cannot be mistaken; it is to wreak their vengeance on a political foe, and provide for a political friend. His friend and colleague had just suggested an idea, which he would throw out. Let the country hear it, and let the Senate understand it. Could Blair and Rives, having given bond, resign this appointment, without the assent of the Senate? No. The contract was made, and they could be held to their bond, and the strict performance of the duties they had undertaken. They could not divest themselves of their obligations, even if they would; yet the Senate, one of the contracting parties, was undertaking, in the power of their strength, to annul the contract, the other party refusing to set it aside. Now he did think, and he was in the habit of expressing his opinions plainly, that this was the most high-handed, and reckless assumption of power that was ever exercised by any deliberate body under the sun. It was a naked exercise of power, unmindful of justice, or of law, or of the sacredness of contracts; and if gentlemen could exercise that power under such circumstances, it was for them to do it, and for the country to understand it. Every man in this country who is engaged in executing work under contract with the Government, will be told, in language not to be misunderstood: "Though you do your work faithfully, comply with your contract to the very letter, you have no security for a moment. Any individual who possesses weight with the dominant political party, who is influenced to act against you by party hostility, or private griefs, can procure the abolition of your contract, even should it involve you in ruin." Let the country but understand that as the true state of the question here, and he (Mr. KING) would cheerfully abide its judgment. He (Mr. KING) had already said, and said truly, that it was not his intention to enter at large into this question. The argument was all on one side; and all the ingenuity of the Senator from Connecticut [Mr. HUNTINGTON] had failed to protect his friends from the force of the arguments which had been addressed to them by Senators on this side of the house. He (Mr. KING) was willing to gratify the Senator from Connecticut, and throw aside the joint resolution of 1819, under which elections of Public Printers had been made for more than twenty years. But, set it aside—admit that it has no binding force—does it affect this case? Not in the least. The election had taken place by a Senate competent to make it. What mattered it, then, whether the individual was designated under a joint resolution of the two Houses, or by the mere will of the Senate? The fact is that he was legally selected, that he has entered into the contract, and given the necessary bond, which is now on the table of your Secretary, still stare gentlemen in the face. There is no escaping from them. He trusted there was

no Senator who would seriously contend that the majority who authorized the contract, had not the power to do so because that majority was soon to be placed in a minority—for upon that ground every act of the last session, which the Senate in its wisdom had thought proper to perform, might be set aside because it was passed by a majority, the political opponents of the present majority. But he felt he was expending his strength in vain, wearying his lungs for no good; he expected to convince nobody; it was settled; the fiat had gone forth, and these men were to be sacrificed. He warned gentlemen of the result to themselves from this exercise of power. They had the power, and they would exercise it. But he trusted in God it would open the eyes of the people, and cause them to see what they had to expect from such a reckless party. He (Mr. KING) was not one of those who, either in public or private life, ever, by indirection, accomplished any act. He pursued a straight forward course—one sanctioned by his judgment, and approved by his conscience; and if this case were reversed, and a proposition had been made, under like circumstances, to dismiss Gales and Seaton in 1837, he would have raised his voice against such a wanton violation of the faith of the Senate, and of a solemn contract. They (Mr. KING and his friends) were then as much opposed politically to those individuals (Gales and Seaton) as the honorable Senators opposite could be to the individual now under his trial. Yes; his character was on trial, for that was the point on which the whole matter was made to turn. He (Mr. Blair) was on trial, without the possibility of defending himself. An American citizen, possessing equal rights with his accusers and judges, is put on trial, his character branded as deep as Senators on the other side could fix it, and he is denied the privilege, which belongs to every freeman in this land of liberty, to be heard in his defence. Was this what they had a right to expect from the Senate of the United States? Was this the promised reform? Was this the high, the liberal, the manly spirit which was to actuate the Whig party? They had recently heard much throughout the whole country (should he be permitted to call it rant and fustian) about proscription for opinion's sake; and this is the first act of those gentlemen who are exerting their utmost energies in opposition to their own professions. Yes, but a few days had passed, since they had heard speech after speech denouncing proscription.

What a beautiful illustration is this procedure of the doctrines then laid down. He was pained to see an American Senate enter into this matter in this spirit. He had been here long, and his associations were of an intimate character with many who entertained different political opinions from himself. He could say, and no man could gainsay it, that political differences alone had never induced him to cut off social intercourse with those he deemed to be gentlemen. He acted with them as gentlemen who honestly differed with him. He held his opinions, and was willing they should hold theirs. He himself never gave a vote for any measure which his judgment did not approve; but he did not reproach others who differed with him. This body (said Mr. KING) has been called the highest tribunal of this country—perhaps of the world. Should the Senate, then, to get clear of a political opponent, fritter away this high character? Should it induce this people to doubt that the Senate of the United States is the protector of right, the frowner-down of every thing that is wrong? He hoped not. He hoped, for the credit of the respective States, whose sovereignty we represent, such an example would not be set. He would not further detain the Senate. It had not been his design to have said any thing, but he could not repress the feelings of his bosom.

Mr. CLAY of Kentucky said he rose to say a few words on a collateral point. He was perfectly aware of the relation in which he stood to the Senate and to this country. He was aware that he was now, as heretofore, to be the object of attack, of concerted attack. He stood now, as he had stood heretofore, firm and erect, and ready to repel assaults, when worthy of his notice, from whatever quarter they came.

He had said, in the course of his remarks yesterday, that he believed the Globe to be an infamous paper, and its chief editor an infamous man. He said nothing of gentlemen on the other side, who chose to vote for this editor as Printer to the Senate. But by matter of unlawful inference and illogical deduction, two or three had risen and undertaken to consider that they partook of the infamy of Blair and Rives, if they be infamous. If any one of them had appealed to him to say whether he regarded them as infamous because he regarded this principal editor as infamous, he should promptly have said that he had no such views. But no such appeal was made to him; and yet the Senator who sits in the corner yonder, [Mr. SMITH of Connecticut,] and who must excuse him if he (Mr. CLAY) considered him unworthy of his notice, had gone on in a course of general remarks, which were evidently intended for him, (Mr. C.) He, however, should have said nothing to him, [Mr. S.] but a Senator, who he supposed considered himself responsible, had gone a step further, and had chosen to class him (Mr. CLAY) with Blair, and to consider Blair as equal to him in every point of view—in reputation and every thing else. Now, this was altogether an unparliamentary proceeding. They had the right to comment, and in the freest manner, on the character and standing of persons nominated for office, or who had come before them as these men had done. During his long services in the Senate he did not know that he had spoken of an editor, or of his newspaper, unless the matter came up before the Senate; and when he spoke of the infamy of this man, he spoke of him in connection with his daily libels. He scarcely ever looked at a paper, edited by this man, in which his (Mr. CLAY's) name appeared, which was not filled with untruths and misrepresentations. Not long ago, this same editor called the honorable Senator from South Carolina, John Calhoun, and it was charged by this very editor that it was impossible for him [Mr. Calhoun] to speak the truth. And in return, it had been said of that editor that he looked like a galvanized corpse. Now, if they were to take the character of this editor from what his present friends had said of him, they would find it to be infinitely worse than any thing he had said, bad as it might be. But he (Mr. CLAY) should be unwilling to take the character of his (Mr. Blair's) present friends from what he had said of those friends, for he considered him a common libeller, and the Globe a libel; and for the Senator from Alabama [Mr. KING] to undertake to put him on an equality with Blair, constrained him to say that it was false, untrue, and cowardly.

Mr. KING rose and said: Mr. President, I have no reply to make—none whatever.

Mr. SMITH rose for the purpose of saying but one word in answer to the Senator from Kentucky. It seemed that he (Mr. SMITH) was not worthy of that Senator's notice.

Mr. CLAY. Not at all.

Mr. SMITH. But the Senator from Kentucky was worthy of his notice. He did not, however, design to take a view of those characteristics of the honorable Senator on which he (Mr. SMITH) presumed that Senator prided himself; but he was willing to admit, if the character of that honorable Senator was to be formed from the acts of his public and private life, he did possess a character far more notorious, in some respects, than his, and a character with which he (Mr. SMITH) did not desire that his should be compared. That Senator pretended to despise him. What was it for? He had undertaken to say that he (Mr. SMITH) had thrown out remarks to him. But why should that honorable Senator take any thing he (Mr. SMITH) had said, to himself? Was it because he (Mr. SMITH) had repelled as vile slanders as ever came from a vile hearer? Humble as he (Mr. SMITH) might be, he would not descend to the prominent points of the character of that honorable Senator, which gave him so much fame all over the world. He (Mr. SMITH) did not belong to those walks. If, however, the Senator thought those prominent characteristics of his reputation gave him a distinction of such elevation as to place him (Mr. SMITH) beneath his notice, he would not,

in return, call him "the Senator who sits in the corner," but he would leave him to the people; who, four years hence, will show the Senator, as they have shown him heretofore, that they understand his reputation and know how to appreciate it.

Mr. PRESTON regretted that any thing should have occurred that should have driven honorable Senators to do any thing inconsistent with parliamentary decorum; and then proceeded at length to speak on the resolution.

Mr. WRIGHT then obtained the floor, but gave way for a motion to adjourn.

IN SENATE,

WEDNESDAY, March 10, 1841.

A message was received from the President of the United States, containing several communications of an Executive character.

The resolution to dismiss Blair and Rives as Printers to the Senate, being taken up—

Mr. WRIGHT said it was his intention to occupy the time of the Senate but for a very few minutes. They much more frequently than they were aware of, he apprehended, made their conclusions govern their reasons, rather than considered well their reasons, and let them dictate their conclusions. It seemed to him that their respected opponents, on this occasion, were governing themselves by this perverted rule; and it should be the object of his few remarks to show wherefore he pronounced this conclusion. Let them look at the history of the action of this body for the few days of this extra session. On the day before yesterday a vacancy in the office of Sergeant-at-Arms of the Senate was filled: a majority of the body decided—and it was not then his purpose to complain of that decision—that their public duty required that it should be filled. It was not exactly contended that any thing in anticipation during this short session required the filling of that office, but that in prospect an extra session might be held, and a Sergeant-at-Arms might be required, and the proper performance of the duty of the body was to fill the office then, and it was filled. Now they had a Printer to the Senate, and he expected the judgment of the body was about to be pronounced that they should have none, for the form of the proceeding before them did not look to filling a vacancy. What was the argument in reference to the Sergeant-at-Arms? That he should have time to prepare himself for the discharge of his duties, in the case of an early call of Congress. If that was a good argument for the appointment of a Sergeant-at-Arms, could they say to-day that they should dismiss their Printer and have none, because the Sergeant-at-Arms was an office requiring preparation, and that of Printer to the body was a place, whether office or not, requiring none. It seemed to him they should not; and he did not for a moment suppose such a train of reasoning would be indulged in, and yet it was his desire to present to the body the action of the body as it had been, and the action as it was proposed to be. Why was the law of 1819, in the shape of a joint resolution, passed? Because, as he had always been informed and believed, it was supposed that this business of printing required time—that types, and presses, and hands, and paper, and ink, were to be accumulated, preparatory to the business of Congress; and hence it was that the expiring Congress named the Printer for the succeeding Congress. Now—and they were sitting, in his judgment, in a very questionable form, to perform any of these acts, but he had no further argument to make on that, for it had been decided by the Senate—sitting, then, he repeated, under circumstances which rendered the whole very questionable, they were called upon to dismiss—call it an officer, if they pleased, or a contractor, if they pleased—that agent of the body that was connected with the public business, in relation to whom, in all time past, Congress had supposed time was required; and they had decided, in relation to an officer about whose duties Congress had never before formed any such judgment in either branch, that he should be appointed in advance, and have time to prepare for the discharge of his duties. This seemed to him to be the position in which they were placing themselves, and he desired to couple this consideration with the fact, as he

believed it, that they were then, for the first time, within the history of this Government, sitting as a Senate alone, no Congress being in session—sitting under an extraordinary call to aid an Executive in forming his Administration—they were sitting with open doors, keeping their journal in the form of legislation, and transacting this business, which no Senate before had ever been called upon to transact. And what had been the justification? That the last session of the Senate, which expired on the 3d of March, had been guilty of a usurpation and abuse of power in appointing this Printer. And was that so? And was it to be so said in that chamber, and to that body? Why, how long had that usurpation continued? Certainly ever since the passage of the resolution of 1819—twenty years he believed. A few days ago was the eleventh occasion on which the Senate had thus appointed a Printer, and was it now discovered, for the first time, and by his respected opponents on that side of the House, that this was a usurpation? He remembered very well, a few years ago to have seen the same thing done by them; and if it was not a usurpation then, it was not a usurpation now. He did not design to discuss the question of power—it had been better discussed than he was able to discuss it; he merely desired to present to gentlemen the practical effects, and what would seem to him to be the practical deductions. Well, then, so much for the manner in which a dismissal of officers of the Senate, as gentlemen now choose to claim them to be, was proposed to be made at this extraordinary session, and in this extraordinary manner. And now for the time, and particularly as it was applicable to the resolution on the table. He believed it found its way there on the 4th of March. The President had completed his Inaugural Address, and had taken the oath of office, but, he believed the fact to be, that he had not had time to clear the walls of the Capitol on his way to the President's House, when that resolution was laid on the table of the Senate. There was then most certainly nothing lost in point of time. And the resolution was—what? To dismiss an officer, say gentlemen—an officer of the Senate—and he desired it to be understood that he did not intend to discuss the question whether the Printer was an officer or not; for that, too, in the course of this debate, had been fully and clearly discussed by his friends much more ably than he could discuss it himself. He cared not whether the Printer be an officer or a contractor, or what they pleased—it was, he supposed, assumed to be a resolution to dismiss a person in the employment of the Government by a competent authority, in the form of law. Well, in that Inaugural Address, and coming from one who ought to be the organ of the party in power—of the party which had placed him on that high elevation, what did he tell them?

"It was the remark of a Roman Consul, in an early period of that celebrated Republic, that a most striking contrast was observable in the conduct of candidates for offices of power and trust, before and after obtaining them—they seldom carrying out, in the latter case, the pledges and promises made in the former. However much the world may have improved, in many respects, in the lapse of upwards of two thousand years since the remark was made by the virtuous and indignant Roman, I fear that a strict examination of the annals of some of the modern elective Governments, would develop similar instances of violated confidence."

It would be his duty, by and by, to refer very briefly to what were the pledges, before the election, of that distinguished man, on this particular point; but he did not propose to do it now. He merely desired the Senate to remember that that speech was delivered, and that this resolution followed instantly upon it. And now, for the reasons for that removal—because they had seen the manner of the action, and the time of the action—and he gathered those reasons as he had heard them given there. Was it that those contractors had failed—for the same individuals who are now the Printers to the Senate have been so for several years—had there been a suggestion of any failure in the performance of their duties as Printers? He

had heard of none, neither as to the time of accomplishing their labor, nor of the manner of its accomplishment. Then, as to the performance of the trust which they had undertaken to perform for the United States, fault was not found. Well, as individuals, as private citizens, perfectly separate, in every sense, from their connection with a political partisan newspaper, had fault been found? He had not heard it. He had enjoyed a considerable acquaintance with those two individuals for some years, and he owed it to them to say, and he said it cheerfully, that in private life he found them amiable and estimable men, correct in their moral deportment, so far as he had ever seen or heard, and esteemed by the society in which they lived. As connected with their newspaper, he had heard fault enough; he had heard none in any other connection; he assumed that none had been found. Then, how stood the matter? They are the conductors of a political newspaper; and because that paper had been conducted offensively to their opponents, they were to be thus summarily dismissed from the place they held, whether it be a contract or an office. It was, then, a political removal, and nothing more nor less. It concentrates itself in that; and no other aspect, he presumed, would be attempted to be given to it. He had never, in his life, been in the habit of entering into discussions as to the mode of conducting the public press. He hoped never to indulge in them. He knew the press, upon all sides, was conducted with too much looseness; he wished it were better. He was not disposed, on this occasion, to make a distinction between the press on one side or the other—he merely desired to bring this discussion to the point that, for reasons connected with the Globe newspaper—reasons purely and exclusively growing out of the angry political strife of the day—this dismissal was to take place. There the action was based; and if he had understood all he had heard, it was based on that alone, and had no greater extent. Now, having considered the manner of the act, the time of the action, and the reasons for it, let them look a little to the political parties and their relations. And here he must be permitted to say, what he hoped he need not at any time say, that he did not design to make any remarks calculated to excite. He did not design, nor had he any occasion to make, any personal remarks; but he had the right, and he believed it was his duty, to state what he believed to be the present history of the country in reference to political parties. And he appealed to every member of the body, and he appealed with as much confidence to his opponents as to his political friends, whether there had been any single point in the last heated and exciting political struggle more distinctly set forth, and more constantly debated before the country, than the point of removals from office for political opinion's sake? Had there been any outcry against the last Administration, and the one which preceded it, more commonly raised than that of political proscription for opinion's sake? And how long since was it that he heard, in this chamber, from a most eloquent Senator, now no longer a member of this body, that he had seen officers of the Federal Government whispering their opinions, because they durst not pronounce them under that proscriptive Administration? And while that honorable Senator said this, he repudiated and condemned that proscriptive policy; and he (Mr. WRIGHT) had read to them, from the Inaugural address of the President, what he seemed to suppose was to be the practice of his party. He (Mr. WRIGHT) did not charge on the President—he did not believe, in his heart, that the President had any agency in this matter. He did not intend to condemn the President in advance. He did not mean to condemn any man so; but the country had a right to expect that he was the exponent of the principles and practices of his party. And what now is that practice? An instantaneous removal of a political opponent. A movement made in point of time, he believed, sooner than any movements of such a character, at any period of the history of this Government, and a movement, as he had attempted to show, and as he believed the fact to be, to remove merely for political cause. He would not, on this occasion, go into the argu-

ments which connected this movement with the public press. He would only ask Senators to pause and consider how long it had been since their printing had been performed by any other contractor than the conductor of a partisan newspaper? Certainly not since the passage of the law of 1819. And what were they then declaring? That if their Printers were the conductors of a partisan newspaper, they must "whisper" their opinions, as an honorable Senator had said; and that they were not to express them boldly and like freemen; that if they proclaimed their opinions in their journal or newspaper, they must meet with dismissal from Congress. Was not that the practical condition? And had they not, then, the right to turn to their opponents, and ask them if they were authorized to expect this as the first step of this Administration which was to annihilate proscription? He knew the paper spoken of had been a warm political paper; he did not know that it had been any more so than two others, and the only two other prominent journals in this District. And he thought he did know that neither of the persons connected with the Globe had ever committed, either as editors or as men, so flagrant an abuse of the Congress of the country, as another editor had committed in a public and official speech, within a few days, in the streets of this city. He would not now either read that speech or comment upon it; but he mentioned it to show that all editors were violent partisans; and that whether writing for their newspapers, or in their official capacity, they write with a freedom of language sometimes not tolerated by truth. Could they restrain their licentiousness? Should they, sitting there in that capacity, try? In his opinion they should not. He had already said he should not discuss the question whether the Printer of the Senate was an officer of the Senate, or a contractor with the Senate; but this he simply would say, that the argument of an honorable Senator, made yesterday, based principally on Webster, did not satisfy his mind. The honorable Senator had argued that an election must produce an officer, and the Senator asked if any body had ever heard of an election of a contractor. Well, if the honorable Senator would tell him (Mr. WRIGHT) how he could obtain a contractor for even his private business, without an election, he would answer his argument. He (Mr. WRIGHT) knew of no other way; and he considered, so far as the honorable Senator's argument was concerned, that it was enough to say that the choosing in this case, or the election, by the vote of the Senate, was merely the selection of a man to perform that duty; and that instead of imposing it on their Secretary to elect a contractor, as well as to make the contract, the Senate chose to designate the individual, leaving their officer to make the contract with him. And this appeared to be a proper use of the term. Webster said, to "elect" was to "pick out, to select from among two or more—to select or take for an office or employment—to choose from among a number—to select or manifest preference by vote or designation." And the definition of the word "election" in Webster, was, "the act of choosing; choice; the act of selecting one or more from others; the act of choosing a person to fill an office or employment by any manifestation of preference as by ballot, uplifted hands, or *viva voce*, as the election of a king, a president, or a mayor.

They might as well elect a man to do a job of work as to elect a President of the United States; it was only a mode of designating the individual whom they would put in charge of certain duties. They might designate a person for a certain position, and call him an officer; they might give him a commission and rank, as in the case of a purser in the navy, mentioned yesterday; in another case, they might name the contractor to build their house, or a post office, or a patent office, or to do their printing. He did not desire, however, to protract this discussion; nor was it necessary, for this point had been argued so much more clearly and ably than he could do it. He would, then, trouble them no longer than to say that his purpose, yesterday and to-day, had been simply to place before this body this subject as it had presented itself to his own mind, and to call upon them to say

whether it was in conformity with what should be understood to be the declarations of the President, and whether it was in conformity with the protestations of the party, before they reached power.

And let him say to those gentlemen, that we (the late majority) might have done many things wrong; but those gentlemen would be wise not to follow our bad example. And yet we never denied that we preferred to carry on the Government, when in power, through the agency of our political friends, than through that of our opponents. They did not repudiate doctrines of this kind; they avowed the doctrines to the extent to which they practised them. But what was charged upon them? That they avowed them to the whole extent. Well, look at their practice; and he feared some of the friends of the gentlemen opposite were regretting that they had not gone further. He (Mr. WRIGHT) said this in no ill temper. He had found several of his acquaintances, on visiting this city, were astonished to find such a number of offices filled with what they considered "good Whigs." Yes, the prizes were infinitely diminished because they had not pushed this doctrine further. They (the late Administration) did not repudiate it; it was the other side that did so; and he begged the gentlemen opposite would not lead them into the practice of a doctrine which those gentlemen had themselves proscribed.

Mr. MANGUM spoke at length in support of his resolution. He denied that it was predicated on the sole ground of political opinion; that had its influence, but, in addition to that, there was a want of personal confidence in the present officers. The Printer of the Executive documents of the body must necessarily be informed of the progress of the most delicate negotiations; and by the infidelity of the Printer, these negotiations might be broken off, and this nation might be thrown into a war with a foreign power. It was necessary, then, that they should have an officer in whom they could have strict personal confidence, and not one whose predilections were with an opposing party. He had no wish to deprive any man of any legal right; but rather than keep in these Printers, he would consent to pay \$100,000, if awarded by a legal tribunal. The character of the Senate, the dignity of that body, their self-respect, and the public opinion of the country, required that these men should walk out of office.

Mr. SEVIER was "not so soft" as to imagine that any thing that he or those who acted with him, could say on this subject, would prevent the passage of this resolution. The thing was fixed, and he considered that sometime between this and the first of June, Blair and Rives were to be dismissed from being Public Printers; and he only rose, and he supposed his friends had the same intention, to tear the mask off the gentlemen opposite, who were about to illustrate their spirit of toleration, of which they had said so much to the people. It now seemed that their toleration, and kindness, and forbearance, of which they had been told during the last three or four months, was to turn out, as he had ever believed it would turn out—a sheer humbug, and he wished it to be seen by the spectators and the country, that it lasted until the 4th of March, and no longer. A friend of his had this morning read an extract from the Inaugural address. He (Mr. SEVIER) had not had time to read the whole of it, but he should do so on board the steamboat on his return home. He, however, listened to it and heard much of Rome and Asia Minor, and Scandinavia, and the Roman Empire, and he knew not what, but he should resume the discourse at the earliest opportunity. They also heard of forbearance and toleration; but who believed it? Who of the twenty thousand or thirty thousand persons who heard it—half of whom were office seekers—believed, for a moment, that that forbearance and toleration were to be carried out into practice? He (Mr. SEVIER) had no faith in those professions, nor of their retrenchment either. They had already had one chapter under the head of retrenchment, in the election of a Sergeant-at-Arms, who would have nothing to do but to receive his salary until the meeting of the next Congress; and this was to be chapter one, under the head of reform. Now, he regretted that the

gentlemen did not come forward with manly boldness, and say "these men must die, and we will behead them." They had the power, and that was reason enough. Why, the Senator from South Carolina, [Mr. PAXSON,] who had addressed them, had talked about the joint resolution being a nullity, and he had said that of that resolution they had power to disencumber themselves. But did not that Senator himself, in 1835, and perhaps before, too, vote to elect Printers for this body before the 4th of March? Well, if it was unconstitutional now, it was unconstitutional then; and why did not that honorable Senator get up in his place and object to it? Why did he vote to sustain what was unconstitutional? Did a change in the body from a majority to a minority change the constitutionality of that resolution? No: its constitutionality stood the same, whether the gentlemen were in a majority or minority. It had been very properly said that this was a permanent body, and that the election, whether before the 4th of March or after, was good and valid. It had been acquiesced in before, as he found, on looking at the ayes and noes. It had been the practice for twenty odd years, and no one ever disputed it before. Why, in the other House, in 1833, Gales and Seaton were elected with ninety-nine votes; but, afterwards, a document was published, signed by a hundred members, in which they stated that they voted for Blair and Rives, and yet Blair and Rives lost their election. A new election was claimed, on the ground that Gales and Seaton had been chosen either by fraud or mistake; and what then was the cry from the "glorious Whigs?" What did Gales and Seaton say? Why, column upon column was written to show that what was done by that body was beyond the reach of subsequent interference, and the election was considered settled, when those Printers had a majority against them in that Congress.

But now, they were told it was indiscreet and improper that Blair and Rives should be retained, because they had confidential printing, and they might betray the secrets of the body. Well, if they did, remove them, and he would vote for it; but had they not hitherto printed confidential documents, and was there a man there who could charge them with having betrayed their trust? Would they prefer giving the printing to a man to be selected by this body, who, unable, to discharge his duties, having neither types nor presses, should transfer their confidential printing to others who were not designated by the Senate, and in whom the Senate might not have confidence? The thing had already been done, and Allen of the *Madisonian*, when elected Printer some time since, was obliged to transfer it to Gales and Seaton.

But one Senator had said that the main object was to remove Messrs. Blair and Rives. Well, go ahead and do it; all he (Mr. SEVIER) wanted was, that they should boldly avow what they do. Let them come forward like men, and say it was their will and pleasure—let them say it boldly, and do it like men; for such reasons as were given, contrary to the practice of years, were lost on him. One Senator would remove Blair and Rives, because, he alleged, they were forced on them at the last moment. He had no doubt Blair and Rives were unacceptable to those gentlemen; but was that new? Were Gales and Seaton acceptable to his side of the House in 1833 and 1835? No: these things were the result of the accidents of party warfare, which had always been, and always would be, acted on as long as this was a Government. He (Mr. SEVIER) was one of those who had helped to gag it down on those gentlemen, and he would do it again if he had the power. But he had risen merely to tell these galleries that this cry about toleration was all humbug. They had already the whole matter illustrated in two chapters—the one headed "Retrenchment," and the other "Reform;" and he wished the gentlemen to take down their false sign, and to put up a true one.

Mr. WOODBURY observed, that at one time he had not expected to take part in this debate. Most of what he afterwards intended to say, had been recently explained by others. He should, therefore, crowd himself on the attention of the Senate for only a few minutes, and on matters connected

with his peculiar position, on what was not already exhausted. The questions before us probably appeared somewhat different to him, as a new member, than to those who had occupied a seat here in February, and mingled in the excitement and discussions which accompanied the election of the present Printers. To him some of these questions seemed extraordinary. He was summoned here to a session of the Senate without the House of Representatives; and, of course, a session for the transaction of Executive business merely. This body was a permanent one; and hence it was supposed that no new officers were to be elected, if no vacancies already existed. But if they did exist, he entertained no doubt we could complete the organization of the body, and fill those vacancies, if the officers were believed to be necessary, or if we had any business for them to do; and whether such an election was conducted with open or closed doors, was not very material, it being an organic measure, or, in other words, an act of inherent power, or, as denominated by the Senator from Delaware, [Mr. BAYARD,] "absolute power." It was neither legislative nor executive, strictly speaking; but being one of organization, it seemed proper, either to precede any other business, or to be taken up when the necessary occasion demanded. But what did we see? Was the office, employment, or contract of a Printer vacant? Nothing of the kind. The resolution under consideration was not then required to organize this body, but tended directly to *disorganize* it. It went to create vacancies, instead of filling them. It assigned no reason whatever for making them, and did not even propose to fill them, when made. On its face, therefore, it seemed disorganizing, as well as out of order, irregular and unnecessary. Most unfortunately, then, we commence our proceedings in disorganization. Where they will end, remains to be seen.

But it has been observed that sometimes, if not on this occasion, it was justifiable to force vacancies, and then proceed to new elections. In such cases, however, it would seem a proper preliminary, that in some report, resolution, or motion, reasons for it should at least be assigned, if not proved, in order that it might appear on the record why action was proposed, and definite notice given of what was to be met. If the last election of Printers was considered unconstitutional, or, if the incumbents had since grossly misbehaved in their official capacity, why are not these grounds of removal regularly set forth? If, considering the Printers merely officers, and in no respect contractors, it is admitted that various grounds might be supposed which could be considered sufficient, if duly stated, and proved. But unless these were done, the proceeding looked extraordinary, and new members were acting in the dark; and our journal, he feared, would appear discreditable. But, aside from this, what reasons have been assigned, orally, in favor of the resolution? Nobody has pretended, in this debate, as I understand it, that the election of Blair and Rives was unconstitutional. The mover himself [Mr. MANGUM] says he will not call it so; and if the opposite side, as a party, seriously assumed such ground, their acts should correspond, and they would at once proceed to choose successors to the present incumbents, instead of offering this resolution to remove them.

The resolution itself, then, recognises them to be in office constitutionally. Indeed, they were elected at the usual time, in the usual manner, and on the usual terms, which have prevailed for nearly twenty years in this body. What should impeach such an election? The only argument against its validity that I have heard on this occasion, has been, that the other House had recently obtained their printing to be done at a less price than was provided in the joint resolution of 1819. But it would be difficult to prove that the departure from the law by one House vitiated its force with the other, which might prefer to adhere to the law; or that the members of the other House could not procure their printing to be done more economically than the law required, if opportunity offered, and still not be guilty of any illegality, nor the law itself become void.

Considering these Printers, therefore, as duly in

office, and, for argument, merely at this moment, that no contract exists, but that the present resolution proposes to dismiss them from office only, the question—and, in my view, the first, if not the most important question—recurs. Is it intended to be done with or without cause? Which? Its language is silent on that point, and hence the natural inference may be, that the removal is contemplated to be made without cause. Yet several gentlemen, in debate, strongly disclaim any such design or motive, and detail various reasons for the measure. But, in the threshold, all of us ought to form explicit opinions on this point. It is due to justice, frankness, manliness. And if, in truth, any member votes for the removal without cause, then I presume the act, in him, is admitted to be an arbitrary act. It is merely *sic volo—sic jubeo*. It is an act which I will not presume ever to occur, as it appears to me one utterly unworthy this dignified assembly. It would be sheer caprice and wantonness; and if not rank injustice, it at least can never be vindicated in the high forum of the American Senate.

Whatever a collector might do to a tide-waiter, in a moment of irritation and displeasure, this assembly of ambassadors from the sovereign States of our great Union, can never set an example of removal without any cause whatever, because so derogatory to it, and at the same time so dangerous to other legislative assemblies. Over our whole country, they look up to us for decorum, gravity, caution, and wisdom. Beyond all this, if these Printers be at the same time contractors, which I shall endeavor to demonstrate hereafter, such a removal, without any cause whatever, would not only be arbitrary, and of evil example, but grossly illegal.

In either view, therefore, whether as officers or contractors, I understand all the gentlemen on the other side who have spoken, admit the existence of a cause for the removal, and thus admit the impropriety of acting without one. Then, what is the cause? what its validity? and how is it ascertained or tried?

The gentleman from North Carolina, who offered the resolution, says it is a cause, not *solely political*. The member from Kentucky [Mr. CLAY] avowed it was a cause touching something *infamous* in the management of the public press. Others appeared to speak of mere *political difference of opinion* as sufficient to justify the removal. Others, who have not yet spoken, are supposed to be ready to vote for their dismissal, either for that reason alone, or for that, coupled with some indefinite, undefined incompatibility of temper, difference of fashion and appearance, or want of harmony in feeling and taste. Now, let me caution gentlemen who may, even in common cases, remove from office for a mere difference in political opinions, though most on the other side, it is believed, are pledged not to remove at all for that cause, that they stand on very slippery ground in removal of printers for a mere difference in political views. In the first place, the sufficiency of this cause in ordinary instances is viewed not alike among all gentlemen on either side. But I do not propose to discuss that question now. Be it remembered, however, that he who votes for this removal for that cause alone, and has heretofore censured others for removals on account of it, must admit that he has done a wrong to others, or is now doing one himself.

If his course be now right, so was theirs. But much more than this. If such a course was right in relation to officers not Printers, and adopted by ordinary tribunals, it by no means follows that it is expedient or justifiable in respect to a class of officers connected with the public press. Nor should it ever, in my apprehension, be hastily exercised, in the unusual form now proposed, by such a political tribunal as the Senate, whose doings can be communicated to their respective States only to a very limited extent, except through a free, bold and vigilant press. I say, then, in this view, that the present is a new case in our annals. Grant, then, that some gentleman may feel justified elsewhere in making, for such a cause, the removal of an ordinary officer, it should require grave consideration in them as Senators, members of a representa-

tive body, to drive away from around that body, merely for a difference in opinion in politics, the only watch dogs of their masters—the people and the States. They are the sentinels who scrutinize our conduct, and daily report it in behalf of our constituents—the public censors, to criticise it fully and fearlessly—to expose errors or foibles, and hang up vices, if any, to indignant reprobation.

Again, are we to claim to be above mistakes—immaculate? Are we alone to be screened and all beside exposed? Are we more holy than other citizens? In brief, the effect of such removals, if not revolting to public sentiment and causing a speedy and scornful re-action, cannot but tend, however well meant, to sap the whole foundations of the liberty of the press. It lays the axe at the root of its independence. It tends to render it craven and cowardly—to silence its warnings—to make it fawn around power, rather than expose its wrongs or rebuke its usurpations. It is the business and duty of political editors to be vigilant, and indeed censorious, where occasion appears to require it. It is their fearless vocation. Shall we attempt to unnervise them? Can error of opinion be tolerated at all, unless reason is left free to combat it? And will not liberty of conscience become also in jeopardy by such a course? But, gentlemen exclaim, at least the Senator from Kentucky does, these Printers are to be removed, not merely for difference in political opinion, but for harsh reflections on members of this body—for libellous strictures—that require this kind of punishment, or justify such retaliatory measures. This opens a new and wide field for reflection. Real libels are a crime, and punishable as such at common law. Are we to accuse others of crimes, and punish them here in this summary form—without hearing—without a specification—notice—a jury—counsel, or witness? Are we to do all this, also, in our own cases, interested and *ex parte*? to be accusers, judges, and executioners? This course has been called military, but is it not going beyond even a drum-head court martial? The humblest citizen, for the smallest offence, is by the Constitution entitled to the benefits of the 6th amendment, in the following words: "For all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation—to be confronted with the witnesses against him—to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence." Our officers may libel others, or assault others; and their conduct then, on complaint, comes before us for examination. But we should not then remove them without specified charges and a hearing; and will we act differently when our own interests or feelings render us less safe and proper to judge? These circumstances illustrate the importance of ascertaining, as I have attempted, whether these Printers are to be removed with or without cause; and if with cause, for what one? Is it for a crime, and a crime against us, or for a mere difference of opinion? The different consequences to the parties likewise show the importance of these distinctions. If you had proposed to remove them without any cause, then the act being merely arbitrary, would tend to affix, and would affix, no stigma or reproach on them; but rather it would fix them on ourselves. We should be considered wanton and tyrannical. Again, if you remove them for cause, and that a mere difference in opinion, it would not tarnish nor brand them with any disgrace, because differences of opinion, under free institutions, are inevitable, and often honest. All of us must, therefore, be content to go in and out before this great people frequently, as we happen to agree with, or differ from, the majority, however acquired; and though at times we may feel and assail the temporary delusions, the supposed deceptions, and, indeed, the occasional tyranny of majorities, no wound is given to our characters by retiring to private life.

But when majorities seek to expel an individual from office for an alleged crime, for what is denounced as *infamous*, and when that attempt is

made by the very body against which the offence was committed; the whole scene becomes changed.

The individual and the body are both in a new attitude, and considerations spring up that overshadow all questions of the rights of property and contracts, and all mere differences of political opinion. The good name—the immediate jewel of the soul—is in danger, and the tocsin of alarm and inquiry cannot be sounded too loud, because the deed, if done, may affix a foul stain on the victim, which will last and spread as long and as far as the mighty power of the press itself.

The party accused may, therefore, in such a case, before sentenced to ignominy, well expect full notice, a deliberate hearing, and witnesses confronted against him, if not an impartial tribunal, for trial. He may, as in the present instance, have wife, children, and friends, the solitudes of relatives, the charities of neighbors, and all the comforts and honest pride of life around him. Are these to be thus suddenly blasted? Are ruin and dismay to overwhelm the whole at once by an *ex parte* condemnation for crime, and this not in a corner, or by some *pie poudre* court, unknowing and unknown, but by one of the highest tribunals in the world, so as to diffuse the fatal poison more quickly as well as injuriously, through all the veins and arteries of the community?

In the other aspect of the transaction as affecting our own character, it may also be wise to consider whether a different course of proceeding be not due to ourselves and the reputation of this distinguished body, as well as of the sovereign States we represent. A proper self-respect, moderation, and delicacy, seem to require of us unusual caution not to do wrong, while complaining of wrong—nor to be hasty, where the consequences to others are lasting—nor, perhaps, to condemn at all, where we ourselves are a party in interest, and the other side has been unnoticed and unheard. Gentlemen may truly say, that their motives are good and their convictions strong. But others, even in this body, widely and conscientiously differ from them in opinion on the whole case. Is, then, a *one-sided, ex parte* action on the subject either liberal, chivalrous, or humane, to say nothing of justice? Is it not in a free country, with equal rights and with the glorious institutions of courts and juries, an action open inevitably to much criticism and suspicion? Can it escape rebuke on both sides of the Atlantic?

It is not enough, in a tribunal like this, to be like Cæsar's wife, pure in intention; but, it may be becoming, at least, if not indispensable, to adopt a course of action entirely above suspicion. Some may ask what other step than the present one should be adopted, when the majority believe the accused to be guilty? I answer, follow the usual course of inquiry and trial. The course that finds a ready approval in every heart, soul, and head, in a country of equal and just laws. Give the accused notice of the specific charges against him; and by all means hear him *before you strike*. Again, as to any kind of trial here, in our own case, undoubtedly this Senate may be as safe as any other interested tribunal. But if no imperative necessity exists for an immediate and final trial here, and especially one which will appear to the accused at least as possessing some indecorous haste, why not send him and his conduct first, as others are sent, to be tried by the courts, and under the usual constitutional forms, in order to ascertain guilt or innocence.

If individuals here feel aggrieved, as well as the majority, they can prosecute also for damages, besides indicting, and then the transaction will assume the ordinary aspect of one under the reign of the laws, and not be exposed to the suspicion of one prompted in any degree by passion or prejudice. At least, let us know and have specified the precise circumstances in which the supposed outrages have been perpetrated, before we proceed farther in condemnation, and see if we ourselves can agree whether they are libels or not. It is very likely to turn out, that, amidst twenty lawyers in this body, who should scrutinize these particular cases, not five of them would agree, independently of any political consideration, whether they all

were or were not libels. It is unmanly to be too sensitive or thin-skinned on these subjects.

Again, the gentleman from Kentucky [Mr. CLAY] says, *common fame* is enough to condemn the Printers. Would he or I like to be tried by our political enemies, as to political topics, on *common fame*? Would we not both be in some danger of the lamp post or the guillotine? Have we not both been clothed over and over again with what we considered, and in many cases knew to be, atrocious libels? Have we been exempt from slanderous attacks even in Congress? I expect to continue to be assailed with my full proportion of newspaper abuse—perhaps even for some of these remarks. But far be it from me, on that account, to claim any new mode of punishment for libels, or wish to revive any exploded old mode, like a star chamber or attainder, or the sedition law. I would pursue no different course than heretofore, and think that, if I could not in time live down defamation, I was not worth living. Others may take different views of such matters: they have a right to. Let such, however, go to the laws for protection and redress—the old, sturdy, common laws of a free people—which, ever since Magna Charta, they are unwilling to have changed. These are ample to punish all ordinary offences. But do not resort to any new mode of effecting the object, by summarily and unceremoniously dismissing the supposed offender from office, as if he had committed some *scandalum magnatum*, and was to be punished in some absolute monarchical form, which many will not hesitate to regard as unworthy the liberality of the present age and the justice of so enlightened a body as the Senate.

Some have likened this case to a *contempt*. Such was the suggestion of the gentleman from Connecticut, [Mr. HUNTINGTON.] He asks could we not, and should we not ourselves punish for a contempt on the Senate? I feel obliged by the suggestion. The doctrine of punishing for contempts, by either judicial or legislative bodies, in its old and unlimited use, has long been my utter abhorrence. It has been, in that use, one of the worst relics of the barbarous ages of despotism. In the first place, the party which accuses is also the judge. This is contrary to all the elements of impartial justice. In the next place the punishment by fine and imprisonment may be almost unlimited and wickedly oppressive, when inflicted, as it often is, under the irritation of wounded vanity, or the stings of supposed insult.

Who can read, without horror and detestation curdling his blood, the cruel and excessive punishment of cropped ears—long imprisonment—heavy fines—the bastille and banishment formerly inflicted for libels and contempts? But even in contempts the accused is heard. Not, it is true, before a jury, which should be the case generally, but he is still notified and heard—witnesses are examined for and against him—specifications filed. Why not then, at least, do as much in the present case? When an editor, in 1827, was accused of violence committed within the walls of "this building on a messenger of the President of the United States, did we attempt to try him without specific notice, and a full hearing?

So shocked were Congress, after impartial inquiry, at the latitude and wide constructive powers assumed by courts and legislative bodies on this subject of contempt, that they hesitated to punish, even though the offence was perpetrated within the Capitol, but not in their presence. And after the trial of Judge Peck, who was impeached here for oppressive conduct in the punishment of Lawless for a supposed contempt, though even Lawless was notified and heard by the judge, an act of Congress was immediately passed, which took away the power from courts to punish for such offence, unless committed in their actual presence, or in the actual obstruction of legal process.

It provided, expressly, (see act, March 20, 1831,) "that the power of the several courts of the United States to issue attachment, and inflict summary punishments for contempts of court, shall not be construed to extend to any case, except the misbehavior of any person or persons in the presence of the said courts; or so near thereto as to obstruct the administration of justice, the misbehavior of

any of the officers of the said courts, in their official transactions, and the disobedience or resistance by any officer of the said courts," &c. "to any lawful writ," &c.

Shall we go beyond the limits deliberately imposed on courts by ourselves, and punish as contempts, or *quasi* contempts, acts not done in the presence of this body, nor upon our officers, nor obstructing any of our proceedings? and do it, too, without notice or trial of any kind? Shall we punish for supposed libels published a mile distant, and in the usual pursuit of one's business and profession as an editor?

Let us see if there be any aggravation in this case, or, rather, not much extenuation. We elected, to be Public Printers for this body, the editors of a public press. Both political parties have done this repeatedly before in both Houses. Was it ever expected that those elected were thereupon to cease to be editors? Suppose they have the zeal of partisans, courage, enthusiasm, even. Do we dislike or censure those qualities in others, if exerted in our own behalf, or in our own cause? So we elected them when known as editors of a party press. Did we require or expect that they were to cease to be party editors? Could we, with decency, insist that we ourselves, in consequence of our votes to them, had indirectly bribed them, and were not to be afterwards criticised as freely as others? If so, then, I repeat it, we insist on what is utterly destructive to all liberty of the press. Should we undertake, by our douceurs or favors, to stifle or seduce the press, we disgrace it and ourselves. What is an editor good for who will not, after elected, as well as before, denounce what he deems tergiversation? expose what he believes to be corrupt coalitions? strip off the mask from what he regards as political hypocrisy? shew up the inconsistencies between the professions and practices of those in power, and much more the brazen-faced differences in doctrine before and after an election? What is old English liberty worth—that has descended to us from our sturdy sires—if *unlicensed printing*—first contended for by Milton himself—cannot be any longer tolerated here? Let us have no *imprimatur* before publication—no previous license to be obtained—no censors, with power to exclude or veto what is disagreeable to weak nerves or bilious temperaments. No: Punish wrong, if you please, when committed in this, as in other cases, and in the usual manner; but away with bills of attainder, with sedition laws, or patronage and dismissals, that are calculated to silence or terrify, and which, if so used, would make us, in a few years, a nation either of mere courtiers or slaves. I admire the spirit of Collier, a century ago, as described in the book just before me. It says: "He was under the frown of power. His name was already a mark for the invectives of one half of the writers of the age." What did he do under such fearful odds? Succumb and play the spaniel? No: "In the cause of good taste, good sense, and good morals, he gave battle to the other half;" and he triumphed, even over such men as Dryden and Congreve, as well as over all the myrmidons of power. Majorities had no fears for him; and I should entertain a very different opinion of the editorial corps in this country if I could believe, for a moment, that the *frown of power* could ever drive the mass of them from their high duties. On the other hand, much charity is due to them for errors, when happening. They are obliged to take opinions and facts often at second hand. They are often misled in their views by others, who know better than they do, and are interested to mislead them. They are educated with the prejudices and failings of other people, and sometimes look with jaundiced eyes. They must, also, of necessity, in writing so much, write at times carelessly, hastily, ignorantly, and hence erroneously. Some are of excitable temperaments. Are we to throw the first stone at such? Among them, too, as in all professions, are some that are venal, with a few hacks and hirelings without requisite training, honor, or morals; and who, with prostituted pens, would stab by an innuendo, or murder character for bread. But many of them I know to be the reverse of all this, gentlemen in manners, ripe as scholars, with elevated talents, and integrity unassailable,

and evincing justice and candor even to political enemies. As conductors of newspapers, they occupy a most important citadel in defence of public liberty. They may often prove its palladium. Meaning well, and doing well, in the main, they are seldom guilty of that express malice, which constitutes the essence of crime in defamation. I doubt whether half as many real libels occur as is usually supposed. But some are inevitable. In the well regulated Commonwealth of Massachusetts, twenty or more years ago, the law officers of the State were required to examine the files of a few of the Boston papers of both political parties, during some months, and report their opinion of the number of libels contained in them. If my memory be not treacherous, the result was some twenty to fifty in each paper. Yet, perhaps, these, on a fair and full hearing of all the parties, might have dwindled down one-half; and most of the others have been cases of libels only from implied malice, and from overweening confidence placed in the statements or opinions of indiscreet, though powerful advisers. But some licentiousness, I repeat it, is inevitable. There will, at times, be overaction on both political sides, coloring—hyperbole. We might as rationally expect to have the wonders of steam without any explosions, as a free press and no libels; to have fire for warmth and the arts, without any conflagrations; or storms and tempests to promote vegetation and health, without any wrecks or inundations.

While the Senate shall continue to elect the editors of party papers on either side as Printers, they might as well expect to see the play of Hamlet performed without the character of Hamlet, as to see all its members escape criticism and censure by their Printers. But wrong is done, at their peril; under the laws, and only under them, and in the usual forms only, let excesses be corrected or punished. Removing persons from office who are favorable to the minority, will only change the objects of attack by those who will then become the Public Printers. Attacks will then be made by the new Printers on the minority. But still, even the majority cannot escape from them from other quarters. It is a delusion, either to expect it, or in any way to discourage or prevent free discussion, or, as I impute no bad motives, to do acts which are likely to possess that tendency.

But the gentleman from North Carolina [Mr. MANGUM] assigns a still different reason for removing the present Printers. It is a want of *personal confidence*. They may, he says, for an instance, disclose confidential messages. But have they ever done it heretofore? And if they have not, and have given a bond not to do it, and taken an oath, also, has he a right to urge such an objection? Should they ever be guilty, the remedy by suit on their bond, or by the revocation of their contract, as broken on their part, would be the obviously proper remedy. If we now punish them beforehand, and in a different way, we convict and punish them, not for a crime committed, but for a mere suspicion that one may be committed. We expel them for a possibility of wrong, and not for a wrong itself. What an act for the greatest constitutional tribunal of the country! This remark recalls to my mind the only other consideration with which I shall now trouble the Senate on this extraordinary resolution. If our employment of these persons as Printers involves the duties, obligations, and rights of a contract, as well, perhaps, as an office, it is manifestly not legal to remove them on any cause, or for any reason yet stated in debate. Nobody contends here, in cases like this, if amounting to contract, that one party to it can remove the other party; or, that this body can remove a party to any contract running to the United States like this, and properly made, unless that party consents, or has first broken it, or has done some act incompatible with its terms and character.

It is not pretended that any of these have occurred in respect to Blair and Rives. The only question, then, remaining, is, have they, in this case, any rights as contractors, or in the nature of a contract? In this inquiry, if the appointment of these Printers under the resolution of 1819 was unconstitutional or illegal, as some are supposed to contend, their contract then, and since entered into,

was valid, from the inherent, absolute, and organic power of this body to do all necessary for the due transaction of their business, and thus authorize their officers to enter into such contracts for the performance of our necessary printing; and their case would then be that of a mere contract, nothing but a contract, and not of an officer connected with it, or created by either the Constitution or the laws.

Again: whether the resolution of 1819 be constitutional or not, and whether the Public Printer be an officer or not, it can be made manifest that he is a contractor, or has rights and duties under a contract; for an officer may be also a contractor, and may have rights in the nature of a contractor, just as much as if he were not an officer. In this case, the nature of it, and the facts, show not only that a contract was made, but made in the usual form, and not, as is suggested, without authority in the Senate to have it made.

The resolution of 1819 prescribes how the printing shall be done, the prices, and when the Printer shall be designated or elected by the Senate. All these having taken place regularly, and a bond duly executed to the United States to comply with the provisions of that act, and this having been the practice for near a quarter of a century, are we now to be told that it is no contract, because the Senate, as a body, cannot enter into a contract?

How are our laws for erecting public buildings, forts, etc.? Do they expressly authorize the President or the Departments to enter into contracts to do the work? On the contrary, it is merely implied, in almost every instance, from the nature of the case; and the contract is, in almost every instance, made under the superintendence of the appropriate Secretaries, or subordinate officers, and in the name of the United States, as both were in this case, and not in the name of the Senate or of the Departments, or by the President, or heads of Departments, in person. The contracts, on such occasions, are also signed but by one party, or are, by a bond of one party, to deliver materials, or do work, as here; and referring to a law for particulars, or annexing a schedule of them. But in whichever form, they are in essence equally contracts and binding; or all our obligations of this kind, from the foundation of the Government, are invalid.

Again: it is said by the gentleman from South Carolina, [Mr. PRESTON,] that there can be no contractor or contract where there is an election of an individual. But in this instance, the election of a particular person to have the contract has been substituted for the lowest bidder, formerly in use with a view merely to fix who should have the contract. This has been done to procure what the member from North Carolina [Mr. MANGUM] considers so indispensable—i. e. a Printer who, when selected, has the confidence of the body.

This is the whole amount of the election in the present case. Its essence or substance—and we are now looking beyond forms—is a mere designation of the person who, at the time of the election, has the confidence or preference of the body to receive the contract, instead of the lowest bidder. Besides this consideration, several classes of officers exist, as before stated, who may be contractors, or possess rights, in the nature of a contract, as well as any other person, and still be officers.

The case of Dartmouth College and Woodward—(4 Wheaton Rep. p. 657)—is very full on this point. It was more familiar to most professional gentlemen twenty years ago than now, or they never would have insisted, on this occasion, that there could be no contract where a person had been elected, or was in any sense an officer. I say nothing of the correctness of the law of that case as to the distinctions between public and private charters, or as to some other positions.

But I read from it a few passages, to show how much wider a range is there, judicially, given to the meaning of contracts, and rights held under contracts, than the Senators from Delaware or South Carolina have seemed to suppose. The case itself arose under that clause in the Constitution, which bears directly on the present discussion, and which provides that no State shall

pass any "laws impairing the obligation of contracts."—(Art. 1, sec. 9.)

The Confederation took it for granted, that Congress itself, or either House, would, in their more retired, elevated and cautious position, never do any act impairing the obligation of contracts, and hence, extended the express prohibition to the States alone. There was danger from them in the circumstance, expressed by a member, that the "sober people of America, had seen with regret and with indignation, that sudden changes and legislative interference, in cases affecting present rights, because jobs, in the hands of enterprising and influential speculators." The clause was introduced "to shield themselves and their property from the effects of those sudden and strong passions to which men are exposed." (6 Cranch. 87.) Similar dangers, it now seems, may, unexpectedly, arise here as with the States; but justice requires me to add, that none of the gentlemen on the opposite side, are understood to claim the right to annul contracts in Congress any more than in the States, though some of them have, I think, very unfortunately, spoken of paying large or small damages, if they should annul contracts. They will, however, find that if the deplorable violation once takes place, in the flush of victory, and in the hot blood of passion, any reparation in damages will be but a feeble atonement for violated faith; and a stigma will be fixed on the character of the Republic, which ages cannot remove. The damning deed will be done. The little credit left of the States will be lost, and the high credit of the Union prostrated. The De Tocquevilles' and Chevaliers may have to write a new warning to the advocates of free principles abroad, and a new chapter of burning shame to us on the rashness and reckless injustice of party madness under free institutions. But again it is said, we can repair damages. What! we to be lavish of the people's money to repair the damages we ourselves have committed? What justice and economy!

Who, also, are to fix or estimate the damages? The party doing the wrong, as the Senate cannot be sued. What an impartial remedy! The end of such a beginning, under the new Administration, can more easily be imagined than seen.

What disastrous coming events thus cast their shadows before! Is this the first act in a drama that is to advance in proscriptive violence, like the tragic scenes enacted in the Italian Republics of the middle ages? Are our historians and poets, if, unfortunately, politicians, to be, like Dante, not only proscribed, but banished? Is confiscation to follow in case of contracts and property, and some apology to be offered, by talking of damages estimated by the injuring party now or paid at some future period, after hope long deferred, and when victory shall hang in the other side of the scales?

Of one thing, thank God! I feel satisfied—that, however violent causes may increase and inflame as they move onward, yet the atrocities of party rage evinced by females in some former Republics can never be revived in ours. In the ruthless proscription of triumvirates, none of our fair countrywomen can ever, I trust, under the humanity, sympathy, and benevolence of Christian education, call for the proscribed head of a political opponent, and, in impotent madness, pierce his dead tongue with a bodkin, in revenge for his philippics uttered against demagogues, profligates, and usurpers.

But one moment to the decision of our highest judicial tribunal, as to what constitutes a contract, rather than to the lexicographers and looser definitions proffered on the other side.

The decision in the case of Woodward and the Dartmouth College, was not that indentures, mutually signed by two parties, or unsealed agreements so signed, alone constitute contracts, as some definitions read seem to imply. But Chief Justice Marshall, in that case, which was a mere charter by a Provincial Governor, to a few persons, as officers of a literary institution, declared, that "the opinion of the court, after mature deliberation, is, that this is a contract, the obligation of which cannot be impaired without violating the Constitution." (page 650.) Again: (page 656,) "a grant is a contract." So are said to be all the private corporations, such as banks, turnpikes, and railroads;

(page 669,) though having officers, and making officers, almost without number. And Justice Story adds, in respect "to grants of power to State officers or to contracts, relative to their offices," &c. (pages 693 and 694.) "When the Legislature makes a contract with a public officer, as in the case of a stipulated salary for his services during a limited period, this, during the limited period, is just as much a contract within the purview of the constitutional provision as a like contract would be between two private citizens."

Yet the Senator from North Carolina contends that the Senate, though it constantly appoints officers, and helps to fix their salaries, cannot enter into any contract, or be in any way a party to any contract. And the Senator from South Carolina [Mr. PRESTON] is understood to contend that there can be no contract with a person elected. Again, Justice Story says: "Many dignities and offices, existing at common law, are merely honorary and without profit, and sometimes are onerous. Yet a grant to them has never been supposed the less a contract on that account." (page 699.)

But how much more is such an officer a contractor, if a grant of privilege to print, etc. is made to him, and the party to be protected as holding rights under a contract, if he possess a private beneficial interest in the duties attached to the station; and if large amounts of property are to be held, procured, and delivered under the contracts as in the present case, and for a limited period, and at certain prices. The judge adds: also, "in respect to franchisees, whether corporate or not, which include a permanency of profits, such as a right of fishing or to hold a ferry, a market or a fair, or to erect a turnpike, bank or bridge, there is no pretence to say the grants of them are not within the Constitution." (page 699.) That is, there is no pretence they are not contracts, or do not involve the rights and duties of a contract.

I quote the remarks to gentlemen on the other side, that they may call to mind what has been decided, and said in the highest judicial tribunal of the country on points analogous to that in dispute here, and how they have differed from their present position.

It will thus be seen, that, in the opinion of such a tribunal, officers may be elected or appointed, and still have rights under their offices, and under grants which are in the nature of a contract, which no legislative power can lawfully impair.

In the same case, it is held, as has been quoted, that bank charters possess a like character of a contract; and, in 1833, on the removal of the deposits, to which the gentleman from South Carolina [Mr. CALHOUN] has referred, it was not denied, by the then Administration, that the charter gave certain rights in the nature of a contract; but, the question was merely concerning the extent and limitations of the contract. The Opposition, at that time, concluded, that the substance of the contract prohibited the removal of the deposits, unless first ascertained to be unsafe in the vaults of the Bank. The Executive contended there was no such limitation or qualification, because the charter itself expressly provided "that the deposits of the money of the United States in places in which the said Bank and the branches thereof may be established, shall be made in said Bank or the branches thereof, unless the Secretary of the Treasury shall, at any time, otherwise order and direct," &c. (section 16 h.) The Secretary did "otherwise order and direct," and, consequently, according to the views of the Executive, conformed to the contract, instead of violating it by removing the deposits.

In the present case, the other indications of a contract, beyond all which has yet been stated, are decisive. There not only always was a contract, and nothing but a contract, before 1819, but always since has there been a contract; not a mere bond to perform a naked public trust, as in cases of mere officers, but a bond to comply with the particulars of the joint resolution, and thus to furnish certain materials, of paper and ink, which equal in value nearly half the stipulated price to be paid for the whole work. No such contract or engagement exists with most other officers, and none such with mere officers. In this case, the law on the one side, and the bond on the other, make it a part of

the contract on the one side, that they shall furnish these materials during a limited period, which is one of the tests of a contract by Justice Story, that is, for two years, or the next Congress, as well as to perform the labor, and provide a fixed capital, necessary to do the work promptly, in types, presses, etc. This capital equals thirty or forty thousand dollars.

Again: on the other side, it is virtually engaged, as a consideration for this bond, that they shall have the work for a definite time; that they shall be paid a stipulated price for the work, during that stipulated time. This makes it exactly, throughout, one of the cases adduced in the Supreme Court, to illustrate what is a contract, in the case of certain officers. Couple these considerations with others, before mentioned in this debate, that these Printers are designated to furnish the materials, and do the duties as a firm, and not as individuals, showing the business character of the case, that they are proposed in this very resolution to be dismissed as a firm, and not Mr. Blair alone—who seems alone to be objectionable—that they cannot resign without our consent, which is the case with no mere officers—that they have given, and the law requires them to give, bonds, not to do the duties of an officer, but "for the prompt, accurate, and neat execution of the work." And the whole undertaking comes as clearly, as any case on record, within the form, as well as substance, not only of definitions, but of decisions, in respect to contracts. Sound common sense, and immemorial usage, cannot, in my opinion, justify any other view of the subject. No scholastic subtlety can long bewilder either this body or the community as to the real essence of the transaction. However party feeling may insensibly warp some of us for a time, and it may all of us—however sudden irritation may have provoked and rendered plausible the expression of doubtful opinions—however any Senator may, in his zeal to serve others and the public, indulge in eloquent indignation at supposed vice—and however all this, under human frailty, may make some feel power and forget right, without any motive existing actually to violate vested rights, yet the scrutiny of free discussion and of time will dispel all delusion. All attacks on private charters and contracts have a revolutionary tendency; and one of the sages of '76 is depicted as holding up to the world's abhorrence various encroachments, and, among them, a broken charter, and other lawless acts of ministerial power. Reactions will come. Truth must follow after falsehood, and though sometimes slow, yet sure: though crushed to earth, she will rise again. The people at large are sensitive to injustice and oppression, though committed on the humblest individual. An emanation from Deity himself is constantly at work in the human heart to correct evil, to bring back erring man from wrong, and to do justice to the aggrieved, however late.

In closing, allow me to invite you, before you vote for the present resolution, to look at a few cases of the operations of such a feeling and principle in man, and especially in relation to this formidable class in society, composed of those connected with the public press.

In our provincial weakness as colonies, a practical printer,* once as their agent, stood before the assembled power of an English Parliament. Though faithful to his arduous trust, he was stigmatised by the reckless Wedderburnes of that day as a libeller, and guilty of various other high crimes and misdemeanors, which it is not necessary here to repeat. The petitions he presented were trampled in the dust—the prayers of his constituents rejected with scorn—and the proscribed and insulted agent was driven back across the Atlantic in supposed infamy. He at once devoted all his energies to the cause, and did more, perhaps, by his pen, tongue, and the press, than any other individual, to prepare us for the coming crisis. What was the termination of the outrage? A few years after the same printer appeared at the same court as the representative of thirteen free, independent, and sovereign States. Rumor adds, that, in the same dress, worn when he was vilified, he then and there affixed his

* Benjamin Franklin.

name to the treaty of peace, in which his opponents virtually acknowledged the wrongs they had inflicted, and the sacred rights we had claimed.

But nearer home, in this very body, within the recollection of many of us, and deeply so of myself, a printer from my native State,† when nominated to office, was rejected, principally, it is apprehended, on the ground of a supposed libel published some years previously. I then believed, and still do, that he was imposed on by others as to the facts of the case, and that no express malice existed, nor any intentional wrong was designed to any one. But the blood was up even in this grave assemblage. Reason was, in some degree, blinded and stifled by honest indignation, at what was considered licentiousness of the press; and, without trial or conviction in the courts of law, and with a private life of great purity, an untiring industry, and singular clearness of intellect, he was driven from his subordinate office in apparent disgrace. Only one brief year afterwards what did we behold of returning justice and popular indemnity? This same printer is sent here as the representative of a sovereign State, to sit and act by the side of those who had rejected him, and is soon afterwards exalted still further, by his elevation to the chair of its Chief Magistracy.

One other illustration, and I have done.

In the case of John Wilkes, known wherever popular liberty is known, and the particulars of which need not, therefore, be detailed, his papers were seized by the minions of power, under a general search-warrant, because he had caused to be printed what were considered libels. The community looked to the outrage by such a seizure on him and his papers, and his domestic sanctuary, rather than to the individual guilt or innocence. They regarded the oppression, rather than the character, of the intended victim of ministerial usurpation. To evince their indignation at the profligate invasion of his rights, they at once elected him to the House of Commons. From that House he was expelled (or dismissed, as this resolution would term it) by the pliant supporters of that ministry. This was a second outrage, not much less flagrant than the first, and the people again returned him there by acclamation. Yea, more—the friends of liberty, of law, and the sacred rights of property and domestic exemption from inquisitorial search-warrants, caused the record of his expulsion to be expunged. It stands expunged to the present day, and I may venture to predict it will continue to stand expunged, till free principles themselves shall be expelled from the birthplace of our fathers.

In referring to this case, do I justify the conduct of Wilkes, in many respects? or do I undertake officially to decide on any general imputations, cast in debate, on the present Printers? Far from it. This seems to me not to be the proper time or proper stage in the proceedings for that purpose. They will ably vindicate themselves, I have no doubt, when notified of any specific charges and allowed to defend themselves against accusations like other free citizens in a free country, before they are condemned.

But Junius justly said of Wilkes, whatever may have been his character, it was, in a public view, the precedent and the principle, and not his character, which was most involved. Like Paine, during the Revolution, our fathers looked to his politics, rather than to his infidelity; and Mr. Jefferson afterwards generously protected him for his political rather than religious principles. Hence, Junius proceeded further, and observed as to Wilkes, if he had vices, his very vices pleaded for him in such a case, because they were made an apology by others for an act of oppression. Thus, (Letter 11th:) 'But, let Mr. Wilkes's character be what it may, this at least is certain, that circumstanced as he is, with regard to the public, even his vices plead for him. The people of England have too much discernment to suffer your Grace to take advantage of the failings of a private character to establish a precedent by which the public liberty is affected, and which you may hereafter with equal ease and justification employ to the ruin of the best man in the kingdom.'

† Isaac Hill.

Yes, to destroy even a Wilberforce, a Fox, or a Pitt, in the first moments of exultation after some party victory. Yes, it is the principle in which lurk the poison and the peril. And the great unknown, with indignant eloquence, added: "The laws of England shall not be violated even by your holy zeal to oppress a sinner."

Mr. WALKER said his friend from Arkansas had alluded to the fact that, in 1833, Gales and Seaton were declared to be elected, having received, according to the tellers ninety-nine votes, when before Congress reassembled a hundred individuals published under their signatures, that they had deposited their ballots for Blair and Rives; and in point of fact, though the tellers announced the election of Gales and Seaton, that Blair and Rives were elected. Now this result must have been either through fraud or mistake; he believed it was through mistake, for he hoped the day would not come when there would be a recourse to fraud in either of the two Houses of Congress, to defeat an election. But whenever it was, Blair and Rives were duly elected, and they proposed, in consequence of this fact, that they should be proclaimed the Printers to Congress. But what was the ground then taken by the Whig party, and by Gales and Seaton in editorial articles, which he had before him, and to which he would call the attention of the Senate? And these sentiments were not only promulgated by the party here at that period, but they were reaffirmed by the Whig press throughout the Union in articles republished from those of Gales and Seaton, who were now to be the Printers on the removal of Blair and Rives. In an article published in the National Intelligencer, on the 27th of November, 1833, in which they are giving their reasons why they should be considered Printers for the two years, they treat it in precisely the same manner that the election of Blair and Rives was now treated; they proclaimed it was a contract. But the following was their own language:

"Passing by other indications of lesser consequence, we arrive at that contemporaneous one with which we began, from Cincinnati, concurring in the scheme of the New Hampshire Patriot, the Albany Argus, the New York Standard, &c. Having travelled thus far with us, the reader will probably have made up his mind, by this time, that a deliberate plan has been formed here, to be attempted if the conspirators dare, and which all the organs of the lower Cabinet are busily engaged, by dirty and despicable arts, endeavoring to accomplish, for undoing the election of Printer made at the last session of Congress."

"This grand project of the cabal, whose existence and dangerous influence we exposed to our readers in several numbers during the last summer, presents itself in two aspects, the one MORAL, the other LEGAL."

And here he would call the attention of the Senate to the denunciation of Gales and Seaton of the attempt to remove them as both "immoral and illegal." Such was the charge made by Gales and Seaton, in 1833, against that act which was now to be accomplished by their friends in this body—an act, too, of which the men who denounced it then were now to reap the fruit. If this were an immorality and an illegality, he would turn it over to the consciences of gentlemen, when they came to give their vote for Gales and Seaton to fill the vacancy now to be created. But he would proceed with that part of the article which treats it as a contract with Gales and Seaton. It is as follows:

"The reason for thus making the appointment for each Congress at the close of the preceding session, was of course to enable the contractor to prepare the necessary materials to enable him to execute so extensive a work; which every man of business knows it will take several months to do. After the person elected has given the required bond, the contract be tween him and the House which has chosen him is complete, and it is only in case of failure in the proper execution of the work, or inconvenient delay, that the Secretary or Clerk of either House can employ another Printer to do any part of the work. Such a thing has in fact never yet occurred, in the course of fourteen years practice under the resolution."

"On the 3d of March, 1821, just at the close of the Congress next after that in which the above measure was first adopted, the following resolution was adopted by the House of Representatives:

"Resolved, That this House will forthwith proceed to ballot for a Printer to execute its work during the next Congress, according to the provisions of the resolution, 'directing the manner in which the printing for Congress shall be executed; fixing the prices thereof, and providing for the appointment of a Printer or Printers,' passed on the 3d day of March, 1819."

"Under this resolution, the election was made at the Sixteenth Congress, for the Seventeenth, and so continued to be made, from Congress to Congress, until the Twentieth Congress, when, upon the recommendation of the Committee of Re-

trenchment, the following resolution was passed, early in February, by both Houses of Congress, and approved by the President of the United States:

"A RESOLUTION amendatory of a Joint Resolution passed 3d March, 1819."

"Resolved by the Senate and House of Representatives of the United States in Congress assembled, That within thirty days before the adjournment of every Congress, each House shall proceed to vote for a Printer to execute its work for and during the succeeding Congress, and the person having the majority of all the votes shall be considered duly elected; and that so much of the resolution approved the 3d day of March, 1819, entitled 'A resolution directing the manner in which the printing for Congress shall be executed, fixing the prices thereof, and providing for the appointment of a Printer or Printers,' as is altered by this resolution, be, and the same is hereby, repealed."

The resolution, too, set forth that, in case of the non-execution of the work, the work might be done by another Printer, and the contractor should pay any surplus to the new Printer that might be allowed, as damages for the non-execution of his duty. Now let them see what was said on the effect of the joint resolution of 1819 and 1829:

"Thus, and with all these solemn forms and sanctions, was consummated the election of Printer, which the Kitchen Cabinet, in all the insolence of power, with matchless presumption, undertake to order the House of Representatives to set aside; when they could no more legally do, the reader will perceive, than they could now set aside the election of Mr. Adams to the Presidency in 1825, and declare every act done in consequence of it to have been illegal and void!"

There was the doctrine of the Whig party of 1833, promulgated by their accredited organ in Washington city, and under circumstances less strong than those now existing, for there was now no allegation that Blair and Rives were chosen by fraud. Gales and Seaton then declared that it was a solemn contract, and that they could be no more dismissed than that Mr. Adams could be dismissed from the Presidency by the vote of Congress; and yet now they were to reap the fruit of the act which they then, in elaborate editorial articles, denounced as illegal and immoral, and to use their own language, as an act of "matchless impudence." That was not his language, but the language of the gentlemen who were to be elected Printers by the other side, who were about to do the very same act which was then pronounced to be immoral and illegal, and "matchless impudence." This joint resolution had been in force for twenty-two years, for the first election of Gales and Seaton took place on the third of March, 1819. To this fact let him call the attention of this body and the country, and let him ask if this body was not now to act on this joint resolution.

The resolution was acted upon at the following periods: 1819, '21, '23, '25, '27, '29, '31, '33, '35, '37, '39, and '41.

There was not one single gap or intermission in this body from the 3d of March, 1819, to this period. There were examples in their favor for twenty-two years, under all the mutations of party and of doctrine that this country had undergone, and not one example to the contrary; but at this late period, this Whig Senate was about to create an example for the violation of the resolution of 1819. For the first time, a Whig Senate was about to dismiss a Printer appointed under that joint resolution, for never had either House given them one solitary example, during a period of twenty-two years, to justify the act that was then about to be performed by a Whig majority. And what was the ground on which the resolution had been disregarded in the other House? On looking at the journals, it would be seen that they were twofold. One was a dispute in regard to the manner of the election—whether it should be by ballot or *viva voce*. They failed not on the ground that the resolution was inoperative, but on the ground that it required a vote of two-thirds to take the resolution up for action; and two-thirds could not be found to agree upon a day. And when the session was hastening to a close, and it was supposed that an attempt to act upon this resolution would defeat bills that were on their passage, and, therefore, two-thirds could not be found to support it, this non-action of the House of Representatives was to constitute ground for the deviation of the Senate from its uniform practice from 1819 to 1841! But the House of Representatives had set them no such evil example, as that, after an election had been consummated, it should be disregarded and set aside, and the contract rescinded. The specified grounds on which the contract could be set aside,

were a failure to execute the work, or delay in its execution; and they were not to interpolate on that contract provisions that were not in it. It was to be a contract on one side, as well as on the other. It was obligatory on Blair and Rives, as one of the contracting parties, and on the Senate of the United States as the other, and the only other contracting party; and yet this Senate, the party entering into this contract with Blair and Rives, were to be the sole judges and violators of that contract—an example for which would not be found in the whole course of jurisprudence, from the commencement of legislation down to this time. Blair and Rives could neither resign nor abandon their contract without the consent of the Senate; nor release themselves from its obligations; and was it ever heard or dreamed of, that a contract was binding on one party and not on another? This, then, clearly distinguished it from all other cases which had been mentioned in debate. He, therefore, implored the Senate to maintain the good faith and honor of the country, in which they had so deep an interest, and not, by the violation of this contract, set an evil example to the respective States of the Union, to impair that good faith which should ever be held inviolate. He would rather that some compromise should be effected than that this great principle should be violated by the Senate of the United States.

Mr. MANGUM read various extracts from the Globe of the same period, maintaining doctrines directly the reverse of those contended for by the Intelligencer.

Mr. WALKER called the attention of the Senate to the fact that that doctrine was repudiated by the Democratic party to which it was directed.

But one word more. They had designated a partnership to be the Printers to the Senate, and he wished to inquire whether they could elect a partnership to an office? He proposed that question for the consideration of his friends on the other side, and he wished them to think well of it before they consummated the work which they had now begun. Did they elect Blair and Rives, or Gales and Seaton, as they did their Secretary and Sergeant-at-arms, to any office known to the law? And if they had designated two individuals as one, on what principle did they dismiss both? This showed clearly that they were merely designating contractors, and not electing officers.

On the motion of Mr. PRESTON, the Senate then went into Executive session.

THURSDAY, March 11, 1841.

The resolution to dismiss Blair and Rives being under consideration—

Mr. BERRIEN resumed the debate, this day, in support of the resolution. The views which he expressed at some length, were those of previous speakers. The resolution, he said, affirmed two things: the first was, that the Senate had power to do the act contemplated by that resolution; and secondly, that there was cause for doing it; and these involved the position that the Senate, as now assembled, was invested with its constitutional powers to elect its own officers, which included the idea that it had the power also of dismissal. They were then sitting as a "Senate," the Printer was an officer of the Senate; and partaking of the views and feeling of the majority of the people by whom the new Administration had been called into office, their organ of communication with the people, who was necessarily entrusted with most confidential communications, should not be the editor of a leading political paper of that party which had already announced their determined opposition to the existing Administration. It was "the very error of the moon" to suppose they could tolerate or continue these Printers one instant beyond the acquisition of the power to dismiss them.

Mr. BENTON said six years ago the Senate happened to be engaged in the same business; which now occupied its attention. He happened to be in connection with the Senate in 1835, when the actual majority of that day, being just about to go into a minority, proposed to bring on the election of Printer for their successors; which was resisted by the minority, who were then soon to be

the majority, on the grounds which had been adopted by the gentlemen opposite, who had argued the question during this debate. He, (Mr. BENTON,) on that occasion, as in 1833, submitted a resolution to repeal the joint resolution of 1819, which was now treated by gentlemen on the other side as a nullity. He had done so, because standing as it did on the statute book, it was clothed with all the forms of law. His resolution of 1833, for repealing the law of 1819, and remitting to each House of Congress the election of its own Printer, was referred by then existing majority in the Senate (which was the same politically as now existed here) to a committee composed wholly of that political party, consisting of Messrs. Robbins, Poin-dexter, and Bibb. That committee retained the resolution to the end of the session; they then reported against it, and they were supported by the majority in the Senate. That was in 1833. In 1835, the same course was taken by him pretty early, and again by the same political party in the Senate, his resolution was referred; it was then referred to the Judiciary Committee, consisting of five members, four of whom were of the same political party as was this day in a majority. That resolution was so referred, in opposition to his earnest remonstrance, to a committee, with whom it might lie long. It was afterwards brought back with the decision of the committee against the repeal of the resolution of 1819, and again the Senate sustained the decision. It was in the latter part of the session of 1835, that that resolution was brought back, when it was reported to the Senate by the Senator from South Carolina, [Mr. PRESTON,] and thus, by two committees of that body, belonging to the political party now predominant in this body, the propriety of repealing the resolution of 1819 was reported against, and those reports were acquiesced in by the majority of the Senate. The joint resolution, then, which for a week past had been treated by the other side as a nullity, was adhered to by them in 1833 and 1835, and adhered to on a proposition being made, and coming regularly before the Senate, to decide the propriety of taking it off the statute book. On the 23d of February, 1835, political power being about to shift itself on others, the election of Printer was brought on. He, (Mr. BENTON,) and others, made all the resistance to it that they could; and he believed they stated their objections, if not as strongly, at least as broadly, as the gentlemen opposite now do. They urged the impropriety of the bringing on an election by gentlemen who were leaving their seats, and imposing on their successors an officer of another political party, who might be unacceptable and disagreeable to them. He (Mr. BENTON) said he should look upon it as the exercise of mere power, which would not be obligatory on those successors, and which they might disregard if they would; and, therefore, for one, he undertook to say then that he should disregard it, and that he should not submit to the imposition of a Printer of the adverse political party upon them, but that he should move, in his place, at the next session, to set the Printer aside and take another up. Of all this he gave notice in his place; and when gentlemen made their objections to this election, a fortnight ago, and said they were not bound by it, but would move to set it aside when they were competent to do it, it seemed to him they were reading out of his own book. Indeed, he had the book brought, and the language was found exactly to correspond. Nothing could be more explicit than the statements he made on that occasion. Standing in his place, he promised he would make a motion to set the election aside, and to go into an election for themselves: it was all in the book which lay before him, but he would not trouble the Senate with reading it. He made the pledge; but on the ensuing session coming round, was that pledge redeemed? Did he move to set the election aside? Did he move to supersede Gales and Seaton, and go into the election of another person? No; he did not. He gave the notice, but when the time came round, he never made the movement. Why? For want of will within himself? He presumed not. Why then? Because the gentlemen elected were perfectly agreeable to him? By no means.

They were gentlemen of adverse politics, and they were far, he assured the Senate, from sprinkling him and his party with lavender. The gentlemen were adverse to him in politics, their paper was disagreeable to him; and yet did he move to set their election aside? Did he take a step to redeem the pledge he had given? No, not one step; and why? Because the body of the Democratic party—some might have forgotten it as a transient thing—utterly refused to go into it. He did not know that he found a backer among them; but so far he could speak, that his political friends refused to go into the election of a Printer, and for the reasons here given: Messrs. Gales and Seaton had entered into a contract, they were the Printers to the Senate for two years, and the Democratic party permitted them to serve out their two years—the Democrats being the majority. Twice, then, under such circumstances, were adverse printers permitted to hold their contract—twice, and for two years each time, were they permitted to hold it to the end of the term. He mentioned this, for the purpose of showing how his political friends had acted heretofore. He did not quote it to show his own consistency, or of doing honor to himself: not at all. It was to remind them of what his friends had done, and thereby to do justice both to those present and those absent; for the purpose of showing how the Democracy had used its power, when, on two former occasions, they utterly refused to touch the contract of the Printer. It was to bring that fact to the minds of Senators, and not to go into any argument, that he had risen; and every word he had spoken was confirmed by the book before him. He did this to bring it to the knowledge of the Senate and of the country—he did it for the purpose of confronting professions with practice. The Democratic party had been described as the "spoils party," the "intolerant party," the "proscriptive party," and the party which swept every thing away that differed from them. Another party had come in which was to "proscribe proscription." That was the profession on which the gentlemen had come in; but, without going into generalities, take the case now before them, and how stood it? The last gentleman who had addressed them, [Mr. BERRIEN] had summed up their whole doctrine, when he said they could not tolerate for an instant—which was the smallest subdivision of time—Printers of adverse politics to do their business.

Then, while the tolerant, the merciful, the element, the anti-proscriptive Federalists refuse to tolerate, for one instant; the intolerant, proscribing, tyrannical Democrats were tolerant for four years—at two ends of the Capitol, and for two years at a time, and for two years at the end of that time, had they tolerated Gales and Seaton. He would conclude with again saying that he had made these observations only for the purpose of doing justice to the Democracy—to show them consistent and uniform in 1833, and 1835, and in 1841—and in showing the Federalists refusing to be bound by a law in 1841, and treating it as a nullity, which they refused to repeal in 1833 and 1835; in showing them as adhering to the joint resolution of 1819, when it is in favor of Gales and Seaton, and trampling it under foot when it is in favor of Blair and Rives.

The yeas and nays were then about being taken, when

Mr. CLAY of Kentucky said that many Senators were absent, being necessarily occupied in preparation for their departure for their homes; and that it should not be taken without some little notice of the absentees, as they had some business in Executive session to transact, he would move that the Senate go into Executive session, and at 3 o'clock, the question be taken.

Most of the Senators now appearing in their seats, he waived the motion, and the yeas and nays were taken, as follows:

YEAS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clay of Kentucky, Clayton, Dixon, Evans, Henderson, Huntington, Ker, Mangum, Merrick, Miller, Moorehead, Porter, Preston, Rives, Simmons, Smith of Indiana, Southard, Tallmadge, White, and Woodbridge—26.

NAYS—Messrs. Allen, Benton, Buchanan, Cal-

houn, Clay of Alabama, Cuthbert, Fulton, King, Linn, MacRoberts, Nicholson, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Woodbury, and Wright—18.

So the resolution to dismiss Blair and Rives as Printers of the Senate to the 27th Congress was adopted.

Mr. CLAY of Kentucky moved the following order:

Ordered, That the official bond taken from Blair and Rives, as Printers of the Senate of the 27th Congress, be delivered to them by the Secretary of the Senate.

On this Mr. BENTON called the yeas and nays; which were ordered, and the motion was carried by a precisely similar vote to that on the above question—yeas 26, nays 18.

The Senate then went into Executive session, and afterwards adjourned.

IN SENATE,

MONDAY, March 14, 1841.

Mr. TAPPAN presented the following letter of Messrs. Blair and Rives, which was read:

GLOBE OFFICE,

Washington, 15th March, 1841.

On the 12th inst. the Secretary of the Senate, in obedience to a resolution of the Senate, sent to us a letter enclosing our bond for executing the printing for that body during the 27th Congress; the contents of which letter we did not know when it was handed to us; and on examining its contents, we immediately returned it to the Secretary's office, where it was left, with a letter demanding of him all the copy that has been ordered to be printed, or that may be ordered to be printed, by the Senate, during the 27th Congress.

We now inform the Senate that we are prepared, and have been ever since our election, to execute any printing that has been ordered; and shall keep ourselves prepared to execute all the printing that may be ordered by the Senate during the 27th Congress; and we hereby respectfully demand the copy of all that has been ordered, and all that may be ordered during the 27th Congress, as fast as the orders shall be made.

Respectfully,
BLAIR & RIVES.

To the Senate of the United States.

The letter was ordered to lie on the table.

Mr. PRESTON rose and addressed the Senate as follows: It is, I am sure, painfully within the recollection of the Senate, that a few days since a very unpleasant collision occurred on this floor between the Senator from Kentucky and the Senator from Alabama. Any interruption of the habitual and characteristic harmony of this body, or the parliamentary decorum of its proceedings, is, under any circumstances, deeply to be regretted, but especially in the present case, inasmuch as the manifestation of heat occurred between Senators of such long and distinguished standing. It might well be supposed that nothing but mistake or accident could have led to such a result; and thoroughly convinced of this, I rise, Mr. President, to state my conviction of the existence of misapprehension, and to state succinctly the mode in which it occurred.

On the occasion alluded to, the Senator from Kentucky, conceiving that the remarks of the Senator from Alabama were calculated and intended to be injurious to his character, and personally offensive, retorted in language of direct affront—language which I am convinced he could not have employed, but under a deep sense of injury. In this view of the remarks of the Senator from Alabama, I believe he was mistaken. Indeed I am convinced, from information which has casually come to my possession, that the Senator from Alabama did not intend to be personally offensive. At the bottom of this affair, therefore, there is a misapprehension, which I announce with pleasure, and in the confident belief that, being announced, the honorable and distinguished Senators will permit no personal difficulty to arrest an adjustment which is earnestly demanded by the Senate and the country.

Mr. CLAY said he shared with the Senator from South Carolina [Mr. PRESTON] in the regret which he had manifested, on account of the occurrence

CONGRESSIONAL GLOBE.

26TH CONG.....2ND SESS.

TUESDAY, MARCH 23, 1841.

VOLUME 9...No. 17

BY BLAIR & RIVES.

—WEEKLY—

PRICE \$1 PER SESSION.

(Continued from No. 15)

disturbing the usual harmony and good feeling which prevailed in the Senate, to which he had alluded; and he bore, with pleasure, testimony to the honorable and high minded feelings which had prompted that Senator to make the appeal which he had just presented.

Before he (Mr. C.) proceeded to respond particularly to that appeal, he wished to submit a few general observations to the Senate in regard to the privileges of Congressional or Parliamentary debate.

Every Senator had the most perfect right to speak with the utmost freedom of those who were in power; he might renounce them as arbitrary, wicked, and incompetent, and their measures as tyrannical, corrupt, and ruinous to the best interests of the country. So it was equally the right of every member to deliver his sentiments without reserve on the character of all persons not members of the body, but whose names or characters were connected with the subject under debate, and all brought before the Senate as candidates for appointment to office. All this a member has a right to do under no other responsibility than that which his own conscience and public opinion impose. But while this right was clear and undeniable, was essential to the due discharge of official duty, and was in no case to be restrained, the same liberty did not extend to the language of Senators towards each other, or in reference to their motives. In speaking to or of each other, the utmost respect and decorum ought ever to be preserved, all personality avoided, and especially all imputation of improper motives. Under these impressions as to the privileges of debate, and guided by these rules, Mr. C. had spoken, a few days since, of the elder Editor of the Globe newspaper, whom it was then proposed to dismiss from the office of Printer to the Senate. Had not that individual been thus legitimately and directly before the body, he should have forbore, as he had always hitherto, in his public station, forbore, to say a word in regard to him or the paper which he edit. Notwithstanding ten years of the most unparalleled abuse and wanton and unscrupulous attacks of himself, Mr. C. had remained silent; and so he should still have remained; but when the name of that person was directly before the Senate, and his character and conduct of a public journal became a legitimate subject for its consideration, he had felt it to be his right to speak of him in the terms he had done. When, on the next day, the Senator from Alabama (Mr. KING) addressed the Senate, he must say that, while that gentleman was speaking, he had thought that there was, on his part, a studied, a premeditated, and, as he then believed, a preconceived design to make an assault upon him and his character. And when the Senator concluded by instituting a comparison of Mr. C. to a man whom he had, but the day before, declared to be infamous, and of whom he had spoken as a common libeller, and of his paper as libellous, he did not doubt that his object was a personal offence to Mr. C. It was under this impression that Mr. C. had addressed to the Chair some remarks which he intended as a deliberate offence to that Senator.

But it was due to the Senator from Alabama, as well as to himself, to state that he had since received satisfactory information, on which he placed implicit reliance, that there had been no purpose or intention on the part of that Senator to offer any personal affront to Mr. C. or to cast the slightest imputation on his character or honor. Mr. C. had, therefore, been mistaken as to the design which he had supposed that Senator to entertain; and he must have entirely misapprehended the language employed. Ready, therefore, at all times promptly to repair an injury, as he hoped he ever should be to repel an indignity, and always taking more pleasure to repair than to repel, and without any regard

to the nicety of mere technical forms, to which those acquainted with him well knew he never attached great importance—under the circumstances as thus explained, and with the understanding which he now had of the real intentions of that Senator, it was with infinite pleasure he now declared every epithet in the least derogatory to him, to his honor, or to his character, to be withdrawn.

Mr. KING said: I concur with the Senator from Kentucky as to the duty which every Senator owe to himself and to the body of which he is a member. He should studiously avoid all personalities, and keep himself strictly within the rules of order, and never depart from decorum in debate. I have long been a member of the Senate, and I can fearlessly appeal to my brother Senators to say, whether, on any occasion, I have violated prescribed rules, or been guilty of indecorum in debate.

The Senator from Kentucky, from whoever he received the information, has not been misinformed. That Senator having, with his characteristic frankness, explicitly withdrawn the injurious expressions used by him, I now feel myself at liberty to state, and I do it in the same spirit of frankness, that nothing which was said by me was intended to be personally offensive to that Senator; nor was it my design, in any manner, to derogate from his character as a gentleman or man of honor. I make this statement with pleasure; for, while I am always prepared to defend my honor when assailed, I carefully avoid attacking others.

Mr. PRESTON expressed his satisfaction at the satisfactory termination of the misunderstanding between the Senators; and then, on his motion,

The Senate then went into Executive session, and when the doors were again opened,

Mr. WRIGHT was discussing a motion submitted by Mr. RIVES in relation to printing letters of the Adjutant General and of the Secretary of the Senate, in connection with the memorial of General Jesup which was ordered to be printed during the last session of Congress.

The motion was opposed by Messrs. WRIGHT and BENTON on the ground of the impropriety and irregularity of transacting business of a legislative character during an executive session of the Senate; while they expressed their willingness to vote for the printing of any document which might be necessary for the elucidation of the subject, if the motion for it was submitted at the proper time.

The motion was advocated by Messrs. RIVES, ARCHER, and PRESTON, and was agreed to—aye 20, noes 10.

Mr. MERRICK, from a committee appointed to wait on the President, and inform him that the Senate were prepared to adjourn if he had no further tee had performed that duty: that the President communications to make, reported that the committee had informed them that he had no further communications to make; and expressed to them, and desired it to be communicated through them to the body, his wishes for the health and happiness of the members of the Senate, and for their safe return to their homes and families.

On motion by Mr. WRIGHT,
The Senate adjourned sine die.

REPORT

OF THE CLERK OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

In compliance with the "Act to authorize the appointment of additional paymasters, and for other purposes," passed July 4, 1836.

OFFICE OF THE HOUSE OF REPS. U. S.
March 4, 1841.

In obedience to the 6th section of the "Act to authorize the appointment of additional paymasters, and for other purposes," passed July 4, 1836,

which requires "the Secretary of the Senate and the Clerk of the House of Representatives, as soon as may be after the close of each session of Congress, to publish a statement of all appropriations made during the session; and also a statement of the new offices created, and the salaries of each; and also a statement of the offices, the salaries of which are increased, and the amount of such increase," the Clerk of the House of Representatives submits the accompanying statements.

H. A. GARLAND,
Clerk House of Representatives.

Statement of appropriations made during the 2d session of the 26th Congress of the United States of America, specifying the amount and object of each.

2d Session 26th Congress.

H. R. No. 525. For the support of the Government, in part, for the year 1841.

For pay and mileage of members of Congress and Delegates	\$250,000 00
For pay of the officers and clerks of the Senate and House of Representatives	25,000 00
For stationery, fuel, printing, and all other incidental and contingent expenses of the Senate	25,000 00
For stationery, fuel, printing, and all other incidental and contingent expenses of the House of Representatives	100,000 00
For the payment of the sums due by law to the several messengers of the respective States, as compensation for conveying to the seat of Government the vote of the electors of the said States for President and Vice President of the United States	12,000 00
H. R. 611. For the civil and diplomatic expenses of the Government for the year 1841.	
For pay and mileage of the members of Congress and delegates	111,408 00
For pay of the officers and clerks of the Senate and House of Representatives	19,900 00
For stationery, fuel, printing, and all other contingent expenses of the Senate	35,000 00
For stationery, fuel, printing, and all other contingent expenses of the House of Representatives	15,000 00
For compensation to the President and Vice President of the United States, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Postmaster General	60,000 00
For salary of the secretary to sign patents for public lands, per act of July fourth, eighteen hundred and thirty-six	1,500 00
For clerks and messengers in the office of the Secretary of State	20,300 00
For the contingent expenses of the Department of State, including publishing and distributing the laws	25,000 00
For compiling, printing, &c. the Biennial Register	1,000 00
For the superintendent and watchmen of the northeast executive building	1,500 00
For the contingent expenses of said building, including fuel, labor, oil, and repairs	3,350 00
For compensation to the clerks and messengers in the office of the Secretary of the Treasury	16,450 00

For compensation to the clerks in said office, per act of the twenty-third June, eighteen hundred and thirty-six, entitled "An act to regulate the deposits of the public money"	3,600 00	For the office of the Second Comptroller	2,000 00	Salary General of Subsistence	4,300 00
For compensation to the First Comptroller of the Treasury	3,500 00	For the office of the First Auditor	1,500 00	For contingent expenses of said office	3,200 00
For compensation to the clerks and messengers in the office of the First Comptroller	19,300 00	For the office of the Second Auditor	1,000 00	For compensation of clerks and messenger in the office of the Chief Engineer	5,650 00
For compensation to the Second Comptroller	2,000 00	For the office of the Third Auditor	1,000 00	For contingent expenses of said office	1,500 00
For compensation to the clerks and messenger in the office of the Second Comptroller, including the compensation of two clerks transferred from the office of the Fourth Auditor	12,250 00	For the office of the Fourth Auditor	1,346 43	For compensation to clerk and messenger in the office of Surgeon General	1,650 00
For compensation to the First Auditor of the Treasury	3,000 00	For the office of the Fifth Auditor	1,000 00	For contingent expenses of said office	550 00
For compensation to the clerks and messengers in the office of the First Auditor	15,900 00	For the office of the Treasurer of the United States	2,000 00	For compensation of a clerk, at one thousand dollars, under the act of April twenty, eighteen hundred and eighteen, transferred from the office of the Secretary of War to the said office of Surgeon General	1,000 00
For compensation to the Second Auditor of the Treasury	3,000 00	For the office of the Register of the Treasury	3,000 00	For compensation to clerks and messenger in the Ordnance office	8,650 00
For compensation to the clerks and messengers in the office of the Second Auditor	17,900 00	For the office of the Solicitor of the Treasury	1,500 00	For contingent expenses of said office	1,550 00
For compensation to the Third Auditor	3,000 00	For eighty-three thousand pieces of parchment and printing, books, and stationery, advertising, and contingent expenses of the General Land Office; and for books and blanks for district land offices	24,670 00	For compensation to clerks and messenger in the office of Topographical Bureau	2,500 00
For compensation to the clerks and messengers in the office of the Third Auditor	29,650 00	For compensation of the superintendent and watchmen of the south-east executive building	2,100 00	For compensation of a clerk, at one thousand four hundred dollars, transferred from the office of the Secretary of War to the Pension office, to be transferred from that office on the first of March, eighteen hundred and forty-one	1,170 50
For compensation to two clerks employed on claims, under the act of the eighteenth January, eighteen hundred and thirty-seven	2,400 00	For contingent expenses of the building occupied by the Treasury, including fuel, labor, oil, carrying the department mails, and sealing ships' registers	12,000 00	For contingent expenses of said office	1,735 00
For compensation to the Fourth Auditor	3,000 00	For compensation to the clerks and messengers in the office of the Secretary of War, including the messenger in the bounty land bureau, and the clerkship under the act of April twentieth, eighteen hundred and eighteen, transferred back from Pension Office on the first of March, eighteen hundred and forty	13,186 10	For compensation of the superintendent and watchmen of the north-west executive building	2,250 00
For compensation to the clerks and messengers in the office of the Fourth Auditor	16,950 00	For contingent expenses of the office of the Secretary of War	3,000 00	For contingent expenses of said building, including rent of Bounty Land office, for labor, fuel, oil, and repairs, and for the contingencies of the fire-engines and apparatus	4,700 00
For compensation to the Fifth Auditor	3,000 00	For books, maps, and plans for the War Department	1,000 00	For compensation of the clerks and messengers in the office of the Secretary of the Navy, after deducting one clerk transferred to the Pension office, per act of March four, eighteen hundred and forty, at sixteen hundred dollars	11,250 00
For compensation to the clerks and messengers in the office of the Fifth Auditor	9,800 00	For compensation of extra clerks when employed in said office	3,000 00	For contingent expenses of said office	3,000 00
For compensation to two clerks in the office of the Fifth Auditor, according to the act of the seventh July, eighteen hundred and thirty-eight	2,000 00	For compensation of the Commissioner of Indian Affairs	3,000 00	For compensation of the Commissioners of the Navy Board	10,500 00
For compensation of the Treasurer of the United States	3,000 00	For compensation of the clerks and messenger in the office of the Commissioner of Indian Affairs	16,400 00	For compensation of the Secretary of the Navy Board	2,000 00
For compensation to the clerks and messengers in the office of the Treasurer of the United States	10,750 00	For contingent expenses of said office	2,000 00	For compensation to the clerks and messenger of the Navy Board	8,450 00
For compensation to the Register of the Treasury	3,000 00	For compensation of the Commissioner of Pensions	2,500 00	For contingent expenses of said office	2,500 00
For compensation to the clerks and messengers in the office of the Register of the Treasury	24,200 00	For compensation to clerks and messengers for the office of the Commissioner of Pensions, authorized by the act of ninth May, eighteen hundred and thirty-six	12,400 00	For salary of superintendent and watchmen of the executive building	1,250 00
For compensation of the Commissioner of the General Land Office, per act of fourth July, eighteen hundred and thirty-six	3,000 00	For compensation of clerks transferred from the office of the Secretary of War to the office of the Commissioner of Pensions	2,793 40	For contingent expenses of said building, including fuel, labor, oil, repairs of building, engine, and improvements of the grounds	3,350 00
For compensation of the recorder, solicitor, draughtsman, and assistant draughtsman, clerks, messengers, and packers, in the office of the Commissioner of the General Land Office	95,500 00	For compensation of one clerk transferred from the Navy Department, per act March fourth, eighteen hundred and forty	1,600 00	For compensation to three Assistant Postmasters General, per act July three, one thousand eight hundred and thirty-six	7,500 00
For compensation to the Solicitor of the Treasury	3,500 00	For contingent expenses of said office	1,500 00	For compensation to clerks and messengers in the General Post Office	48,600 00
For compensation to the clerks and messenger in the office of the Solicitor of the Treasury	3,950 00	For compensation of clerk and messenger in the office of the Commanding General	1,500 00	For salaries of two watchmen	600 00
For translating foreign languages, and transmitting passports and sea letters, in the office of the Secretary of the Treasury	300 00	For contingent expenses of said office	300 00	For topographer and additional clerks in said office, per acts March three, one thousand eight hundred and thirty-nine, and May eight, one thousand eight hundred and forty, and a clerk to keep the appropriation account	11,600 00
For stating and printing the public accounts, including a deficiency in former appropriations	1,800 00	For compensation to clerks and messenger in the office of the Adjutant General	7,650 00	For contingent expenses of said office, including fuel for the Auditor's office, and four thousand dollars for rent of building occupied by the department	10,500 00
For stationery, printing, and all other contingent expenses of the Treasury Department, viz:		For compensation of clerks and messenger in the office of the Quartermaster General	7,300 00	For compensation to the Auditor of the Post Office	3,000 00
For the office of the First Comptrol-		For contingent expenses of said office	1,000 00	For compensation to clerks and messengers in said office	55,500 00
		For compensation to clerks and messenger in the office of Commissary General of Purchases	4,200 00		
		For contingent expenses of said office	800 00		
		For compensation of clerks and messenger in the office of the Commis-			

eight	13,200 00	departments of the Mint	24,000 00	Courts of the United States, including the District of Columbia; also for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, incurred in the year eighteen hundred and forty-one, and preceding years; and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the safe-keeping of prisoners	325,000 00
For contingent expenses of said office, including the expense of quarterly books, stationery, printing, and pay of laborers	4,700 00	For incidental and contingent expenses, including the wastage of gold and silver, fuel, materials, stationery, water rent, and taxes, in addition to the unexpended balance of the appropriation of eighteen hundred and forty	800 00	For the payment of annuities and grants by special acts of Congress	900 00
For compensation of the Surveyor General, northwest of the Ohio	2,000 00	For specimens of ores and coins to be reserved at the Mint	1,000 00	For survey of the coast of the United States, including the compensation of the superintendent and assistants	100,000 00
For compensation to clerks in his office, per act of ninth of May, one thousand eight hundred thirty-six	6,300 00	For compensation to the officers and clerk of the branch Mint at Charlotte, North Carolina	6,000 00	For compensation of the two keepers of the public archives in Florida	1,000 00
For compensation of the Surveyor General of Illinois and Missouri	2,000 00	For pay of laborers in the various departments of the same	3,500 00	For salaries of registers and receivers of land offices where there are no sales	3,500 00
For compensation to clerks in his office, per act of ninth of May, one thousand eight hundred and thirty-six	3,820 00	For wastage of gold, and for contingent expenses of the same	2,500 00	For expenses in relation to the relief of certain insolvent debtors of the United States	3,000 00
For compensation to the Surveyor General of Arkansas	2,000 00	For compensation to the officers and clerk of the branch Mint at Dahlonega, Georgia	6,000 00	For allowance to the law agent, assistant counsel, and district attorney, under the acts providing for the settlement of private land claims in Florida	5,000 00
For compensation to his clerks, per act of ninth May, one thousand eight hundred and thirty-six	2,800 00	For payment of laborers in the various departments of the same	2,880 00	For the support and maintenance of light-houses, floating-lights, beacons, buoys, and stakeages, including the purchase of lamps, oil, wicks, buffskins, whiting, and cotton cloth, transporting oil, &c. keepers' salaries, repairs, improvements, and contingent expenses	484,072 00
For compensation of the Surveyor General of Louisiana	2,000 00	For wastage of gold, and for contingent expenses of the same	1,000 00	For the payment of Luigi Persico and Horatio Greenough, for statues to adorn the two blockings, east front of the Capitol	8,000 00
For compensation to his clerks, per act of ninth May, one thousand eight hundred and thirty-six	2,500 00	For compensation to the officers and clerks of the branch Mint at New Orleans	12,900 00	For payments to the artists engaged in executing four historical paintings for the vacant panels of the rotunda of the capitol	8,000 00
For compensation to the Surveyor General of Mississippi	2,000 00	For pay of laborers in the various departments of the same	22,000 00	For the support and maintenance of the penitentiary of the District of Columbia	8,381 00
For compensation to his clerks, per act of ninth May, one thousand eight hundred and thirty-six	1,000 00	For wastage of gold and silver, and for contingent expenses of the same	17,100 00	To make good a deficiency in the years eighteen hundred and thirty-nine and eighteen hundred and forty, in the fund for the relief of sick and disabled seamen, as established by the act of third May, for ascertaining and marking the southern boundary of Iowa Territory, under the act of eighteenth June, eighteen hundred and thirty-eight	414 86
For compensation to the Surveyor General of Alabama	2,000 00	For compensation of the Governor, Judges, and Secretary, of Wisconsin Territory	9,100 00	For carrying on the work of the new custom-house building at Boston	100,000 00
For compensation to his clerks, per act of ninth May, one thousand eight hundred and thirty-six	2,200 00	For contingent expenses of the said Territory	350 00	For defraying the cost of extra work on the public warehouse at Baltimore	3,000 00
For compensation to the Surveyor General of Florida	2,000 00	For pay and mileage of the members of the Legislative Assembly, pay of officers, printing, furniture, stationery, fuel, and all incidental expenses	20,000 00	For payment of arrearages for completing the custom-house, New York	34,321 21
For compensation to his clerk, per act of ninth May, one thousand eight hundred and thirty-six	500 00	For compensation to the Governor, Judges, and Secretary of the Territory of Iowa	9,100 00	For the payment of expenses incurred by the collector of New York, under the act of seventh of July, eighteen hundred and thirty-eight, to remit the duties upon certain goods destroyed by fire at the late conflagration in the city of New York	700 00
For compensation of the Surveyor General of Wisconsin and Iowa, per act of June twelve, one thousand eight hundred and thirty-eight	1,500 00	For contingent expenses of said Territory	350 00	For the payment of certain certificates, being the balance of a former appropriation carried to the surplus fund on the thirty-first December, one thousand eight hundred and thirty-eight	500 00
For compensation to his clerks, per act June twelve, one thousand eight hundred and thirty-eight	1,600 00	For pay and mileage to the Legislative Assembly, pay of officers, printing, stationery, fuel, and all other incidental expenses	20,175 00	For furniture for the President's House, of American manufacture, so far as may be practicable and expedient, to be expended under the direction of the President, in	
For extra clerks and draughtsmen in the offices of the Surveyors General, in addition to the unexpended balances of former appropriations, to be apportioned to them according to the exigencies of the public service	7,200 00	For compensation of the Governor, Judges, and Secretary of the Territory of Florida	13,500 00		
For extra clerks in the offices of the Surveyors General to transcribe field notes of survey, for the purpose of preserving them at the seat of Government, in addition to the unexpended balances of former appropriations, viz:		For contingent expenses of said Territory	350 00		
Office of the Surveyor General northwest of the Ohio	4,500 00	For pay and mileage of the members of the Legislative Council of said Territory, pay to the officers of the Council, printing, furniture, rent, stationery, fuel, and all other incidental expenses	27,125 00		
Office of the Surveyor General of Illinois and Missouri	3,000 00	For compensation of the chief justice, the associate judges, and district judges of the United States	93,900 00		
Office of the Surveyor General of Arkansas	1,500 00	For compensation of the chief justice and associate judges of the District of Columbia, and of the judges of the criminal and orphans' courts of said District	12,700 00		
Office of the Surveyor General of Louisiana	1,000 00	For carrying into effect the provisions of the act, approved on the second of February instant, "Making temporary provision for lunatics in the District of Columbia"	3,000 00		
For compensation to the Commissioner of Public Buildings in Washington, per act of the twenty-first of July, one thousand eight hundred and forty	3,000 00	For compensation of the Attorney General of the United States	4,000 00		
For compensation to Commissioner, from the twenty-first July to the thirty-first December, one thousand eight hundred and forty	312 00	For compensation of clerk and messenger in the office of the Attorney General	1,500 00		
For compensation to two assistants to the Commissioner, as superintendent of the Potomac bridge, at one dollar and fifty cents per day, including oil for lamps, fuel, and repairs	31,360 00	For contingent expenses of said office	500 00		
For compensation to the officers and clerks of the Mint	18,900 00	For compensation to the reporter of decisions of the Supreme Court	1,000 00		
For pay of laborers in the various		For compensation to the district attorneys and marshals, including those in the several Territories	14,450 00		
		For defraying the expenses of the Supreme, Circuit, and District			

addition to the avails of the sales of decayed furniture, the sum of . . .	6,000 00	of the Northeastern boundary line		of the United States, which separates the States of Maine and New Hampshire from the British Provinces . . .	75,000 00
For annual repairs of the Capitol, attending furnaces, water closets, lamp-lighting, oil, laborers on Capitol grounds, tools, keeping iron pipes and wooden fences in order, attending at gates, gardener's salary, and for top-dressing delicate and valuable plants . . .	7,582 50	For salaries of the consuls of the United States at London and Paris . . .	4,000 00		\$8 517,079 35
For annual repairs of the President's house, gardener's salary, horse and cart, laborers and tools, and for amount due F. Masi and Company for repairs on furniture . . .	2,628 00	For the relief and protection of American seamen in foreign countries . . .	50,000 00	H. R. 530. For the support of the Army for the year 1841.	
For completing back buildings, grading grounds, and cutting balance of stone for west portico of the new Treasury building, and paying for materials delivered . . .	11,188 44	For clerk hire, office rent, stationery, and other expenses in the office of the American consul at London, per act of January nineteenth, eighteen hundred and thirty-six . . .	2,800 00	For the pay of the army . . .	1,172,028 00
For fluting columns of portico of new Patent Office, finishing roof, and the cut stone work of said building, and paying for materials delivered . . .	7,550 00	For expenses of intercourse with the Barbary Powers . . .	17,400 00	For subsistence of officers . . .	514,489 00
For enclosing new jail yard, in the city of Washington . . .	5,000 00	For the contingent expenses of foreign intercourse . . .	30,000 00	For forage of officers' horses . . .	114,571 00
For new General Post Office building	100,000 00	For salary of the principal and two assistant librarians, pay of the messenger, and for contingent expenses of the library . . .	3,950 00	For payments in lieu of clothing not drawn in kind . . .	80,030 00
For completing court-house, in the city of Alexandria . . .	3,000 00	For the purchase of books for the library in Congress . . .	5,000 00	For subsistence, exclusive of that of officers . . .	648,899 00
For payment to the stone-cutters, and the other workmen on the Treasury building and the new Patent Office building, of the sums allowed them by the Commissioners appointed by the President of the United States, to superintend the prosecution of the work in the construction of said buildings, in fulfilment of a resolution of Congress of the twentieth of July, eighteen hundred and forty . . .	12,923 31	For the payment of arrearages incurred in enforcing the neutrality laws on the northern and north-western frontier . . .	5,000 00	For clothing of the army, camp and garrison equipage, cooking utensils, and hospital furniture . . .	505,737 00
For surveying the public lands, in addition to the unexpended balances of former appropriations, to be apportioned to the several surveying districts according to the exigencies of the public service, including office-rent and fuel, for the year eighteen hundred and forty-one . . .	55,000 00	And for the continuance of the survey of the coast of the Gulf of Mexico . . .	20,000 00	For the medical and hospital department . . .	28,000 00
For retracing certain old surveys in the State of Alabama, at a rate not exceeding four dollars a mile . . .	15,000 00	For the balance, certified as due to the agent and commissioners at Havana, to procure the archives of Florida, and transmit them to this country, and in full execution of the laws upon this subject . . .	6,043 10	For the regular supplies furnished by the Quartermaster's Department, consisting of fuel, forage, straw, stationery, and printing . . .	261,000 00
For surveys in Missouri, in the towns named in the act of twenty-sixth May, eighteen hundred and twenty-four, in addition to the sum of six thousand dollars appropriated for the same object by the act of eighth April, eighteen hundred and thirty-eight . . .	2,000 00	For compensation to William W. Chew, late acting Chargé d'Affaires at Russia, from the twenty-third of July, eighteen hundred and thirty-nine, till the twenty-first of September, eighteen hundred and forty, the difference between his salary as Secretary of Legation and the pay of a Chargé d'Affaires during that period . . .	2,900 00	For barracks, quarters, and store-houses, embracing the repairs and enlargement of barracks, quarters, store houses and hospitals; the erection of temporary cantonments, and of gun-houses for the protection of cannon; the purchase of tools and materials, and of furniture for the barrack-rooms; rent of quarters for officers, of barracks for troops where there are no public buildings for their accommodation, of store-houses for the safe-keeping of subsistence, clothing and other military supplies, and of grounds for summer cantonments, and encampments for military practice . . .	160,000 00
For surveying five hundred miles of detached and unfinished lines in Illinois and Missouri, principally in the military district, Illinois, at a rate not exceeding six dollars a mile . . .	3,000 00	For the pay and mileage of the members of the Senate for the extra session of that body, to be convened in its Executive capacity on the fourth day of March of the present year . . .	13,424 00	For transportation of officers' baggage, when travelling on duty without troops . . .	65,000 00
For salaries of ministers of the United States to Great Britain, France, Russia, Prussia, Austria and Mexico . . .	54,000 00	For the contingent expenses of the Senate for the extra session, including the pay of messengers, service of horses, fuel, stationery, and all other contingent items of the extra session . . .	3,000 00	For transportation of troops and supplies, viz: transportation of the army and baggage; freight and ferriages; purchase or hire of horses, mules, oxen, carts, wagons, and boats, for purposes of transportation; or garrison use; drayage and cartage; hire of teamsters; transportation of funds for the pay department; expense of transport vessels, and of procuring water at such posts as from their situation require it; transportation of clothing from the depot at Philadelphia to the stations of the troops; of subsistence from the places of purchase and delivery under contracts to such points as the circumstances of the service may require; of ordnance, ordnance stores, and arms from the foundries and arsenals to the fortifications and frontier posts, and of lead from the mines to the several arsenals . . .	242,000 00
For salaries of the secretaries of legation to the same places . . .	12,000 00	For a hydrographic survey of the coasts of the Northern and North-western lakes of the United States, to be expended under the direction of the President . . .	15,000 00	For the incidental expenses of the Quartermaster's Department; consisting of postage on public letters and packets; expenses of courts martial and courts of inquiry, including compensation to judge advocates, members and witnesses; extra pay to soldiers under the act of March second, eighteen hundred and nineteen; expenses of express-es, and of the incement of non-commissioned officers and soldiers; hire of laborers; compensation of clerks in the offices of the quartermasters and assistant quartermasters, at posts where their duties cannot be performed without such aid, and of temporary agents in charge of dismantled works and	
For salary of the minister resident of the United States to Turkey . . .	6,000 00	The Librarian of Congress is authorized to employ an additional assistant, who shall receive a yearly compensation of eleven hundred and fifty dollars . . .	1,150 00		
For salaries of the charges des affaires to Portugal, Spain, Denmark, Sweden, Holland, Belgium, Brazil, Chili, Peru, New Grenada, Venezuela, Texas, Naples, and Sardinia . . .	63,000 00		\$3,630,459 35		
For salary of a drogoman to the legation to Turkey . . .	2,500 00	For the service of the General Post Office for the year eighteen hundred and forty-one, in conformity to the act of second July, eighteen hundred and thirty-six:			
For contingent expenses of all the missions abroad . . .	30,000 00	For transportation of the mail . . .	3,280,000 00		
For outfits of ministers to Austria and Great Britain, and of charges des affairs to Venezuela . . .	22,500 00	For compensation of postmasters . . .	1,050,000 00		
		For ship, steamboat, and way-letters . . .	40,000 00		
		For wrapping paper . . .	25,000 00		
		For office-furniture . . .	5,000 00		
		For advertising . . .	36,000 00		
		For mail-bags . . .	35,000 00		
		For blanks . . .	33,000 00		
		For mail-locks, keys and stamps . . .	15,000 00		
		For mail depredations and special agents . . .	22,000 00		
		For clerks for offices . . .	210,000 00		
		For miscellaneous . . .	60,620 00		
		H. R. 637. For the expenses of an exploration and survey of that part			

in the performance of other duties; expenditures necessary to keep the two regiments of dragoons complete, including the purchase of horses to supply the place of those which may be lost and become unfit for the service, and the erection of stables	127,000 00	For increase, repair, armament, and equipment of the navy, and wear and tear of vessels in commission	2,000,000 00	and subsistence of officers of the marine corps	176,927 00
For the contingencies of the army	9,000 00	For medicines and surgical instruments, hospital stores, and other expenses on account of the sick	30,000 00	For provisions for the non-commissioned officers, musicians, privates, and servants and washerwomen serving on shore	45,054 00
For extra pay to re-enlisted soldiers, and for the contingent expenses of the recruiting service	48,749 00	For improvement and necessary repairs of the navy yard at Portsmouth, New Hampshire	25,000 00	For clothing	43,662 00
For the current expenses of the ordnance service	85,000 00	For improvement and necessary repairs of the navy yard at Charlestown, Massachusetts	42,000 00	For fuel	16,274 00
For the armament of fortifications	100,000 00	For improvement and necessary repairs of the navy yard at Brooklyn, New York	78,000 00	For keeping barracks in repair, and for rent of temporary barracks at New York	6,000 00
For ordnance, ordnance stores, and supplies	80,000 00	For improvement and necessary repairs of the navy yard at Philadelphia, Pennsylvania	9,000 00	For transportation of officers, non-commissioned officers, musicians, and privates, and expenses of recruiting	8,000 00
For the national armories	360,000 00	For improvement and necessary repairs of the navy yard at Washington, District of Columbia	11,000 00	For medicines, hospital supplies, surgical instruments, pay of matron and hospital stewards	4,140 00
For arsenals	120,000 00	For improvement and necessary repairs of the navy yard at Gosport, Virginia	49,000 00	For military stores, pay of armorers, keeping arms in repair, accoutrements, ordnance stores, flags, drums, fifes, and other instruments	2,300 00
For the purchase of a site and rebuilding the arsenal at Charleston, South Carolina	25,000 00	For improvement and necessary repairs of the navy yard near Pensacola, Florida	20,000 00	For contingent expenses of said corps, viz: for freight, ferrage, toll, wharfage, and cartage; for per diem allowance for attending courts-martial and courts of inquiry, compensation to judges-advocate, house rent where there are no public quarters assigned, per diem allowance to enlisted men on constant labor, expenses of burying deceased marines, printing, stationery, forage, postage on public letters, expenses in pursuit of deserters, candles and oil, straw, barrack-furniture, bed-sacks, spades, axes, shovels, picks, carpenter's tools, and for keeping a horse for the messenger	17,980 00
For repairs and improvements and new machinery at the Springfield armory	20,000 00	For defraying the expenses that may accrue for the following purposes, viz: For the freight and transportation of materials and stores of every description; for wharfage and dockage, storge and rent; travelling expenses of officers, and transportation of seamen; house rent to pursers, when duly authorized; for funeral expenses; for commissions, clerk hire, office rent, stationery, and fuel to navy agents; for premiums and incidental expenses of recruiting; for apprehending deserters; for compensation to judges advocate; for per diem allowance to persons attending courts-martial and courts of inquiry; or other services authorized by law; for printing and stationery of every description, and for working the lithographic press; for books, maps, charts, mathematical and nautical instruments, chronometers, models, and drawings; for the purchase and repair of fire engines and machinery; for the repair of steam-engines in navy yards; for the purchase and maintenance of oxen and horses, and for carts, timber wheels, and workmen's tools of every description; for postage of letters on public service; for pilotage and towing ships of war; for taxes and assessments on public property; for assistance rendered to vessels in distress; for incidental labor at navy yards; not applicable to any other appropriation; for coal and other fuel, and for candles and oil, for the use of the navy yards and shore stations, and for no other object or purpose whatever	450,000 00	For the purpose of making a satisfactory experiment of Lieutenant Hunter's invention to propel war steamers by horizontal wheels that will be safe from the balls of an enemy	1,000 00
For repairs and improvements and new machinery at the Harper's Ferry armory	38,000 00			For defraying the expense of transporting to the city of Washington and arranging and preserving the collections made by the exploring expedition	5,000 00
For the expense of preparing drawings of a uniform system of artillery	3,600 00				\$5,926,337 00
For the purchase of saltpetre and brimstone	20,000 00			H. R. 612. For certain fortifications of the United States for the year 1841.	
For continuing the barracks, quarters, &c. at Fort Smith	50,000 00			For repairs of Fort Independence and sea-wall of Castle Island	35,000 00
For barracks, quarters, &c. at Turkey river	15,000 00			For Fort Warren	45,000 00
For continuing the military road on the western frontier	5,000 00			For Fort Adams	35,000 00
For continuing the barracks, quarters, &c. at Sackett's Harbor	1,000 00			For fortifications at New London harbor	15,000 00
For preventing and suppressing hostilities in Florida, to be expended under the direction of the Secretary of War, conformably to the acts of Congress of the nineteenth of March and the second of July eighteen hundred and thirty-six, and the acts therein referred to, viz: For forage; for freight or transportation of military supplies of every description from the place of purchase to Florida; for the purchase of wagons and harness, of boats and lighters, and other vessels, of horses, mules, and oxen to keep up the trains, of tools, leather, and other materials for repairs; for transportation within Florida, including the hire of steamboats and other vessels for service in the rivers, and on the coasts; and the expenses of maintaining the several steamboats and transport schooners, connected with the operations of the army; for hire of mechanics; laborers, mule-drivers, teamsters and other assistants, including their subsistence; for miscellaneous and contingent charges, and for arrearages in eighteen hundred and forty	1,061,816 00			For Fort Schuyler	30,000 00
For removing the raft of Red river under the direction of the Secretary of War	75,000 00			For permanent wharves for Fort Columbus, Castle Williams, and South battery, Governor's island,	10,000 00
For the designating and marking the boundary line between the State of Michigan and Territory of Wisconsin	6,000 90			For repairs of sea-wall of Castle Williams, and other parts of Governor's island	10,000 00
	\$6,041,919 00			For repairs of Fort Gibson, New York harbor	5,000 00
H. R. 544. For the naval service for the year 1841.				For repairs of Fort Washington	15,000 00
For pay of commission, warrant, and petty officers and seamen	\$2,335,000 00			For Fort Monroe	35,000 00
For pay of superintendents, naval constructors, and all the civil establishments at the several yards	40,000 00			For Fort Calhoun	10,000 00
For provisions	500,000 00			For repairs of Fort Macon	15,000 00
				For the preservation of the site of Fort Macon, North Carolina	25,000 00
				For Fort Sumner	60,000 00
				For repairs of Castle Pinckney	2,000 00
				For Fort Pulaski	15,000 00
				For Fort Pickens	10,000 00
				For Fort Barancas	30,000 00
				For Fort Livingston	30,000 00
				For repairs of Fort Mifflin	5,000 00
				For contingencies of fortifications	5,000 00
				For incidental expenses attending repairs of fortifications	10,000 00
				For repairs of sea-wall on Deer Island, Boston harbor	1,500 00

For repairs of sea-wall on Rainsford island, Boston harbor . . .	1,000 00
For continuing sea-wall at St. Augustine . . .	15,000 00
For the preservation of the site of Fort Johnson . . .	16,000 00

H. R. 676. For the support of the Military Academy for the year 1841.

For pay of officers, cadets, and musicians . . .	60,524 00
For the subsistence of officers and cadets . . .	40,077 00
For forage of officers' horses . . .	5,184 00
For clothing of officers' servants . . .	420 00
For defraying the expenses of the Board of Visitors at West Point . . .	2,000 00
For fuel, forage, stationery, printing, transportation, and postage . . .	12,581 45
For repairs, improvements, and expenses of buildings, grounds, roads, wharves, boats, and fences . . .	7,757 50
For pay of adjutant's and disbursing officer's clerks . . .	950 00
For increase and expenses of the library . . .	1,000 00
For progress with binding books injured at the fire in February, eighteen hundred and thirty-eight, and imported stitched . . .	300 00
For miscellaneous items, and incidental expenses . . .	726 25
For the department of engineering . . .	300 00
For the department of philosophy . . .	887 33
For the department of chemistry . . .	525 00
For the department of drawing . . .	275 00
For the department of mathematics . . .	75 00
For the department of artillery . . .	310 00
For completing the reconstruction of the buildings for the library, engineer, chemical, and philosophical departments, commenced under the act of July seven, eighteen hundred and thirty-eight . . .	7,581 37
For military and geographical surveys west of the Mississippi river . . .	20,000 00
To pay a balance certified by the Topographical Bureau to be due to Lyon and Howard as the balance upon a contract for building two steam dredging machines upon Lake Michigan . . .	4,369 00

H. R. 529. For the payment of the Revolutionary and other Pensioners of the United States, for the year 1841 . . .

For payment of invalid pensions . . .	107,000 00
For pensions to widows and orphans under the act of the fourth of July, one thousand eight hundred and thirty-six . . .	448,241 00
For five years' pensions to widows under the act of the seventh of July one thousand eight hundred and thirty-eight . . .	168,314 00
For half-pay pensions, payable through the offices of the Second and Third Auditors . . .	5,000 00
For arrearages, payable through the Second Auditor's office . . .	600 00
For arrearages, payable through the Third Auditor's office . . .	1,000 00

\$1,044,155 00

H. R. 543 For the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with the various Indian tribes for the year 1841, viz:

For the pay of the Superintendent of Indian Affairs at St. Louis, and the several Indian agents, as provided by the acts of June thirtieth, eighteen hundred and thirty-four, and of March third, eighteen hundred and thirty-seven . . .	16,500 00
For the pay of sub-agents authorized by the act of June thirtieth, eighteen hundred and thirty-four . . .	13,000 00
For the pay of interpreters, as authorized by the same act . . .	11,300 00
For the purchase of provisions for Indians, at the distribution of annuities while on visits of business with the superintendents and agents, and when assembled on public business . . .	11,800 00
For the necessary buildings required at the several agencies, and repairs thereof . . .	2,000 00
For postages, rents, stationery, fuel for offices, and other contingencies of the Indian Department, and for transportation and incidental expenses . . .	36,500 00
For the salary of one clerk, in the office of the Superintendent of Indian Affairs south of the Missouri river . . .	1,000 00
For carrying into effect the stipulations of certain Indian treaties, and the laws connected therewith, viz:	
For the Christian Indians . . .	400 00
For the Chippewas of the Mississippi . . .	35,000 00
For the Chippewas of Saganaw . . .	5,800 00
For the Chippewas, Menomonees, Winnebagoes, and New York Indians . . .	1,500 00
For the Chippewas, Ottawas, and Potawatomies . . .	34,290 00
For the Choctaws . . .	49,950 00
For the Creeks . . .	63,940 00
For the Chickasaws . . .	6,000 00
For the Cherokees . . .	7,640 00
For the Delawares . . .	10,344 00
For the Florida Indians . . .	9,610 00
For the Iowas . . .	7,875 00
For the Kickapoos . . .	5,500 00
For the Kaskaskias and Peorias . . .	3,000 00
For the Kanzas . . .	6,040 00
For the Miamies . . .	52,878 00
For the Bel Rivers . . .	1,100 00
For the Menomonees . . .	31,830 00
For the Omahas . . .	1,440 00
For the Ottawas and Chippewas . . .	62,365 00
For the Otoes and Missourias . . .	5,640 00
For the Osages . . .	34,406 00
For the Ottawas . . .	4,300 00
For the Potawatomies . . .	20,200 00
For the Potawatomies of Huron . . .	400 00
For the Potawatomies of the Prairie . . .	16,000 00
For the Potawatomies of the Wabash . . .	20,000 00
For the Potawatomies of Indiana . . .	17,000 00
For the Piankeshaws . . .	800 00
For the Pawnees . . .	9,600 00
For the Quapaws . . .	4,660 00
For the Six Nations of New York . . .	4,500 00
For the Senecas of New York . . .	6,000 00
For the Sioux of the Mississippi . . .	40,510 00
For the Yanceton and Santie Sioux . . .	1,340 00
For the Sacs and Foxes of the Mis-	

souri . . .	7,870 00
For the Sacs and Foxes of the Mississippi . . .	48,540 00
For the Shawnees . . .	7,180 00
For the Senecas and Shawnees . . .	2,060 00
For the Senecas . . .	2,660 00
For the Wyandots . . .	6,940 00
For the Weas . . .	3,000 00
For the Wyandots, Munsees, and Delawares . . .	1,000 00
For the Winnebagoes . . .	92,860 00
Sec. 2. And be it further enacted,	
That the following sums of money be appropriated for the purpose of extinguishing the Indian title, namely:	
To defray the expenses of holding a treaty with the Wyandot Indians, in the State of Ohio . . .	3,000 00
To defray the expenses of holding treaties with the Indian tribes, for the extinguishment of their titles to their lands within the limits of the State of Michigan . . .	5,000 00
To defray the expenses of holding a treaty with the Sac and Fox, Winnebago and Sioux tribes of Indians, for their title to their land in the Territory of Iowa . . .	5,000 00
For the expenses of making the treaty of twenty-eighth November, eighteen hundred and forty, with the Miamies, and of obtaining their assent to the amendments of the Senate by its resolution of the twenty-fifth February, eighteen hundred and forty-one . . .	5,000 00
H. R. 684. For defraying the expense of a delegation of the Seminole Indians west of the Mississippi, and other agents engaged in an attempt to effect a pacification with the hostile portion of that tribe in Florida . . .	15,000 00
H. R. 685. For the temporary support of certain destitute Kickapoo Indians . . .	22,000 00
H. R. 529. For the removal, subsistence, and benefit of such of the Seminole Indian chiefs and warriors as may surrender for emigration . . .	100,000 00

\$1,000,963 00

PRIVATE.

S. 18. Avery, Saltmarsh, and Co. . .	\$9,779 00
S. 30. Joab Seely . . .	20 00
S. 62. C. M. Keller and H. Stone . . .	227 50
S. 192. Lt. John E. Bispham . . .	29 16

\$10,055 66

RECAPITULATION.

Civil and diplomatic list . . .	\$8,517,079 35
Army . . .	6,041,919 00
Navy . . .	5,926,337 00
Fortifications . . .	485,500 00
Military Academy . . .	165,842 90
Revolutionary and other pensioners, Indian Department, treaties, &c. . .	1,044,155 00
Private . . .	10,055 66

\$23,191,856 91

NOTE.—No new offices created or salaries increased.

End of the CONGRESSIONAL GLOBE, for the 2d session of the 26th Congress. The Index to it will be printed in three or four weeks, and sent to subscribers.

We will print the CONGRESSIONAL GLOBE and the APPENDIX for the Extra Session of Congress, which is to commence on Monday, the 31st of May, 1841. The price will be fifty cents a copy, *in advance* for each. Those who intend to subscribe for either, should have their subscriptions here by the 6th of June next, at farthest, to insure all the numbers. A person paying for five copies of either, will be entitled to six copies; for ten, twelve copies; for twenty, twenty-five copies; and so on in proportion for a greater number.

We will also print the EXTRA GLOBE, which will commence on the 19th of May and end on the 19th of November next, making twenty-six numbers, the last of which will contain an index. Price one dollar per copy, *in advance*. A person paying for five copies, will be entitled to six copies; for ten, twelve copies; for twenty, twenty-five copies; and so on in proportion for a greater number. Subscriptions must be here by the 26th of May, to insure all the numbers.

APPENDIX

TO THE CONGRESSIONAL GLOBE.

26TH CONG.....2ND SESS.

Message of the President.

Sen. & H. of Reps.

MESSAGE OF THE PRESIDENT.

The following message from the President of the United States was received by Mr. VAN BUREN, his Private Secretary:

Fellow-citizens of the Senate

and House of Representatives:

Our devout gratitude is due to the Supreme Being for having graciously continued to our beloved country, through the vicissitudes of another year, the invaluable blessings of health, plenty, and peace. Seldom has this favored land been so generally exempted from the ravages of disease, or the labor of the husbandman more amply rewarded; and never before have our relations with other countries been placed on a more favorable basis than that which they so happily occupy at this critical conjuncture in the affairs of the world. A rigid and persevering abstinence from all interference with the domestic and political relations of other States, alike due to the genius and distinctive character of our Government and to the principles by which it is directed; a faithful observance, in the management of our foreign relations, of the practice of speaking plainly, dealing justly, and requiring truth and justice in return, as the best conservatives of the peace of nations; a strict impartiality in our manifestations of friendship, in the commercial privileges we concede, and those we require from others: these, accompanied by a disposition as prompt to maintain, in every emergency, our own rights, as we rea from principle averse to the invasion of those of others, have given to our country and Government a standing in the great family of nations, of which we have just cause to be proud, and the advantages of which are experienced by our citizens throughout every portion of the earth to which their enterprising and adventurous spirit may carry them. Few, if any, remain insensible to the value of our friendship, or ignorant of the terms on which it can be acquired, and by which it can alone be preserved.

A series of questions of long standing, difficult in their adjustment, and important in their consequences, in which the rights of our citizens and the honor of the country were deeply involved, have, in the course of a few years, (the most of them during the successful administration of my immediate predecessor,) been brought to a satisfactory conclusion; and the most important of those remaining are, I am happy to believe, in a fair way of being speedily and satisfactorily adjusted.

With all the powers of the world our relations are those of honorable peace. Since your adjournment, nothing serious has occurred to interrupt or threaten this desirable harmony. If clouds have towered above the other hemisphere, they have not cast their portentous shadows upon our happy shores. Bound by no entangling alliances, yet linked by a common nature and interest with the other nations of mankind, our aspirations are for the preservation of peace, in whose solid and civil-

izing triumphs all may participate with a generous emulation. Yet it behooves us to be prepared for any event, and to be always ready to maintain those just and enlightened principles of national intercourse, for which this Government has ever contended. In the shock of contending empires, it is only by assuming a resolute bearing, and clothing themselves with defensive armor, that neutral nations can maintain their independent rights.

The excitement which grew out of the territorial controversy between the United States and Great Britain having in a great measure subsided, it is hoped that a favorable period is approaching for final settlement. Both Governments must now be convinced of the dangers with which the question is fraught; and it must be their desire, as it is their interest, that this perpetual cause of irritation should be removed as speedily as practicable. In my last annual message you were informed that the proposition for a commission of exploration and survey promised by Great Britain had been received, and that a counter project, including also a provision for the certain and final adjustment of the limits in dispute, was then before the British Government for its consideration. The answer of that Government, accompanied by additional propositions of its own, was received, through its minister here, since your separation. These were promptly considered; such as were deemed correct in principle, and consistent with a due regard to the just rights of the United States and of the State of Maine, concurred in; and the reasons for dissenting from the residue, with an additional suggestion on our part, communicated by the Secretary of State to Mr. Fox. That Minister, not feeling himself sufficiently instructed upon some of the points raised in the discussion, felt it to be his duty to refer the matter to his own Government for its further decision. Having now been for some time under its advisement, a speedy answer may be confidently expected. From the character of the points still in difference, and the undoubted disposition of both parties to bring the matter to an early conclusion, I look with entire confidence to a prompt and satisfactory termination of the negotiation. Three commissioners were appointed shortly after the adjournment of Congress, under the act of the last session providing for the exploration and survey of the line which separates the States of Maine and New Hampshire from the British Provinces; they have been actively employed until their progress was interrupted by the inclemency of the season, and will resume their labors as soon as practicable in the ensuing year.

It is understood that their respective examinations will throw new light upon the subject in controversy, and serve to remove any erroneous impressions which may have been made elsewhere prejudicial to the rights of the United States. It was, among other reasons, with a view of preventing the embarrassments which, in our peculiar system of government, impede and complicate nego-

tations involving the territorial rights of a State, that I thought it my duty, as you have been informed on a previous occasion, to propose to the British Government, through its Minister at Washington, that early steps should be taken to adjust the points of difference on the line of boundary from the entrance of Lake Superior to the most northwestern point of the Lake of the Woods, by the arbitration of a friendly power, in conformity with the seventh article of the treaty of Ghent. No answer has yet been returned by the British Government to this proposition.

With Austria, France, Prussia, Russia, and the remaining powers of Europe, I am happy to inform you our relations continue to be of the most friendly character. With Belgium, a treaty of commerce and navigation, based upon liberal principles of reciprocity and equality, was concluded in March last, and having been ratified by the Belgian Government, will be duly laid before the Senate. It is a subject of congratulation that it provides for the satisfactory adjustment of a long standing question of controversy, thus removing the only obstacle which could obstruct the friendly and mutually advantageous intercourse between the two nations. A messenger has been despatched with the Hanoverian treaty to Berlin, where, according to stipulation, the ratifications are to be exchanged. I am happy to announce to you that, after many delays and difficulties, a treaty of commerce and navigation between the United States and Portugal, was concluded and signed at Lisbon on the 26th of August last, by the plenipotentiaries of the two Governments. Its stipulations are founded upon those principles of mutual liberality and advantage which the United States have always sought to make the basis of their intercourse with foreign powers; and it is hoped they will tend to foster and strengthen the commercial intercourse of the two countries.

Under the appropriation of the last session of Congress, an agent has been sent to Germany, for the purpose of promoting the interests of our tobacco trade.

The commissioners appointed under the convention for the adjustment of claims of citizens of the United States upon Mexico having met and organized at Washington, in August last, the papers in the possession of the Government, relating to those claims, were communicated to the board. The claims not embraced by that convention are now the subject of negotiation between the two Governments, through the medium of our Minister at Mexico.

Nothing has occurred to disturb the harmony of our relations with the different Governments of South America. I regret, however, to be obliged to inform you that the claims of our citizens upon the late Republic of Colombia have not yet been satisfied by the separate Governments into which it has been resolved.

The Charge d'Affaires at Brazil having expressed the intention of his Government not to prolong the treaty of 1828, it will cease to be obligatory upon either party on the 12th day of December, 1841, when the extensive commercial intercourse between the United States and that vast empire will no longer be regulated by express stipulations.

It affords me pleasure to communicate to you that the Government of Chili has entered into an agreement to indemnify the claimants in the case of the Macedonian, for American property seized in 1819; and to add, that information has also been

received which justifies the hope of an early adjustment of the remaining claims upon that Government.

The commissioners appointed in pursuance of the convention between the United States and Texas, for marking the boundary between them, have, according to the last report received from our commissioner, surveyed and established the whole extent of boundary north along the western bank of the Sabine river, from its entrance into the Gulf of Mexico to the thirty-second degree of north latitude. The commission adjourned on the 16th of June last, to reassemble on the 1st of November, for the purpose of establishing accurately the intersection of the thirty-second degree of latitude with the western bank of the Sabine, and the meridian line thence to Red river. It is presumed that the work will be concluded in the present season.

The present sound condition of their finances, and the success with which embarrassments in regard to them, at times apparently insurmountable, have been overcome, are matters upon which the people and the Government of the United States may well congratulate themselves. An overflowing Treasury, however it may be regarded as an evidence of public prosperity, is seldom conducive to the permanent welfare of any people; and experience has demonstrated its incompatibility with the salutary action of political institutions like those of the United States. Our safest reliance for financial efficiency and independence has, on the contrary, been found to exist in ample resources unencumbered with debt; and, in this respect, the Federal Government occupies a singularly fortunate and truly enviable position.

When I entered upon the discharge of my official duties in March, 1837, the act for the distribution of the surplus revenue was in a course of rapid execution. Nearly twenty-eight millions of dollars of the public moneys were, in pursuance of its provisions, deposited with the States in the months of January, April, and July, of that year. In May there occurred a general suspension of specie payments by the banks, including, with very few exceptions, those in which the public moneys were deposited, and upon whose fidelity the Government had unfortunately made itself dependent for the revenues which had been collected from the people, and were indispensable to the public service. This suspension, and the excesses in banking and commerce out of which it arose, and which were greatly aggravated by its occurrence, made, to a great extent, unavailable the principal part of the public money then on hand; suspended the collection of many millions accruing on merchants' bonds, and greatly reduced the revenue arising from customs and the public lands. These effects have continued to operate, in various degrees, to the present period; and, in addition to the decrease in the revenue thus produced, two and a half millions of duties have been relinquished by two biennial reductions under the act of 1833, and probably as much more upon the importation of iron for railroads, by special legislation.

Whilst such has been our condition for the last four years in relation to revenue, we have, during the same period, been subjected to an unavoidable continuance of large extraordinary expenses necessarily growing out of past transactions, and which could not be immediately arrested without great prejudice to the public interest. Of these, the charge upon the Treasury, in consequence of the Cherokee treaty alone, without adverting to others arising out of Indian treaties, has already exceeded five millions of dollars; that for the prosecution of measures for the removal of the Seminole Indians, which were found in progress, has been nearly fourteen millions; and the public buildings have required the unusual sum of nearly three millions.

It affords me, however, great pleasure to be able to say, that, from the commencement of this period to the present day, every demand upon the Government, at home or abroad, has been promptly met. This has been done, not only without creating a permanent debt, or a resort to additional taxation in any form, but in the midst of a steadily progressive reduction of existing burdens upon the

people, leaving still a considerable balance of available funds which will remain in the Treasury at the end of the year. The small amount of Treasury notes, not exceeding four and a half millions of dollars, still outstanding, and less by twenty-three millions than the United States have in deposit with the States, is composed of such only as are not yet due, or have not been presented for payment. They may be redeemed out of the accruing revenue, if the expenditures do not exceed the amount within which they may, it is thought, be kept without prejudice to the public interest, and the revenue shall prove to be as large as may justly be anticipated.

Among the reflections arising from the contemplation of these circumstances, one, not the least gratifying, is the consciousness that the Government had the resolution and the ability to adhere, in every emergency, to the sacred obligations of law; to execute all its contracts according to the requirements of the Constitution, and thus to present, when most needed, a rallying point by which the business of the whole country might be brought back to a safe and unvarying standard—a result vitally important as well to the interests as to the morals of the people. There can surely now be no difference of opinion in regard to the incalculable evils that would have arisen if the Government, at that critical moment, had suffered itself to be deterred from upholding the only true standard of value, either by the pressure of adverse circumstances or the violence of unmerited denunciation. The manner in which the people sustained the performance of this duty was highly honorable to their fortitude and patriotism. It cannot fail to stimulate their agents to adhere, under all circumstances, to the line of duty; and to satisfy them of the safety with which a course really right, and demanded by a financial crisis, may, in a community like ours, be pursued, however apparently severe its immediate operation.

The policy of the Federal Government, in extinguishing as rapidly as possible the national debt, and, subsequently, in resisting every temptation to create a new one, deserves to be regarded in the same favorable light. Among the many objections to a national debt, the certain tendency of public securities to concentrate ultimately in the coffers of foreign stockholders, is one which is every day gathering strength. Already have the resources of many of the States, and the future industry of their citizens, been indefinitely mortgaged to the subjects of European Governments, to the amount of twelve millions annually, to pay the constantly accruing interest on borrowed money—a sum exceeding half the ordinary revenues of the whole United States. The pretext which this relation affords to foreigners to scrutinize the management of our domestic affairs, if not actually to intermeddle with them, presents a subject for earnest attention, not to say of serious alarm. Fortunately, the Federal Government, with the exception of an obligation entered into in behalf of the District of Columbia, which must soon be discharged, is wholly exempt from any such embarrassment. It is also, as is believed, the only Government which, having fully and faithfully paid all its creditors, has also relieved itself entirely from debt. To maintain a distinction so desirable, and so honorable to our national character, should be an object of earnest solicitude. Never should a free people, if it be possible to avoid it, expose themselves to the necessity of having to treat of the peace, the honor, or the safety of the Republic, with the Governments of foreign creditors, who, however well disposed they may be to cultivate with us in general friendly relations, are nevertheless, by the law of their own condition, made hostile to the success and permanency of political institutions like ours. Most humiliating may be the embarrassments consequent upon such a condition. Another objection, scarcely less formidable, to the commencement of a new debt, is its inevitable tendency to increase in magnitude, and to foster national extravagance. He has been an unprofitable observer of events, who needs at this day to be admonished of the difficulties which a Government, habitually dependent on loans to sustain its ordinary expenditures, has to encounter in resisting the influences constantly exerted in fa-

vor of additional loans; by capitalists, who enrich themselves by Government securities for amounts much exceeding the money they actually advance—a prolific source of individual aggrandizement in all borrowing countries; by stockholders, who seek their gains in the rise and fall of public stocks; and by the selfish importunities of applicants for appropriations for works avowedly for the accommodation of the public, but the real objects of which are, too frequently, the advancement of private interests. The known necessity which so many of the States will be under to impose taxes for the payment of the interest on their debts, furnishes an additional and very cogent reason why the Federal Government should refrain from creating a national debt, by which the people would be exposed to double taxation for a similar object. We possess within ourselves ample resources for every emergency; and we may be quite sure that our citizens, in no future exigency, will be unwilling to supply the Government with all the means asked for the defence of the country. In time of peace there can, at all events, be no justification for the creation of a permanent debt by the Federal Government. Its limited range of constitutional duties may certainly, under such circumstances, be performed without such a resort. It has, it is seen, been avoided during four years of greater fiscal difficulties than have existed in a similar period since the adoption of the Constitution, and one also remarkable for the occurrence of extraordinary causes of expenditures.

But to accomplish so desirable an object, two things are indispensable: first, that the action of the Federal Government be kept within the boundaries prescribed by its founders, and, secondly, that all appropriations for objects admitted to be constitutional, and the expenditure of them also, be subjected to a standard of rigid but well considered and practical economy. The first depends chiefly on the people themselves, the opinions they form of the true construction of the Constitution, and the confidence they repose in the political sentiments of those they select as their representatives in the Federal Legislature; the second rests upon the fidelity with which their more immediate representatives, and other public functionaries, discharge the trusts committed to them. The duty of economizing the expenses of the public service is admitted on all hands; yet there are few subjects upon which there exists a wider difference of opinion than is constantly manifested in regard to the fidelity with which that duty is discharged. Neither diversity of sentiment, nor even mutual recriminations, upon a point in respect to which the public mind is so justly sensitive, can well be entirely avoided; and least so at periods of great political excitement. An intelligent people, however, seldom fail to arrive, in the end, at correct conclusions in such a matter. Practical economy in the management of public affairs can have no adverse influence to contend with more powerful than a large surplus revenue; and the unusually large appropriations for 1837 may, without doubt, independently of the extraordinary requisitions for the public service growing out of the state of our Indian relations, be, in no inconsiderable degree, traced to this source. The sudden and rapid distribution of the large surplus then in the Treasury, and the equally sudden and unprecedentedly severe revulsion in the commerce and business of the country, pointing with unerring certainty to a great and protracted reduction of the revenue, strengthened the propriety of the earliest practicable reduction of the public expenditures.

But, to change a system operating upon so large a surface, and applicable to such numerous and diversified interests and objects, was more than the work of a day. The attention of every department of the Government was immediately, and in good faith, directed to that end; and has been so continued to the present moment. The estimates and appropriations for the year 1838 (the first over which I had any control) were somewhat diminished. The expenditures of 1839 were reduced six millions of dollars. Those of 1840, exclusive of disbursements for public debt and trust claims, will probably not exceed twenty-two and a half millions; being between two and three millions less than those

of the preceding year, and nine or ten millions less than those of 1837. Nor has it been found necessary, in order to produce this result, to resort to the power conferred by Congress, of postponing certain classes of the public works, except by deferring expenditures for a short period upon a limited portion of them; and which postponement terminated some time since, at the moment the Treasury Department, by further receipts from the indebted banks, became fully assured of its ability to meet them without prejudice to the public service in other respects. Causes are in operation which will, it is believed, justify a still further reduction, without injury to any important national interest. The expenses of sustaining the troops employed in Florida have been gradually and greatly reduced, through the persevering efforts of the War Department; and a reasonable hope may be entertained that the necessity for military operations in that quarter will soon cease. The removal of the Indians from within our settled borders is nearly completed. The pension list, one of the heaviest charges upon the Treasury, is rapidly diminishing by death. The most costly of our public buildings are either finished, or nearly so; and we may, I think, safely promise ourselves a continued exemption from border difficulties.

The available balance in the Treasury on the first of January next is estimated at one million and a half of dollars. This sum, with the expected receipts from all sources during the next year, will, it is believed, be sufficient to enable the Government to meet every engagement, and leave a suitable balance in the Treasury at the end of the year, if the remedial measures connected with the customs and the public lands, heretofore recommended, shall be adopted, and the new appropriations by Congress shall not carry the expenditures beyond the official estimates.

The new system established by Congress for the safekeeping of the public money, prescribing the kind of currency to be received for the public revenue, and providing additional guards and securities against losses, has now been several months in operation. Although it might be premature, upon an experience of such limited duration, to form a definite opinion in regard to the extent of its influences in correcting many evils under which the Federal Government and the country have hitherto suffered, especially those that have grown out of banking expansions, a depreciated currency, and official defalcations, yet it is but right to say that nothing has occurred in the practical operation of the system to weaken in the slightest degree, but much to strengthen the confident anticipations of its friends. The grounds of these have been heretofore so fully explained, as to require no recapitulation. In respect to the facility and convenience it affords in conducting the public service, and the ability of the Government to discharge through its agency every duty attendant on the collection, transfer, and disbursement of the public money with promptitude and success, I can say with confidence that the apprehensions of those who felt it to be their duty to oppose its adoption, have proved to be unfounded. On the contrary, this branch of the fiscal affairs of the Government has been, and it is believed may always be, thus carried on with every desirable facility and security. A few changes and improvements in the details of the system, without affecting any principles involved in it, will be submitted to you by the Secretary of the Treasury, and will, I am sure, receive at your hands that attention to which they may, on examination, be found to be entitled.

I have deemed this brief summary of our fiscal affairs necessary to the due performance of a duty specially enjoined upon me by the Constitution. It will serve, also, to illustrate more fully the principles by which I have been guided in reference to two contested points in our public policy, which were earliest in their development, and have been more important in their consequences, than any that have arisen under our complicated and difficult, yet admirable, system of Government: I allude to, a national debt, and a national bank. It was in these that the political contests by which the country has been agitated ever since the adoption of the Constitution, in a great measure, originated; and

there is too much reason to apprehend that the conflicting interests and opposing principles thus marshalled, will continue, as heretofore, to produce similar, if not aggravated, consequences.

Coming into office the declared enemy of both, I have earnestly endeavored to prevent a resort to either.

The consideration that a large public debt affords an apology, and produces, in some degree, a necessity also, for resorting to a system and extent of taxation which is not only oppressive throughout, but likewise so apt to lead, in the end, to the commission of that most odious of all offences against the principles of Republican government—the prostitution of political power, conferred for the general benefit, to the aggrandizement of particular classes, and the gratification of individual cupidity—is alone sufficient, independently of the weighty objections which have already been urged, to render its creation and existence the sources of bitter and unappeasable discord. If we add to this, its inevitable tendency to produce and foster extravagant expenditures of the public money, by which a necessity is created for new loans and new burdens on the people; and, finally, if we refer to the examples of every Government which has existed, for proof how seldom it is that the system, when once adopted and implanted in the policy of a country, has failed to expand itself, until public credit was exhausted, and the people were no longer able to endure its increasing weight, it seems impossible to resist the conclusion, that no benefits resulting from its career, no extent of conquest, no accession of wealth to particular classes; nor any, nor all its combined advantages, can counterbalance its ultimate but certain results—a splendid Government, and an impoverished people.

If a National Bank was, as is undeniable, repudiated by the framers of the Constitution as incompatible with the rights of the States and the liberties of the people; if, from the beginning, it has been regarded by large portions of our citizens as coming in direct collision with that great and vital amendment of the Constitution, which declares that all powers not conferred by that instrument on the General Government are reserved to the States and to the people; if it has been viewed by them as the first great step in the march of latitudinous construction, which, unchecked, would render that sacred instrument of as little value as an unwritten Constitution, dependent, as it would alone be, for its meaning, on the interested interpretation of a dominant party, and affording no security to the rights of the minority; if such is undeniably the case, what rational grounds could have been conceived for anticipating aught but determined opposition to such an institution at the present day.

Could a different result have been expected, when the consequences which have flowed from its creation, and particularly from its struggles to perpetuate its existence, had confirmed, in so striking a manner, the apprehensions of its earliest opponents; when it had been so clearly demonstrated that a concentrated money power, wielding so vast a capital, and combining such incalculable means of influence, may, in those peculiar conjunctures to which this Government is unavoidably exposed, prove an overmatch for the political power of the people themselves; when the true character of its capacity to regulate, according to its will and its interests, and the interests of its favorites, the value and production of the labor and property of every man in this extended country, had been so fully and fearfully developed; when it was notorious that all classes of this great community had, by means of the power and influence it thus possesses, been infected to madness with a spirit of heedless speculation; when it had been seen that, secure in the support of the combination of influences by which it was surrounded, it could violate its charter, and set the laws at defiance with impunity; and when, too, it had become most apparent that to believe that such an accumulation of powers can ever be granted without the certainty of being abused, was to indulge in a fatal delusion?

To avoid the necessity of a permanent debt, and

its inevitable consequences, I have advocated, and endeavored to carry into effect, the policy of confining the appropriations for the public service to such objects only as are clearly within the constitutional authority of the Federal Government; of excluding from its expenses those improvident and unauthorized grants of public money for works of internal improvement, which were so wisely arrested by the constitutional interposition of my predecessor, and which, if they had not been so checked, would long before this time have involved the finances of the General Government in embarrassments far greater than those which are now experienced by any of the States, of limiting all our expenditures to that simple, unostentatious, and economical administration of public affairs, which is alone consistent with the character of our institutions; of collecting annually from the customs, and the sales of public lands, a revenue fully adequate to defray all the expenses thus incurred, but, under no pretence whatsoever, to impose taxes upon the people to a greater amount than was actually necessary to the public service, conducted upon the principles I have stated.

In lieu of a national bank, or a dependence upon banks of any description, for the management of our fiscal affairs, I recommended the adoption of the system which is now in successful operation. That system affords every requisite facility for the transaction of the pecuniary concerns of the Government; will, it is confidently anticipated, produce in other respects many of the benefits which have been from time to time expected from the creation of a national bank, but which have never been realized; avoid the manifold evils inseparable from such an institution; diminish, to a greater extent than could be accomplished by any other measure of reform, the patronage of the Federal Government—a wise policy in all Governments, but more especially so in one like ours, which works well only in proportion as it is made to rely for its support upon the unbiassed and unadulterated opinions of its constituents; do away, forever, all dependence on corporate bodies, either in the raising, collecting, safekeeping, or disbursing the public revenues, and place the Government equally above the temptation of fostering a dangerous and unconstitutional institution at home, or the necessity of adapting its policy to the views and interests of a still more formidable money-power abroad.

It is by adopting and carrying out these principles, under circumstances the most arduous and discouraging, that the attempt has been made, thus far successfully, to demonstrate to the people of the United States that a National Bank at all times; and a national debt, except it be incurred at a period when the honor and safety of the nation demand the temporary sacrifice of a policy, which should only be abandoned in such exigencies, are not merely unnecessary, but in direct and deadly hostility to the principles of their Government, and to their own permanent welfare.

The progress made in the development of these positions, appears in the preceding sketch of the past history and present state of the financial concerns of the Federal Government. The facts there stated fully authorize the assertion, that all the purposes for which this Government was instituted have been accomplished during four years of greater pecuniary embarrassment than were ever before experienced in time of peace, and in the face of opposition as formidable as any that was ever before arrayed against the policy of an Administration; that this has been done when the ordinary revenues of the Government were generally decreasing, as well from the operation of the laws, as the condition of the country, without the creation of a permanent public debt, or incurring any liability, other than such as the ordinary resources of the Government will speedily discharge, and without the agency of a National Bank.

If this view of the proceedings of the Government, for the period it embraces, be warranted by the facts as they are known to exist; if the army and navy have been sustained to the full extent authorized by law, and which Congress deemed sufficient for the defence of the country and the protection of its rights and its honor; if its civil and diplomatic service has been equally sustained; if

ample provision has been made for the administration of justice and the execution of the laws; if the claims upon public gratitude in behalf of the soldiers of the Revolution have been promptly met and faithfully discharged; if there have been no failures in defraying the very large expenditures growing out of that long continued and salutary policy of peacefully removing the Indians to regions of comparative safety and prosperity; if the public faith has at all times, and every where been most scrupulously maintained by a prompt discharge of the numerous, extended, and diversified claims on the Treasury; if all these great and permanent objects, with many others that might be stated, have, for a series of years, marked by peculiar obstacles and difficulties, been successfully accomplished without a resort to a permanent debt, or the aid of a national bank, have we not a right to expect that a policy, the object of which has been to sustain the public service independently of either of these fruitful sources of discord, will receive the final sanction of a people whose unbiased and fairly elicited judgment upon public affairs is never ultimately wrong?

That embarrassments in the pecuniary concerns of individuals, of unexampled extent and duration, have recently existed in this, as in other commercial nations, is undoubtedly true. To suppose it necessary now to trace these reverses to their sources, would be a reflection on the intelligence of my fellow-citizens. Whatever may have been the obscurity in which the subject was involved during the earlier stages of the revulsion, there cannot now be many by whom the whole question is not fully understood.

Not deeming it within the constitutional powers of the General Government to repair private losses sustained by reverses in business having no connection with the public service, either by direct appropriations from the Treasury, or by special legislation designed to secure exclusive privileges and immunities to individuals or classes in preference to, and at the expense of, the great majority necessarily debarred from any participation in them, no attempt to do so has been either made, recommended, or encouraged, by the present Executive.

It is believed, however, that the great purposes for the attainment of which the Federal Government was instituted have not been lost sight of. Intrusted only with certain limited powers, cautiously enumerated, distinctly specified, and defined with a precision and clearness which would seem to defy misconstruction, it has been my constant aim to confine myself within the limits so clearly marked out, and so carefully guarded. Having always been of opinion that the best preservative of the union of the States is to be found in a total abstinence from the exercise of all doubtful powers on the part of the Federal Government, rather than in attempts to assume them by a loose construction of the Constitution, or an ingenious perversion of its words, I have endeavored to avoid recommending any measure which I had reason to apprehend would, in the opinion even of a considerable minority of my fellow-citizens, be regarded as trenching on the rights of the States, or the provisions of the hallowed instrument of our Union. Viewing the aggregate powers of the Federal Government as a voluntary concession of the States, it seemed to me that such only should be exercised as were at the time intended to be given.

I have been strengthened, too, in the propriety of this course, by the conviction that all efforts to go beyond this, tend only to produce dissatisfaction and distrust, to excite jealousies, and to provoke resistance. Instead of adding strength to the Federal Government, even when successful, they must ever prove a source of incurable weakness, by alienating a portion of those whose adhesion is indispensable to the great aggregate of united strength, and whose voluntary attachment is, in my estimation, far more essential to the efficiency of a Government strong in the best of all possible strength—the confidence and attachment of all those who make up its constituent elements.

Thus believing, it has been my purpose to secure to the whole people, and to every member of the

contending, by general, salutary, and equal laws alone, the benefit of those Republican institutions which it was the end and aim of the Constitution to establish, and the impartial influence of which is, in my judgment, indispensable to their preservation. I cannot bring myself to believe that the lasting happiness of the people, the prosperity of the States, or the permanency of their Union, can be maintained by giving reference or priority to any class of citizens in the distribution of benefits or privileges, or by the adoption of measures which enrich one portion of the Union at the expense of another, nor can I see in the interference of the Federal Government with the local legislation and reserved rights of the States, a remedy for present, or a security against future, dangers.

The first, and assuredly not the least, important step towards relieving the country from the condition into which it had been plunged by excesses in trade, banking, and credits of all kinds, was to place the business transactions of the Government itself on a solid basis; giving and receiving in all cases value for value, and neither countenancing nor encouraging in others that delusive system of credits from which it has been found so difficult to escape, and which has left nothing behind it but the wrecks that mark its fatal career.

That the financial affairs of the Government are now, and have been during the whole period of these widespread difficulties, conducted with a strict and invariable regard to this great fundamental principle, and that by the assumption and maintenance of the stand thus taken on the very threshold of the approaching crisis, more than by any other cause or causes whatever, the community at large has been shielded from the incalculable evils of a general and indefinite suspension of specie payments, and a consequent annihilation, for the whole period it might have lasted, of a just and invariable standard of value, will, it is believed, at this period, scarcely be questioned.

A steady adherence, on the part of the Government, to the policy which has produced such salutary results, aided by judicious State legislation, and, what is not less important, by the industry, enterprise, perseverance, and economy of the American people, cannot fail to raise the whole country, at an early period, to a state of solid and enduring prosperity, not subject to be again overthrown by the suspension of banks or the explosion of a bloated credit system. It is for the people, and their representatives, to decide whether or not the permanent welfare of the country (which all good citizens equally desire, however widely they may differ as to the means of its accomplishment) shall be in this way secured; or whether the management of the pecuniary concerns of the Government, and, by consequence, to a great extent, those of individuals also, shall be carried back to a condition of things which fostered those contractions and expansions of the currency, and those reckless abuses of credit, from the baleful effects of which the country has so deeply suffered—a return that can promise, in the end, no better results than to reproduce the embarrassments the Government has experienced; and to remove from the shoulders of the present, to those of fresh victims, the bitter fruits of that spirit of speculative enterprise to which our countrymen are so liable, and upon which the lessons of experience are so unavailing. The choice is an important one, and I sincerely hope that it may be wisely made.

A report from the Secretary of War, presenting a detailed view of the affairs of that department, accompanies this communication.

The duty connected with the removal of the Indians, in which the army has been constantly engaged on the Northern and Western frontiers, and in Florida, have rendered it impracticable to carry into full effect the plan recommended by the Secretary for improving its discipline. In every instance where the regiments have been concentrated, they have made great progress; and the best results may be anticipated from a continuance of this system. During the last season, a part of the troops have been employed in removing Indians from the interior to the territory assigned them in the West—a duty which they have performed efficiently, and with praiseworthy humanity; and that

portion of them which has been stationed in Florida continued active operations there throughout the heats of summer.

The policy of the United States in regard to the Indians, of which a succinct account is given in my message of 1838, and of the wisdom and expediency of which I am fully satisfied, has been continued in active operation throughout the whole period of my administration. Since the spring of 1837, more than forty thousand Indians have been removed to their new homes west of the Mississippi; and I am happy to add that all accounts concur in representing the result of this measure as eminently beneficial to that people.

The emigration of the Seminoles alone has been attended with serious difficulty, and occasioned bloodshed, hostilities having been commenced by the Indians in Florida, under the apprehension that they would be compelled, by force, to comply with their treaty stipulations. The execution of the treaty of Payne's Landing, signed in 1832, but not ratified until 1834, was postponed, at the solicitation of the Indians, until 1836, when they again renewed their agreement to remove peaceably to their new homes in the West. In the face of this solemn and renewed compact, they broke their faith, and commenced hostilities by the massacre of Major Dade's command, the murder of their agent, General Thompson, and other acts of cruel treachery. When this alarming and unexpected intelligence reached the seat of Government, every effort appears to have been made to reinforce General Clinch, who commanded the troops then in Florida. General Eustis was despatched with reinforcements from Charleston, troops were called out from Alabama, Tennessee, and Georgia, and General Scott was sent to take the command, with ample powers and ample means. At the first alarm, General Gaines organized a force at New Orleans, and, without waiting for orders, landed in Florida, where he delivered over the troops he had brought with him to General Scott.

Gov. Call was subsequently appointed to conduct a summer campaign, and, at the close of it, was replaced by General Jesup. These events and changes took place under the administration of my predecessor. Notwithstanding the exertions of the experienced officers who had command there for eighteen months, on entering upon the administration of the Government I found the Territory of Florida a prey to Indian atrocities. A strenuous effort was immediately made to bring these hostilities to a close; and the army, under General Jesup, was reinforced until it amounted to ten thousand men, and furnished with abundant supplies of every description. In this campaign a great number of the enemy were captured and destroyed; but the character of the contest only was changed. The Indians, having been defeated in every engagement, dispersed in small bands throughout the country, and became an enterprising, formidable, and ruthless banditti. General Taylor, who succeeded General Jesup, used his best exertions to subdue them, and was seconded in his efforts by the officers under his command; but he, too, failed to protect the Territory from their depredations. By an act of signal and cruel treachery, they broke the truce made with them by General Macomb, who was sent from Washington for the purpose of carrying into effect the expressed wishes of Congress, and have continued their devastations ever since. General Armistead, who was in Florida when General Taylor left the army, by permission, assumed the command, and, after active summer operations, was met by propositions for peace; and, from the fortunate coincidence of the arrival in Florida, at the same period, of a delegation from the Seminoles who are happily settled west of the Mississippi, and are now anxious to persuade their countrymen to join them there, hopes were for some time entertained that the Indians might be induced to leave the Territory without further difficulty. These hopes have proved fallacious, and hostilities have been renewed throughout the whole of the Territory. That this contest has endured so long, is to be attributed to causes beyond the control of the Government. Experienced generals have had the command of the troops; officers and soldiers have alike distinguished them-

selves for their activity, patience, and enduring courage; the army has been constantly furnished with supplies of every description; and we must look for the causes which have so long procrastinated the issue of the contest, in the vast extent of the theatre of hostilities, the almost insurmountable obstacles presented by the nature of the country, the climate, and the wily character of the savages.

The sites for marine hospitals on the rivers and lakes, which I was authorized to select and cause to be purchased, have all been designated, but the appropriation not proving sufficient, conditional arrangements only have been made for their acquisition. It is for Congress to decide whether those conditional purchases shall be sanctioned, and the humane intentions of the law carried into full effect.

The navy, as will appear from the accompanying report of the Secretary, has been usefully and honorably employed in the protection of our commerce and citizens in the Mediterranean, the Pacific, on the coast of Brazil, and in the Gulf of Mexico. A small squadron, consisting of the frigate *Constellation* and the sloop-of-war *Boston*, under Commodore Kearney, is now on its way to the China and Indian seas, for the purpose of attending to our interests in that quarter; and Commander Aulick, in the sloop-of-war *Yorktown*, has been instructed to visit the Sandwich and Society islands, the coasts of New Zealand and Japan, together with other ports and islands frequented by our whale-ships, for the purpose of giving them countenance and protection, should they be required. Other smaller vessels have been, and still are, employed in prosecuting the surveys of the coast of the United States, directed by various acts of Congress; and those which have been completed will shortly be laid before you.

The Exploring expedition, at the latest date, was preparing to leave the Bay of Islands, New Zealand, in further prosecution of objects which have thus far been successfully accomplished. The discovery of a new continent, which was first seen in latitude 66° 2' south, longitude 154° 27' east, and afterwards in latitude 66° 31' south, longitude 153° 40' east, by Lieutenant's Wilkes and Hudson, for an extent of eighteen hundred miles, but on which they were prevented from landing by vast bodies of ice which encompassed it, is one of the honorable results of the enterprise. Lieutenant Wilkes bears testimony to the zeal and good conduct of his officers and men; and it is but justice to that officer to state that he appears to have performed the duties assigned to him with an aid, ability, and perseverance, which give every assurance of an honorable issue to the under taking.

The report of the Postmaster General, herewith transmitted, will exhibit the service of that Department the past year, and its present condition. The transportation has been maintained during the year to the full extent authorized by the existing laws; some improvements have been effected, which the public interest seemed urgently to demand, but not involving any material additional expenditure; the contractors have generally performed their engagements with fidelity; the postmasters, with few exceptions, have rendered their accounts and paid their quarterly balances with promptitude; and the whole service of the Department has maintained the efficiency for which it has for several years been distinguished.

The acts of Congress establishing new mail routes, and requiring more expensive services on others, and the increasing wants of the country, have, for three years past, carried the expenditures something beyond the accruing revenues; the excess having been met, until the past year, by the surplus which had previously accumulated. That surplus having been exhausted, and the anticipated increase in the revenue not having been realized, owing to the depression in the commercial business of the country, the finances of the department exhibit a small deficiency at the close of the last fiscal year. Its resources, however, are ample; and the reduced rates of compensation for the transportation service, which may be expected on the future lettings, from the general reduction of prices, with

the increase of revenue that may reasonably be anticipated from the revival of commercial activity, must soon place the finances of the department in a prosperous condition.

Considering the unfavorable circumstances which have existed during the past year, it is a gratifying result that the revenue has not declined, as compared with the preceding year, but, on the contrary, exhibits a small increase; the circumstances referred to having had no other effect than to check the expected income.

It will be seen that the Postmaster General suggests certain improvements in the establishment, designed to reduce the weight of the mails, cheapen the transportation, ensure greater regularity in the service, and secure a considerable reduction in the rates of letter postage—an object highly desirable. The subject is one of general interest to the community, and is respectfully recommended to your consideration.

The suppression of the African slave trade has received the continued attention of the Government. The brig *Dolphin* and schooner *Grampus* have been employed during the last season on the coast of Africa, for the purpose of preventing such portions of that trade as was said to be prosecuted under the American flag. After cruising off those parts of the coast most usually resorted to by slavers, until the commencement of the rainy season, these vessels returned to the United States for supplies, and have since been despatched on a similar service.

From the reports of the commanding officers, it appears that the trade is now principally carried on under Portuguese colors; and they express the opinion that the apprehension of their presence on the slave coast has, in a great degree, arrested the prostitution of the American flag to this inhuman purpose. It is hoped that, by continuing to maintain this force in that quarter, and by the exertions of the officers in command, much will be done to put a stop to whatever portion of this traffic may have been carried on under the American flag, and to prevent its use in a trade which, while it violates the laws, is equally an outrage on the rights of others and the feelings of humanity. The efforts of the several Governments who are anxiously seeking to suppress this traffic must, however, be directed against the facilities afforded by what are now recognised as legitimate commercial pursuits, before that object can be fully accomplished. Supplies of provisions, water-casks, merchandise, and articles connected with the prosecution of the slave-trade, are, it is understood, freely carried by vessels of different nations to the slave factories; and the effects of the factors are transported openly from one slave station to another, without interruption or punishment by either of the nations to which they belong, engaged in the commerce of that region. I submit to your judgments whether this Government, having been the first to prohibit, by adequate penalties, the slave trade—the first to declare it piracy—should not be the first, also, to forbid to its citizens all trade with the slave factories on the coast of Africa; giving an example to all nations in this respect, which, if fairly followed, cannot fail to produce the most effective results in breaking up those dens of iniquity.

M. VAN BUREN.

Washington, December 5, 1840.

The message having been read,

On motion by Mr. HUBBARD,

Ordered, That the message and accompanying documents be printed; and that five thousand copies of the message, and fifteen hundred copies of the message and accompanying documents, be printed for the use of the Senate.

The PRESIDENT communicated a letter from the Secretary of the Treasury, accompanied by his annual report on the finances, which was ordered to be printed.

REPORT FROM THE SECRETARY OF THE TREASURY, ON THE STATE OF THE FINANCES.

TREASURY DEPARTMENT,
December 7, 1840.

The undersigned respectfully submits to Congress the following report on the finances:

He has great pleasure in announcing that during the present year the expenditures have been

still further reduced; and, though the revenue has not proved so large as usual, all the public engagements have been met with promptitude.

I. The receipts and means for 1840, exclusive of trusts and the Post Office has been as follows: The available balance in the Treasury on the 1st of January, 1840, is computed to have been - \$2,246,749 00

The data on which this conclusion rests, connected with the actual receipts and expenditures in 1839, and with the unavailable condition of a portion of the public funds, may be seen in the statements annexed.

During the first three quarters of the present year the net receipts from customs were - \$10,689,884 78

During the same period the receipts from lands were - 2,630,217 25

Miscellaneous receipts for the same time - 77,660 98

Estimated receipts for the fourth quarter from all these sources - 3,800,000 00

These make the aggregate of ordinary receipts for the year - 17,197,763 01

Add the estimated receipts of principal and interest in 1840, out of what was due from former deposit banks, but not available on the 1st of January last - \$850,000 00

Add also the estimated receipts from the fourth bond of the United States Bank - 2,500,000 00

Do. from the issue of Treasury notes instead of others redeemed - 5,440,000 00

Aggregate from these additional sources - 8,790,000 00

This will make the total means in 1840, as ascertained and estimated - \$28,234,512 01

It is proper to remark, that about \$700,000 of the sums computed to be received within the year from the banks above described, have not yet been ascertained to be paid; and if, contrary to expectation, there should be a failure to pay any part of them until next year, it will make a difference to that extent in the preceding results.

II. The expenditures for 1840, exclusive of trusts and the Post Office, have been as follows:

For the first three quarters: civil, diplomatic, and miscellaneous - \$4,113,248 64

For the same time, military - 8,750,784 52

For the same time, naval - 4,620,316 35

Estimates by this Department (though higher by the others) for all expenses during the fourth quarter - 5,000,000 00

These make the aggregate of current expenses for the whole year 22,489,349 51

Add for funded debt and interest for that of the cities of the District of Columbia during the year, ascertained and estimated - 100,000 00

Redemption of Treasury notes, including principal and interest, ascertained during the first three quarters - 3,629,306 61

Estimate of notes that will be redeemed in the fourth quarter - 425,000 00

26TH CONG....1ST SESS.

Report of the Secretary of the Treasury.

Sen. & H. of Reps.

This will make the aggregate of payments or expenditures of all kinds 26,643,656 12 Leaving an available balance of money in the Treasury on the 31st December, 1840, computed to be 1,590,855 89

\$28,234,512 01

The funds on hand, considered not available for public purposes, at the commencement as well as close of the present year, are described particularly in the statement annexed.

Previous to the close of the year, should Congress pass any new appropriations which may be immediately expended, an additional charge to that extent will thus be imposed on 1840; and if amounting to any considerable sum, it might prudently be accompanied by some provision of new means sufficient for its payment.

III. The condition of the public debt next demands consideration.

An exhibit of the particulars of it, whether funded or unfunded, and of the payments made within the year on account of both, is annexed.

Probably none of the former kind of debt exists which is due, except what has been forgotten, or the evidence of it mislaid; as all ever claimed, whether incurred in the Revolution, or since, has been promptly discharged. It is fortunate that no new debt of a permanent character has been recently created by the General Government; and the undersigned, for reasons formerly explained, which need not be here repeated, has uniformly considered it sound policy never to incur one in time of peace. But it will be recollected that Congress, by an act passed in May, 1836, engaged, under special conditions, to make payment of a debt due from the cities of the District of Columbia to certain individuals abroad.

The principal amounted of \$1,500,000, and was to be paid in yearly instalments of \$60,000 each, beginning the 1st of January, 1841. But the interest was payable quarterly, and, during the last four years, has been regularly discharged by the Treasury.

Within the past year, notice has been received from the agent of the creditors that payment of the first and subsequent instalments of the principal is desired to be made, when due, with punctuality. To insure a compliance with that wish, it will be necessary, besides meeting the interest quarterly, to advance \$60,000 of the principal at the commencement of the ensuing year; and the residue must be paid, in like amounts, annually hereafter, till the whole is discharged.

The canal stocks, assigned to secure these payments, can, by the terms of the agreement, be sold to aid in reimbursing them. But, in the first instance, the money is to be taken from the Treasury, under existing laws, which appropriate sufficient to discharge all outstanding debts; and a sale, if able to be made afterwards, must probably be at a great sacrifice. Congress may therefore, in its wisdom, think further legislation on the subject expedient.

This is all the funded debt not due, and likewise all of it not paid, except, as before explained, the inconsiderable portions never yet demanded.

In respect to the unfunded debt: such small parts as were created previous to 1837, and still remain unsatisfied, must, it is presumed, be in that condition from some accident, which has prevented a request to be made for payment.

Nor has any of it, which was incurred since, fallen due, without being discharged whenever claimed.

The whole balance of the four emissions of Treasury notes made since October, 1837, which was outstanding on the 1st instant, amounted only to \$4,433,823. This is but \$1,675,498 more than at the close of 1839, notwithstanding the great decline in our revenue since, and the unexpectedly large expenditures of old appropriations connected with the Florida war, and the further adjustment of claims in behalf of Indians.

Had these events not happened, less even than that amount of notes would have been issued, and the Treasury might, with ease, have redeemed within the year all that were outstanding.

It could have done the same, also, with most of them, had Congress, at the last session, passed the declaratory act concerning the tariff, modified the system of drawbacks to correspond with the existing duties, and adopted the propositions made for graduating the price of the public lands, as well as forming new land districts.

It must be gratifying to learn, however, that, though incommoded by the failure of those measures, and the unexpected circumstances before enumerated, the Department has been enabled, by other means under its control, to redeem every note presented, and to pay, with punctuality, all debts that have fallen due.

The credit of the General Government has thus thus been preserved so high, that, instead of sacrificing its securities at large discounts, as in this and foreign nations some have been compelled to do with public stocks, the Treasury notes have continued at par during the year, though never bearing an interest higher than 5-2-5 per cent. and subject even to the stoppage of that, after sixty days' notice.

In fine, on a review of the whole subject, our situation respecting a public debt of any kind will be found a most favored one. Regarded as an indication either of the good state of the national credit, or the ample resources of the General Government, or the discreet legislation relative to its fiscal concerns, it will be difficult to discover many eras more prosperous in these respects, whether in the annals of this or any other country.

IV. The exports and imports within the year ending September 30, 1840, exhibit several striking peculiarities. While the foreign commerce of the country constitutes the chief basis of the revenue of the General Government, and is indicative of the extent of our surplus produce, the statistical returns in relation to the subject must excite constant attention among statesmen and political economists, as well as merchants.

The exports during the year are computed to have been \$131,571,950. This amount is quite \$10,543,534 more than in 1839, notwithstanding the reduced price of some of our great staples, and is larger than ever existed before in our history.

Of the whole exports, only \$17,809,333 were of foreign origin. This left those of domestic origin at \$113,762,617, being \$6,845,937 more than in any previous year.

The imports during 1840 were about \$104,805,891. This shows the great falling off from the previous year of \$57,286,241. It furnishes, likewise, the principal explanation of the extraordinary diminution which has occurred in the revenue from customs; a diminution, however, which has been caused, in part, by evasions of the laws, new judicial constructions left uncorrected, and the payment of too large sums for bounties and drawbacks, under an omission in the existing tariff to reduce them in a ratio equal to the reduction going on in the duties.

The difference between our exports and imports has usually been in favor of the latter. Several years ago it ranged that way about seven millions of dollars annually; but, of late, the average has risen to near twenty millions annually; the excess of imports having been, in 1836 even, \$61,316,995, and in 1839 \$41,063,716. But during 1840, the extraordinary occurrence of a reverse in this state of things has taken place. Such a circumstance as the exports at all exceeding the imports, is believed to have happened previously only six times since the Constitution was adopted; and then, never to an extent beyond \$7,916,831. Now, however, without any inflation, and in some important articles under a contraction of prices, the excess of exports is not only more than ever was known before, but quite threefold greater, being computed to equal \$26,766,059.

This excess having failed to produce the usual corresponding increase of imports, but, on the contrary, having been accompanied by a diminution never previously equalled in amount, except under the influence of the embargo in 1808, the whole matter furnishes another proof of the hazardous fluctuations in the chief source of our present reve-

nue, which Congress has been requested so repeatedly to guard against by some permanent provision.

It is also a strong illustration of the probability of the conjecture expressed in the last annual report, that the country had become alarmingly indebted abroad; in part on ordinary mercantile credit, but chiefly on stocks of corporations and States.

To meet what would soon be due for interest alone, it was then supposed would require twelve or thirteen millions of the exports; and which, in that event, would of course furnish no returns in imports. The same result must follow yearly, till the old stocks are redeemed, unless new ones can, for some time longer, be sold; and the difficulty be thus deferred, though merely at the expense of increasing the whole ultimate indebtedness.

But it is a source of great satisfaction to witness the indications which the unprecedented amount of exports, during the last four years, has given of the continued prosperity of the country.

Notwithstanding some depressions in particular branches of business, or in particular places, the general prosperity has been such as to create a large surplus of products, and to enable us to send abroad immense and increased values of them, however great the complaints have been as to low prices.

These official records are some of the most authentic tests of truth, amidst contradictory conjectures on topics like these. They show that we have been able to spare, in exports of domestic productions during the last four years, quite \$408,894,743 in value; while in no previous term of that length, since the adoption of the Constitution, have they exceeded \$359,447,622. Except in the last two series of four years, they have never gone beyond \$239,576,749; or, not two-thirds as high as from 1837 to 1840. The whole tonnage of the country has also advanced within the four years past, more than 20,000 tons.

Seldom, indeed, if ever, has the navigating interest, one of the great exponents of our wealth and increased commerce, been so prosperous as within the last twelve months.

It is true that a portion of the increase in exports may be attributable to some alteration in the habits of the community, not connected with additional wealth.

The disposition in families to rely less on their own resources, and obtain more by means of mercantile exchanges abroad as well as at home, has, without doubt, grown more rapidly of late years than formerly, and tended to augment both the imports and exports beyond what the real increase in the amount of products would indicate. Yet the great excess of exports during the last few years, over those of previous times, cannot all have arisen from these circumstances. Granting, however, that some of it has; the consequences to that extent, and in another view of the subject, are not so well calculated to excite gratification. The increased dependence which the change of habits, in selling and buying so much more of what is consumed, has occasioned between different countries and those engaged in different avocations, as well as the increased credit thus demanded through many new ramifications, and the greater subjection thus produced of almost every pursuit to the evils attendant on fluctuations in prices, on bank expansions, and revulsions in commerce have probably exercised an influence on the events of the last four years not inconsiderable nor salutary. Combined with other causes, they must certainly have tended to effect a wide and unfavorable alteration in public manners; and may, in time, inflict an injury on the morals and character of the nation, which will more than counterbalance all the gains in wealth.

V. The estimates of the receipts and expenditures for 1841 next demand attention.

The actual receipts and expenditures in that year can, of course, be so regulated by Congress, through new legislation, as to reach nearly any amount it may deem proper. But the undersigned can neither increase nor diminish them; though a duty is devolved on him, in respect to the subject, while at the head of the Treasury, which he now

proceeds to perform—of presenting some opinion concerning the amounts to which, under the existing laws, and the calls of the different departments, they are likely to attain.

He will further suggest any general changes which appear to him expedient, as well as any new means deemed necessary to meet all the burdens, which, it is apprehended, may be imposed.

The estimates for the ordinary receipts and expenditures in the ensuing year differ some millions from what will be actually received and expended in the present one.

It is calculated, however, that the difference will be what is always most desirable,—some increase of the receipts, and a further diminution of the expenditures.

The estimates for the latter, in the present year, were made less than those of 1839, and the results have corresponded. Indeed, it is a cause of much gratification that the expectations heretofore cherished, of materially reducing the public burdens, have been verified to so great an extent. Thus, the expenses of 1838 fell below those of 1837; while the expenses of 1839, notwithstanding the continuance of the Florida war, were nearly eight millions below those of 1838; and it is expected that the expenses of 1840 will be from two to three millions still lower, or quite ten millions less than those of 1838.

They would have been nearly twelve millions less, had not that war continued, and unusually large payments been made to Indians, under old appropriations.

It is believed that the ordinary expenses of 1841 ought to fall some millions below those in 1840; as the pensions have diminished by deaths, fewer Indians remain to be removed, several expensive public buildings have been mostly finished, and hostilities with the Seminoles must be nearer to a close.

More details concerning the estimates for the next year will be proper, and will illustrate the correctness of some of the preceding results.

It may be stated, from the best data in possession of this Department, that the receipts, under the existing laws, will probably be as follows:

From customs	\$19,000,000
From lands	3,500,000
From miscellaneous	80,000
Add the expected balance in the Treasury, available on the 1st of January next	1,580,855

The aggregate of ordinary means for the next year would then be

There will be nothing more, either of principal or interest, due from banks, which is likely to be made available, except about

A power will exist, under the act of 31st March, 1840, to issue Treasury notes till a year from its passage expires, but not to make the whole emission outstanding at any one time exceed five millions of dollars. This will furnish additional means, equal to the computed amount which can be issued at the close of the present year, being about

Hence, there may be added, from these several sources, so much as to make the whole means for the next year

On the other hand, the expenditures for 1841 for ordinary purposes, if Congress make no reduction in the appropriations requested by the different departments, are estimated at

This would leave a balance in the Treasury, at the close of the year, equal to

But certain payments must also be made on account of the funded and unfunded debt, unless Congress authorize contracts to be formed for

extending the time of their payment. Thus, there will be required—

On account of the funded debt, chiefly for the cities of this District

For the redemption of Treasury notes, if all the others be issued which can be under the present law, as then the amount returned within A. D. 1841 will probably not exceed

Estimated balance in the Treasury at the close of the next year, after all payments whatever

Thus it will be seen that if the whole of these charges, both ordinary and extraordinary, should be required to be extinguished in 1841, the estimated means will be sufficient for that purpose, but may not, besides, leave so large a balance in the Treasury as is convenient and useful. The best mode of obviating any difficulty which might arise from that circumstance will soon be considered by itself.

For some further general view of the grounds of the estimate of the expenditures for 1841, it will be necessary to advert a few moments to the new and old appropriations from which those expenditures are to be made.

The new ones, proposed by the different Departments for the service of 1841, amount to \$16,621,520 28.

Viz: Civil, diplomatic, and miscellaneous

Military

Naval

Besides these, certain permanent appropriations under existing laws will become chargeable on the Treasury during the next year, in sums as follows:

For ordinary purposes.

For other purposes.

These would make the new charges, for ordinary purposes, under both new and permanent appropriations, amount to \$17,485,520 28. But, including the public debt and the redemption of Treasury notes, these charges would be \$22,134,720 28.

It will be perceived, therefore, that the aggregate of actual expenditures during 1841 has been computed to be \$1,764,480 higher than the estimated amount of new and permanent appropriations. This is done not only because some small oversights have doubtless occurred in the latter, and unavoidable omissions, as will be seen by the notes, but some new private bills, granting money, may be passed by Congress, and a greater proportion of the outstanding appropriations at the end of 1840 (though reduced as much as three or four millions less than at the end of 1839) may be expended in 1841, than will be left unexpended of the new charges imposed. These last two items are usually computed to equal each other. The Departments calculate that \$6,661,123 of the old appropriations will be required to complete the purposes originally contemplated by them.

They propose only to apply about \$3,749,904 of them to the service of the ensuing year, without re-appropriation; and the residue, amounting to \$138,578, it is expected will go to the surplus fund. They estimate the whole of them at the close of the year to be \$10,549,905.

VI. A few more explanations of other grounds for the estimates of receipts and expenditures for the next year may be useful.

It will be noticed that the estimates for both are founded principally on the existing laws. Should Congress, therefore, alter the tariff, so as to increase or reduce the duties, the expected amount of receipts must of course be varied in that proportion.

So it must be if Congress makes any essential change in respect to the public lands, and either

passes a graduation bill, and creates new land districts in which surveys are ready for large sales, as this would increase the immediate receipts; or if, on the other hand, it should distribute the proceeds of the sales among the States, as that would diminish the revenue applicable to the purposes of the General Government, and render a resort to new taxation, an increased tariff, or a loan, indispensable, to the extent of the distribution.

The estimates of the receipts from customs have been lessened somewhat, because the importation of certain articles paying a duty will, in 1841, be partially postponed to 1842, in consequence of the great reduction in the tariff on them which will take place in the latter year under the existing laws.

So have they been on account of the greater proportionate bounties and drawbacks which are now returned on several articles, and some beneficial operation anticipated from the Independent Treasury in checking speculation.

On the contrary, the revulsions in business which have occurred since the middle of 1839, and deeply affected the revenue of some other countries as well as our own, and the protracted suspension of specie payments by many of the banks, which has continued over a large part of the United States since October in that year, will probably terminate soon, by the salutary reaction of great commercial principles; and that event must be accompanied by a considerable increase of imports and duties. The amount of the latter, therefore, has been estimated higher than the actual receipts in the present year, but not so high as they were in 1839 by about two millions, nor so high as many anticipate they will be. But if the banks do not speedily resume, it is to be feared that the estimate will prove larger, instead of smaller, than events will verify.

The revenue from lands must continue to be lower under the present laws than might otherwise be expected, because that portion of the vast sales in 1835 and 1836 which were made to speculators, must for some years longer come into the market in competition with the Government; and the emigration to Texas, as well as the continuance of the suspension of specie payments by the banks over much of the West and Southwest, is likely to operate injuriously somewhat longer, though probably with a force much diminished.

In respect to the estimates for expenditures, it need only be observed here, that any considerable addition made by Congress to the new appropriations called for, would require a provision of further means to meet them, corresponding in amount; and any diminution in those appropriations would also reduce, in a similar manner, the amount of means otherwise necessary.

VII. It is proper to advert next to the best mode of avoiding any inequality between the anticipated receipts and expenditures, either in 1841 or 1842.

It has already been shown that the whole amount of receipts in 1841 will probably be sufficient to discharge all ordinary expenditures, and those parts of the outstanding debt, funded or unfunded, which may become due. But the preservation of a suitable balance in the Treasury may require more than what will probably be left after satisfying other purposes. The raising of any sum for that object in 1841 could, however, be obviated by authorizing a contract to be made, under proper restrictions, extending the period of payment for a portion of the temporary liabilities falling due in that year. Yet, in the opinion of the undersigned, the best mode of providing for this case would be, without either an extension of this kind, or a loan, or a further issue of Treasury notes, or a change in the tariff; but merely by lessening the appropriations for the service of 1841 below the estimates, or by passing such declaratory clauses as to the present tariff, and such acts as to the public lands, as have heretofore been urged on the consideration of Congress.

The arguments in favor of some further diminution in our expenditures, and the general items in which the reduction is considered most compatible with the public interests, were so fully exhibited in the last two annual reports as to render a repetition of them unnecessary.

It was then believed that the laws could be alter-

ed so as to admit of safely curtailing the appropriations at once, to such an extent that the expenditures need not exceed, in the aggregate, seventeen or eighteen millions yearly. After more of the pensions terminate, and the removal of the Indians is completed, they could be beneficially contracted to even less than that amount. Such a reduction as is first adverted to seems, therefore, proper to be adopted now, since it could be effected without the probability of injury to any useful national establishment, would promote public frugality, and supersede the necessity either of higher tariffs, direct taxes, or permanent debts.

If that be not done, the secondary measures before suggested, such as a declaratory act to enforce the present tariff; a suitable modification of the drawbacks and bounties; and the passage of bills graduating the price of public lands, as well as creating some new districts for the sale of them, would be likely, if taking effect early, to yield a suitable supply in the course of the year.

It will be observed, however, that though, under either of these arrangements, enough might be obtained within the whole of 1841 for the objects contemplated, yet not a due or sufficient proportion in the first quarter; because by that time all the measures are not likely to go into full operation, nor much of the anticipated increase to happen in the actual receipts of duties under existing laws. Unusually heavy expenses will also fall on that quarter in the next year. In addition to a full portion of most of the current expenses, and the whole pension payments for the first half of the year, and one-third of a million, or more, for all the annual fishing bounties, there will be imposed on it most of the charges for the whole year connected with the session of Congress and private bills, as well as large payments for taking the census, and for the first instalment of the debt of this District; several of them as early even as the first day of January.

From these circumstances, and the considerations that all which is due from the banks may not be then paid, and that the balance in the Treasury, under the policy adopted by Congress of late years, will of necessity be small, while the fluctuations and inequalities are very great between the receipts and expenditures in different portions of the year, to which we are constantly exposed from causes that have on former occasions been explained at length, it must be obvious that entire safety requires a conditional power to be seasonably conferred on the Executive to obtain at any time with 1841 such subsidiary means as may be needed for a few months, and as may be sufficient to enable the Treasury punctually to discharge, during that year, all the liabilities imposed by Congress.

There is another contingency under the existing laws, as to duties, which requires attention, with a view to be properly prepared for it; though legislation concerning the subject is not necessary so early as in the other case, because the event on which it depends cannot actually happen till the year 1842.

Thus the progressive reduction of the present tariff, which has been going on since 1833, will, after December, 1841, take effect to a much larger extent than heretofore. Nearly two millions and a half of dollars will then be deducted at once.

On the 1st of July afterwards, at least two millions and a half more of duties will be removed; making an aggregate, in six months, of quite five millions. If the imports then should not differ much from those in 1838, this would leave an income from them, not probably exceeding ten or eleven millions of dollars yearly. It will therefore be necessary to make corresponding reductions in the expenditures of 1842, or seasonably provide otherwise, in some permanent manner, to supply any wants likely to happen from this cause.

Should Congress conclude that such reduction in the expenditures cannot properly be made, and that the imports for 1842 will not increase beyond those in 1838, the amount of the deficiency would, in those events, probably differ but little from five millions. Such a deficiency would, under these circumstances, be likely to become permanent, and may be considered the first of that character which will occur under the tariff act of 1833.

The idea that such a deficiency in time of peace ought to be supplied by issues of Treasury notes, or by a loan, has never been entertained by the undersigned. Nor can it be countenanced by any sound principles either of finance or political economy. The inquiry then recurs, what other mode would be more eligible? When we possessed an extraordinary surplus, it was considered prudent by Congress to make deposits with the States, with a view to be returned in an exigency, rather than to invest a portion of it safely and productively, so as to be realized in such an event. It would therefore be consistent with that arrangement to recall, in 1842, such part of the surplus as may be then needed.

That course, however, appears not very likely to be adopted, since the former power given to this Department to recall these deposits has been taken away by Congress.

Another practicable mode would be to resort to direct taxes. But this is so unsuited to the general habits, and so uncongenial to the opinions of most of our population, that its adoption is not to be anticipated. Some other permanent resource must then be looked to. The choice will probably rest between the large reduction of expenditures, with the other accompanying measures before specified, and some extensive modification of the present tariff. Explanations have heretofore been given by the undersigned in favor of the former course; and it would probably prove sufficient to meet the emergency, if the reduction be pushed vigorously, and especially if the imports after 1841 shall exceed those in 1838, which is regarded as probable.

But Congress may not coincide with him in opinion on these points, and, for covering the contingency, may consider the adoption of some permanent change in the tariff as preferable, and as not too early at the present session, to give full notice of its character, before going into operation, in order that the different interests most affected by it shall have time to become gradually adjusted to its provisions.

In that event, it might be supposed that the undersigned had avoided due responsibility, and a timely discharge of duty, if he were not prepared to offer some views concerning the details, as well as general principles, which he deems applicable to such a change. He has therefore examined the subject, and is ready to present the results at any moment either House of Congress shall express a wish to that effect. But he refrains from submitting them without a special request, because some doubt exist; under circumstances which can be properly appreciated, as to the delicacy of his discussing a measure at this time, which the Legislature may not consider it necessary to act on till a new Congress assembles.

VIII. The mode of keeping the public money recently established by Congress, has thus far answered the expectations of this Department.

The numerous labors, perplexities, and delays of putting a new system into operation, have been mostly overcome, and no losses whatever are known to have occurred under it.

Some of the provisions in the law are deemed objectionable in their details, and are respectfully recommended to Congress for revision. But they are not supposed to affect in the slightest degree any principle involved in the measure.

Thus, the ordinary clerks authorized are numerous enough, yet a principal one is needed at New York city, with such compensation as is usual at a place of so large and important business.

On full inquiry, it has been found also that no site could probably be purchased for the erection of an office at St. Louis, which would be more suitable than a lot now owned by the United States; and it may be, under a further examination which is in progress, that no new building could be erected on that site, which would prove more economical and convenient, than one which can be purchased already erected. A suitable change in the appropriation on that subject is therefore respectfully recommended.

A provision is needed likewise in case of vacancies, from any cause whatever, in the offices of receivers general and treasurers. One has formerly been asked in relation to collectors of the customs,

in cases of removals and expirations of the terms of office, to prevent an interregnum in the discharge of the duties. This might properly be adopted as to them, and extended to receivers general and the Treasurer of the United States, as well as of the Mint and its branches, in all instances whatever of vacancy or temporary inability of the principal. Perhaps the least objectionable mode to effect this object would be, to direct that the chief clerk of all these officers should, in such cases, and where no other legal provision now exists, be authorized and required to discharge these duties, at the risk and under the responsibility of the principal and his securities, till the vacancy is filled, or the disability removed.

In consequence of some defects in the phraseology of the penal parts of the act, a new clause extending them to all disbursing officers of every character under the General Government would be judicious. A further provision also, respecting the places of deposit, by disbursing officers, of money not in the Treasury, but drawn out and put into their hands for making payments, appears necessary.

The keeping of such money is now regulated by the act of 3d of March, 1809; and if it is intended to bring it within the operation of the late law as to money in the Treasury, it seems proper to do so by an explicit enactment.

The section requiring disbursing officers to sell their drafts for specie alone, though certain proportions of paper are allowed to be received for all public dues, appears not to be in symmetry with those other provisions. The general influence of the present system is believed to have been thus far salutary. The true standard of value has been rendered more familiar, confidence has been increased in its stability, prices have gradually risen, business improved, and exchanges altered greatly for the better.

If something has been or may be lost in convenience, (which is not unlikely,) by the increasing disuse of a paper currency for public payments, much more will probably be gained by the circumstances before enumerated, as well as by the greater security in the use of specie, the more stable value imparted by the present system to property and labor, and the strong check established by it, not only against defalcations, but against bank expansions, excessive speculations, and commercial fluctuations.

Even any inconvenience attending this change in the currency used, if found particularly embarrassing, can be overcome hereafter, and the system still maintained, should Congress feel disposed to adopt the measure which was suggested for that purpose by the undersigned in September, 1837.

Such a measure would often furnish every advantage of a circulating medium, easy of transportation, of the highest possible credit, and at the same time requiring an equal amount of specie to be employed, (though in deposits,) and without subjecting any of the fiscal affairs of the Government to that legal dependence on corporations for their management, which is so objectionable in many respects, as never to have been attempted in the management of any of its other affairs, civil or military.

The topics of the condition of the banks of the Union; the state of the currency; the proper places of deposit for the public funds, and other matters immediately connected with them, have engrossed a considerable portion of the annual reports from this Department for several years.

But the keeping of the money in the Treasury being now separated from the banks, and the kind of money to be received and paid out fixed by new legal provisions, it is not considered material at this time further to discuss these matters, than to submit the general remarks which will be found at the close of this communication.

IX. Some miscellaneous topics connected with the finances deserve a brief notice.

The various measures heretofore recommended to Congress by the undersigned, and which have not yet been finally acted on, are again respectfully recalled to its attention.

Without recapitulating them, it will be found, on a reference to former reports, that many of the sub-

jects possess much importance in a fiscal view, and every year's experience has strengthened the conviction of the usefulness of early action upon them.

It affords me pleasure to state that, since the last session, the Neapolitan Government, under its treaty of indemnity, has paid promptly another instalment, which this Department has been enabled to have remitted home early, and distributed among the claimants.

The situation of the General Land Office, and its operations within the year, will be submitted separately in a few days.

Six old land districts have been recently discontinued, under the act of June 12, 1840. It is believed that some others might economically and usefully be abolished by Congress, though not coming within the provisions of that law. Such is the office at Greensburg, Louisiana. One district in Indiana, including the capital of the State, is thought, from its peculiar position, to require special legislation to exempt it from the operation of the late act.

This occasion is taken, also, to renew the recommendations, before presented by this Department to Congress and the appropriate committees, for the discontinuance of certain officers now employed in the collection of duties, whose further services, it has been believed, could be safely dispensed with, in consequence of the reduction in business of late years at the different places where they are stationed. They include some collectors and naval officers, and several surveyors, amounting in all to eighteen, but whose offices cannot be abolished without new legislation.

All the subordinate custom-house officers, which it is competent for this Department, without such legislation, to dispense with, and whose situation was in other respects similar, have already been discontinued, including, within two years, more than fifty officers, and, besides those, five vessels and boats, with nearly one hundred men, in the cutter service. In about forty other cases, the compensation of officers and light-house keepers has been reduced.

X. In closing this last annual report of the undersigned, it may be expected that he would advert, for a moment, to the general character of some of our financial operations during the period of his connection with the Treasury Department.

Though employed in different Executive offices nearly ten years, he has been connected with the Treasury only from six to seven of them.

During this term there has occurred much to evince the great fiscal power, as well as prosperity of the Union. Some reverses have, at times, overtaken the rashness displayed by parts of the community in certain branches business, and have extended their adverse influences to the revenue dependent upon them. But the period and the country, as a whole, have been almost unexampled in prosperous developments.

Thus, in respect to our receipts. Notwithstanding the unusual revulsions in imports on two occasions, so sensibly lessening the revenue; notwithstanding any losses sustained in those crises, by the Government, through officers, banks, or merchants; and notwithstanding the biennial reduction in the duties, which has by law been constantly going on, as well as the remission of several millions to railroad corporations, and under new judicial constructions; yet our condition has been so flourishing, as to yield a revenue during that time sufficient, after all those deductions, to accomplish the following important results. It has enabled the Treasury to meet the current expenditures of the Government, as well as the extraordinary ones by Indian wars, treaties, and other costly measures, and, without imposing any new taxes, or higher tariff, and without any new funded debt whatever, but extinguishing considerable remains of the old one, and paying the interest on that assumed for this District, to save the unprecedented surplus of more than twenty-eight millions of dollars, and deposit the same with the States for safe keeping till needed by the General Government.

The only permanent aid in effecting this, beyond the receipts from ordinary sources, has been the

debt due from the United States Bank, of about eight millions, and the Treasury notes now outstanding, equal to nearly four and a half millions. But during that period, a sum not far from the first amount has been applied to the discharge of the principal and interest of the old funded debt; so that, towards the payment of all other expenses, only between four and five millions, beyond what was temporary, and what has already been refunded or adjusted, have been received from any extraneous source whatever.

It follows, therefore, that the current revenue, notwithstanding all reductions, has been adequate to defray both the ordinary and extraordinary demands, and, after taking from what is deposited with the States, sufficient to extinguish every kind of indebtedness created on account of the General Government during the same period, to leave on hand the large balance of nearly twenty-four millions.

It is true that the available sums in the Treasury at the commencement and close of the period in question will probably prove different in amount; but if made equal, a surplus would still be left, which is likely to exceed seventeen or eighteen millions of dollars.

Beside this recorded evidence of the prosperity of the country and the fiscal ability of the General Government in those years, it is gratifying, amidst many misapprehensions concerning the subject, to reflect on another circumstance connected with our financial operations, which has also become matter of history. It is this: Though destitute of the aid of a United States Bank as a fiscal agent during that period, and baffled by various unremedied imperfections in the laws connected with the finances, as well as embarrassed by two suspensions of specie payments by many of the State banks—one still continuing; yet the Treasury has been able to make its vast collections, transfers, and payments, with promptitude, and in most cases with specie or its equivalent.

Some correct judgment can be formed of the extent and difficulty of these operations, when it is recollected that the whole sums which have thus been collected, without deducting fractions, added to those sums which have been paid over chiefly by another class of officers, have exceeded the extraordinary aggregate of \$360,000,000, and been dispersed over a territory of nearly two million square miles in extent. It is, moreover, ascertained that the whole losses within the same time by defaults, large and small, and in all kinds of offices, will probably not equal half of one per cent. on that amount; and however official delinquencies may, in some cases, have inevitably been aggravated by the unprecedented speculations of the times, and by great revulsions and failures among banks and individuals, those losses will not be one-fourth so large, in proportion to the amounts collected and paid, as in some previous terms, when the system under a United States Bank was in full operation.

A few words may be proper as to the expenditures during the same period. Though they were of necessity augmented by some of the circumstances before mentioned, two Indian treaties only, out of a large number, having already involved us in the expense of nearly twenty-three millions of dollars; yet the aggregate of all has been much reduced since the influences of those causes and the impulses of an overflowing Treasury have diminished. The expenditures have fallen yearly since 1837, till they are now only twenty-two and a half millions independent of any debt and trusts, and are supposed to be in progress to a still lower amount.

The undersigned has earnestly urged a more rapid reduction. He has considered the great safeguard against a too splendid central government, which would constantly threaten to overshadow all State independence, and attract the ambition of most of the friends of State Rights from humbler paths of frugality and principle into the dazzling vortex of higher patronage, honors, and emoluments. While the stimulants to excesses shall continue to lessen, nothing will be necessary to insure the further success of an economical policy, but perseverance in retrenchments, wherever they are practicable with-

out injury to the public interests. The removal of Indians being mostly finished, and the chief causes of frontier wars extinguished, unless new objects of expenditure be selected, or a great enlargement given to some already existing, the whole amount must, of necessity, contract hereafter very rapidly. The same result will be further promoted by the deaths of pensioners, increasing through advanced age, and the completion of many public works, as well as by persisting in a firm policy to avoid the wasteful expense of unnecessary foreign collisions, and to refrain from those lavish expenditures for certain domestic objects, over which the jurisdiction of the General Government is often questionable, and which always open the widest door to extravagance, favoritism, and corruption.

One of the greatest evils to the public service, as well as to the security of private business, during a part of the above period, has consisted in the fluctuations to which both have been subjected.

With only a single year intervening, and without any material change in the tariff, or any whatever in the price of the public lands, we have seen the revenue from ordinary sources suddenly vary from nearly fifty millions annually to eighteen; and, on two occasions since, vibrate to the extraordinary extent of nearly eight and eleven millions yearly.

The transactions of individuals upon which our revenue depends, must, of course, have undergone an unusual change at the same time.

The imports fell within two years, in the case first referred to, from near one hundred and ninety millions to one hundred and fourteen; and in the single year just passed, fell almost sixty millions. Such inflations and contractions must be destructive of all confidence in calculations for the future, while the causes of them shall continue to operate unremedied.

What were those causes?

They will be found to have been chiefly connected with the abuses of banking. On the occasion first referred to, they were the superabundance of a fictitious medium of circulation, with the attendant overtrading and speculations in 1836, and the consequent suspensions of specie payments in 1837, as well as the disasters and scarcity of any medium till the latter part of A. D. 1838. Then another expansion commenced, extending into 1839, and accompanied by another increase in imports of nearly fifty millions, which ended again in the contractions by banks, suspensions, and commercial reverses, which have suddenly reduced the imports of 1840 more than one-third, and in many places augmented seriously the embarrassments before existing from similar vacillations in the paper currency.

How far some imprudences abroad, at the same time, similar to these, though in a country enjoying any advantages which can result from a National Bank, may have augmented the evils here, by means of the intimate moneyed relations between us, need not now be discussed, though probably their influence was large and unfavorable.

The causes first named were, likewise, in full operation here in 1816 and 1817, and were succeeded by many of the same deplorable consequences in 1819 and 1820. One followed the other as inevitably as the ebb of the tide succeeds its flood.

The great principles of trade can never be long violated with impunity; and any fictitious or unnatural excess of credit soon ends in revulsions, as the essence of legitimate commerce consists in an exchange of values for each other, or of values for what truly represents values, and can be readily converted into them.

All business otherwise becomes a mere game of hazard; speculation must enter into every affair of life; riches and poverty will be dependent on the merest bubbles; prices will change oftener than the wind; regularity in receipts and expenditures be impossible; estimates for the future, whether in public or private matters, become mere conjectures; tariffs require yearly alteration to meet the fluctuations of business; and the community be kept under the constant excitement and depression of the hot and cold fits of a violent fever.

The first remedy sought in 1816, by the establishment of a National Bank, was supposed, during a few ensuing years, to have aggravated those evils; and the next remedy, adopted in 1824 by a high tariff, did not prevent the low prices and bankruptcies of 1825, which covered the country with wrecks and ruin.

Undoubtedly, the best relief on such occasions is to be found in removing the cause of the disease. So far as regards the General Government, this was attempted in 1837, and since, by gradually withdrawing from the use of banks and their paper in its fiscal operations, so as neither to stimulate nor contract their issues by other influences than ordinary business; and by urging on those, who might find their employment sometimes useful, a closer regard in doing it, to the safe and sober influences of the universal laws of trade, as well as an inflexible adherence to the constitutional standard of value.

While the General Government shall continue to pursue such a course, it will mitigate and check the evils which others produce, and which they alone, under the limitations in the Constitution, are able entirely to remove. At all events, it will faithfully perform a momentous duty, and exhibit a useful example for imitation.

In a period of peace and comparative exemption from public debt, as well as from serious difficulty in financial operations, it would hardly seem proper to attempt more by assumptions of doubtful powers, and by forced constructions in favor of measures by no means certain, if adopted, not to aggravate rather than diminish existing evils, and not to produce others of a character still more dangerous. Much less can it be considered respectful either to State rights or the people, and certainly not competent, in the opinion of the undersigned, to exercise such powers by creating moneyed corporations among them, which many of their number have repeatedly denounced as unconstitutional, and the authority to establish which was originally refused rather than confided to the General Government by the people and the States that formed it. But some other powers expressly conferred can, without question, be exercised further than has yet been done by Congress, and in such a manner as to produce very beneficial consequences upon the currency. Still, it is hoped they will never be pushed so as to trespass on ground really doubtful under the Constitution, and prevent the States from continuing to exercise all the legitimate authority they now possess as to banks and debt, however much it may be regretted that public opinion has not yet run with more strength against the abuses of both, and led to their prompt correction. It is not proposed at this time to go into the consideration of farther details on these points. But the danger to be guarded against now, seems to be rather of an opposite character from that of overaction by the General Government in the exercise of its express powers. On the contrary, apprehensions exist that it may not continue firm in the support of all which has already been accomplished in connection with the currency. If it should not, and should thus not aid to correct in any degree the rashness of many to force something like a formidable steam power into all kinds of business, without due guards to prevent constant and fatal explosions, myriads of individuals, as well as some corporations and States, are likely to be overwhelmed in still wider ruin, and will ere long probably look to no escape except the application of the sponge of a general bankrupt law to all private liabilities, and the unconstitutional assumption of the public ones by the General Government, so as to tax oppressively those portions of the community who have any thing left to pay for the losses and follies of the rest.

A remedy which has been adverted to by some, and which consists in the creation of more credit, to cure the mischief of an existing excess of credit, or the formation of larger banks with like power of abuses, in order to correct smaller ones, must usually aggravate the evil; and therefore, where it is free from constitutional objections, may, in point of expediency alone, well be discountenanced.

A plan of free banking, adopted by the States,

properly guarded and secured by provisions similar to those recommended by the undersigned as long ago as 1836, with such others as reflection and experience may sanction, appears far preferable. But, independent of that, no changes in the present system, as to banks, seem worthy of strenuous exertions, except those whose direct object shall be to make safer, to restrict, control, and regulate better the institutions that already exist rather than to incorporate more. Above all, should public efforts be directed to strengthen the certainty of prompt specie payments as to all notes out, and of a nearer approach to uniformity in the amount of issues in similar states of trade; and of specie on hand, instead of multiplying them for speculation or cupidity, and thus keeping up a succession of expansions and contractions, which will only inflame the existing disorders, and render the continuance of great fluctuations in all public as well as private affairs unavoidable, endless, and ruinous.

With much respect,

LEVI WOODBURY,
Secretary of the Treasury.

To the PRESIDENT of the Senate of the U. S.

REPORT OF THE SECRETARY OF WAR.

WAR DEPARTMENT,
December 5, 1840.

SIR: Since my report of the last year on the several branches of the public service committed to my charge, the army has been actively and usefully employed in Florida, and on the Northern and Western frontiers.

The design entertained by the Department, of keeping the regiments entire, and concentrating the troops whenever it is practicable to do so, has been persevered in with the most beneficial results. A commencement has likewise been made in establishing depots for the reception of the recruits of each separate regiment, where they may be drilled and disciplined before they are sent off to their respective stations in garrison or in the field. The recruit ought never to be sent to join his company on service, until he is thoroughly taught the duty of the soldier; and this instruction will be better given at regimental than at general depots. By dividing each regiment into two bodies, in the manner proposed, every important station in the country may be occupied, either as a place of depot or a rendezvous of the regiment; and, by a proper distribution of the latter, the intermediate forts may be temporarily occupied by partial detachments, without injury to the discipline of the whole corps. I cannot too strongly urge the adoption of this method of distributing our little army in time of peace. To divide it into small permanent detachments will be to destroy its efficiency and its discipline, and, in the event of war, to expose the posts to be captured, and the whole regular forces of the country to be uselessly sacrificed. Apart from that natural and well-grounded jealousy justly entertained against the existence of a large standing army in our country, sound policy and a due regard for economy render such an establishment altogether inadvisable; and it becomes necessary, therefore, to provide other means of defending our northern and maritime frontiers against the dangers to which they would be exposed at the commencement of a war. None other occur to me, than those I have already recommended, viz: Central positions for the regular forces, from which they could move upon any point of attack or defence; and such an organization of the volunteer or militia forces as would enable them to maintain the posts intrusted to their charge until relieved by the regular troops: a system which ought to be matured in time of peace.

For the Western frontiers, posts, garrisoned by regular troops, cannot be dispensed with. They need not be very large; but they ought to be constructed of fire-proof materials, and in such a manner as to be defensible by a small garrison against any number of men not provided with artillery. A plan which will effect these objects perfectly has been devised by the Chief Engineer, and been adopted. The quarters for the men ought, likewise, to be built of durable materials, and be permanently furnished with iron single bedsteads, in

lieu of the double and treble wooden bunks now in use. This change, for obvious reasons, should be introduced into all the barracks in the United States.

The chief and best position for the concentration of troops, independently of the regimental rendezvous, is, for the Northern frontier, near Albany, in the State of New York; and near St. Louis, in Missouri, for the Western—points from which easy communications radiate to every part of those extensive lines of defence, and whence troops may be transported with certainty and rapidity wherever their presence may be required. For the maritime frontier of the Gulf of Mexico, I would recommend, in addition to the permanent fortifications planned for its defence, and now being erected, the establishment of a depot, somewhere below the falls of the Ohio, for armed sea steamvessels. This would seem to furnish the best means of bringing the vast power of the upper country to the defence of the coast, and of using it, when there, in the most efficient manner. A certain number of vessels of war might be kept in constant readiness, strong enough to carry a good battery, and light enough to descend the river at all seasons, and to cross the bars of the Mississippi. These boats ought to be of iron, as combining lightness, strength, and durability; and might be constructed of the requisite size for about fifty thousand dollars each. Materials should be collected for the construction of boats to be built of wood, and stored until wanted; when, with the vast resources in workshops and mechanics along the shores of the Ohio, they might be put together in a very short time, and a fleet, equipped and manned with the hardy boatmen of the Western waters and a few able-bodied seamen, might be floated to the ocean, fully equal, with the existing and contemplated fortifications, to protect the whole Gulf frontier. The very able report on the defences of the country, made by a board of distinguished officers, and submitted to Congress during the last session, proves conclusively the absolute necessity of preserving and continuing our system of permanent maritime works of defence, and exhibits in the clearest manner their superiority over floating batteries of any and every description. In this view of the subject I fully concur, and even think that the facility with which our coasts and harbors may be approached and entered by steam vessels of war renders strong permanent works more than ever necessary. The projectiles which will be used in future wars will, from their size and description, prove destructive to any wooden battery, and give an immense advantage to stone walls over any fabrics that can be penetrated by shells. It may be proper here to remark, that the capture of the castle of San Juan de Ulloa, at Vera Cruz, has led many persons to suppose that stone revetments might be destroyed by shells. This is incorrect. After that event, I caused experiments to be made at Old Point Comfort, by firing, at point-blank range against a stone wall erected for the purpose; the shells broke against it, making very little impression. No doubt, therefore, need be entertained of the ability of our building materials to resist hollow shot. I do not think, however, that the permanent works should be the only defences relied upon, but regard moveable steam-batteries as essential auxiliaries. These ought not, in my opinion, to be large vessels, but of light draught of water, capable of carrying two guns for throwing shells of eight or ten inches diameter, and so constructed as to present a small surface to the fire of an enemy. These steam-batteries should be manned by artillerymen, and be under the command of the officer charged with the defence of the harbor fortifications, so as to secure harmony of action. In order to test the practicability of making bomb-cannon of the calibre of ten inches, the Chief of the Ordnance, Colonel Bomford, was sent to Boston, where he has conducted a series of experiments with the most satisfactory results. I recommend that these guns be adopted into the service, and form part of the armament of our fortifications, and of our steam floating batteries. Some successful experiment have, likewise, been made with war rockets; and a machine constructed for preparing them appears to answer the purpose perfectly.

The great amount of property vested by the Government in arms, amounting to several millions of dollars, no less than the risk to the national safety by adopting any new inventions without being convinced of their superiority, by long-trying experiments in the field, has induced me, generally, to discountenance their introduction into the service. I fear that every attempt to increase the rapidity of firing, such as facilitating the loading by opening the breech, or by multiplying the chambers of the gun, will fail, as they have hitherto done, after involving the Government in great expense. There is, however, one improvement, which has been fairly tested in the field by the armies of Europe, and which presents so many decided and ascertained advantages, that I am constrained to recommend its adoption into our service—I mean the substitution of percussion for flint locks. The alteration may be made on the muskets now in the arsenals; and measures ought to be adopted to construct all new arms, whether rifles or muskets, with percussion locks.

Having repeatedly recommended, without effect, the establishment of a national foundry; and having reason to fear the most serious consequences to the service from the want of proper regulations to govern the contracts with private establishments; with your consent, I sent to Europe the board of officers who had been for some time employed in fixing the patterns, forms, and dimensions of the artillery, in order that they might acquire such information as would enable the department permanently to regulate this important branch of the service. I am happy to state that, wherever they have been, the national establishments have been thrown open to them, and, with praiseworthy liberality, every facility afforded to their researches. They have returned home, after having attained all the advantages which were expected from their investigations; and the knowledge they have acquired will be applied to the practical improvement of our ordnance. A concise report of their proceedings while in Europe is herewith transmitted, in connection with that of the officer in charge of the Ordnance Department.

In the expectation that Congress would sanction the creation of a corps of sappers and miners, (an addition to the army at once necessary and economical,) I sent an officer of the engineer corps to the school for sappers and miners in France, to obtain that practical information of the art which is not possessed, and cannot be acquired, here. The French Government, with its accustomed liberality and kindness, permitted in every instance our officers to attend its schools of practice, and afforded them equal means with its own to pursue their studies there, allowing them privileges not generally granted to foreigners; thereby evincing, as the Minister of War is pleased to remark, the friendly disposition of his Majesty's Government towards the United States. This feeling, you have authorized me to say, is fully reciprocated, and the liberality of French Government duly appreciated. The officers sent to the school of cavalry at Saumur have returned, after a twelve-month's instruction, and are now employed in a manner which I trust will enable the Department very much to improve the cavalry service.

The advantage of separating the staff officers from the line of the army, and the very serious inconveniences to the service from the present system, have been before brought to your view, but cannot be too strongly or too frequently urged. The present organization of the army does not allow a single supernumerary officer in a regiment, and the companies are rendered inefficient from the absence of those officers who are on staff duty. The discipline of the troops is most injuriously affected by this arrangement; and if they are opposed in the field to regular forces, such a deficiency would prove fatal.

I beg leave to bring to your notice once more the expediency of extending the law of March 2, 1837, which provides for the enlistment of boys for the naval service, so as to embrace the army and ordnance corps. Its effect would be equally beneficial to the class of people to whom the boys belong, and to the army. It would secure to the sons of the former a comfortable subsistence, proper moral re-

straint, and a good practical education, while it would provide for the army well instructed non-commissioned officers, so difficult to be procured by enlistment, and without which an army cannot be efficient.

I am happy to state that experience has proved the correctness of the opinion formerly advanced, that the increase and proper organization of the staff department would produce a more economical administration of its different branches. In the expenditures of the Quartermaster's Department, especially, a very considerable reduction has been made during the last year; in some measure produced by the fall of prices, but arising in a much greater degree from the increased efficiency and better administration of the department, in consequence of the number of officers under the present organization bearing a more due relation to the laborious duties and high responsibilities of this important branch of the military service.

In consequence of the suspension of the application of funds appropriated for the prosecution of the works under the supervision of the Quartermaster General's office during the season for active operation, little progress has been made in them since my last report. I now recommend that the following works should be recommenced and completed as soon as practicable: Fort Gibson, Fort Wayne, and Fort Smith—the two former as soon as healthy sites are determined upon. I am not perfectly satisfied with the reports in relation to the proper position for Fort Gibson; and as it is contemplated to erect permanent works in the vicinity of the old fort, it is important that the site should be selected with great care. That on which the works of Fort Wayne were commenced, proved to be so very unhealthy that it became necessary to abandon it, and to remove the troops to a more favorable position. Pursuing that line, small forts should be constructed at Spring river and Ma-ra-is de Cygne; and west of it, at the head of the navigation of the Kansas river, and northwest of Fort Leavenworth, at Table Creek, on the Missouri, below the mouth of Platte river. To connect this last post with Fort Snelling, a fort ought to be constructed at or near the forks of the Des Moines. From the information I have received, I believe the erection of any works at the western extremity of Lake Superior to be unnecessary; and, for the present, advise that Fort Snelling remain the most northern post.

During your administration, nearly forty-one thousand Indians have been added to those already residing near the western boundary, while the additional securities to the border States have not been commensurate to the additional dangers to which such an increase of warlike and discontented neighbors exposes them. In the act of placing the Indians there, by which the interior States are so largely benefited, the Government has contracted a solemn obligation, not only to defend that people when attacked, but to anticipate the danger, by erecting such works as will ensure their safety, and inspire them with confidence in the means employed for their protection.

It affords me great gratification to be able to report that the Canada frontier has been free from any disturbance since I had last the honor to address you on that subject. Your advice to our fellow-citizens on that border appears to have produced the most salutary effect, and the excitement which existed there has, I am happy to think, entirely subsided; and no further apprehension need be entertained of a violation on their part of our neutral obligations.

Owing to the expenditure of the appropriations for fortifications having been suspended, the works on this frontier have not been much advanced, but they will, it is expected, be completed during the next season. In addition to those already authorized, I earnestly recommend the erection of barracks at Spring Wells, near Detroit, and at a position between Buffalo and Black Rock, in the State of New York; and also a strong work at the outlet of Lake Champlain.

On the Northeastern frontier, until the boundary question is settled, I would advise that the works be confined to the erection of barracks at the junction of the Mattawamkeag and Penobscot ri-

vers. During the past year, the works on the maritime frontier have been carried on slowly, and they still remain in an unfinished state. In relation to the defence of our Atlantic and Gulf coasts, and of our harbors and dock yards, I beg leave to refer to my report of last year, and to that made during the last session of Congress, in reply to a call of the Senate for information on these subjects. Their condition remains unaltered, and the expediency of providing for their completion unchanged. The whole coast from Passamaquoddy bay to the Sabine river is exposed, on every point not defended by nature, to be invaded with impunity; and, in the event of war, the expense of attempting to protect this long line by troops for one year only, would cost more than to erect the works which have been planned, and which are deemed sufficient to defend the several points of attack along the whole coast. It is true that an enemy could retain possession of any portion of our territory only for a short period. But to defend an unfortified point of attack, or to drive an enemy from a position he might occupy, would be attended with great expense of blood and treasure; and while I feel confident that the stout arms and brave hearts of our fellow-citizens would ultimately prevail, and drive any enemy from our soil, I cannot approve the policy which would expose the best and bravest of our artisans and workmen to encounter, without discipline, and without the cover of fortifications, the trained bands of mercenary soldiers they would be opposed to. When we take into consideration the character of our people, and sparseness of the population in proportion to the extent of our soil, it is not wise to rely altogether for our defence on numbers and untaught valor. The battalions that must fight our battles are composed of soldiers taken from every class of the community, and the issue of every contest must necessarily deprive the country of some of its best and worthiest citizens. Every effort ought, therefore, to be made to furnish them the means of protection, and to instruct them them to defend themselves, so that the loss we must suffer on such occasions may be as light as possible.

No appropriation having been made at the last session of Congress for the works of internal improvement which were under the superintendence of this department, they have, for the most part, ceased. I adhere to the opinion expressed in my last report, that the system requires to be revised, both with regard to the principle upon which such improvements ought to be authorized, and the manner in which they ought to be conducted.

The report of the Chief of the Topographical Engineers, submitted to Congress at its last session, contains an elaborate statement of the history and progress of all the works of internal improvement carried on by the orders of Government; to which I beg leave to refer. It is to be regretted that Congress neglected, at its last session, to appropriate the small amount asked for clearing away the timber lately accumulated at the Red river raft, which obstructs the navigation of that stream. The expenditure necessary for this purpose is perfectly legitimate, as all the necessary supplies for the troops stationed at Fort Towson are transported up this river; and the measure is recommended by its economy, the additional cost of transportation by land for one year, when this navigation is obstructed, being greater than the amount required to defray the necessary expense of removing the drift timber. It is recommended that provision be made for the employment of a few laborers and a boat for a short time every season; and it is believed that in a few years the necessity for such a precaution will cease, and this portion of the river remain permanently open.

The survey spoken of in my last report has been completed, and a map constructed, which embraces that portion of the territory of the United States lying between the Mississippi and Missouri rivers, from their confluence to our northern boundary, and limited by the parallels of latitude 39 and 49 north, and the meridians 90 and 100 west of Greenwich. It is based upon numerous astronomical observations, (not less than two hundred and forty-five,) on actual surveys, and on the best information which the exploring party could procure of such small portions of the Indian territory as they

were prevented from examining by the inevitable dangers attending the attempt, or from want of means and time. A very extensive series of barometrical observations were also made, and the zealous co-operation of men of science, occupying stations in the several States, who observed at the same periods of time, has enabled Mr. Nicolet to compare his own with those of others made in different quarters of the Union, and thus accurately to determine the relative level of the whole region represented by the map, as well as its elevation above the ocean, thereby indicating the climate and face of the country. The map will be accompanied by a report calculated to give an accurate knowledge of that distant country; and it is believed that the results of this survey will be useful both to the Government and to the people, and prove an acceptable accession to geography. It will serve, likewise, to exhibit the manner in which future surveys of the country are to be made, if, as it is hoped, they should be authorized by Congress. It appears to be very desirable that those remote regions of our country should be known; and the surveys ought, in my opinion, to be extended by degrees to the sources of the Missouri, and across the Rocky mountains to the Pacific ocean. Nor ought that portion of our country which is nearer and more accessible to be neglected. The existing maps do not rest on accurate data. The true courses of our great rivers, and the forms of the magnificent chain of lakes which stretch along our northern border, are yet to be truly defined. The interests of the rising commerce of the West require that hydrographic surveys of these inland seas and great avenues of trade should be made without delay. A small annual appropriation will enable the Government to effect this important object, through the agency of the topographical corps, which is composed of officers fully capable of performing this duty. No survey of any description should be made, in future, without being accompanied with astronomical and barometrical observations. In this manner a series of positions may be determined, and the means gradually furnished of acquiring a more perfect knowledge of the geography of the country; and thus of constructing an accurate map of the United States—objects of vast importance to the interests of their navigation and commerce.

The Military Academy has been conducted in a manner highly creditable to the superintendent, and satisfactory to this Department. Every effort has been made to enforce discipline, and to instil into the minds of the cadets a love of order and a high sense of their moral and religious duties; and it is believed that the standard of discipline, morality, and religion, at this institution, is equal to that of any other college or academy in the United States; while the mathematical and military studies, as far as the theory is concerned, are as complete as those taught in any school in America or Europe. Nothing is required to give our young officers the same advantages as are afforded to those of other countries, but schools of practice, which are about to be established, and to which the graduates are to be sent for one year after they are commissioned, and their destination ascertained, in order to perfect them in the practical duties of that branch of the service to which they may be attached. The new library building is nearly completed; and the mural towers attached to it, for the purpose of making astronomical observations, and teaching practically that important branch of science, are well adapted for that object. The professor of astronomy was sent to Europe, in order to procure some instruments which are needed, and to examine the several great observatories there, ascertain the manner in which they are fitted up, and witness their methods of observing. He has returned with information which cannot fail to be highly interesting and useful.

Whenever the condition of the Treasury will permit, it is very desirable to erect new barracks at West Point. Those at present there are dilapidated buildings, originally badly constructed, and now in a state of decay, which renders them as unhealthy as they are inconvenient. The concurrent testimony of each succeeding board of visitors for several years past shows the necessity of renewing

these buildings. With a view to spread generally throughout the country a knowledge of this institution, it has been decided to appoint eighteen visitors from alternate States every year, forming the remainder of the board from officers of the army and navy of the United States.

I must again repeat my recommendation that two of the present paymasters be appointed assistant paymasters general, with the rank of lieutenant colonel. This very important branch of the service is incomplete under its present organization; officers of higher rank are required to superintend the operations of those of the corps who may be on duty in the field. It appears but an act of justice to the latter, to allow them a moderate percentage on the payments they may make to volunteers and militia, to cover the unavoidable losses to which they are exposed from being at times compelled to make these payments in a hurried and informal manner.

No loss or inconvenience has resulted from employing, during the last season, Indian agents to pay the annuities and make the regular disbursements to the tribes over whose interests they have been appointed to watch. These duties have been well and faithfully performed; but, as a system for the final disposal of these important and responsible duties, the plan resorted to on this occasion is incomplete; and I again recommend a small increase of the number of paymasters, and that this duty be permanently assigned to that branch of the military service.

In rendering justice to the character of the officers of the pay department, and to the efficiency with which their duties are discharged, I cannot forbear to bring to your notice the defects of the present system of paying the army, and the evil consequences which result from it. From the remoteness of the posts, the soldiers are paid at long intervals, and the guarantee of soldiers' debts given by the regulations to the sutlers, induces them to give credit to the whole amount allowed; a disposition of which the thoughtless soldier generally avails himself to the full extent, and on pay-day has the mortification to see nearly his whole pay carried off by the sutler. This occasions great discontent; while, on the contrary, those soldiers who happen not to be in debt to the sutler receive large amounts, which they too frequently waste in dissipation; and, until these sums are expended, the post presents a scene of alternate drunkenness and punishment. The only remedy for these evils will be found in the prohibition of credits by the sutlers, and more frequent payments to the troops.

The officers of the medical staff have maintained the high reputation acquired by their zealous attention to their duties in garrison and in the field. The very strict examination to which candidates for this branch of the service are subjected before admission, insures high professional attainments in those of the lowest rank; and that which the officers themselves undergo before promotion, leads them to severe application, for it must appear that they have not only retained the knowledge acquired at college, but also kept pace with the progress of medical science, or they cannot be promoted or retained in the service. It is not surprising, therefore, that this branch of the staff continues to be distinguished for professional attainments and cheerful devotion to their duties.

The report of the board of medical officers, appointed, by your direction, to ascertain the relative advantages of Pittsburgh and Wheeling for the location of a marine hospital on the Upper Ohio, in favor of the former, having been approved by you, the selections under the law for purchasing sites for marine hospitals on the western waters are now complete. The amount appropriated for that purpose not proving sufficient, the officers intrusted with the performance of that duty made conditional arrangements, subject to the ratification of Congress. I respectfully recommend that such an appropriation be asked for, as will enable this Department to carry into effect the benevolent intentions of the law.

Having, in several instances, found deficient the titles to land on which forts and other public works are erected, measures were adopted to perfect them; and I am happy to report that I found, on

all occasions, the State authorities willing to convey to the United States the land whereon such works are situated. The Department has not yet succeeded in settling the question of the right of property in the Peapack island, notwithstanding its utmost efforts to do so. This is to be regretted, as its possession is essentially necessary to the defence of the Delaware. The works to be erected there, cannot, from the nature of the soil, be thrown up in haste, but will require much time to complete them; leaving, in the event of war, the approaches to Philadelphia almost entirely exposed.

A new edition of the Army Regulations has been drawn up, and is about to be published, with such amendments and additions as the experience of the last four years has dictated.

It is a subject of great regret to me to be compelled to state that every effort to terminate the contest in Florida has, so far, proved unsuccessful. On General Taylor's retiring from the command of the army there, (which he did, by permission, in May last,) it devolved upon Brigadier General Armistead; who, notwithstanding the advanced season, commenced active operations against the Indians, and, in many instances, succeeded in breaking up their encampments, destroying their fields and crops, and making some few prisoners. In order to render the regular forces available for offensive operations, a brigade of Florida militia was raised for the defence of Middle Florida, and placed under the command of Brigadier General Leigh Read, of the Territorial militia, with instructions to defend the portion of the Territory situated north of a line of posts occupied by the regular troops, extending from the Atlantic, south of St. Augustine, including two stations east of the St. Johns river, Palatka, Wheelock, Micanopy, Waikahootee, Wacassassa, a post between the last and Fort Fanning, and Cedar Keys.

The troops that were in the service of the Territory, in virtue of a law of the Legislature of Florida, were mustered into that of the United States, and form part of General Read's brigade, which has been increased to twelve hundred mounted and five hundred footmen, and may be raised to fifteen hundred mounted and five hundred foot; a force which is considered ample for the protection of that portion of the Territory assigned to General Read's command. Some depredations having been committed in the neighborhood of the Okefenokee swamp, four companies of Georgia militia have been mustered into the service of the United States, are charged with the defence of the Georgia frontier.

Certain of the hostile chiefs having signified to General Armistead their desire to treat, they were invited to meet him at Fort King on the 7th ult. and, from the circumstance (deemed fortunate) of the presence there of a delegation from the Western Seminoles, hopes were entertained of terminating this protracted struggle by the peaceful removal of the remaining Indians. After some days spent in negotiating, and after giving reiterated assurances of their desire to emigrate and rejoin their brethren west of the Mississippi, the Indians suddenly disappeared, without any assignable cause for this abrupt rupture of the negotiations. Hostilities have, in consequence, been renewed, and will be prosecuted vigorously.

The regular troops now in Florida amount to about 4,500 men, and the militia in service to about 2,000. I recommend that authority be given the Executive to engage the services of this description of troops for a twelvemonth, or during the continuance of hostilities in Florida. The term of three months is much too short to ensure efficiency; and frequent enlistments are a fruitful source of insubordination, as well as of great additional expense.

The number of Indians emigrated from the interior to the West, since the year 1836, amounts to very nearly 41,000, of which about 5,000 were removed during the past season; and I am happy to add, that the condition of those who are settled in their new homes continues to be represented to us as prosperous and happy. The differences which unfortunately sprung up between the Western Cherokees and the late emigrants of that tribe, up-

on their first arrival on the Arkansas, have been happily adjusted; and I have accordingly directed that their annuities, and other moneys due to them, should be paid, and placed them upon the same footing as other emigrant tribes. From the character of this nation, and the advance made by many of their number in civilization and in the arts of life, it is hoped, now that they are removed from the evil influences which heretofore beset them, their progress in moral culture and physical comfort will be rapid and lasting. Convinced that, if any great and general reform is ever to be effected among the Indians, it must be by means of education, every exertion has been made to promote it; not by disjointed efforts, but by adopting a system intended to embrace the establishment of primary schools over the whole Indian territory, and of institutions of a higher order at suitable points, designated with a view to the convenience of the Indians, and of easy access. Fort Coffee, on the Arkansas river, which has been abandoned as a military post, has been selected for one of these establishments. This situation possesses very decided advantages; and the system by which it is proposed to improve them has my full approbation. For the details of the plan, I refer to the accompanying report of the Commissioner of Indian Affairs, and particularly to his instructions for carrying it into effect, addressed to the Superintendent of the Western Territory.

While on this subject, it affords me great gratification to be able to speak in terms of merited praise of the Methodist manual labor school in the Shawnee country. The labors of that sect, so distinguished for their Christian zeal in the cause of Indian civilization, are likely to be crowned with success; and there is reason to hope that the high expectations raised by this extensive establishment will be fully realized under its present pious and competent instructors. The Department would be happy to promote similar establishments on the part of other religious sects, equally zealous, no doubt, in spreading the light of the Gospel among the Indians, and equally disposed to advance their moral culture. It is convinced that, to produce durable beneficial effects by education, it must be made practically useful; and that those domestic arts which are imparted to our youth by the example of their parents and associates, and form, as it were, a part of their nature, must be taught the Indian in the schools, and instilled into him by education.

Perseverance for one or two years longer in the policy of removing the Indians from the baneful and destructive influences which surround them within the States and Territories, will unite the remnants of tribes, still within those limits, to their brethren in the West; offering, as it is believed, the only chance, not only of civilizing the red man, but of perpetuating his existence.

By the accompanying report of the Commissioner of Pensions, it will be seen that the number of pensioners of every description now on the rolls in all the States and Territories, and in the District of Columbia, (except those paid out of the navy pension fund,) amounts to forty-four thousand three hundred and ninety-four; of which two thousand and seventy-two cases have been admitted since the period of the last annual report. The number of deaths of pensioners that have occurred during the last year, and been reported to the Department, is sixteen hundred and five. From the number of unclaimed pensions, it is believed that many more have died, of whose decease we have no information. The number of invalid pensioners is now four thousand two hundred and eighty-nine, having increased four hundred and fourteen since 1833: this increase is to be attributed, principally, to the hardships of the service in Florida. The number of Revolutionary pensioners under the act of March 18, 1818, has decreased from above twenty thousand to seven thousand nine hundred and forty-seven. Under the act of June 7, 1832, thirty-one thousand eight hundred and eight have been admitted on the pension roll; of which number, twenty-three thousand two hundred and seven yet remain. Eleven hundred and eighty-six pensioners were admitted under the law of May 15, 1828, for the benefit of officers and soldiers of the

continental army who served during the war; only six hundred and five are now borne on the rolls. The number of widows pensioned under the act of July 4, 1836, is three thousand four hundred and sixty-eight, of whom two thousand seven hundred and sixty survive. Five thousand nine hundred and twelve widows have received the benefit of the act of July, 1833; but the list is now reduced to five thousand five hundred and eighty-six. All of those now on the rolls will be dropped on the 4th of March next, when the term of their pensions expires by law. From the number of applications, the Commissioner is of opinion that not less than fourteen hundred will be added to the year 1841.

The total sum drawn from the Treasury during the past year, to pay pensions, amounts to two million forty-eight thousand six hundred and sixty-three dollars, exclusive of navy pensions.

The experience of two years confirms the opinion I formerly expressed of the vexatious operation of the law of the 6th of April, 1833, which fixes the short period of eight months for the return to the Treasury of unclaimed pensions. The intention of the law, no doubt, was to withdraw that sum from the pension agent; whereas its operation, on the contrary, draws that additional amount from the Treasury at Washington, while it produces disappointment, inconvenience, delay, and expense to the poor pensioners.

By the fourteenth article of the Cherokee treaty of December 29, 1835, ratified May 23, 1836, it was agreed on the part of the United States that such warriors of the Cherokee nation as were engaged on the side of the United States in the last war with Great Britain and the Southern tribes of Indians, and who were wounded in such service, shall be entitled to such pensions as shall be allowed them by the Congress of the United States. I respectfully suggest that Congress be asked to act upon this section of the treaty. There are not many Cherokee warriors who come under that description, but they are very destitute; and the good faith of the Government is pledged in their favor.

I cannot forbear bringing to your notice the exposed condition of the important archives of this Department. Many of them are kept in small buildings, at an inconvenient distance from the War Office, and surrounded by combustible materials. A plain fire-proof building, capable of containing all these detached offices, might be constructed for a sum, the interest on which would not exceed the amount now required for paying the rents of those now occupied for the purpose.

All which is respectfully submitted.

J. R. POINSETT.

The President of the United States.

REPORT OF THE SECRETARY OF THE NAVY.

NAVY DEPARTMENT.

December 5, 1840.

SIR: In the performance of a duty annually devolving on this Department, I respectfully submit the following report:

The squadron in the Mediterranean remains the same as it was at the date of my last report, and consists of the Ohio 74, the Brandywine (first class frigate,) and the Cyane sloop of war—the whole under the command of Commodore Isaac Hull. This force has been found fully adequate to the protection of our commerce, which has remained unmolested in that quarter.

The squadron on the Pacific station is composed of the frigate Constitution, the sloop of war St. Louis, and the schooner Shark, under Commodore Claxton. Since the date of my last report, the schooner Enterprise, then on her way home, and the sloops of war Lexington and Falmouth, which had been directed to return, have arrived in the United States, and have been replaced by the sloops Yorktown and Dale, now on the eve of sailing for the Pacific. The squadron, when joined by these vessels, will consist of a frigate of the first class, three sloops of war, and a schooner. Commodore Claxton has been directed to dispatch the Yorktown on a cruise to the Sandwich and Society Islands, New Zealand, the coast of Japan, the Gulf of California, and the Ladrões and Marquesas,

for the general protection of our whaling interests, and other commercial purposes.

The squadron on the coast of Brazil under Commodore J. B. Nicholson, at the date of my last report, was composed of the razez Independence, and the sloops of war Fairfield and Marion. Two former have returned to the United States, Commodore Nicholson having been relieved in the command of that station by Commodore Charles G. Ridgely, whose force now consists of the Potomac, first class frigate, the sloops of war Decatur and Marion, and the schooner Enterprise. The difficulties between the French Government and that of the Argentine Republic still subsisting, and the blockade continuing to be rigidly enforced, it has been thought expedient to augment this force, and the sloop of war Concord is now on the eve of sailing for that purpose.

The squadron employed in the Gulf of Mexico and the West Indies, under Commodore William B. Shubrick, at the date of my last report consisted of the frigate Macedonian, and the sloops of war Ontario, Erie, Warren, and Levant. The Ontario has been ordered to the North for repairs, and the Erie, being found unfit for service, has been detached from the squadron. The remaining vessels, with the exception of the Warren, were directed to leave the station during the hurricane months, and proceed to the North. Commodore Shubrick accordingly left Pensacola in July last with the Macedonian, Levant, and Erie, and arrived at Boston in August. Thence he proceeded to Eastport, and on his return visited the principal ports on the coast as far south as Norfolk, where, in conformity with his instructions from the Department, he delivered the command of the West India squadron to Commodore Jesse Wilkinson, who had been appointed to relieve him, and who has proceeded to his station. The command of Commodore Wilkinson now consists of the Macedonian frigate and the sloops of war Levant and Warren, which force is deemed sufficient for the protection of our interests in that quarter in the present state of things.

The frigate Columbia and corvette John Adams, employed in a cruise in the Indian and China Seas, under Com. George C. Read, for the protection of the commerce of the United States in that quarter, have returned home. The frigate Constellation, and sloop of war Boston, have recently sailed for Rio de Janeiro, where they will replenish their supplies, and receive Captain Lawrence Kearney, now in command of the flag ship on the Brazilian station, who will hoist his pendant on board the Constellation, as commander of the East India squadron, and proceed with that vessel and the Boston to carry out his instructions.

The Exploring Expedition, as stated in my last report, was at Callao, whence Lieutenant Wilkes sailed on the 6th July, 1839. Since that period he has visited the Society Islands, Navigator's Group, New Zealand, and various detached islands, with whose inhabitants he held the most amicable intercourse, and with the ports and harbors of which he made himself particularly acquainted. On the 26th December, 1839, he left the port of Sydney, in New Zealand, and proceeded to penetrate the Atlantic sea. On the 19th January following, the Vincennes discovered land in latitude 66.2 south, longitude 154 27 east, and had soundings in thirty fathoms water. The same day the Peacock made a similar discovery in latitude 66 31, longitude 153.40, and obtained soundings at a depth of three hundred and twenty fathoms. Lieutenant Wilkes coasted along this land, and had sight of it at various times for a distance of eighteen hundred miles, and has denominated it the Antarctic Continent. It is to be regretted, however, that the vast masses of ice, with which it is every where defended, prevented a nearer approach than fifteen miles, and rendered it impossible to land. It is described as presenting one vast mass of snow and ice, apparently rising almost perpendicularly from the sea, and will probably forever baffle the efforts of man to explore its interior, or convert it to any useful purposes.

After repeated and persevering efforts to approach the coast and effect a landing, Lieutenant Wilkes, his officers and men, having suffered severely from intense cold and the exposures inci-

dental to this hazardous enterprise, returned to Sydney the 11th of March, 1840, where he was joined by the Peacock and Porpoise, the former of which had been in imminent danger from coming in contact with an island of ice. Lieutenant Wilkes speaks in the highest terms of the conduct of the officers and crews of the Expedition. At the last dates, the 6th of April, he was at the bay of islands, New Zealand, whence he was shortly to proceed to carry out his instructions.

The steam frigate *Fulton* has been employed during the past season in experimenting with Paixhan guns and shot, under the direction of Captain Perry; and with a view to afford as many officers as possible an opportunity of becoming acquainted with the practice of gunnery, as large a number of supernumeraries have been attached to her as she could accommodate. The reports of Captain Perry present very interesting results, and it is contemplated to continue the experiments for the purpose of demonstrating the relative advantages of the Paixhan guns and those in ordinary use, as well as affording a useful practice to our naval officers, by attaching them in succession to this vessel.

The surveys on the Southern coast of the United States, directed by the act of the 3d of March, 1837, have been completed under the superintendence of Lieutenant Glynn, and it is expected that the Department will be enabled to lay before Congress either at or shortly after the commencement of the session, complete charts of all the ports and places which have been surveyed.

The brig *Consort*, under the command of Lieutenant Powell, is now occupied in surveying the coast from the bay of Apalachicola to the mouth of the Mississippi, as directed by the act making appropriations for the naval service, approved July 20, 1840.

The sloop of war *Preble*, Commander Preese, has been employed on the coast of Newfoundland and Labrador, during the late fishing season, in protecting the rights and interests of American citizens engaged in the fisheries. On the termination of the cruise she returned to Portland, whence she was ordered to Boston for examination previous to being sent on foreign service.

The brig *Dolphin*, Lieutenant Bell, and the schooner *Grampus*, Lieutenant Paine, have been employed on the coast of Africa, in the suppression of the slave trade. They returned at the commencement of the sickly season, and have since sailed in pursuit of the same object. The presence of these vessels on the slave coast, during the season in which this disgraceful traffic is carried on, will in all probability in a great degree arrest its progress, so far as it has been prosecuted by the assumption of the American flag, and do much to relieve the nation from the unmerited stigma of participating in a trade equally in violation of the laws of the United States and the policy of their Government. From the report of Lieutenant's Bell and Paine it appears that the traffic in slaves is now carried on principally under Portuguese colors, through the medium of slave stations, as they are denominated, established at different points of the coast, under the protection of the neighboring native chiefs, who furnish the slaves and receive in return goods manufactured in England expressly for this purpose. Here the slaves are collected until an opportunity offers for the slaver to approach the land under cover of night, and receive them on board. Both officers are of opinion that so long as these stations are permitted to exist, and this barter carried on, all attempts effectually to arrest the traffic in slaves will end in administering only partial remedies, which will but aggravate the disease. There can be little doubt that the number of slaves transported from Africa is now greater than it was previous to the adoption of measures for its prevention and punishment, which it would seem have served no other purpose than to excite the cupidity of unprincipled adventurers, by increasing the value of slaves, and thus presenting temptations which overpower all apprehension of consequences.

During the past year three small schooners, the *Flirt*, the *Wave*, and the *Otsego*, which had been previously procured and employed by the War

Department, under the act making appropriations for suppressing Indian hostilities, approved 3d March, 1839, having been placed under the direction of this Department, were employed on the coast of Florida, under Lieutenant McLaughlin. That officer lately returned to the North in the *Flirt*, bringing with him the men whose terms of service had expired, together with the sick and disabled attached to the expedition. He has since sailed with men sufficient to complete the complement of all his vessels, as well as for boat service. An additional number of marines has also been attached to his command, with a view to operations on land against the Indians, as well as the protection of the lives and property of the citizens, and the prevention of the introduction of supplies for the use of the enemy.

The two steam frigates commenced under the second section of the act approved 3d March, 1839, one at New York, the other at Philadelphia, have been so far completed that the former will be ready for launching in a few days, and the latter in the ensuing spring, as soon as the Delaware is free from ice. The engines and boilers are also in a course of speedy completion, and when finished, will be placed on board, and the vessels prepared for service without delay.

The apprentice system continues in operation; and thus far, its results are highly satisfactory. The conduct of the young lads is generally exemplary, and such is their rapid progress in the art of seamanship, that by the time they are of age for a service, our commanders generally prefer them to older seamen. I take this occasion to recommend that this system be fostered to the utmost extent of which it is susceptible, being fully opinion that it presents one great means of of partially, at least, remedying that increasing scarcity of competent petty officers and able seamen, which greatly embarrasses the operations of the navy, delays the sailing of our public vessels, and places the defence of the honor and interests of the United States under the protection of crews, a great portion of which are foreigners.

This scarcity of seamen for the uses of the navy is, I apprehend, owing to the high wages they receive in the merchant service, and the comparatively short periods of their engagements in commercial voyages; to the absence of an apprentice system in the mercantile marine; and the discharge of seamen when their terms have expired on foreign stations, where the seductions of climate and the allurements of pleasure attach them to the soil, and whence many of them never return, or return so enervated as to be comparatively unfit for active service. The inquiries I have instituted result in the fact that many of our seamen are now scattered among the islands of the Pacific, and on the coast of South America; and though directions have been given to reclaim them whenever it may be found practicable, there can be little doubt that a large number are thus irretrievably lost to their country. I have also sufficient reason to believe that the modification of the navy ration, which was proposed to Congress, but which has not been definitely acted on, would, if adopted, contribute materially to attach our seamen more permanently to the service; and I take this occasion earnestly to request that the early attention of Congress may be invited to this subject generally, as one of vital importance to the well being of the navy.

The accompanying report and letter from the Commissioner of Pensions, exhibit the number of pensioners, the amount of their pensions, and the means now remaining at my disposal to meet those which may become due the 1st of January, and 1st of July, 1841. From these documents it will appear that under the operation of the navy pension laws, and most especially that of the 3d of March, 1837, the navy pension fund, which at the period of its passage amounted to upwards of a million of dollars, the annual interest of which was sufficient to meet all demands, now consists of one hundred thousand dollars in Cincinnati five per cent. stock, greatly depreciated, fourteen thousand dollars of stock of the Bank of Washington, in the same situation, thirty-three thousand three hundred and thirty-nine dollars five per cent. stock of the city of Washington, and eleven thousand four hundred

dollars of stock of the Union Bank of Georgetown, the latter totally unsaleable at this time.

By the same statement it appears that the sum of one hundred and fifty-one thousand three hundred and fifty-two dollars and thirty-nine cents, will be required in the course of the year 1841, to meet demands arising out of the present pension list, and that consequently, either an appropriation of that sum, during the present session, must be made, or the pensioners will remain unpaid, and the faith of the nation, which was pledged to make good any deficiency in this fund, remain unredeemed.

The estimates which accompany this report have been prepared with a due regard to economy on one hand, and the protection of the honor and interests of the United States on the other. The number of vessels now in commission is fully equal to those employed in preceeding years, and it is believed that during the past year, neither the persons or property of our citizens have any where suffered outrage or wrong for want of due attention in affording the means of protection and redress.

It will be perceived that the Board of Navy Commissioners have again presented an estimate for additional clerks, which I am satisfied are indispensable to the prompt performance of the duties of that office, which are daily increasing, and which there is no reason to believe will suffer any diminution in future.

Respectfully submitted.

J. K. PAULING.

To the PRESIDENT of the United States.

REPORT FROM THE POSTMASTER GENERAL.

POST OFFICE DEPARTMENT,
December 7, 1840.

SIR: I submit a report, showing the service of this Department the past year, its present condition, and future prospects.

The extent of the post routes in the United States covered by mail service, on the 30th June last, as near as can be ascertained, was 155,739 miles. The annual transportation on these routes, at the rate existing on the 30th day of June last, was about 36,370,776 miles.

The annual cost of transportation, estimated at the rate of pay existing at the close of the year, was \$3,296,876, viz:

	Miles.	Cost.
By horse and sulkey,	12,182,445	\$789,668
By stage and coach,	20,299,278	1,911,855
By steamboat and railroad,	3,889,053	595,353
Total,	36,370,776	\$3,296,876

In addition to this service, the mails by steamboats and other vessels, under the 5th and 6th sections of the act of 1825, are estimated to have cost, the last year, about \$9,000; and there has been paid for ship and way letters, about \$26,000.

The resolution of Congress of May 14, 1836, authorized the Postmaster General to extend the term of the then existing contracts for six months, so as to have them terminate on the 30th of June, instead of the last of December. In pursuance of this authority, the contracts which would have expired with the present year were extended to the 30th June, 1841; in consequence of which, the lettings that would otherwise have fallen into the year 1840 will not take place until the spring of 1841. The advertisement for this service has been prepared, and will soon be published.

The new routes, amounting to about seven hundred, established by the act of the 7th July, 1838, have been put into operation during the past year, and have made considerable addition to the expenditure for the transportation service. This extension, with the belief that the usual increase of revenue would not be realized, has indicated a policy of retrenchment rather than general improvement; but, since I took charge of the Department, some improvements have been effected on some of the most important routes which the public interest seemed to demand, and where little additional expense was incurred. I have also executed contracts for additional service on a few railroad and steamboat routes, where retrenchments could be made on other routes nearly equivalent to the new liabilities assumed. These changes have given some additional

expedition to the great North and South mail, as well as to several large mails connecting with it at important points.

The number of contractors in the service during the last year was about 2,100. The number who had been fined, or had deductions made from their pay for delinquencies in the performance of their engagements, is 628. The fines and deductions during the year, exclusive of the remissions, amount to \$60,685 60.

In general, the transportation service has been performed faithfully, and in a commendable spirit of energy, perseverance, and devotion to the public interest. The obstacles which, for a time, occasioned irregularities in the large mail south of this city, it is believed, have been removed.

The number of post offices, on the 1st day of July, 1838, was 12,519; the number on the 30th day of June, 1839, was 12,780; on the same day of the present year, the number was 13,468, showing an increase, during the year, of 688. There have been established, during the year, 959 post offices; and 271 discontinued. The number this day is 13,638. There have been, during the year, 3,231 postmasters appointed, of whom 959 were for new offices.

The revenue of the Department, for the year ending June 30, 1840, as appears from the settlement of the accounts of postmasters in the Auditor's office, was:

Letter postage	\$4,003,776 07
Newspapers and pamphlets	535,229 61
Fines paid to postmasters for violations of law	260 00
	<u>\$4,539,265 68</u>

The expenditures of the Department for the same period were—

For compensation to postmasters, \$1,028,925 92

For wrapping paper, office furniture, advertising, mail-bags, mail-locks and keys, and stamps, mail depredations, and special agents, blanks, clerks for offices, and miscellaneous . . . 441,778 96

For ship, steamboat, and way letters . . . 35,410 81

For transportation . . . 3,252,995 16

4,759,110 85

Excess of expenditures . . . \$219,845 17

The revenue, as compared with the preceding year, shows an increase of \$61,651 64, being a fraction over one per cent.

The average annual increase of revenue from 1832 to 1839, inclusive, has been about 10 per cent. But as this period includes the two years ending June 30, 1837, of extraordinary augmentation of revenue, amounting to 15 per cent. the first year, and 20 per cent. the second, 10 per cent. is considerably above the ordinary annual increase, which may be estimated at about 6 per centum. The decline in the revenue, therefore, the past year, may be estimated at about 5 per cent. or \$225,000.

Statement of the revenue and expenditures of the Post Office Department for the eleven years ending 30th June, 1839.

Year ending,	Revenue.	Expenditure.
June 30, 1829	\$1,707,418 42	\$1,782,132 57
1830	1,850,583 10	1,932,707 95
1831	1,997,811 54	1,936,122 87
1832	2,258,570 17	2,266,171 66
1833	2,617,011 88	2,930,414 87
1834	2,823,749 34	2,910,605 08
1835	2,993,556 66	2,757,350 08
1836	3,408,323 59	2,841,766 36
1837	4,100,605 43	3,303,423 03
1838	4,235,077 97	4,621,837 16
1839	4,477,614 04	4,654,718 42

From this tabular statement, it appears that while the expenditures of the Department have been steadily advancing, with few exceptions, its revenues have been very fluctuating, varying from

a mere nominal increase to an advance of 20 per cent. in a single year.

The extension of the mail service, and the advance in the population and business of the country, are the causes of the ordinary increase of the revenue. But temporary and extraordinary circumstances often counteract these more permanent sources of increase, so far as to prevent any material advance. This has been the case the past year; during which a combination of causes have operated to impair the revenue of the Department to nearly the extent of the average annual increase.

But the present unfavorable condition of the finances of the Department is not wholly to be attributed to the decline of the revenue the past year; it is, in part, the result of the too sudden and large extension of the service during the years 1837, 1838, and 1839, occasioned by the extraordinary surplus which accrued in 1836 and 1837. This surplus, on the 30th June, 1836, was \$641,842.

The Postmaster General, in his annual report of that year, recommended a reduction of the rates of postage. Congress did not sanction that measure; but, by the act of the 2d July, 1836, established about seven hundred new post-routes, which it became the duty of the Department to put into operation. The action on this subject by Congress was considered as indicating its desire that the surplus which had accrued, and which might accrue, should be expended in providing additional mail accommodations. The causes which had produced the above surplus on the 30th June, 1836, continued to operate during the remainder of that year, and a part of the year 1837; and, as the new contracts did not go into operation until after the 1st of February, 1837, the revenue continued to exceed the expenditure; and, on the 30th June, 1837, the surplus amounted to \$756,208. During the session following, Congress, by the act of the 7th of July, 1837, established about seven hundred additional routes, which were to be put in operation on the 1st of July, 1839, or before, if the revenues of the Department would justify it. The second section of the same act provides "that every railroad within the limits of the United States that now is, or may hereafter be made, shall be a post-route; and the Postmaster General shall cause the mail to be transported thereon: *Provided*, he can have it done on reasonable terms, and not paying therefor, in any instance, more than 25 per centum over and above what similar transportation would cost in post coaches."

The very liberal construction given to this act by the Postmaster General, favorable to the interests of the railroad companies, did not satisfy the spirit of cupidity which belongs to corporate monopolies; and it was found impracticable to obtain contracts from several of the railroad companies. And Congress, by the act of 25th January, 1839, extended the maximum rate of compensation for railroad service to three hundred dollars per mile.

The new routes established by the act of 7th of July, 1838, were mostly put into service in 1839; and contracts have been made for service on the railroads then in existence, and most of those which have since been completed, at rates of compensation, varying from twenty-five to three hundred per cent. above what had been paid for coach service on the same routes. In England, the average rate of compensation for railroad service is about ninety dollars per mile; and the highest sum paid on the most important routes is one hundred and seven dollars per mile; and the contractors are required to convey mails as often, and at such times, as may be ordered by the Postmaster General. Here, with a rate of compensation nearly two hundred per cent. higher, it has been found impracticable, on many of the routes, to obtain that control over the time of the departure and delivery of the mail, which is so essential to the service, and is exercised on other routes. In addition to the compensation paid to the railroad companies, there are considerable incidental expenses incurred for travelling agents on the more important routes, for conveying the mail to and from the cars at the ends of the routes, and for supplying intermediate offices, not on the line of the roads. The sub-

stitution of railroad for coach service, has borne very heavily on the revenues of the Department.

The new routes established in 1836 and 1838, being, many of them, in sections of the country where the roads are bad and the settlements sparse, have yielded an income bearing but a small proportion to the expense of the transportation.

This great extension of the service, and the substitution of a higher and more expensive for a cheaper grade, under the acts of Congress referred to, and the improvements on other routes, which the public interests seemed to demand, since 1836, have carried the expenditures of the Department, for three successive years, beyond its accruing revenue.

In the year ending on the 30th June, 1838, the expenditures were \$4,621,837 00
The revenue which accrued was 4,235,077 00

Excess of expenditure over the revenue . . . \$386,760 00

The expenditures in the year ending June 30, 1839, were \$4,654,718 00
The revenue which accrued was 4,477,614 00

Excess of expenditure . . . \$177,104 00

The excess of the expenditures for these two years was met by the surplus funds which had accumulated in 1837, and nearly exhausted all that surplus which was available.

In the annual report of my predecessor, made in December, 1838, he says: "The general financial disasters of last year have not reduced the revenue, as might have been expected, but have prevented most of the anticipated increase, and thrown the Department upon its surplus, to sustain most of its extensions. The indications now are, that there will be a slight improvement in the revenue of the current fiscal year, over the preceding; but not enough to produce any material effect. An advance somewhat greater may be reasonably expected, next year, but not great enough to meet the increasing cost of mail service, and put into operation the new routes established at the last session of Congress. It will hence be seen that, for more than a year to come, the curtailment, rather than the extension, of service on routes now in operation, is to be expected."

The anticipated increase during the year 1839, was realized, and amounted to 5½ per cent. producing \$241,560. But the greater increase looked for in 1840, has essentially failed; and the quarter ending 30th of September last, exhibits an actual declension in the revenue, as compared with the corresponding quarter of last year, of about 5 per cent. This unfavorable result has been occasioned mainly by the second suspension of the banks in a large section of the Union, followed by a general depression of the commercial interests of the country; which appears to have been apprehended at the close of the last year, as the Postmaster General then said: "It is possible that the recent suspension of specie payments by the banks, in a large portion of the Union, may again check the increase in the revenue of the Department, so as to make retrenchments necessary; but, in any event, they will be inconside-
rable."

But the present apparently unfavorable financial condition of the Department need occasion no anxiety. It can be sustained upon its own resources, and soon placed in a safe and prosperous condition. Yet, to afford it temporary relief, curtailments of service, to a limited extent, are necessary. This has already been commenced, and will be continued as far as may be found requisite to place its finances in a sound condition. The curtailments or suspensions of service will be made so as to occasion as little inconvenience to the public, or injustice to the contractors, as such an operation will admit of. As periodical retrenchments are unavoidable, it deserves consideration, whether it would not be wise for Congress to prescribe some rule by which all general curtailments are to be effected, so as to remove executive discretion, and secure an equal apportionment of the reduction of service among the different sections of the country,

In examining the causes which have placed the Department in its present condition, we discover its resources, and its ability not only to sustain itself, but probably, with the aid of some remedial legislation, to admit of a prospective reduction of the tariff of letter postage, which public sentiment seems to demand.

These causes are to be found in the unexampled fluctuations since 1834 in the financial interests and commercial business of the country. The period of unprecedented overaction in trade, from the fall of 1834 to the spring of 1837, occasioned an extraordinary increase of revenue, which produced the large surplus that existed in 1836 and 1837. This surplus formed the basis of the great extension of the mail service since 1836, which so far exceeded the limits to which it could have been carried by the ordinary increase of revenue, as to absorb nearly the whole of this surplus in two years. When the reaction came on, which, under any circumstances, would have depressed its revenues, the Department had to sustain itself with an extent of service beyond its natural limits; which had originated from the extraordinary increase of its revenues in 1836 and 1837. But the unusual increase of revenue over the expenditures during those two years, was not entirely owing to the great activity of trade. The contracts for transportation, during that period, had mostly been made when prices were low, and the revenue accruing from their performance was received when prices had advanced from fifty to one hundred per cent. The Department, therefore, enjoyed the advantages of an excited state of business, without the drawback which, under other circumstances, the advance in prices would have occasioned.

On the other hand, the excess of the expenditures over the receipts for postage the last three years, is not more to be attributed to the depression of the revenue from the state of the times, than to the circumstance that all the existing contracts were made during the high state of prices, and at an average advance of about fifty per cent. above the rate of compensation paid prior to 1836.

Should prices not vary essentially from their present standard, it is reasonable to suppose that the future lettings can be made at greatly reduced rates of compensation. This is an important resource, which, in a few years, without any retrenchment of service, could hardly fail of placing the finances of the Department in a prosperous condition. But it cannot be made immediately available, so that a suspension or curtailment of service, to a limited extent, becomes necessary.

The restoration of commercial activity, so confidently anticipated, may reasonably be calculated to produce a considerable improvement during the two last quarters of the current fiscal year, and a much greater increase the next year.

With a reasonable expectation of a reduction in the expenses of the transportation, and nearly a certainty of a considerable increase in its revenues, the future prospects of the Department are highly satisfactory.

The present is a peculiar crisis in its financial affairs, resulting from the operation of causes which I have endeavored partially to explain, and which are not likely, in the same degree at least, again to occur.

There are other causes of a more limited influence which have contributed to impair the revenue the past year. The greatly enhanced expense of the transportation of the mail upon railroads is not the only way in which they affect the revenues of this Department. The great facilities which they afford for the transmission of letters and newspapers out of the mail, have evidently diminished the receipts from postage. This is proved by the sudden falling off of the revenue at points where these facilities have recently been provided. Information has also been received from the agents of the Department, showing that letters, packets, and newspapers, were extensively conveyed out of the mail on the railroad and steamboat lines, and on many of the stage and coach routes. So far as these practices, so detrimental to the income of the Department, were believed to be in violation of law, I endeavored to suppress them, regarding it as my

highest duty to enforce the laws. And in respect to letters carried by carriers and drivers, these efforts, it is believed, have been generally effectual; but there is no prohibition against persons conveying letters and packets who may pass over mail routes in the same vehicle which transports the mail, and the railroads afford great facilities for sending letters in this way.

For fifteen years preceding the introduction of the new system in England, the postage tax had rather declined, notwithstanding the increase of population and business. This was, by many, ascribed to the high rate of the tax, but the better and more prevailing opinion attributes it to the numerous railroads which have gone into operation.

The practice of carrying newspapers out of the mail, without having secured the privilege in the contract, I found to be so general, that it could not be suppressed without great inconvenience to the public; and, as the ambiguity of the law admitted of doubts in regard to the restriction, I concluded that I should best discharge my duty by permitting these practices to continue, and leave it for Congress either to remove the prohibition or to make the law more explicit for its enforcement. As it is probable that the enforcement of the prohibition would have the effect of stopping the carrying of newspapers on the mail routes, rather than causing them to be conveyed in the mail, it would seem both just and politic to abolish the restriction entirely.

Another source of detriment to the revenue the past year, has been the exercise and abuse of the franking privilege to an unprecedented extent. During the last three quarters, the free matter constituted a very large portion of the entire mails. As the contracts had been made without reference to this extraordinary addition to the bulk and weight of the mails, the burden of the transportation was thrown upon the contractors. The free matter is not only conveyed without compensation, but the Department is subjected to the charge of two cents for every free letter or sealed packet delivered at offices where the postmaster's commissions do not exceed five hundred dollars per quarter. At some offices this allowance to the postmaster has absorbed his whole quarterly balance.

The books of the Department furnish no data for determining the number of free packets conveyed in the mail, as a large portion of them are not entered on the post bills. At the post office in this city an account was taken of the number and weight of free letters and packets during three weeks ending the 21 day of May, the 2d day of June, and the 7th day of July last. There were 22,038 free letters and packets from the Executive Departments; 20,363 free letters from members of Congress; and 392,268 public documents and other franked packets—making in all 434,669. The public documents and packets from Congress, exclusive of the letters, weighed 32,639 pounds—nearly sixteen and a half tons. Taking this as the average of the session of thirty-three weeks, it would appear that the free letters and packets sent from the office in this city during the late session of Congress amounted to 4,781,359; and the two cents allowed to postmasters for the delivery of free letters would be \$95,627. This is probably above the average of the session; and the two cents are not paid at offices where the postmaster's commissions exceed five hundred dollars per quarter.

It may be estimated that there has been abstracted from the revenue the past year, in the allowance of the two cents to postmasters for the delivery of free letters and packets, and the two cents paid for advertising free letters, the sum of \$150,000.

And there are facts that have come to the knowledge of the Department, which show that great abuses have been practised by those enjoying the privileges, in the highest as well as the lowest stations, in covering the correspondence of others, to the great injury of its revenue. This and other abuses of the privilege appear to be rapidly increasing, and imperiously demand a remedy, either by its entire abolition, or such restrictions upon it as could be enforced by the Department.

The provision in the act of 1825, allowing two cents to postmasters on free letters should be abolished, as it is unreasonable that those enjoying an exclusive privilege should derive a revenue from the same privilege possessed by others. Postmasters might be properly restricted in sending and receiving free letters, to their own office. It is in the nature of all exclusive privileges to run into abuse; and hence we find that, of the twelve acts of Congress relating to the franking privilege of its members and officers, all, with one exception, have served to enlarge the right.

The collection and disbursement of the revenues have been conducted with success and convenience by the agents of the Department, with little trouble to them, and without charge upon its means. The act of the 4th July last has occasioned no material change in the financial system of this Department, except substituting the receivers general for the postmasters, at some important points, as the depositories of its funds. But the penal provisions of the act, which make the using or loaning the public moneys a conversion and embezzlement of them, and punishable as a criminal offence, are applicable to postmasters, and cannot fail of having a salutary influence in promoting prompt payment of the quarterly balances, of which there has been great improvement the last few years, and in preventing defalcations.

The revision of the tariff of postage, with the view to reduction and convenience, has, for some years past, attracted the public attention, and, on several occasions, been brought under the consideration of Congress without any definite action. At the second session of the twenty-fifth Congress, the House of Representatives adopted resolutions calling on the Postmaster General to state "what, in his opinion, would be the effect on the revenues of the Department, of the establishment of the following tariff of postages of letters: On letters conveyed 80 miles and under, five cents; over 80 miles and not exceeding 200, ten cents; over 200 and not exceeding 400, fifteen cents; over 400 miles, twenty cents; and to state what other tariff, fixing the rates in federal money, and having in view the greatest reduction consistent with the necessary means of the Department, if any, in his judgment, would be more just than the above. And that he also state what alterations, if any, may be made in the present rates of postage on newspapers, pamphlets, and periodicals, so as to promote the circulation of information without detriment to the revenues of the Department."

It is supposed that this resolution, in connection with the prevailing interest then felt in the success of the experiment making in England by what is called the penny system, induced the late Postmaster General to commission George Plitt, esq. one of the special agents of this Department, to visit Europe for the purpose of collecting such information concerning the new system in England, and the mail establishments in other European countries, as might conduce to the improvement of our own system.

Mr. Plitt left the United States on this special service in June, 1839, and returned in August last. The results of his inquiries are contained in the report prepared by him, which is herewith submitted. It contains extensive details tending to show the condition and management of the mail establishment in several of the most important countries in Europe, and many interesting facts and valuable suggestions for the improvement of the system in the United States. Many of the reforms and improvements recommended are deserving of consideration. It will be seen that he recommends an entire change in our tariff of postage, and to have all mail matter taxed by weight; letters not weighing over half an ounce to be rated at five cents for any distance less than 500 miles, and ten cents over that distance; and the same rates for every additional half ounce when prepaid, and double those rates when not prepaid. As such a change would give great relief, not only to the commercial interest, but to the whole community, it is to be regretted that neither the present condition nor future prospects of the establishment seem to justify so great a reduction in the postage tax.

It is apparent that no essential change in the

rates of postage should be made without great consideration. The post office establishment is different from any other branch of the public service. It is a fundamental principle in its organization, that it is to be sustained by its own revenues. This principle not only avoids any charge upon the Treasury, but serves to limit and regulate the action of the Department. Should its expenses, in whole or in part, be thrown upon the Treasury, even for a single year, it might be difficult to return to the present principle; and such are the temptations to enlarge the circle of its action, that it would not be easy to prescribe any reasonable limit to it. And such a change in the principle of the Department, embracing, as it does, such a vast extent of private interests, both in number and amount, would open a door to extensive abuses, wasteful to the public revenue, extending its patronage, and at the same time removing the checks upon it which now exist. Without enlarging upon this point, it is believed that no one will be disposed, either partially or temporarily, to throw the Department for its support on the National Treasury.

Any sudden and material reduction of its revenue, therefore, would render it necessary to make a corresponding curtailment of the mail service, which all must see would be attended with the most serious inconvenience to the whole community. And as the present revenue, with the reasonable increase that may be anticipated, is barely sufficient to support the Department with the existing service, and such necessary improvements and extensions as will be required, it is evident that there can be no reduction of its aggregate revenues.

The question therefore of the reduction of its revenues is excluded from consideration; and the only matter for inquiry is, whether the same amount of revenue can be collected with the proposed or any other reduced rates of postages? There may be cases in every branch of indirect taxation, in which the reduction of the tax will increase the amount of revenue. But this result can only be realized, when the duty is so exorbitantly high as to either occasion gross evasions of the law, or to check the business on which the tax falls. And although the reduction of the rate of postage would increase correspondence, there is, in my judgment, no reason to believe that the addition of revenue from that source would equal the loss from the reduction of the rates. The experiment now making in England, appears to afford little support to a contrary opinion, for, if unofficial information can be relied upon, the revenue there has fallen off more than 50 per cent. or about 840,000 pounds sterling, on a revenue of less than 2,000,000.

Shall we then be forced to the conclusion that the present high rates of letter postage are to be permanently maintained?

This would seem to be the case, unless there be a change in the system, by which the expense of the transportation may be reduced, the correspondence increased, and the postage on newspapers and printed matter be equalized and raised. All these objects are practicable, and their united influence would probably admit of a greater reduction in the rates of letter postage, than is proposed in the resolution of the House of Representatives.

Such a reform in the system, in my judgment, is demanded by views of public policy, and the higher considerations of private justice. The institutions of this country are based on the principles of justice and equal rights, and any legislation, and more especially any system of taxation, which is a manifest violation of those principles, can only be sustained by the forbearance of public opinion, in subjecting it to that test by which all public measures must stand or fall.

A slight examination of our tariff of postage, in comparison with the expense of the mail establishment, is sufficient to show its manifest injustice.

The quarterly returns of postmasters furnish no data for determining the relative proportions of the different kinds of matter conveyed in the mail. During one week in the month of June, 1839, an account was taken of the number and weight of the letters, and the weight of the newspapers and other printed matter received to be conveyed in the

mail, at the offices in New York, Philadelphia, Baltimore, Washington City, and Richmond. The tabular statement containing these facts is herewith submitted. There were some omissions, and, no doubt, some inaccuracies in the process, but the results are sufficiently correct for the present purpose.

The whole weight was 55,241 pounds; of which 44,463 pounds consisted of newspapers; 8,837 of periodicals and pamphlets; more than five-eighths of which being public documents or other free packets, deposited in the office at Washington city; and the letters, both taxable and free, amounted to only 1,922 pounds, being something less than four per cent. The proportion of printed matter received at these offices, and especially during the session of Congress, may have been something greater than that of the whole mails in the United States.

It will not be far from the truth, to estimate the printed matter as constituting ninety-five per cent. of the whole mails, whilst it pays but about twelve per cent. of the whole gross revenue, and but about eight per cent. of the nett revenue, the commissions on the postage from newspapers and pamphlets being more than on that from letters.

In the transportation, constituting the principal expenditure of the establishment, there are three main elements of price:

1. The bulk and weight of the mail.
2. The expedition with which it is conveyed.
3. The mode of conveyance when not controlled by the bulk and weight of the mail, but in reference to accommodating the public travel.

As the expense of expedition depends mainly on the weight of the mail, these two elements of price are, essentially, resolved into one; so that the expense of transportation depends on the bulk and weight of the mail, and the mode of conveyance, where it has reference to the public travel, and is of a higher and more expensive grade than the mail service would require.

The services of postmasters depend on the amount of mail matter; the number of packets which are received, distributed, or delivered, at their respective offices. But the letters, being made up into mails, require some more labor than the newspaper and other packages not sent in that form.

From this analysis, it is apparent that nearly the whole expenditure of the mail establishment is thrown upon correspondence; it pays the whole expense of the free matter, the greater portion of that of newspapers, periodicals and pamphlets, and the entire additional expense incurred for accommodating the public travel.

With all these burdens, not properly belonging to it, thrown upon correspondence, the high rate of postage on letters cannot be surprising; nor can it be reduced, and keep up the present extent of the mail service, with the improvements and additions which will be required, without some portion of those burdens are removed by a change in the system.

Nothing can be more apparent than the palpable injustice of our present system of postage tariff.

The objections against a high protective tariff on importations apply with still more force to our tariff of postages, both in respect to principle and the degree of injustice. In the former, the whole community are indirectly taxed for the benefit of a particular class, and the whole interests of the country are burdened to relieve a particular interest, but the tax being indirect, those on whom it falls may, in some way, derive an incidental advantage from it. This, at least, is contended by its advocates. The postage tariff is a direct tax on one man for the benefit of another—a direct burden on one class for the relief of another class.

What principle of justice or public policy can sustain a law which taxes a correspondent in New York, who has occasion to send a letter by mail to New Orleans, two hundred and fifty per cent. more than the service is worth, or costs, to enable a subscriber in New York to a newspaper in New Orleans to have it conveyed to him by mail, eighty-eight per cent. less than the actual cost of the service? And what adds to this injustice is the fact

that the mail establishment is a Government monopoly, which, by prohibiting private posts, compels the correspondent to send his letter by the public conveyance.

Our system of postage tariff was derived from England, where postage was a tax for revenue analogous to the stamp tax, as, like that, it was a tax on business. Here, it is not a tax; but in the nature of freight, or a charge for the service performed. The injustice, therefore, is much greater where the postage is levied, not for revenue, but for defraying the expense of the mail service.

The low rates of postage on newspapers and other printed matter, originated in considerations of public policy, and were designed to promote the general dissemination of intelligence among the people. But the reasons for this policy, if admitted ever to have been just, have in a great measure ceased to exist. When the mail establishment was first organized, printing was confined to the large cities, and there were few other channels for conveying newspapers but the mails. Now there are printing establishments in almost every village; and railroads, steamboats, and other lines of communication, afford cheap and convenient channels for conveying newspapers and others publications, the greater portion of which are distributed among the people without the agency of the mail.

With the view to remove many of the growing evils of the mail establishment, and secure the reduction of letter postage, I respectfully propose a change in the system, on the following bases:

1. The entire abolition of the franking privilege, as an exclusive personal right, with the exception of the Executive and the heads of departments.

2. A limitation by law of the maximum rate of compensation for all steamboat, railroad, and coach service.

3. The equalization of postage on newspapers and other printed matter, with an advance of one hundred per cent.

4. A revision of the tariff of letter postage, with a reduction of twenty-five per cent.

The effect of the first of these changes would be to greatly diminish the bulk and weight of the mails, and to increase the postage. Probably two-thirds of the mail matter now going free would be excluded, and what remained would be charged with postage; and the two cents paid for the delivery of free packets would be saved.

The newspapers received by printers in exchange might be exempted from postage, with a limitation by law of the number. Letters addressed to a postmaster exclusively on the business of his office, it might be reasonable to except from the postage tax; and also all letters written by postmasters exclusively on official business, provided they are unsealed, (except when addressed to another postmaster or agent of the Department,) so that the office of delivery may be enabled to decide whether the letter is legally and properly entitled to go free. The postage on letters received by members of Congress might be paid from the contingent fund of the two Houses, and on those sent by them during the session, limited to a certain number daily; or such limited number per day, sufficient for their official correspondence, might be permitted to go free of postage; and public documents, printed by the order of either House of Congress, to possess the privilege they now do, when sent by a member with his certificate that they were public documents.

Such a modification of their privilege would relieve members of Congress from much correspondence very burdensome to them, and, in general, of very little public utility. It would tend to arrest the concentration at the seat of Government of those influences which, for some time past, appear to have directed and controlled the politics of the country, and to add to that stimulus which aggravates political excitements. The unlimited extent of the franking privilege is among the causes which have produced the centralization of political influence, by enabling it to exert its power, with a view to a definite purpose, over the country.

The effect of the second change would be to reduce the expense of transportation, and on many routes to substitute a lower and cheaper grade of service, as wagon, sulkey, or horse; in the place of stage or coach service.

The effect of equalizing and raising the postage on newspapers and other printed matter, would be to diminish the bulk and weight of the mails, and increase that branch of the revenue about one hundred per cent.

The revision of the tariff of letter postage on the basis of a reduction of twenty-five per cent. would increase correspondence, yet add little to the bulk or weight of the mails, and the postage on the additional letters conveyed would supply, in part, the loss to the revenue from the reduction on the rates.

The effect of the whole would be to lighten the mails, and render their bulk and weight more uniform; to cheapen the transportation, and secure more regularity in the service; and, by reducing the tax on correspondence, relieve the commercial interest, and benefit the whole community.

The tariff of postage on newspapers, periodicals, and pamphlets, is almost as unequal and unjust as the comparative rates of postage upon letters and printed matter. This inequality and injustice have arisen from the great changes which have taken place in the manufacture of paper, whereby the former distinctions as to dimensions have been lost, and a corresponding change in the forms of publications introduced.

All newspapers now pay the same postage, although some are ten times the dimensions and weight of others. This is not only unjust to those who pay the tax, but equally so to the publishers. It gives an undue advantage to the large establishments in the commercial cities over the penny papers in the same places, and the country newspapers, which are more removed from sinister influences, and, in general, are the most independent channels of sound public opinion. There seems no good reason for the difference in postage between periodical and non-periodical pamphlets, and the distinction, in fact, is often difficult to determine. By the present law, all printed matter, except newspapers, is taxed by the sheet; and, from the change in the forms of publications, the postage is not and cannot be collected with any uniformity, from the difficulty experienced by postmasters in classing the various publications. Sixteen pages of octavo constitute a sheet, and twenty-four a duodecimo, although it is often nearly impracticable to distinguish between them.

To remove all these difficulties, and establish a uniform rate of postage on printed matter, the best rule would be to tax it by weight. But if there should be objections to so great a change, newspapers could be divided into three classes, according to their dimensions, on the plan recommended by the late Postmaster General in his annual report in 1836. To tax other printed matter by weight, it is believed, there can be no objection. Whether the other more important reforms which have been recommended be effected or not, the tariff of postage on newspapers and printed matter urgently demands a radical revision. The advance on the postage of newspapers and other printed matter, although regarded as eminently just, is not deemed indispensable to the object in view; as a revision and equalization of the tariff, taking a common sized newspaper of about 550 square inches as the basis, would make a large addition to this branch of the revenue of the Department.

The tariff of letter postage proposed in the resolution of the House of Representatives would occasion a reduction in that branch of the revenue, without reference to the increase of letters, of from twenty to twenty-five per cent. This reduction, therefore, would amount to about \$900,000. The increase of revenue, from the modification and restriction of the franking privilege, may be estimated at \$250,000; and that from an increase of correspondence at an equal sum. The saving in the transportation cannot well be estimated; but it would no doubt amount to several hundred thousand dollars. The increase of gross revenue from postages on newspapers and other printed matter, with the advance on the postage as proposed, would probably amount to \$500,000. Without the advance, the revision and equalization might be estimated to produce half that sum.

These changes in the establishment could therefore be made not only with safety to its finances,

but they could hardly fail of placing them in a more flourishing condition.

The full benefit of these improvements could not be realized under four years; that period being requisite to enable all the contracts to be made with reference to them.

It may be deemed an inauspicious time, when the finances of the Department are low, to revise the tariff of postages on the basis of a reduction. It is believed, however, that it can be most safely and judiciously done at such a period. It attempted when the revenue is rapidly increasing, the new tariff would unavoidably be in some degree based on a state of revenue which would be found to be only temporary. But from the present condition of the finances, it would be necessary to postpone the reduced tariff of letter postage until the 1st of July, 1842. And by the other changes taking effect immediately, less retrenchments would be required, and the finances of the Department placed in a prosperous condition at the period the new tariff was to go into operation.

These changes in the system, when their benefits shall have been fully realized, with such improvements as will naturally suggest themselves, it is confidently believed, will admit of a still further reduction of the rates of letter postage, and ultimately bring them down fifty per cent.

The great inconvenience in the transaction of its business to which, for several years, this Department has been subjected, for the want of a public building adapted to its uses, and the constant exposure of its books and papers, will soon be removed by the completion of the building now erecting for it. I have adopted such measures as were within my control to protect the present building and public property from fire. The building now erecting for the Post Office Department, if the contractors do not obtain from Congress a further extension of the time for the performance of their contracts, will be fit for occupation in the course of the ensuing autumn.

Very respectfully, your obedient servant,
JOHN M. NILES.

PERMANENT PROSPECTIVE PRE-EMPTION LAW.

DEBATE IN THE SENATE.

MONDAY, JANUARY 4, 1841.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands; who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up.

MR. CLAY of Alabama said a brief explanation of the principles and enactments of this bill might, perhaps, be proper from him, as he had reported it from the Committee on the Public Lands; but, in this era of good feeling towards "log cabins" and the tenants of "log cabins," which had recently been manifested all over the country, he presumed a very brief statement would be sufficient. They lived, he said, in what might emphatically be called the era of good feeling towards those rude places of habitation, and their humble occupants; for, during some months past, they had been the especial and constant theme of high praise and eloquent encomium, not only in the region where they were almost exclusively to be found, but even in our cities, and in more refined parts of the country. Nor, (said Mr. CLAY,) was this confined merely to political discussions—it had been made to enter into every thing else—even the jewellery worn by many of our most fashionable ladies, and the ornaments which decorated their persons, bore the impress of the "log cabin" of the wilderness.

He (Mr. CLAY) congratulated the great West, and more especially the tenants of the "log cabins," and all others, wherever they might be situated, who stood in need, and were desirous to possess a freehold, on the favorable auspices under which this important bill had been introduced. Looking to all these favorable indications, and thus sustained by public sentiment throughout our country, he would not permit himself to doubt the success of the measure; and he hoped there would not be found one solitary opponent of the bill, to interrupt the apparent unanimity.

He said he might here allude to the very

different state of feeling and sentiment which had heretofore prevailed upon the subject under consideration. On all former occasions there had been strong, decided, and he might almost say violent opposition to every measure intended to protect the settlers on the public lands, and favor their interest. Even during the last session of Congress, Senators would recollect what strong opposition was encountered by the pre-emption bill then in progress, and which ultimately passed both Houses, and received the President's approval on the 1st of June, 1840. It would be recollected that that measure passed both Houses, almost by a strict party vote—the friends of the present Chief Magistrate supporting it with great unanimity, as one of the favorite measures of his Democratic administration, whilst those opposed to him resisted the passage of the bill with at least equal unanimity. He was rejoiced at the apparent change which had since occurred. Shortly after the strenuous opposition which the bill alluded to had encountered in both Houses, almost entirely from those opposed to the Administration, those same gentlemen (the Whigs) had become the most ardent in their professions of attachment to "log cabins" and their occupants. He repeated his congratulations to the meritorious class of citizens whose interests were so deeply involved in this measure, that, from the manifestations of the six months which preceded the late Presidential election, the Whig party had now become their most zealous friends; and that henceforward there would be a generous rivalry between the two great political parties which divided the country, in the support of the privilege of pre-emption, the reduction and graduation of the price of public land, and every other measure of liberality to the new States, and the humble cultivators of the soil.

He said he might here take occasion to remark that he was no new convert to the policy proposed by this bill. It was one which he had labored to advance, at least with earnest zeal and persevering assiduity, for the last twelve years, in one branch of Congress or the other, except for a brief interval of absence; and even then he was not wholly inactive. It had long been a favorite policy with him, through the medium of pre-emption laws, and other kindred measures, if possible, to make every freeman a freeholder. In favor of such a policy he had often before raised his voice, and expressed his strong convictions. But heretofore he had been the representative of a people who were immediately interested in the passage of bills of this description. When he first took his seat in the other branch of Congress, a considerable district of country, which had been settled for some years, was ready to be brought into market; and since that period, other large portions of the State of Alabama had been acquired by treaties with the Indian tribes, and almost simultaneously covered with a hardy and industrious population. Hence, always heretofore, his constituents were to be benefited by the passage of pre-emption laws, and the support he had given them might, perhaps, have rendered him liable to the imputation of interested motives—as, although he was not personally interested, and never obtained a pre-emption in his life, he might have been supposed to pursue the course he did to ingratiate himself with his constituents. But now he had the good fortune to occupy a very different position. Every acre of land in Alabama, not owned by individuals, had become the property of the Government; there was no portion of the territory within that State subject to the claim of any Indian tribe. The Indian title to the last remnant of their territory had been extinguished several years ago; and he believed there was none that had not been surveyed for the last twelve or eighteen months. It had been settled still longer, and, consequently, was subject to be claimed under the pre-emption laws of 1838 and 1840. Hence, so far as regarded pre-emption, all his constituents were provided for, and he was now as disinterested as any other Senator in that chamber. Alabama had no special interest in the bill, except as it embraced lands subject to private entry, commonly called refuse lands. But he was glad to have this opportunity to give disinterested evidence, as he should by

his vote on this occasion, of his approbation of the principle and policy of the measure. He was satisfied it was the true policy. He had hitherto maintained, and he now maintained with equal earnestness, that Government ought to extend favor to those who will settle and improve the public lands. He would go further, and say, if the public lands were sold under the pre-emption laws for less money than when sold at auction, even for half price, it would be the policy of this, as it had been of every other Government, to confer peculiar privileges on those who settle and improve them; for thereby the wide-spread domain of the United States was rendered productive, and the resources of the country enlarged and improved.

He (Mr. C.) contended that it was not wild and uncultivated land, however extensive, that constituted the wealth or strength of a country. He contrasted the present condition of the valley of the Mississippi—the great West—with a dense, numerous, and enlightened population, in a high state of improvement and cultivation, yielding annually the most abundant supplies of every thing necessary to the subsistence, comfort, and enjoyment, of civilized man—with what it would have been, had it remained a wilderness till the present day. He asked, how different it was now, either in furnishing resources for the support of Government, or the men and means for the national defence, compared with what it would have been, if it had remained unsettled, unimproved, and uncultivated? Was it not obvious, that it would have been better to have given away all that portion of the public domain to have brought about the present prosperous condition of things, than to have retained it till now, if ten or twenty times the Government price could be realized from its sale? He thought these views could not be well controverted; and if true in regard to the settled part of the country, was it not equally so as regarded the portion of the public domain which still remained unoccupied? If we had derived all the advantages, at which he had hastily glanced, from the occupancy and cultivation of one portion, it was fair to presume, that we should derive corresponding benefits from the improvement and cultivation of another.

But, (said Mr. CLAY) in point of fact, there is no sacrifice of pecuniary interest on the part of the Government, even at the time of sale, on the plan proposed by this bill—at least none worthy of consideration. He said it would only be necessary for gentlemen to turn their attention to a report made by the Commissioner of the General Land Office, on the 8th of January, 1838, with the accompanying table, and to a similar statement made by him on the 16th of January last, to satisfy them of the correctness of this position. The cash system commenced on the 1st of July, 1820; the report first alluded to, showed the average prices from that time to the 30th of September, 1837; and the last gave the average prices from the 22d June, 1838, (when the pre-emption law of that year was approved,) up to its date, in January last—embracing a period of about nineteen years. The cash system had been in operation about ten years before the passage of the first general pre-emption law—which was on the 29th of May, 1830. Let gentlemen examine the average prices before the passage of that act, and compare them with the average prices since received, and they will be satisfied I am correct in saying the pre-emption laws result in no material loss to the Government. Mr. CLAY then read from the report of the Commissioner of the General Land Office, showing the average prices paid for public lands, in each year, since the commencement of cash sales, as follows:

The average price paid in 1820 was \$1 40 per acre.

Do.	1821	1 50	do.
Do.	1822	1 23	do.
Do.	1823	1 30	do.
Do.	1824	1 27	do.
Do.	1825	1 35	do.
Do.	1826	1 33	do.
Do.	1827	1 42	do.
Do.	1828	1 26	do.
Do.	1829	1 26	do.
Do.	1830	1 26	do.

Now, (said Mr. CLAY) up to the 29th of May, 1830, there was no general pre-emption law. For the two years preceding (1828 and 1829) the average price in each was but \$1 26 per acre, and it continued the same during the year 1830, in only the last half of which did that law operate. Here was an excess, in two consecutive years, before the passage of the act, of only one cent per acre, above the minimum price; and in the following year, during half of which the first pre-emption law was in operation, the price remained the same.

Now, (said Mr. CLAY) what has been the result under the pre-emption policy? The official report will answer the question. For the year 1831, (during the first half of which the first pre-emption law continued to operate,) the average price was \$1 28 per acre—two cents higher than it had been either of the three preceding years. In 1832, when no pre-emption law was in force, the average price was but \$1 27 per acre. In 1833, the average price was \$1 29 per acre. In 1834, when a new pre-emption law was passed, to continue in force two years, the average price was \$1 31 per acre; and in 1835, (throughout which the same law was in force) the average price was \$1 27 per acre. In 1836, during the last half of which there was no pre-emption law, the average price was but \$1 25 per acre; and again in 1837, (still no pre-emption law,) the average price was but \$1 28 per acre.

It also appeared (said Mr. C.) from the statement of the Commissioner, made in January last, exhibiting the result of sales from the 22d of June, 1838, (when another pre-emption law passed,) up to the then latest returns, that the average price received for nearly seven millions of acres, was but \$1 26 18 100 per acre; and on the part sold at auction, exclusively, only \$1 29 33-100 per acre.

Now (said Mr. CLAY) is it not apparent that the prices received for the ten years before the commencement of the pre-emption system, and those received for the nine years since, during a long portion of which pre-emption laws have been in operation, are not materially different, if at all? Do not these official statements establish that we receive as much money from the actual settler and cultivator as we would receive from the speculator or landmonger? And is not the question distinctly presented, whether we will sell the public domain, in small quantities, to men of small capital, who will immediately occupy, improve, and render it productive, or whether it is our better policy to sell at auction to bands of speculators and capitalists, in large quantities, to lie idle and unprofitable till they can extort the desired profit from those whose necessities compel them to have it? Yes, sir; this is the question for our grave consideration. And can an American Congress hesitate as to the answer we shall give it by our legislation? He hoped the period when there could be any doubt upon this question had gone by, and that now a favorable response would come from all quarters.

He said he had omitted to mention one fact connected with the sales of the public land, which was worthy of consideration—that was the greater expense incurred by the Government, in sales at auction, than in those under the pre-emption laws, or by private entry. In the latter, the Government was at no expense whatever, beyond the regular and established salary and commissions of the registers and receivers; while the sales at auction involved additional expenses, in the employment of auctioneers, extra compensation to registers and receivers, and expenditure for additional clerk hire—he had not made any precise estimate—but probably amounting to at least four or five per centum. And this amount of additional expense was to be deducted from the small excess above the minimum, which might appear to be gained by sales at auction.

But (said Mr. CLAY) suppose the Government were to profit even to double the amount of the average excess which may be supposed to appear by the reports from the General Land Office, to which he had referred, would the paltry difference of two or three, or even ten cents an acre, be a sufficient inducement with American statesmen to jeopard the peace, the safety, and the interest of

the numerous families which are annually settled on the public lands? No, sir; the Government would lose infinitely more by such a course, in paralyzing the energies, and crippling the resources of those hardy and enterprising pioneers, than could be compensated by any pecuniary gain.

Sir, (said Mr. CLAY) money is the smallest, and about the last, consideration, that should enter into or influence our policy in the management of the public domain. It is a consideration which has never controlled the policy of other Governments, over which it is our pride to boast a superiority. It was not the policy of Great Britain, still less, perhaps, of France and Spain, in the disposition of the lands claimed by them at an earlier period of our history. Occupancy, cultivation and improvement of the resources of the country, were the considerations upon which they granted the lands of the Crown.

Nor was money the consideration which induced the original States to cede positions of their territory, except, perhaps, so far as to aid in the payment of national debt, contracted in the war of independence. They had much more exalted purposes in view; to put down controversies about territorial limits; to quiet jealousies between the different members of the confederacy; to build up prosperous communities; to create new States, and thereby add new stars to the bright constellation of our glorious Union. These were the bright and laudable motives which operated upon all the States which made cessions of territory; it was apparent in all the compacts between those States and the General Government, especially in that of Virginia, the mother of States; and not the sordid consideration of making money for themselves, or the General Government.

He further remarked that the bill under consideration might be fairly regarded merely as a measure to change the mode of sale from auctions to private entry. He thought he had sufficiently shown that it would not materially affect the amount of revenue derived from this source, even if the quantity sold should be the same. But he said the sales would undoubtedly be greatly augmented, and consequently, much more money would be brought into the Treasury within a given period, than under the present system.

This bill, too, was free from the objections which had been urged against the other pre-emption laws of the last twelve years. It had been urged that, by those pre-emption laws, rewards were given to persons who were trespassers on the public property, who were worthless in character, and who set the law at defiance, by settling upon the public domain, with no more right than they had to seize upon the public Treasury, upon our vessels of war, and our forts and arsenals. Now such was not the bill under consideration. Here the bill was prospective, unless it was in respect to those who had become settlers since the date of the last pre-emption law. The main object of the bill was not to protect those who were called trespassers and violators of the laws, but to say to the hardy cultivator of the land, who gave an earnest of being a cultivator, that he should be safe in the possession of the fruits of his labor. Nor was it confined, as was said by another class of objectors, to the inhabitants of the valley of the Mississippi, or to the great West. Heretofore it had been urged that the bills were partial—it was objected, not only that they were rewarding the violators of the law, but that they were confining its advantages to them and to the settlers within the limits of the new States and Territories; but this was broader in its provisions, and it held out the same inducements to the industrious and enterprising of the old States, that it held out to the new States. Now, he regarded this as an important feature in this bill, and one which, with due deference to those who differed from him in opinion, it seemed to him should silence all objectors, leaving out of view the enthusiasm in favor of log cabins, and their occupants, which had been prevailing for some time past. But by this law the poor man of the old States had it placed within his power, if industrious and enterprising, to go forward to the new States with the guarantee held out to him of a title to the land on the payment to the Government of \$1 25 per

acre. It seemed to him that by the old States it should be regarded with more favor than by the new States. In the new States they had learned by experience, and the practice of enterprise and industry, that they could be independent. There were in those Territories few wealthy landlords, with crowds of tenants around them; but he should be pleased to know what number of freemen there were in the older States who were not freeholders, but who were dependent on their daily labor for the support of themselves and their families. They were doubtless very numerous—and to all such this bill held out the promise of relief.

A citizen of an old State, if he stands in need of a permanent home, to subsist, rear, and educate his family, is here guaranteed one, if he has the enterprise to seek it. Now was there any objection to this? It was the principle of a free Government that every citizen should have the power of free locomotion—that every one should have the right to remove from one part to another, and even to abandon his country if he thought proper. Let not, then, this be any longer called a new State measure, or one that is partial in its operation; it was no longer calculated to benefit the new States or Territories, but to benefit every one, from one end of this wide-spread confederacy to the other, and at the same time to be just to the Government; it only required that a man should become a cultivator of the soil—that he should place himself on any part of the uncultivated lands, and pay to Government the minimum price. It was equal in its operation—holding out the same boon to citizens of the old as well as the new States—and requiring the same price from all.

This measure, then, not only recommended itself to the favor of all those who supported the pre-emption projects of the last twelve years, but it assumed higher ground: instead of being partial in its operation—instead of being confined to the new States and Territories, it extended the privilege alike to the citizens of all the twenty-six States; while it was liberal to the people, it did no injustice to the Government; and he trusted it would pass with a unanimity with which no other measure ever has passed in regard to the public lands.

He deemed it unnecessary to say more; for he did not believe it possible there could be any well founded objection to this bill. Indeed, in saying as much as he had said in explanation of the provisions which it contained, he had rather adhered to form, than spoken from any conviction of the necessity of that course; and he should now content himself with voting for this bill, without saying more in its favor.

Mr. BENTON said the two bills standing together on the special orders, in relation to the public lands, the one for graduating the price, and the other for establishing a permanent pre-emption system, were bills upon the same subject, mutually connected with each other, and very fit and proper to be discussed and passed together. It would be difficult to discuss one without discussing the other; and, as it would save time, and be within the rules of propriety and order, he should avail himself of the discussion of one to speak of both.

It would be recollected, that he had heretofore spoken of the sentiments of the present President of the United States, (Mr. Van Buren,) as being favorable to the principles of both bills—as having presented his opinions to that effect in official messages—and he had taken it upon himself to say that he was entitled to more credit for the sentiments he had expressed, and the part he had acted on this subject, than any public man in the United States; and he, (Mr. BENTON,) had said these things with a full knowledge of what he was saying, and with a full determination to prove what he said when the proper opportunity presented itself. That opportunity had now arrived. The two bills were before the Senate; the discussion had commenced upon them; and the officially expressed opinions of the President were fit and proper matter to be presented to the Senate. He would, therefore, present the recommendations of President Van Buren on the subject of pre-emptions and graduated prices of the public lands, as he found them in his annual messages, and he would afterwards say something

in justification of his assertion, that Mr. Van Buren deserved more credit for his conduct on the question of the public lands, and was entitled to more gratitude from the cultivating and farming interest, than any other public man in America.

The first extract to which he would call the attention of the Senate, was from the President's Message of December, 1837, which was in the following words:

"A large portion of our citizens have seated themselves on the public lands, without authority, since the passage of the last pre-emption law, and now ask the enactment of another to enable them to retain the lands occupied, upon payment of the minimum Government price. They ask that which has been repeatedly granted before. If the future may be judged of by the past, little harm can be done to the interests of the Treasury by yielding to their request. Upon a critical examination, it is found that the lands sold at the public sales, since the introduction of cash payments, in 1820, have produced, on an average, the net revenue of only six cents an acre more than the minimum Government price. There is no reason to suppose that future sales will be more productive. The Government, therefore, has no adequate pecuniary interest to induce it to drive these people from the lands they occupy, for the purpose of selling them to others." * * * * *

"A policy which should be limited to the mere object of selling the lands for the greatest possible sum of money, without regard to higher considerations, finds but few advocates. On the contrary, it is generally conceded, that, while the mode of disposition adopted by the Government should always be a prudent one; yet its leading object ought to be the early settlement and cultivation of the lands sold; and that it should discontinue, if it cannot prevent, the accumulation of large tracts in the same hands, which must, necessarily, retard the growth of the new States, or entail upon them a dependent tenantry, and its attendant evils."

In the message of December, 1838, he found the following passage:

"Our experience under the act passed at the last session, to grant pre-emption rights to settlers on the public lands, has as yet been too limited to enable us to pronounce with safety upon the efficacy of its provisions to carry out the wise and liberal policy of the Government in that respect. There is, however, the best reason to anticipate favorable results from its operation. The recommendations formerly submitted to you in respect to a graduation of the price of the public lands, remain to be finally acted upon. Having found no reason to change the views then expressed, your attention to them is again respectfully requested."

The message of December, 1839, contained these observations:

"On a former occasion your attention was invited to various considerations in support of a pre-emption law in behalf of the settlers on the public lands, and also of a law graduating the prices for such lands as had long been in the market unsold, in consequence of their inferior quality. The execution of the act which was passed on the first subject, has been attended with the happiest consequences, in quieting titles, and securing improvements to the industrious; and it has also, to a very gratifying extent, been exempt from the frauds which were practised under previous pre-emption laws. It has, at the same time, as was anticipated, contributed liberally during the present year to the receipts of the Treasury."

"The passage of a graduation law, with the guards before recommended, would also, I am persuaded, add considerably to the revenue for several years, and prove in other respects just and beneficial."

"Your early consideration of the subject is therefore once more earnestly requested."

And lastly, from the message of December, 1840, he made the following quotation:

"The available balance in the Treasury on the 1st of January next, is estimated at one million and a half of dollars. This sum, with the expected receipts from all sources during the next year, will, it is believed, be sufficient to enable the Government to meet every engagement, and leave a suitable

balance in the Treasury at the end of the year, if the remedial measures connected with the customs and the public lands, heretofore recommended, shall be adopted, and the new appropriations by Congress shall not carry the expenditures beyond the official estimates."

Now these were extracts from the four different messages from Mr. Van Buren during the four years that he had filled the Presidential chair. The extracts spoke for themselves; they showed the sentiments of the President; and they showed him to be what a patriot President should be—the uncompromising enemy of speculators, and the frank and thorough friend of the settlers and cultivators. The President was for pre-emptions, and graduated prices; and these were the two things which the speculators abhor, which the good of the country required, and what every settler and cultivator had been demanding for many years. The sentiments of Mr. Van Buren were made clear on these two great points. He had spoken for himself, and that not once, or twice, but four times; not in a private conversation, or in a letter, or in electioneering harangues, but officially and publicly, in his high character of President, and under the responsibility of the constitutional injunction to recommend to Congress the measures which he deemed proper for their consideration. These were the sentiments—this the conduct of President Van Buren; and for the manner in which he had taken these sentiments up, and expressed them—the candid manner in which he had taken them up, and the responsible manner in which he had expressed them—he had placed himself at the head of the list of the friends of the graduation and pre-emption policy, and had entitled himself to the gratitude and confidence of all the friends of these measures.

He accorded this high praise to Mr. Van Buren without any reservation, and without any exception whatever. He excepted nobody—not even any one from the new States—and least of all did he except himself. He (Mr. BENTON) and others from the new States, who had supported the pre-emption and the graduation policy, had done their duty in a good cause, but their merit could not be equal to that of statesmen from the Atlantic States, who had renounced unfounded prejudices against these important measures, and became their ardent supporters, and that against a powerful adverse interest. This was the case of Mr. Van Buren. He was a member of that Senate when these measures had but few friends there, and when the settlers on the public lands, the pre-emption bills for their benefit, and the graduation bill, were all accustomed to be denounced, and that by Western men, in terms of unmeasured condemnation. Mr. Van Buren was a member of this body when he, (Mr. BENTON,) almost solitary and alone, pleaded the cause of the Western pioneer—claimed protection for the meritorious settler—and argued the justice of reducing the price of the public lands according to its reduced quality and value. His solitary voice was overpowered at that time, and his bills were treated as preposterous, absurd, and impracticable measures, and were said to be repudiated by the people of the West themselves. This was what Mr. Van Buren, in common with other Senators from the Atlantic States, was accustomed to hear; and it was natural that such representations, coming from Western men, should have its influence upon a stranger to the West, and prejudice his mind against the settlers on the public lands, and against all the measures intended for their relief. It was natural that such should be the effect produced; and accordingly Mr. Van Buren, with almost the whole body of Atlantic Senators, voted against pre-emption bills, and graduation bills, during the time that he was a Senator on this floor; but his mind, though misled, was just and candid, and open to the convictions of truth; and during the four years that he presided over this body—during the four years of his Vice Presidency that he sat in the chair of the President of the Senate, and gave such punctual attendance and such respectful attention to their debates—during these four years his prejudices became entirely removed, and he became favorable to the bills which he had formerly opposed. This change took place under the pro-

gress of discussion and under circumstances which proved that it was as disinterested and as fearless, as it was enlightened and equitable. It took place during the progress of an adverse measure—the land revenue distribution bill—a measure calculated to enlist all the old States against the settlers, against pre-emptions, and against reduced prices of the public lands. It was in the face of this antagonist measure—it was during the progress of this adverse bill, so hostile to the settlers and the new States, and so well calculated to array all the old States against the new ones—it was during the progress of this measure which presented so much to the hopes of a calculating politician, and when some former friends of the new States were faltering and going away before it—it was in this crisis that Mr. Van Buren became sensible of the correctness of the graduation and pre-emption policy; and from that time he only waited the appropriate opportunity to manifest his sentiments. That opportunity presented itself when he became President of the United States, and in that character had to discharge the constitutional duty of recommending to Congress the measures which he deemed proper for their consideration. In his first annual message, he recommended the graduation and pre-emption policy; in his second message he did the same; in the third he repeated the recommendation; and in his fourth and last, he has adhered to it. This has been his conduct in relation to these important measures; and upon this statement of facts, as concisely as they were correctly stated, he (Mr. BENTON) rested the assertion, that Mr. Van Buren stood at the head of the list of the meritorious friends of the graduation and pre-emption policy, and was entitled to the gratitude and confidence of all who believed, as he did, that that policy was the true policy of the country, combining in the highest degree the interest of the individual with the interest of the public.

Having done this justice to Mr. Van Buren, and availed himself of the advantage of his arguments in favor of the two bills referred to, he (Mr. BENTON) would go on to give his own testimony, derived from experience, in their favor. It was now thirty-one years since he had first been called to act in a legislative capacity on the subject of pre-emptions, and fourteen years since he had first moved the graduation policy on this floor; and all experience had confirmed him in his opinion in favor of the wisdom and justice of both measures. As far back as the year 1809, he had been a member of the General Assembly of the State of Tennessee—a member of the Senate of that State—and in that capacity, had given his cordial support to the pre-emption policy, extended by that State to the settlers on the public lands of the State south of the Holston river. He had seen the operation of the pre-emption law then passed by the Legislature of that State, and he had seen the operation of all the pre-emption laws since passed by Congress. He had seen all—literally seen it; for his residence in the West enabled him to see it; and he could truly say that the operation of these laws had been equitable and beneficial—good for the individual settler—good for the public Treasury—good for the country. He was, therefore, confirmed in the policy by the test of experience, and should continue to give it an ardent support. He was for the settler—for the man that went forward amidst every danger, under every privation, and against every hardship, to build his log cabin in the depth of the wilderness, and to provide by his labor and his courage for the support and defence of his family. The soil should go to the cultivators, was his doctrine; the first comer having the first choice; the second comer the second choice; and so on to the end of the list, speculators and general purchasers taking their choice after the first settlers were provided for. Thus, experience had tested the benefit of the pre-emption system: it had done the same with the graduation principle, for this principle had been tried in the State of Tennessee, and had worked well there: it had been tried in the State of Mississippi, on the Chickasaw lands, and by virtue of a clause in their treaty, ratified by the Senate of the United States, and had worked well there. The graduation principle had worked well in both these instances, and the public mind of all

the new States, and in all the Territories, was entirely in favor of it. It was as necessary in the old counties as the pre-emption bill was in the new ones; and the current of public opinion was now so strong in its favor, that those who ridiculed it when he (Mr. BENTON) first brought it forward, now eclipsed him in their zeal for it, and laid hold of the graduation bill as a passport to popularity, and as a ladder to promotion.

He had pleasure in saying that the public mind throughout the Union had shown itself favorable, during the late Presidential canvass, to the policy of these two bills: the actual President was known to be favorable to them from his public messages to Congress; the President elect was argued to be so from his past votes in this body; and to neither were his sentiments on this point objected in any part of the Union. Mr. Van Buren received near four hundred thousand popular votes more than he had received in 1836; General Harrison received more than one hundred thousand above him; and that after having voted for a pre-emption and a graduation bill far more liberal in their provisions than the bills now before the Senate. He voted, in 1828, for a graduation bill down to 25 cents per acre, and for a pre-emptive right of purchase graduated down to 5 cents an acre; and had the full benefit of these votes in the new States, without the least diminution of public favor in the old ones.

He (Mr. BENTON) here adverted particularly to the provisions of the bill for which General Harrison voted in 1828, and which, for the sake of precision, on a point so important, we insert entire.

A BILL to graduate the price of the public lands, to make donations thereof to actual settlers, and to cede the refuse to the States in which they lie.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the public lands as have been offered heretofore at public sale, and which may remain unsold on the first Monday of November next, and shall then be subject to entry at private sale, shall, thereafter, be offered at private sale, in parcels, conformable to sectional divisions and subdivisions, until the sale thereof shall be effected, at the following graduation of prices: For two years next ensuing the first Monday of November, one thousand eight hundred and twenty-eight, at one dollar per acre; for two years next ensuing the first Monday of November, 1830, at seventy-five cents per acre; for two years next ensuing the first Monday of November, 1832, at fifty cents per acre; and for two years, from and after the first Monday of November, 1834, at twenty-five cents per acre.

SEC. . And be it further enacted, That it shall and may be lawful for any head of a family, young man over the age of twenty one years, or widow, not having received a donation of land from the United States, and wishing to become an actual settler on any parcel of public land authorized by this act to be sold, and not exceeding in quantity the amount of one-quarter section, to demand and receive from the proper register and receiver, as soon as thirty days shall have elapsed after the said parcel shall have fallen to either of the graduated prices by this act established, a written permission to settle on the same; and if the person so applying shall pay down to the proper receiver the sum of seventy-five cents per acre for land offered by the first section of this act for one dollar per acre; or fifty cents per acre for land offered at seventy-five cents per acre; or twenty-five cents per acre for land offered at fifty cents per acre; or five cents per acre for land offered at twenty-five cents per acre, and shall forthwith settle thereupon, and cultivate the same for five consecutive years, and shall be a citizen of the United States at the end of that time, the said person, on making proof before the proper register and receiver, of such settlement, cultivation, and citizenship, shall be entitled to receive a patent therefor from the United States. Add if two or more persons, entitled under this act to the privileges of actual settlers, shall apply at the same time for the same parcel of land, then the register and receiver shall immediately decide the right of preference between them, according to the equitable circumstances; and, where these are equal,

by lot: *Provided, always,* That no sale, or assignment of any settlement right shall be valid, and in no case shall the patent issue to any person but the settler himself, if living, or to his heirs or devisees if dead.

SEC. . And be it further enacted, That the registers and receivers, for services done under the third section of this act, shall have a right to demand and take, from the party applying for such services, the following fees: For a written permission to settle upon a quarter section of land, the sum of twenty-five cents each; for taking the proof of settlement, cultivation, and citizenship, and granting the final certificate, the further sum of fifty cents each.

Mr. BENTON then resumed. He said this was the graduation and pre-emption, and also donation bill, which he brought into the Senate in 1828—which was amended by that body until it took the shape which it now wears, and for which General Harrison voted. He voted seven times on yeas and nays, as the journal will show, in majorities, fixing the features and details of the bill: he then voted in a respectable minority of twenty-one in favor of ordering the bill to its third reading: and he showed himself to be a firm friend to the bill of 1828, which reduced the price of the public lands as low as twenty-five cents per acre, and which gave the settlers twenty-five cents advantage in the purchase. All this was duly made known to the American public during the canvass, and no where gave rise to any objection to him. It did not prevent him from receiving a great majority of the votes of the people and of the States. It was fair, then, to conclude that the people of the United States are satisfied with the pre-emption and the graduation policy; and that, in passing the two bills now before the Senate, the rare felicity would be experienced of conforming to the sentiments of the actual President, of the President elect, of the people of the new States, and of the people of the old States.

He (Mr. BENTON) had referred to the votes of the President elect on the graduation and pre-emption bill of 1828, in no invidious or unfriendly spirit. He had done it for the precise purpose which he had avowed—for the purpose of showing that the new President had gone infinitely further in support of such bills than the present propositions go; and that, for this, he had received the greatest applause in the new States, without losing a particle of popularity in the old ones. It was for this purpose that he had quoted the votes of General Harrison; and he conceived that the argument which he drew from these votes, and the public satisfaction with the gentlemen who gave them, was perfectly fair and parliamentary.

He would conclude what he had to say on this subject with recalling to the recollection of the Senate the fact that both the pre-emption and the graduation bills were now presented as revenue measures—that both the President and the Secretary of the Treasury presented them as such—presented them as bills which would accelerate the sales of the public lands, and increase the income from that branch of the revenue,—while adding to the strength, wealth, cultivation, and compact settlement of the States and Territories in which the public lands lie. That was a most material feature in the character of those bills at present. It should recommend them to all sides of that chamber—particularly to the anti-Democratic side, who were calling out for new taxes to defray the current expenses of the Government, and to pay a national debt, which they allege to exist. To that party these two bills must come as welcome visitors—as fountains of supply—as the exact thing which they want—as a means of augmenting the revenue without disturbing any branch of commerce—as most happily combining the interests of individuals with the supply of the Treasury, and the accommodation of the public.

Mr. PRENTISS spoke, as was understood, in opposition to the bill, but in so low a tone of voice, as to be inaudible at the Reporters' desk.

Mr. MANGUM rose to make some inquiry respecting certain provisions of the bill. He said there was a provision that from and after the passage of this act, every head of a family, etc. should

be entitled to certain privileges therein mentioned; and he wished to know whether it was intended that there should be a limitation to color, or whether blacks were intended to be included, as well as white persons.

What the precise object of the clause was, to which the Senator referred, did not reach the Reporters' desk; and as the Reporters are not permitted to have the use of any Congressional bill or document, it is necessarily left in obscurity.

He also inquired whether the bill was intended to comprehend aliens as well as free citizens. It appeared to him, some of the terms used in the bill were exceedingly comprehensive, and yet indefinite. He wished further to know how long a person would be required to occupy the public land, before he would be entitled to the privileges proposed by this bill; and he was desirous of being informed what guard or security there was that one person would not settle on ten or twelve successive sections of land in the same year.

He saw no provision respecting the length of occupancy, nor any to prevent a settler entering half a dozen or more sections at the same time; and he would be glad if the friends of this bill would give him the information which he desired before he voted on the bill. He further observed that it appeared to him, if this bill passed it would revolutionize the whole land system of the country, and confer the power on the register and receiver of the district, and the Commissioner of the Land Office—higher judicial power than was known to be bestowed to any officers in this country; in truth, the whole land would be subject to a central system, and the existing land system might be dispensed with. He further complained that the bill would be unequal in its operation, and consequently unjust towards some portion of our citizens, who could not by possibility derive the slightest advantage from this law. He insinuated that those "boys" of eighteen years of age, who, by this act, would be entitled to pre-emption, would be twenty-one four years hence; and after stating that he did not propose to go into a discussion of this bill, concluded by observing that he was opposed to its whole policy.

He afterwards again rose, and moved the amendment of a section to which he had referred, by introducing the word "white" before "persons," thereby limiting the right to pre-emption, so as to exclude persons of color.

Mr. CLAY of Kentucky called for the ayes and noes thereon, which were ordered, and the question being taken, it was decided in the affirmative—ayes 37, nay 1, as follows:

YEAS—Messrs. Allen, Anderson, Benton, Buchanan, Calhoun, Clay of Alabama, Clay of Kentucky, Clayton, Crittenden, Dixon, Fulton, Graham, Henderson, King, Knight, Linn, Lumpkin, Mangum, Merrick, Mouton, Nicholas, Norvell, Pierce, Preston, Roane, Robins n, Ruggles, Sevier, Smith of Connecticut, Smith of Indiana, Surgeon, Tallmadge, Tappan, Walker, Wall, Williams, and Young—37.

NAY—Mr. Porter—1.

Mr. MANGUM then moved the insertion of the words "being a citizen of the United States" after the words "single man," so as to exclude aliens from the right of pre-emption.

Mr. CALHOUN inquired whether, in point of fact, any but a citizen could hold land; and he was informed that aliens could hold land in Ohio.

Mr. CLAY of Alabama was also understood to say that aliens could hold land in many of the new States.

Mr. CALHOUN remarked that the law in this particular should conform to the laws of the respective States.

Mr. CLAY of Alabama said this was no new question; but no bill of this description ever did contain a provision like that now proposed to be inserted; and yet no evil was known to grow out of them. This ought to be satisfactory to the Senator from South Carolina.

Mr. CALHOUN said this was with him a question of principle; and he had merely made the inquiry, that he might have a knowledge of the fact.

Mr. SMITH of Indiana said this was a bill of

great importance; and as he was of opinion that it would require many amendments, he would suggest, as it was past three o'clock, the usual hour of adjournment, that the bill should be passed over.

Mr. BUCHANAN said that we ourselves soon forgot what had passed in this body. It is not yet three years since this very question was argued at considerable length, and solemnly decided by the Senate. When the last pre-emption bill was under consideration, in January, 1838, the Senator from Maryland [Mr. MERRICK] had moved to exclude foreigners from the benefit of its provisions; and after much debate his motion was negatived. From the investigation which then took place, the fact was established, that from the very beginning of our land sales, foreigners had always been permitted to purchase the public lands in the same manner as if they were our own citizens. No inconvenience had ever, to his knowledge, resulted from this practice. No person even now proposed to change it. This was the established policy of the country. The attempt now made was not to prevent foreigners from purchasing the public lands, but from acquiring the right of pre-emption. For his own part, he thought that the alien who came to this country, traversed the Atlantic States, and made a settlement with his family in the wilderness of the far West, ought not to be excluded from the privilege of purchasing at the minimum price, in preference to all other persons, the small tract of land which he had improved, merely because he had drawn his first breath in a foreign land. In this particular he ought to be placed on the same footing with our own citizens.

The uniform practice of selling the public lands to foreigners interfered with no right of any of the States, no matter whether aliens were permitted to purchase lands under their laws or not. The title thus acquired by the alien would be good against all mankind except the sovereign State within whose limits the land was situated. If under its laws aliens could not hold real estate, the State might forfeit it by the common law process of escheat. None of the new States had ever adopted this course. On the contrary, they were all glad that emigrants from other countries should purchase and cultivate these lands. He was, therefore, prepared, both on principle and on policy, to vote against the amendment of the Senator from North Carolina, [Mr. MANGUM.]

Mr. CLAY of Kentucky said it was very true that this question, as had been observed by the Senator from Pennsylvania, had been raised some years ago; and he also believed, beyond the mountains, aliens were allowed to hold land, but he also believed that there was some condition required in almost all the States—in some of them, a residence of two or three years. Now it might be a question whether they should extend the privilege except to those holding by State authority—and aliens who hold were not entitled to a vote—but he (Mr. CLAY) was opposed on principle to the proposition that aliens should be invited from every portion of the habitable globe, to take possession of the public lands on terms so peculiarly favorable as were proposed by this bill.

Whilst a man is an alien, owing allegiance to any foreign power, he ought not to exercise the right of franchise in our country; nor ought either the serfs of Russia, or the subjects of Austria, or of England, or France, bound by their allegiance to a foreign potentate, to be allowed, until they renounced their fealty to their original potentate, to enjoy the privileges of American freemen. On this question he hoped, neither there nor elsewhere, would there be any diversity of opinion, whatever there might be of the necessity of a greater or less restriction in the acquisition of the rights of an American citizen in the different stages of the national progress, in its infancy and maturity. There was another point on which there ought not to be any diversity of opinion. Though it might be the practice of our Government to sell the soil of our country alike to aliens as to citizens, there should not be extended an invitation to aliens to come and purchase our lands; and yet such would be the effect of this bill. It was a question of sound policy whether they would hold out to all, without or within this country, these peculiar privileges

of pre-emptioners. He (Mr. CLAY) should conform his vote to that which he had given this question three years ago.

Mr. BUCHANAN said that like the Senator from Kentucky, [Mr. CLAY] he would most cordially adhere to the vote which he had given on this question three years ago. He agreed with the Senator, that until a foreigner became a citizen, he ought not to be permitted to exercise the elective franchise. But the present case was far different. What, after all, was this privilege of pre-emption about which we had heard so much? Was it a gift of the land? No. Was it a sale of the land below the ordinary price fixed upon it by the Government? Certainly not. What then was it?

We had ascertained by long experience that the public lands, from some cause or other, do not command at public sale on an average more than two or three cents per acre more than the minimum price. The reason of this, we may easily conjecture? The bands of speculators who attend these sales, combine for the purpose of keeping down the price to the minimum standard. They are thus enabled to obtain the choice tracts at but one or two cents above one dollar and twenty-five cents per acre. Now what is the great privilege which we confer by this bill? It is nothing more than this;—that the man who goes into the wilderness—selects a quarter section of land—erects his log cabin upon it, and brings it into a state of cultivation, shall not be turned out of house and home by any greedy speculator who may have cast his longing eyes upon it. This spot of land is not offered at public sale, but is reserved for the actual settler, provided he pays for it in cash at the rate of one dollar and twenty-five cents per acre. The Government may thus, by possibility, lose one, two or three cents on each acre, in securing to this poor man his selected home. This is the sum total of the benefit to him and the loss to the Treasury; without bringing into the account the advantage which the country derives from having its vacant lands settled and cultivated by a brave and hardy population.

Now, in regard to aliens. The Senator has admitted that, from the origin of the Government until the present day, they have been permitted to purchase the public lands of the West, either at public sale or by private entry. This fact is incontrovertible. Then why make an odious distinction against foreigners in this particular case? If you permit them to purchase in every other form, why deny to them the privilege of purchasing as pre-emptioners. The alien who flies from oppression at home, and makes his way into the far West, and there fixes his habitation, at the same time places his body as a barrier against the attacks of the savage foe which your policy has collected on that frontier. Such aliens thus furnish stronger evidence of their fidelity to the country, and of their intention to become citizens, than they could do by a mere declaration to this effect, under the naturalization laws, though, he presumed, such a declaration was made by them in almost every instance. A man who merely does this, may change his intention before he becomes a citizen; but the man who makes a settlement on the public land, and purchases it from the Government, thus identifies his own fate and that of his family, for weal or for woe, with our Government. From such men we have nothing to apprehend. And shall we suffer even the alien speculator, who has no intention of ever becoming a citizen, to purchase the humble dwelling of this poor man, and drive him out of possession? Such might often be the case, if it were not for your pre-emption laws. For my own part, I shall always most cheerfully, as long as I shall be honored with a seat in the Senate, grant this trifling privilege to the actual settler, whether he has emigrated from the old to the new States, to improve his condition, or has fled from oppressor in the old world, to live under the protection of our Republican institutions.

Mr. BENFON said there were no restrictions in Missouri upon the acquisition of lands by aliens—that it was the policy of the State to encourage emigration, and she had therefore placed foreigners on a level with citizens in what relates to the rights of property.

With respect to the present motion to exclude aliens from the benefit of the pre-emption laws, he said it was the repetition of a motion which had been made two years ago, and which had been then rejected; and he saw no new reason for bringing it forward now. It was, in his opinion, an impolitic and an unwise motion, and the reasons given for it were unfounded and unenforceable. What were those reasons? Why, that it gives a right in our soil to emigrants from foreign countries, before they have abjured allegiance to their native country, and encourages the refuse of the European population to come to our country. Now this bill could offer inducements to no one to come but such as meant to live by their labor, and by the most useful and honorable of all pursuits—that of agriculture. To such only could the pre-emptive privilege be an inducement to leave their own country and remove to the United States; and all such must be most welcome accessions to our population. To receive the benefit of the bill, the emigrant must go and settle on the public land—he must clear it and cultivate it, build a log cabin upon it, and inhabit it. This was a real pledge of fidelity to the country—a better one than an oath of abjuration of foreign allegiance could give. The settler, under such circumstances, became at once a meritorious inhabitant; he attached himself to the soil; he began to add to the mass of the national wealth, by adding to the mass of the national production; he took his place among the farmers, and from the first moment felt his attachment to the country in which he was instantly elevated to the class of freeholders; and his feelings were communicated to his children, and love of America grew up in their hearts, and predominated in their affections. For himself, he (Mr. BENTON) could say that his own experience was entirely in favor of the measure. He had seen the effect of the pre-emption privilege in Missouri in favor of foreign emigrants; it drew a vast many of them to the State, and instantly converted them into meritorious cultivators of the soil. Germans, especially, came in vast numbers, and were continuing to arrive, and the country deeply felt the benefit of their labors. They were forming large settlements, and towns, and villages, and were incorporating with the population and becoming part of its mass. The passage of this bill, and its twin brother, the graduation bill, by which the inferior lands will be reduced in price, will greatly augment this emigration; and he (Mr. BENTON) should rejoice to see it. Emigrants who came here to deal in money, found no restrictions upon their acquisitions; alien merchants or bankers may acquire millions, and carry them away. To this none of the gentlemen objected. Then why should they object to the acquisition of a few hundred dollars' worth of land by an alien, when he must remain and cultivate that land for the general good as well as for his own individual benefit, for he could not carry it away from the country? This was absurd; and he (Mr. BENTON) was astonished to see the difference which was made between the acquisition of real and personal estate. The alien banker or merchant may acquire unlimited millions, and exercise vast influence over the policy and elections of the country; the solitary cultivator who would work his little field in the woods, having no power to influence any body, is objected to as a dangerous character. This was preposterous, and the objection could not hold. The motion to exclude aliens had been rejected heretofore by a decided vote of the Senate, and he trusted it would be so rejected again.

The question on adopting the amendment proposed by Mr. Maugum being taken, it was decided in the negative—ayes 12, nays 30, as follows:

YEAS—Messrs. Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Huntington, Knight, Maugum, Merrick, Prentiss, Preston, and Rugles—12.

NAYS—Messrs. Allen, Anderson, Benton, Buchanan, Calhoun, Clay of Alabama, Fulton, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Porter, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Walker, Wall, Williams, Wright, and Young—30.

And the Senate adjourned.

TUESDAY, January 5, 1841.

Mr. CLAY of Alabama offered the following amendment, which was agreed to:

And be it further enacted, That, prior to any entries being made under the privileges given by this act, proof of the settlement and improvement required by its provisions shall be made to the satisfaction of the register and receiver of the land district in which such lands may lie, agreeably to the rules which may be prescribed by the Commissioner of the General Land Office for that purpose; which register and receiver shall, each, be entitled to receive fifty cents for his services therein; and all assignments or transfers of the right of pre-emption given by this act, prior to the issuance of patents, shall be null and void.

Mr. TAPPAN proposed to amend the bill by an amendment which declared that the settler should be entitled to the benefits of the pre-emption right only once, which was agreed to.

Mr. CRITTENDEN said he had an amendment to propose, as a proviso, to the last clause, as follows:

Provided, That no person being an alien shall be entitled to any privilege or right of settlement or pre-emption granted by this act, except only such as shall previously have made, in due form of law, the declaration of intention, required by the naturalization laws of the United States, to become a citizen of the said United States.

And provided further, That no person shall take any right or benefit under this act, who shall not make oath before some proper officer authorized to administer oaths, that his whole estate was not, at the time of his settlement, worth as much as five hundred dollars.

He said he had supposed yesterday, when the Senate decided that aliens should be admitted, that the Senate proceeded on the supposition, that foreigners settling on our public lands, of course intended to become citizens; but it appeared to him it might still be proper to require of them some legal evidence of that intention. He did not see what possible objection there could be to this.

Mr. ANDERSON. There is no objection to the first part of the resolution.

Mr. CRITTENDEN. If, indeed, they were going to legislate on the plan proposed yesterday by the honorable Senator from Pennsylvania, [Mr. BUCHANAN,] and were not only to welcome all foreigners, but in our expansive philanthropy to grant them privileges, refused to our own native born citizens, then, to be sure, there would be no necessity of such a proviso as he had proposed; but if Congress legislated on any thing like a principle of nationality, if it proposed to recognize any distinction between foreigners and natives, then surely the amendment was proper and reasonable. Else, what was there to prevent foreigners actually to form colonies in the midst of our country? to avail themselves of all the benefits extended by our laws without the least thought or intention of ever assuming the responsibilities of American citizens? There were already many foreigners of this description in our country; there were many merchants in our great cities who were ever ready and on the alert to grasp at every privilege our legislation would permit to them; but who were not citizens with us, and never intended to be. Before he would grant to a foreigner the privilege provided by this bill, he would record evidence of the man's intention to become naturalized. Was this too much to require? The Senate had been told that to all those who fled from oppression in the old world we were to grant—what? Our own lands? That was the amount of it. But this was what he was not prepared to do. It had been urged that we were under obligation to do this to foreigners, because they presented their breasts as a bulwark to guard us against the savage foe upon our frontier. When, and where, had we made foreign breasts the bulwark of our safety? What! and was it come to this, that our citizens had to rely on the breasts of foreigners for their protection? No, no, no. Things had not come to that pass. The American people were not yet reduced so low as to be forced to offer pecuniary rewards to strangers and foreigners to expel their bosoms as a rampart to defend us—against whom? Not against a world in arms would he

seek such a bulwark for protection, much less against a horde of naked savages. This might do to be used in argument; it made a very pretty figure in a speech; but he could not think that gentlemen were quite in earnest when they urged such a consideration as that on the Senate. No, no; we wanted no such equivalent for our lands; what we chose to grant we would grant freely, and not encumber it with a condition of defending us against the Indians on our border. All he would require was a simple pledge of intention to become one of ourselves; to share the rights and responsibilities of American citizens. Could less be asked than this?

As to the second branch of the amendment, viz: the requirement of an oath that the estate of the applicant for a pre-emption did not exceed \$500—what objection could there be to it? The authors of the bill had thrown the "log cabin" feature into it expressly to show, as he supposed, that the bill was to be enacted for the benefit of the poor man. He wanted it to be so in fact and in truth. He did not want a law to make rich men richer, but to furnish a home to the industrious man who wanted to live and to work. It was important that there should be some limitation to the operation of the bill; otherwise, under the pretext of giving a home to the poor and laboring man, the law would operate in fact for the benefit of the grasping and speculative. By a curious coincidence enough, it had happened yesterday, that while the gentleman from Alabama [Mr. CLAY] was advocating and urging the bill upon the Senate, he (Mr. CRITTENDEN) received a letter from an old friend and constituent, inquiring with evident anxiety whether there was not a great pre-emption bill to pass this session; the letter stated that throughout that country there was a great movement among the people; men of substance were quitting good houses and settlements, and removing, with the hope of getting richer, on to new lands. This was under the idea that now, as heretofore, the pre-emption law would require actual residence and settlement. The writer added that he made the inquiry more particularly, because there lay near his present residence a piece of very good land, and if he was sure such a bill was to pass, he would at once break up and remove to this new tract. The letter stated that the removals were very numerous—in fact, that there seemed a general movement throughout all that part of the country. Not only log cabins of the best description, but in some cases good brick houses, were abandoned that their owners might avail themselves of the expected pre-emption law to enrich themselves and their children. Now it never, surely, could be the intention of the Senate to grant pre-emptions to men of this description; and if not, the bill ought to be limited and guarded, in order that it might effectually exclude those who waited for such a law, that they might use it as an engine to increase their wealth.

Mr. TAPPAN said if the amendment of the Senator from Kentucky failed, he should propose an amendment to remedy the evil by preventing the acquisition of a pre-emption right, by any person who should be the owner of any land, and should quit it to live on the public lands.

Mr. BUCHANAN could not have supposed that the few incidental remarks which he had made on the question which was yesterday decided by the Senate, would have brought out the Senator from Kentucky, [Mr. CRITTENDEN] or any other Senator, in reply to-day. He had no right, however, to complain of this, and was only sorry that he (Mr. B) was now compelled, in self-defence, to make a few observations in reply to his remarks. It had been his purpose not to utter a single word on the general subject of pre-emptions, which had been so often discussed by him before; but to content himself by merely giving his silent vote in favor of the bill.

Mr. B. should neither vote for the first nor the second clause of the Senator's amendment. He went against the whole and each of its parts. In relation to the first clause, he held that the foreigner who penetrated to the Western frontier of our vast country, and there settled upon and cultivated a tract of land, presented the clearest proof, and that by the most decisive action, of his intention to become a citizen of the United States. How can

it be contended that this was no proof of such an intention? The whole conduct of such a man manifested that he was determined to live and to die by the soil. In what other manner could he give stronger proof of his devotion to our institutions than to have transferred his home from his native country to the far West, and there to have felled the forest and erected a dwelling (he would not say a log cabin, for he had no reason to be remarkably partial to that name,) for himself and his family? He thus acquired, not the title to the tract of land which he had selected, but merely the right to purchase and pay for it at the Government price, in preference to all other persons. If he should prove unable to do this, his labor was all forfeited. Mr. B. could assure the Senator, that from such aliens as these, he need apprehend no danger of foreign influence. These pioneer farmers were not the men from whom we had any thing to dread. He should never consent to destroy the title of such a man, after he had paid for his land, and thus to render all his toils and privations unavailing, merely because through negligence he might not have gone to a court of justice, and made a formal declaration of his intention to become a citizen of the United States, before his actual settlement commenced. No, never! His judgment and his feelings would equally revolt against such an act.

He (Mr. B.) could not understand the opposition which had been manifested in certain quarters to foreigners, who had sought a refuge and a home in our country. Had they not materially assisted in achieving our independence? In the days of the Revolution no such jealousy was felt towards the brave Irishmen, Frenchmen, and Germans, who, side by side with our native citizens, had fought the battles of liberty. On the contrary, he had no doubt, it was from a grateful sense of these services, that it had ever been the settled policy of the Government to allow them to purchase our vacant lands upon the same terms with American citizens.

Was there no reason for pursuing the same policy at the present day? Was it not clearly our interest as a nation to permit such emigrants to purchase, and possess our vacant lands, and thus establish a line of defence on our frontier against the incursions of the savage enemy? This was a wise policy which he trusted might never be abandoned.

But the Senator [Mr. CRITTENDEN] made light of the danger from the hordes of savages, which, wisely or unwisely, had been collected on our Western frontier; and he thought it was degrading to American citizens to be protected and defended by any foreigner not yet naturalized.

Mr. B. believed that the danger was one which might well be apprehended even by the bravest men. Some twenty or thirty thousand Indian warriors, he did not recollect the number exactly, now occupied the country along the Western line of the States of Missouri, Arkansas, and Louisiana. There they were, and there they must remain, or the national faith must be violated. They had been almost literally driven to that frontier from their native homes in the interior of the States, with all the hostile feelings and wounded pride which our conduct towards them naturally inspired. At any time, at all times, there was danger of a united war being waged by these savages against our frontier settlements. We all know that it is the nature of the Indian to brood over his vengeance, and to strike the most dreadful blow when his enemy least expects it. Was it not then clearly the policy of the Government to increase the number of inhabitants on that frontier? And if an Irish, a German, or a French emigrant thought proper to settle there, was he (Mr. B.) to be censured for having declared that their bosoms would become bulwarks against the incursions of our savage enemy? These brave men would always be ready to die in defence of these possessions which this Government had permitted them first to improve and then to purchase.

But the Senator thought it would be degrading to Americans to resort to such a defence. Mr. B. well knew that "the blood of Douglas could protect itself." He knew that our own citizens could defend their country: but how they could be

degraded by fighting in the same ranks with foreigners, as our Revolutionary forefathers had done, he was utterly at a loss to conceive. This was a species of exalted pride which he could not understand. And this, too, when these foreigners, united with our own citizens, were defending their common possessions and their homes. It was certain that such men would become citizens as soon as they could under our naturalization laws; but if any of them, either ignorantly or from negligence, had omitted to make a formal declaration of their intention to this effect, he would never deprive them of their privilege of pre-emption, and drive them from their homes for this reason. He could not, therefore, give his support to the first clause of the Senator's amendment. On the second clause of the amendment, he should say nothing, as he did not deem it necessary, and would not, therefore, protract the debate, into which he had entered with much reluctance.

Mr. CRITTENDEN would offer but a few words in reply, rather to what the Senator had insinuated, than to what he had actually said. The gentleman seemed greatly surprised that there should be manifested in certain quarters so great a hostility to foreigners. He did not really understand what the Senator meant. He had not said one word derogatory to foreigners; he had neither said nor insinuated any thing like it. It was his idea that the Constitution, by the liberality of its provisions, offered an asylum and protection to the oppressed of all countries; but it was reversing the whole matter, and changing our entire attitude, when we offered to grant them a pre-emption title to land among us that they might come and be our bulwark against the Indians. Such a position was against our national pride; it was degrading to tell all the world that we would grant them privileges in the hope that they would present their breasts as a bulwark to defend us from danger. Was this language for Americans? Not that it was degrading to us that foreigners should mingle with our own people in defending the country from a common enemy—not at all, there was nothing degrading in it. But he would not hold this out as a motive to invite them to our shores. He would not offer them land for being our rampart against our foes. He entertained no spirit of hostility toward them; far from it: but he made a distinction between them and our own home-born American citizens. Did the Senator hold them both alike? Did he feel no greater affection, did he acknowledge no greater obligation to our own citizens than to foreigners? If not, why had we passed naturalization laws? Did they recognise no difference between the two? Was it not the policy of every Government and every nation upon earth to draw such a distinction?

But it was said by the Senator that actual settlement on the public lands was better evidence of an intention to become an American citizen than any forms prescribed by our naturalization laws; if so, would it not be better at once to repeal all our present laws touching naturalization, and substitute this "better evidence?" Would the gentleman from Pennsylvania think it good policy to declare that if any foreigner would go upon our public lands and go to work cutting down trees, he should forthwith be declared an American citizen? He (Mr. CRITTENDEN) supposed he would hardly advance such a position. It was particularly surprising to him that there should be in certain quarters such extreme sensitiveness and such a strong dread of interference in our concerns by foreigners who held a petty interest in some petty bank among us, when, at the same time, there was nothing at all of that feeling at the idea of granting landed privileges in our country to foreigners who would not even express an intention to become American citizens. If a foreigner, an alien, could, with his foreign character never cast off, and without recording an intention to become naturalized, obtain privileges not granted to our own native born citizens, did this involve no danger of foreign influence? It seemed not. The gentleman could view this with perfect composure; but let a foreigner, residing far from our limits, hold a share in one of our banks, and it

excited at once a mighty alarm! Now, he did not hold that the privilege proposed to be conferred by this bill, if extended even to foreigners, would present any just cause of alarm; but he was opposed to it on principle. The soil of the United States belonged to the citizens of the United States. Did it not? It was their own property out and out. The right of holding it had been conferred upon citizens, native and naturalized, but it was no part of our policy to grant the same right to foreigners, and especially to such as refused even to declare that it was their intention ever to become naturalized amongst us. He would put a case by way of illustration. We possessed a widely extended country. It spread from sea to sea, and there was a portion of it under the more immediate care of his friend from Missouri near him, [Mr. LINN;] he meant that part of it which lay beyond the Rocky mountains and round about the mouth of the Columbia river, a region represented by some gentlemen as a terrestrial paradise. Now if the bill should pass in its present shape, what should prevent foreigners from coming there, erecting their log cabins, claiming the right to the soil, and selling it to whom they pleased? This might certainly be done. As to the probability of such a event, there might be a difference of opinion. But under the bill it might be done. But the gentleman says that this is *log cabin doctrine*. Ah, the gentleman did not understand what the log cabin doctrine meant. These foreigners who do not intend to become American citizens, are not the sort of log cabin men we wish to provide for. The bill, indeed, makes it a condition that the settler shall build a log cabin; but it does not define what sort of a log cabin it shall be. Now, the sort of log cabin which a good Whig or Harrison man would put up for his dwelling is one thing, and that log cabin which a foreigner would erect as a mere pretext to obtain a color of title is a very different thing. The one must be some thirty or forty feet square, and comfortable as that. The other is a hovel, a den just big enough for a man to creep in on all fours. If we adopt the amendment, we surely do the foreigner no injustice. The moment he sets foot upon our soil we welcome him at once to all the privileges of an American citizen, provided he will simply declare, and put the declaration on record, that he means to become such. This is all we ask. Let him do this, and "without money and without price" we give him at once all the privileges and advantages of our own native born citizen. He has at once the right to acquire lands and to engage in all the pursuits conducive to his happiness. Where else under the sun can he obtain such rights on such terms? Nowhere. But all this is not sufficient. The gentleman wants to go further, and to invest him with these rights without his making so much as a declaration that it is his purpose to become a citizen. The gentleman fears that his foreign friend may have omitted this through mere inadvertence, or from not knowing that it is necessary, but surely, before a man gets land by virtue of a pre-emption law, he will at least read the law on which he depends for his title. It might perhaps be complained of as a hardship to the foreigner if we withheld this right from him during all the years he is required by law to reside within the United States before he can obtain the privilege of naturalization. But this I do not propose to do. All I require is the legal evidence that the man intends to become an American citizen. Let him give me this, and I am willing at once to instate him in all the privileges we ourselves enjoy. This surely is as little as we can do in justice to our own citizens.

Mr. BUCHANAN would say a few words in reply. The Senator from Kentucky is a good logician, and, unless he were closely watched, would get the better of his antagonist even in a bad cause. His sophistry up to the present occasion consists in attempting to infer from my argument that I was in favor of substituting an actual settlement upon a tract of the public land for the declaration of intention required from every foreigner before he can become an American citizen. It would be very easy for the Senator to triumph, if he were permitted to substitute his own forced inference, for my express declaration to the contrary. With this

view, he triumphantly asks if I would be willing to change our naturalization laws by rendering a residence on our vacant lands equivalent to the declaration of intention which these laws require? Now, I ask him in return, have I ever said that I would? Have I ever intimated any such intention? On the contrary, have I not expressly declared that I would not grant to any foreigner the elective franchise until he had become a naturalized citizen under our laws? Whilst I should not, with the Senator from Kentucky, deny to the foreigner the right of the pre-emption which he has fairly acquired by the dangers and privations encountered in making a settlement on your remote frontier, I would not, for this reason, confer upon him the high political privileges of an American citizen. The Senator's argument, therefore, in this particular, fails to the ground. It has no foundation, in any thing which I said, to rest upon. The right of pre-emption is one thing; but the high privilege of becoming an American citizen is another and entirely different matter.

And what, after all, is this great privilege of pre-emption? To what does it amount? What is its intrinsic value? It is merely a contest between the speculator and the actual settler, as to whether the former shall be permitted to purchase the spots of land improved and rendered valuable by the toil of the latter. Our experience has demonstrated that the average excess of the price of the public lands advertised and sold at public sale, in pursuance of the President's proclamation, is not more than two or three cents per acre above the fixed price of the Government at private sale.

What, then, is the privilege granted to the settler who goes into the wilderness, clears away the forest, and there establishes his home? Does this bill offer such a man a donation? Not at all. Does it give him the land as a bounty? No such thing. The privilege it confers is that he shall not be driven from his humble home by the speculator. This *mighty* privilege is that he shall pay for his land the price fixed by law, which may be less, by two or three cents per acre, than it would command at public sale; and that after he has paid for it, he shall hold it. And why, at this late day, for the first time in your history, should you make an odious distinction, in this small matter, between the settler, who had drawn his first breath on the other side of the Atlantic, and the American citizen? No such distinction had ever existed heretofore, and no complaint had ever been uttered by those directly interested, that this trifling privilege had been conferred upon foreigners. If the Senator had carefully read the history of his country—I mean on this particular point—I myself have not, but the fact has been furnished to me by one who has—what would he have found in relation to these now despised foreigners?

[Here Mr. CRITTENDEN denied that he had spoken of them as "despised foreigners."]

Mr. BUCHANAN said I know he has not; but if he had understood the honorable Senator correctly, he had spoken with indignation against using the bodies of foreigners as a barrier on our frontiers against the incursions of the savage foe, and considered it a degradation to our own citizens to invoke the aid of such defenders. If the Senator had read the history of his country, he would have found that the Revolutionary Congress, "in the times that tried men's souls," had invited those foreigners to enlist under our banners, and had offered them not a mere pre-emption right, but a bounty in lands, with the privilege of at once becoming American citizens. Here Mr. B. read the acts of Congress of August 14th, and August 27, 1776, from the first volume and first page of the land laws. These acts manifested the estimation in which foreigners, who were willing to fight in the cause of independence, were at that day held by the Revolutionary Congress. He could not be mistaken in believing that it was far different from the estimate now placed upon them by the Senator from Kentucky. Now, said Mr. B. I desire to make no political capital out of any question of this nature. I wish only to act towards those foreigners who may have settled or shall settle upon our public lands, upon the principles of eternal and immutable justice. Nothing more.

From the beginning it has been our policy to permit foreigners to purchase and settle upon the public lands, and I shall not now, for the first time, establish an odious distinction against them, in a pre-emption bill. I will not now, at this late day, repeal the established policy of the country, but in this particular shall pursue the system adopted by the wisdom of our predecessors.

But the Senator has asked me why I am so willing to accord these privileges, and yet am "so jealous of foreigners holding a little stock in a petty little bank." This question I shall endeavor to answer. Sir, said Mr. B. this is the class of foreigners who do produce alarm in my mind,—they excite my terror. [Mr. BENTON: "Yes, the millionaires."] These are not the men who fly from poverty and oppression abroad, and settle in our country to share in its toils as well as its advantages. They are not the poor pre-emptioners of the West, who have indissolubly fixed their fate with ours, and have no other human hope but to live and die upon our soil. No sir, no. Very far from it. The foreign stockholders in our banks have no intention of becoming American citizens. Their object is to increase their own fortune by the spoils of our land, to suck our young life blood for the purpose of strengthening and invigorating the decaying institutions of other countries. They seek to acquire a political influence over us, that they may turn it to their own advantage and our destruction. Of such a foreign influence I confess that I am jealous. I firmly believe that the day on which you shall establish a new National Bank in this country, with a capital of one hundred millions of dollars, and with the power of spreading its branches over every portion of the Union, and more especially if you shall permit foreigners to hold the stock, will be the darkest and most portentous which has ever shone upon the Republic. From that day we shall most probably forfeit not only our liberty but our independence. You will then concentrate and fortify a central money power, foreign and domestic, in this country, which will exercise a controlling, an overwhelming influence over its destinies. Senators themselves may live to rue the day when they called such a vast, such an irresponsible power, into existence. It is such a foreign influence that I dread, and not that of the "log cabin men" of the far West, (I thought I never should have used the expression,) whose fortune and whose fate are necessarily identified with that of the country. It is the foreign millionaire, who seeks to control the politics of the country for the purpose of promoting his own interest and increasing his own fortune, of whom Republicans here and every where ought to be jealous.

The Senator had said, and he appeared to place some stress on the argument, that our vast country beyond the Rocky Mountains might be settled by foreigners under this law, and they might sell it out to every body and any body they thought proper. But this country could not be settled under the provisions of the present bill, until the Indian title should be extinguished; and when the Indian title shall be extinguished in that region, Congress may then establish such laws for its settlement as may be suitable to its condition. The Senator has gone far away for this argument. It will be a long time, notwithstanding the sanguine expectation of some Senators, before this can become a practical question. Before that day, it is probable that both the Senator and myself will have passed from the theatre of public action. In regard to this remote question, which has been invoked as an argument to affect the present interests and policy of the country, he would answer, in the words of the other Senator from Kentucky, [Mr. CLAY] on a late memorable occasion. When he was appealed to a few days ago to inform the country what he intended to introduce as a substitute for the Independent Treasury, in case he should succeed in repealing it, his answer was, "sufficient for the day is the evil thereof." We must not look too far ahead. When the time shall arrive for considering the Oregon question, I hope there will be sufficient wisdom in Congress to settle it aright. We are yet far on the eastern side of the Rocky Mountains; and hordes of Indians occupy the intervening space.

Mr. CRITTENDEN said of course it must be natural for him to desire to escape as soon as he could from any contest with the Senator from Pennsylvania; it was one in which of course he could hope to gain but little. Yet he did not admit it to have been such very bad logic that he should have imputed to him the sentiment of preferring a settlement on the public lands to a written declaration before a magistrate as a test on the part of a foreigner of an intention to become an American citizen. True, it was not said in terms that he proposed so to alter the law, but the Senator certainly did insist that the one act afforded better evidence than the other; and if so, why not substitute the one for the other? The Senator would not, of course, oppose the obtaining of the best evidence; and as he esteemed the cutting down of some trees on the public lands, and the erection of a log cabin; that thereby a pre-emption right might be obtained, as better evidence of Americanism than all the forms which our naturalization could furnish, why should not the weaker evidence be dispensed with, and the stronger established? That the difference between the Senator and himself was simply this: the Senator was willing to put the foreigner who made no declaration of a purpose to be naturalized on the same footing with one who did—on the same footing with one who had actually become naturalized, and even with the native-born citizen. He (Mr. CRITTENDEN) did not. He was ready to give to a foreigner who should become a citizen, according to law, all the rights and immunities of one born in the land. He would allow to one who had signified his intention to become such, greater consideration than to one who had not. The Senator was for giving every thing to a foreigner who had made no such declaration. He knew that in time of war we did employ foreigners in our armies; nor was there in this the least degradation. He was willing they should mingle with us in battle, but he was not willing to invite them here that they might protect us. Oh, no; this was not the bulwark on which he would rely for protection. We had other and stronger defence to rely on; and not until we were reduced to the last extremity would he consent to tell the world that we looked to foreign aid as the bulwark of our safety. The Senator was of opinion that our protection against foreigners getting possession of the country beyond the Rocky Mountains was the unextinguished Indian title. Would the honorable gentleman tell him that all that country was actually under the Indian title? He was not aware that such was the fact; he had not till now supposed that these regions were covered by even the vaguest Indian title. We had heard of some entire tribes being exterminated by disease and other causes, and certainly the whole country was not occupied by Indians. The gentleman, however, imagined Indians to be our bulwark against foreigners, and in the same breath was for granting to foreigners the right of pre-emption.

The gentleman had told the Senate that this was not the sort of foreign influence which he feared. Neither did he fear it. It was not from fear that he had introduced his amendment; but as a matter of principle and sound public policy. The Senator, however, was terribly afraid, indeed, of those formidable European millionaires who came among us only to drain our strength and suck our blood. While the Senator was speaking so feelingly on this subject, he could not but be reminded of the Spanish proverb: "Many a man who comes for wool goes away shorn." He thought that some of these European capitalist could perhaps tell him so. The gentleman was much terrified at the thought of the millionaire who sat in his splendid place in London the owner of some stock in an American bank. The Senator seemed to apprehend that, like an electric rod, this little amount of American bank stock might prove the conductor to such amount of foreign influence as would electrify the whole land, and threaten to blow up all our institutions; and yet the honorable Senator was going to vote for a bill which would place an Englishman, a proud and haughty Englishman, who considered that allegiance to Queen Victoria was his chief glory, and her authority the only one to which a Briton ought to bow,

on the same footing with the native born American citizen. Of the influence of such men here on our soil the Senator entertained not the smallest apprehension, but seemed, on the contrary, rather disposed to cherish and increase it, to fortify it by privileges, and nurture it with all aids and appliances which law could supply. Such men he invited to enter the bosom of our land to become lords of the soil; but the man, who, kept at three thousand miles distant, with all the broad ocean between him and us, him the Senator feared greatly. Well, he (Mr. CRITTENDEN) would not dispute the matter. Some men were so constituted that that appeared very formidable to them which gave other men no uneasiness at all, and one might as well dispute about tastes as to argue with men's fears.

As to the question of a National Bank with a capital of a hundred millions, which the Senator told them was to subvert American liberty, and make us all the slaves of a great moneyed power, he would not now enter; but he might as well tell the gentleman at once that he should rejoice in the day, and he believed the day had come, when a great and overwhelming majority of the people of United States had become satisfied that a National Bank was the only effectual remedy against all those sufferings under which they had been groaning for the last twelve years. He (Mr. CRITTENDEN) was for a Bank of the United States; not for a Bank with a capital of a hundred millions, governed by English millionaires, but a Bank made and constituted by the people of the United States, owned, regulated, and influenced by themselves; but he repeated that he would not now go into that subject. The question, and the only question at present to be decided was, whether we would put the foreigner, who made no declaration of his intention to become an American citizen, on the same footing with our own citizens. He required some evidence, and he asked for only the smallest modicum of evidence of the man's intention to become an American citizen. Give him but this preliminary requisite, and he was willing at once to include that man in all the benefits of the bill.

Mr. BUCHANAN said the Senator from Kentucky should not transfer this battle to the west of the Rocky Mountains. With his good leave we shall keep for the present on this side of them. The present contest was on the Indian frontier, and regarded the rights which foreigners ought to acquire by settling and cultivating lands within the limits of our existing States and Territories, and not beyond the Rocky Mountains. And now, after all this discussion, what was the difference between the honorable Senator and himself? Why, sir, he has come more than half round. He has now become a good pre-emption man, and is in favor of granting the right of pre-emption to all foreigners, provided they have declared their intention to become citizens. But suppose the case of a poor ignorant foreigner, not acquainted with the laws of his adopted country, who has gone upon your public land, cleared away the forest and erected a home for his wife and his children—I ask, would you deprive such a man of all the benefits of this bill, merely because he had omitted to make a formal declaration of his intention to become a citizen? I ask the Senator to say whether such a man, for such a cause, should forfeit his right to become the purchaser of this tract of land in preference to any hungry land shark who was ready to pounce upon it as his prey? The question between us has been narrowed down to this point at last. Now I appeal to that gentleman's own heart, to say whether he would not decide it in favor of the foreigner. I know and feel that he would. He can entertain no serious purpose that such a settler should forfeit his right. I am sure he does not. And what, then, is all the mighty difference between us? After all our replies, and rejoinders, and surrejoinders, the whole argument dwindles down to a mere question of tweedledum and tweedledee. Can the Senator make more of it? He is willing to place the foreigner upon the same footing with our own citizens, and grant him every right of pre-emption which they enjoy, provided he has gone through the form of placing upon record the declaration of intention required by our naturalization

laws. I go one little step further, and hold that the foreigner, by making his way to the far West, and settling upon the public land, manifests, by actions which speak louder than words, even a stronger intention of becoming an American citizen, than if he had merely made the formal declaration required; and in such a case, I ask, should he forfeit his privilege on account of this omission? Sure I am that if the honorable Senator from Kentucky were constituted the judge, and this question were left to his decision, he would answer, emphatically, no! He would never decide that the foreigner who has settled on the public land since June, 1840, upon the faith of your past legislation, or who shall settle upon it hereafter, shall forfeit his privilege of pre-emption, and be driven with his wife and children from their home.

The Senator has done me injustice in another respect. I never either said or insinuated that I would proclaim to the world that we wanted foreigners to come and settle amongst us, that they might protect us from danger. What I did say was, that it had long been the national policy, and one which I considered sound and wise, to encourage the settlement of our frontier as speedily and as densely as possible; and if this should be done in part by foreigners, then, in the hour of danger, their bodies would be our bulwark against a savage foe, just as surely as the breasts of our own citizens. I cannot vote for his amendment, because I am unwilling that an ignorant man, who may have acquired an equitable title to a pre-emption, shall forfeit it for want of having gone through a legal form.

Mr. CRITTENDEN. I am anxious to escape from any further participation in this controversy; but, according to the usages of the Senate, as I have offered an affirmative proposition, it is necessary and proper that I should have the last word. The only disingenuous thing which the honorable Senator has said is contained in his last remark, that I am coming round, and, if my amendment prevails, shall vote for the bill. No; I am not committed to vote for granting a pre-emption to any body.

Mr. BUCHANAN. I did not say that the Senator would vote for the bill, for I am sure he will not. I said he would put foreigners on the same footing with American citizens, if they would only declare their intention to become such.

Mr. CRITTENDEN. Yesterday I was in favor of confining the benefits of this bill to American citizens. The Senate have voted to extend them to foreigners. I now move an amendment requiring a simple declaration of an intent to be naturalized. The Senator opposes it, and is for putting those who have no legal or legitimate claim to this benefit at our hands on the same footing with our own citizens, and he says the difference between us is a mere matter of tweedledum and tweedledee. The Senator thinks it hard to make a distinction against one foreigner merely because he has omitted to make any declaration of his purpose to become a citizen. Why not agree at once that it is a shame to make a difference between a foreigner and our own citizen simply because he has happened to be born in another country, and under different allegiance—a matter over which he had no sort of control? The difference between such a man and a native American is, in the Senator's estimation, a mere matter of tweedledum and tweedledee. Yet this is the gentleman who is so terribly afraid of foreign influence. He is for making no difference between an Englishman, a Russian, a Frenchman, and an American. Now, the honorable Senator may excuse me, while I have all proper respect for foreigners, if I love my own countrymen a little better than them, and if I do make a difference between the foreigner who comes and grasps me by the hand, and solemnly records his declaration to cast in his lot with me, to make my county his county, my Government his Government, and to seek an inheritance in the soil for himself and his children—and the foreigner who is very willing to receive any and all the benefits we may have to bestow, but who refuses to give us the slightest pledge of his desire to become one of ourselves. To the gentleman this may all be tweedledum and tweedledee—to me, I

confess, it is matter of strong and high American feeling.

On motion by Mr. CLAY of Alabama, the question was divided so as to be put first upon the first part of Mr. CRITTENDEN's amendment.

Mr. PORTER inquired whether the mover would not modify it so far as to allow a previous declaration made before applying for the pre-emption to be a valid fulfillment of the condition proposed.

Mr. CRITTENDEN assented to the modification proposed by the Senator from Michigan.

Mr. ALLEN said he should vote against the amendment because such a provision would be utterly useless if incorporated in the bill. The declaration of the intention of an individual to become a citizen, might be made with great truth; the individual might then occupy land, and obtain a title thereto, and then with great sincerity change his intention. He was opposed to all distinctions of this description, and when a foreigner reached our shores he was willing to take the chain from his neck—every link of it.

Mr. WRIGHT said it seemed to him they were making themselves active about a question which should not be entertained by them; and as it appeared to be the intention to take the question tonight, he would state his views respecting it. Now, after what was said yesterday about peculiar and exclusive privileges, he would ask what was the privilege proposed to be conferred by this bill? It was, as he understood it, the privilege to the settler of paying that price for the land he occupied, which the Government had chosen to fix as the minimum price of the public land; and he made these remarks that he might not be misinterpreted or misunderstood in what he designed further to say upon this subject. Was there, then, reason that they should change all their legislation in reference to the public lands? Had not every foreigner, every where, the perfect right to go to our land office to purchase lands? and who would inquire whether he was a citizen, or intended to make himself one? Who would make such an inquiry? Where was the law proposing or authorizing it? Two years ago he knew such a proposition was made here, but it was rejected. Why should they make such a distinction between the foreigner and the native citizen, in the purchase of the public land? Yesterday, in the course of the debate, he heard an apprehension expressed that they were about to violate the laws of the States, and to force upon them citizens against their institutions; but could they do that? Was it in their power to do it? Suppose they made a grant or sale of land within a State to a foreigner, did it prove that the foreigner could hold or transmit that property to another. In his own State, (New York,) any foreigner could take the title to land, but he could not hold it as against the State; he could not convey it by deed, and he could not transfer it by inheritance. His title was good against all the world but—what? That very sovereign power which, it seemed to him, gentlemen were endeavoring to protect. The United States had yielded to the States all sovereignty over this domain by their admission into the Union, and they only held the title like a private individual, and they had the right to convey in the same manner; but suppose a foreigner should purchase from them, and the law of the State did not enable a foreigner to hold, or transmit, the title; did their patent override the law of the State? No, the foreigner took the title at his peril. If he chose not to become a citizen what was the consequence? He took title for the benefit of the State. The lands would escheat, if he did not qualify himself to hold and convey. Was it desirable then to the States, that we should prohibit such purchases? So long as the title remained in the General Government, the power of the State in which it lay did not reach it; but the moment it was conveyed to any foreigner, or to any body—to an infant, a *femme couverte*, or any body else, there was an end of the Federal power, and the question of title was with the State. And were they called upon to say who should or who should not purchase? The States have established their own institutions to please themselves, and should the Congress attempt to interfere? Was there a State in the Union in

which a foreigner cannot take the title to land? If there were, he knew it not—he never heard of such an instance. In England a foreigner can take the title to land, but as far as the Government is concerned, he takes for its benefit, if it chooses to interfere. It was not a question, then, so far as Congress was concerned, who shall hold and convey land; but the question with which they had to do was, who shall be permitted to take the title? It was for the benefit of the Treasury they sold the land, and when it was sold it fell within the power and jurisdiction, and was subject to the taxation, of the State in which it was situated. If the State choose to say that a foreigner may hold and convey, would they arrest that regulation? And if the State should choose to say a foreigner shall not hold and convey real estate within it, they could not say he shall. The moment the title was transferred to a foreigner, it was in the State, if the State choose to avail itself of its technical right. Were they not, then, agitating a question which did not belong to their legislation, and with which properly they had no concern? An intimation was thrown out yesterday, that, to make a foreigner a freeholder, was, in substance and effect, to make him a voter. Had they power over that? He thought they had not. He believed it was in the power of every State in this Union to prescribe the qualifications of its own voters, and even to permit that man to vote, if its people choose, who is not a citizen of the United States; and he knew of no power in the Congress of the United States to control the State in the matter. He remembered well the occasion when he examined this subject—the admission of Michigan into the Union—and he sought in vain for any authority in any branch of this Government to prescribe who shall or who shall not vote in the States. He was sure it would not be found in the Constitution, and he denied the existence of any such power; and so he denied any authority in the Congress of the United States to determine who shall hold, convey, or transmit the title to real estate within the States. It was enough, then, that they offered the land in the market, and to any person who would pay the money and take the patent; and when it was sold it was subject to the State institutions. These had been his views since the commencement of the debate; and, with them, he should vote against the amendment then under consideration.

Mr. BUCHANAN said he should like to understand how the amendment stood; for, as he understood it, the Senator from Kentucky [Mr. CRITTENDEN] by accepting the proposition of the Senator from Michigan [Mr. PORTER] had substantially yielded the point in discussion to them.

Mr. CRITTENDEN then said he would prefer taking the question on the amendment as he had originally presented it.

Mr. PORTER said he should vote for this amendment, because he was anxious to hold out to foreigners the additional inducement it would present to them to become citizens of the United States. The declaration of such intention was, in many cases inadvertently, but in few designedly, omitted. It surely was the policy of this Government not only to encourage, but to stimulate these people, by every laudable inducement, to change their allegiance and become what every free white man in the country ought to be—an elector. He did not desire to see the soil of Michigan in the permanent possession of foreign subjects, averse to taking on themselves the duties and obligations, and to enjoying the political immunities and privileges of American citizens. He desired to see them become Americans, and when they were so, in virtue of the naturalization laws, he would be as ready to welcome them to all the rights appertaining to them as such, as if they had drawn their first breath among us. The disabilities of foreigners in relation to real estate, alluded to by the Senator from New York [Mr. WRIGHT] as existing in that State, did not obtain in Michigan. Foreigners there could take and hold land free from all restraints on the power of alienation, either by deed or by devise; and in cases of intestacy, it descended according to general laws. It was only the political disabilities of having no

voice in elections, and of ineligibility to office, under which aliens in Michigan labored. Those disabilities he wished to see removed; and because such was his desire, he should offer the inducement presented by this resolution, so far as his vote in its favor would go.

He then asked the permission of the Senate to make a short explanation of the vote he gave yesterday on the amendment offered by the honorable Senator from North Carolina, [Mr. MANGUM], which confined the pre-emption right to "free white persons." He asked it on account of his peculiarly delicate position, he being the only Senator who gave a negative vote, and because of the unusual precipitation with which the question was disposed of.

By his vote on this amendment, he was called on to decide, as a Michigan Senator, whether this distinction ought to be recognised. It would be observed that this was the first instance in which it had ever been made in the framing of a pre-emption law. Not one of the previous acts contained it, and the question might, therefore, well be asked why it should now be established. But there was not found his objection to this amendment. He was admonished by the tone and character of the civil institutions of the State he represented, not to sanction it. The black man has there no political power, except for enumeration as the basis of representation. He cannot, by any accumulation of property, however great in amount, become an elector or hold an office. But here all his disabilities end. He enjoys all the "civil rights" conferred by our Constitution and laws on the white man, without restriction or limitation. He may take and hold, as he does take and hold, real and personal estate. He may convey and sell it, and direct its descent by will and testament; and if he dies intestate, it descends according to the laws in force regulating dower, inheritance, and the rights of creditors of deceased persons. In short, the color of the skin is no passport to an exclusive enjoyment of personal liberty or the rights of property. The right proposed to be conferred by this pre-emption bill, being strictly a civil one, and as no political power can be incident to its enjoyment by the black, he might well have hesitated to be the first to create a distinction, and the only one, as to color, in the facilities for the acquisition of property, afforded alike to all by the framers of our State Constitutions.

He could well imagine that this question was liable to be viewed in different lights by the representatives of different States. He was wholly unacquainted with the domestic details which regulate the institution of slavery at the South, but he took it for granted that a slave cannot hold lands. It would be a strange anomaly if he could.

[Mr. MANGUM here remarked, "No, certainly he cannot."]

The absence of this amendment then, would be wholly inoperative as to him, and he could not, therefore, be suspected of a wish to connect this bill with that subject to the injury of Southern rights or Southern feelings, voting, as he wished it to be understood it was his design to vote, in accordance with what he believed to be the spirit of Michigan institutions. Indeed, he could not feel at liberty to vote otherwise.

The question was now put on the first branch of Mr. CRITTENDEN's amendment, and decided, by yeas and nays, as follows:

YEAS—Messrs. Clay of Kentucky, Clayton, Crittenden, Graham, Huntington, Knight, Mangum, Merrick, Phelps, Porter, Prentiss, Preston, Ruggles, and Smith of Indiana—14.

NAYS—Messrs. Allen, Anderson, Benton, Buchanan, Calhoun, Clay of Alabama, Fulton, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Roane, Robinson, Sevier, Smith of Connecticut, Surgeon, Tallmadge, Tappan, Walker, Wall, White, Williams, Wright, and Young—29.

The question then recurring on the second branch of the amendment, viz: that requiring a declaration from the applicant that his whole property was not worth over \$500—

Mr. BENTON expressed his hope that Mr. CRITTENDEN would not insist upon this, but would

accept, in lieu of it, the amendment which had been read by Mr. TAPPAN.

Mr. CRITTENDEN declined doing so, as he did not consider the latter as at all covering the same ground.

Mr. TAPPAN then formally moved his amendment, which was to add to the first section a proviso, in the following terms: "Provided further, That no person being the owner of land in any State or Territory, who shall quit or abandon his residence on his own land, to reside on public land in the same State or Territory, shall acquire any right of pre-emption under this act."

Mr. CLAY of Alabama hoped the friends of the settler would vote against both propositions, on the ground that it was entirely a new feature in the system, and one wholly unnecessary; for who would think of making a speculation on 160 acres of wild land?

The question being taken on the latter branch of Mr. CRITTENDEN's amendment, by yeas and nays, it was rejected, as follows:

YEAS—Messrs. Clay of Kentucky, Clayton, Crittenden, Graham, Huntington, Knight, Mangum, Merrick, Phelps, Pierce, Prentiss, Preston, Roane, Ruggles—14.

NAYS—Messrs. Allen, Anderson, Benton, Buchanan, Calhoun, Clay of Alabama, Fulton, Henderson, Hubbard, Linn, Lumpkin, Mouton, Nicholas, Norvell, Porter, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Surgeon, Tallmadge, Tappan, Walker, White, Wright, and Young—26.

And then the Senate adjourned.

WEDNESDAY, January 6, 1841.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up, the question being on the amendment offered by Mr. PRENTISS, of Vermont, as a substitute for the whole bill, as follows:

"Strike out all after the enacting clause, and insert the following: That every actual settler on any of the public lands to which the Indian title has been extinguished, except such as are hereinafter reserved, being the head of a family, or over twenty-one years of age, who was in possession and a house-keeper, by personal residence thereon, at the time of passing this act, and for four months next preceding, shall be entitled to a pre-emption in the purchase of the land so settled upon, not exceeding one quarter section, of the minimum price now established by law."

Mr. TAPPAN urged his amendment to exclude from the right to pre-emption such persons as were the owners of land, who should quit or abandon it, to reside on the public land.

Mr. CLAY of Alabama suggested a slight modification of the amendment, thus: "being the owners of land in any State or Territory, who shall quit or abandon his residence on his own land, without selling the same, to reside on public land," &c. He preferred the introduction of these words.

Mr. NORVELL was opposed to all these amendments, and he demanded the yeas and nays thereon, which were ordered.

Mr. LINN said the object of the bill should be to secure a home for the poor laboring man, who has not a home, and if he could see any practical way of carrying it out, he should vote for it. Nevertheless, he thought he should vote for the bill as it was. The only difficulty with him was as to the result: he did not wish them to pass a law that could not be carried out. They could not restrain the people from going on the public lands—they might as well attempt to restrain the course of the winds—and therefore the law would, in point of fact, be a dead letter. If the provision of the gentleman from Ohio could be carried out, he should be glad, but he feared it could not.

Mr. FULTON said it was wrong to encumber the bill with amendments of this kind; and he should vote against them. Their true policy was to secure the improvement of the public land, and to get every foot of it into cultivation; and this bill

was intended to enable the poor but industrious man to procure it at one or two cents per acre lower than it could be purchased at by others; and could this be really a matter of so much moment, as to call forth an opposition, when the welfare of the poor man would be secured by the trifling sacrifice? Now the question in reality was whether an individual who has improved one quarter section, shall go on to improve others, and obtain a pre-emption right thereto. To this he (Mr. FULTON) could see no objection, as the settler might thereby first cultivate a quarter section for himself, and then others for and with the aid of his children, thereby making provision for them, and accomplishing what was desired by all, the cultivation of the land.

Mr. TAPPAN's amendment was then adopted by the following vote:

YEAS—Messrs. Allen, Benton, Buchanan, Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Huntington, King, Linn, Lumpkin, Mangum, Merrick, Phelps, Pierce, Prentiss, Ruggles, Smith of Connecticut, Smith of Indiana, Southard, Tappan, Wall, Webster, Williams, and Wright—26.

NAYS—Messrs. Anderson, Calhoun, Clay of Alabama, Fulton, Henderson, Hubbard, Mouton, Nicholas, Norvell, Porter, Robinson, Sevier, Sturgeon, Tallmadge, Walker, White, and Young—17.

Mr. CLAY of Alabama said he should call for the ayes and noes on the question of the adoption of the substitute which was proposed for the entire bill; which were ordered.

Mr. PRENTISS said as the bill was prospective in its operation, it would hold out an invitation not only to our own citizens, but to foreigners, to come and take possession of our public lands. Now to this he was opposed. This proposition was by far too extensive; it would entirely supersede the whole of the present land system; it was at variance with public policy, and it was incompatible with the interests of the country.

Mr. CLAY of Kentucky now rose and addressed the Senate nearly as follows:

The amendment now offered by my friend from Vermont, by drawing a line between the legislation heretofore pursued with relation to pre-emptions, and the new, comprehensive, and interminable legislation proposed by the present bill, opens the whole question for discussion; and I avail myself of the opportunity thus afforded, to present to the Senate some of the general views I have taken of this subject, and I invite, in the outset, the serious, and, I would say, the solemn attention of the Senate to the bill before it. Before, however, I proceed to examine its provisions, allow me, in passing, to notice a most novel and surprising doctrine advanced yesterday by the Senator from New York, [Mr. WRIGHT:] not that I purpose to discuss at this time the position he assumed, but that I may here enter my public protest against it, lest, should I remain silent, it might be thought by any that I yield my assent to it. The Senator's position is, that it is competent to a State under the Constitution to admit an unnaturalized foreigner to vote in our elections. I wage no war against foreigners. I respect them when their character entitles them to respect. I well know especially the value of the German yeomanry; a better set of husbandmen does not exist on the face of the earth; honest, industrious, economical, admirable judges of the soil, the best judges of land in all the country, devotedly attached to their families—that is the character of our German population as I have become acquainted with it in my own immediate neighborhood. I will not now stop to speak of the character of the gallant Irish, whose virtues, and, I will add, whose defects of character (the virtues far overbalancing the defects) are so well known throughout the world. I am not the enemy of foreigners; but the opinion expressed by the honorable Senator from New York is one of immense practical importance; for, if I am not greatly misinformed, President Van Buren owes the vote of one State of this Confederacy, I mean the State of Illinois, to the fact of unnaturalized foreigners voting in our late election, and casting their votes for him. I will not, however, enter on that subject, and I have adverted to it now, merely that no conclusion may be drawn from my silence that I approve or tolerate the doctrine advanced by

the Senator from New York. I here publicly express an opinion decidedly opposite. I think that the exercise of the elective franchise always implies citizenship, though citizenship does not imply the right to the exercise of the elective franchise. I hold that a voter, whose voice may affect or change the entire policy of the country, may alter or subvert the Constitution and laws of the country, is a component part of the political power of the country. I hold that the power over the subject of naturalization has been confided by the Constitution exclusively to the General Government, and that no State can constitutionally exercise that power; and that, therefore, no State can confer those privileges and immunities, or grant those rights which proceed from naturalization. This is my opinion, and I advance it here merely as a *counter-projet* to that expressed by the Senator from New York. When a foreigner has once been naturalized, I regard him as a brother, as a member of our political community, and as entitled, with some few constitutional exceptions, to all the rights of native born citizens, and to the protection and defence of the Government at home and abroad; but until he has renounced his allegiance to his foreign sovereign, and sworn fidelity to our country, I cannot and will not—and I was utterly amazed to hear the gentleman from New York express a different opinion—look upon him as incorporated in our society, and authorized, by the exercise of the elective franchise, to exert an influence in unsettling or changing our entire political policy, whilst, as a subject of a foreign power, he lies under all his original and native obligations. If the contrary doctrine be admitted to be a sound one, then, as has been shown by a calculation which I have seen, the Emperor of Russia, by a proper distribution of 17,000 of his serfs among the States of this Union (if the States would have permitted them to vote) might have changed the glorious, the triumphant result of November last, and have continued those in power who, by the full, decided, and manly expression of the public will, have been declared unworthy to be the depositaries of it any longer.

But it is with another subject that I have risen now to deal—the fearful extension now proposed to be given to the pre-emption system. We have now had a land system in operation for upwards of forty years. Is there any thing in the practical effect of this old and long tried system which should induce us to repudiate it for a new, untried, and wild experiment? What have been its results? It commenced about forty years ago, or a little more, in one of the great Western members of the Confederacy, (the State of Ohio,) the settlement of which took place as much as twenty years later than in the case of her sister and neighbor, Kentucky. And what is her population now? From the returns of the new census it is found to amount to a million and a half of souls—nearly double that of my own State, although Kentucky had preceded her by such a great length of time. And if we then go to Indiana, a still younger sister in the great family of States, we shall find that she exhibits a population of between six and seven hundred thousand, nearly equal to that of a State which was her predecessor in the establishment of independent State sovereignty by thirty years. I will not go through the list. All the members of the Senate are doubtless familiar with the returns of the late census. All these great and astonishing results have taken place under that system which we are now asked to change. Is it wise—is it prudent—is it statesmanlike, to reject a plan from which have proceeded such glorious fruits, for an untried, and, as I believe, a most hazardous experiment?

What is the history of these pre-emption laws? They arose, I think, in the first instance in the case of what is called Symmes's Grant. John Cleves Symmes purchased from the Government a large tract of land between the Great and Little Miami rivers, in Ohio, including the spot where Cincinnati now stands. He was unable to pay for it, but finally made a compromise with the Government, and took a less amount of land. He had, in the mean time, sold out to numerous sub-purchasers, who, being innocent third parties, and having purchased in good faith, were supposed to have a fair title to pre-emption for the improvements they had

made and the farms they had opened to cultivation. Congress, accordingly, granted to them the right to purchase from the Government the lands they held at the minimum price prescribed by law. Then came the cession of Louisiana, many of the occupants of which had settled on their farms while that Territory belonged to the Spanish and the French Governments, under grants freely made, while others had entered on their lands with confidence that, according to the established usages and customs of the country, donations of land would be obtained, totally unaware of the change of sovereignty which had passed upon the country without consulting them. The question then arose, what ought, in equity, to be done in their case? And the American Government came to the conclusion that all who had thus come into possession of their land were equitably entitled to the right of pre-emption, which was accordingly extended to them. Next came a third case—that of the Kahokia, Kaskaskia, and St. Vincent settlers in Illinois and Indiana. These inhabited French villages were settled in some cases more than a century ago, and were not drawn within the action of our land system till about fifty years since. These people, having settled under like circumstances to those in Louisiana, were held to have a claim equally equitable, and pre-emption was granted to them also. Thus the system stood till 1830, under General Jackson's administration. Then, for the first time, was introduced an entirely new principle, and it is that which is contained in the substitute for this bill proposed by the Senator from Vermont. There is, however, a wide difference between what this bill proposes and the practice introduced under Gen. Jackson's administration.

The pre-emption laws, as altered in 1830, allowed a right of pre-emption to all settlers on the public lands from a specified day, who should assert their rights before the expiration of the law, the operation of which was limited to two years. This new principle continued to be periodically re-enacted till some seven or eight years ago, when it encountered a gallant resistance from a friend, who I regret is not now by my side, but who has passed from this place, and, according to public rumor, is destined to a more useful, if not higher, sphere than even that of a seat in this body, august as it may be. Great frauds and abuses were detected in the execution of the pre-emption laws. Speculators freely used them. Floats especially were found to be fraught with iniquity. With the efficient aid of my friend, [Mr. EWING] we succeeded in arresting for a time these pre-emption laws. We succeeded in putting an end to special and unlawful privileges. We succeeded in restoring the principle of fair equality in the disposal of the public lands. But those interests, speculative and others, which are always awake, always watchful, always on the alert, to get up pre-emption laws, under the convenient and plausible guise of benefiting the poor, made a rally in 1838. We were then told that not less than thirty thousand settlers had entered the Territory of Iowa. The Senate was assured that these persons could not be removed from the public domain; that all the military force of the Union would be insufficient to remove them; and thus, under a species of moral duress, you were induced to pass the law of 1838: and it has now been in operation for two years. But, not contented with all the victories heretofore achieved, not satisfied with pre-emption laws restricted in point of time, and limited as to the theatre on which they were to operate, gentlemen now come forward with a new and bolder, and more extensive demand. They have suddenly become converts to log cabin doctrine, and, under a log cabin profession, they demand the passage of a new law, boundless in the space on which it is to operate, or restricted only by the limits of the public lands themselves, and illimitable as to time. Now with regard to the sincerity of these gentlemen in their profession of log cabin principles, (though I am very glad to see that they have profited by the very salutary lesson afforded them within two or three months past,) I like to test their profession by their votes. When my colleague [Mr. CRITTENDEN] offered an amendment, the effect of which would be to confine the operation of their bill to real log cabin men, to the verita-

ble poor who could make oath that their entire property was not worth more than \$500, where did we find these new proselytes to log cabin doctrine? Were they ready to go with us in thus restricting the bill? Were they prepared, by adopting this amendment, to shut out from the privileges of the bill the rich men—the “barons”—the owners of manors—the greedy speculator, and restrict it to the hardy settler who sought a home for himself and his children? No, sir, no; every man of them voted it down.

Let us now pause a moment, and look a little at the distinctive provisions of this bill. Heretofore pre-emption bills have been retrospective only: this is in its operation both retrospective and prospective. Heretofore pre-emption bills have been limited as to time: this is unlimited in point of time so long as there remains a foot of public land for it to operate on. Heretofore pre-emption bills were operative practically only with reference to some new land, recently surveyed and brought into the market: this bill is a proclamation to the whole universe, native or foreign, naturalized or unaturalized, that the moment the Indian title is extinguished to any portion of the land held by the United States, they may all rush in and take just as much of it as they please, without even waiting for a survey; and that all the other surveyed public lands of the United States, amounting to about one hundred and twenty millions of acres, no matter how long they have been in market, and although they may be purchased at the moderate price of one dollar and a quarter per acre, are to be subject to the right of pre-emption. This, it is obvious, involves a complete change in our whole land system; a thorough, radical, entire change. It opens at once all the public lands, surveyed and unsurveyed, to the operation of a pre-emption law.

And here let me stop and look for an instant at what are said to be the sole advantage granted to the pre-emptor by this bill; a point on which there exists the greatest possible misconception, either on the part of other gentlemen or myself. The whole practical difference which this bill is to work in our receipts from the public domain is said to be some two or three cents per acre only. Here is a message of the President of the United States, sent by him to Congress in December, 1837. It is, in many respects, a discreet and sensible paper, so far as it treats on the subject of the public lands. The President here praises the old land system as it deserves. He describes those who enter on the public domain, without title or pretence of title, as “trespassers,” “intruders,” and he recommends the passage of one more pre-emption law, and one only, and after that the adoption of stronger measures for the purpose (in his own language) “of preventing these intrusions.” The Senator from Missouri [Mr. BENTON] spoke to us yesterday of the President as being a capital pre-emptor now, although when he was here as a Senator he was decidedly opposed to the whole system, and although when he came into office he talked about “trespassers” and “intruders” on the public lands, and recommended us to adopt measures to put a stop to these “intrusions” in future. It would seem that the President is an attentive listener to the advice of his friends, and always open to conviction. I must admit that he has exhibited not a little flexibility in yielding to the suggestions of some of those who have his ears. I will make my position more general. I think that both the Secretary of the Treasury and the President have shown remarkable ease in opening their ears to the counsels of gentlemen who are strong advocates for pre-emption laws and for the practical appropriation of the public domain to the benefit of a few. The Secretary has brought down the receipts from the public lands to three millions of dollars. They were three millions in 1838, and the very next year they rose to seven millions. The receipts from this source have been subject to great fluctuation; the past year a little above three millions. They are now sinking; and it seems that the more they sink, the more he calls out for pre-emption laws! pre-emption laws! graduation laws! to save him from that impending ruin in the administration of the public domain, which his system is about to inflict. What, sir, is

it possible that any man—what shall I say?—that any man in his senses can be so supremely ridiculous as to suppose that, by reducing the price of the public lands from a dollar and a quarter to twenty-five cents, or, in some instances, to 50 cents, you will get more money for them? Yet that is the principle assumed by the Secretary of the Treasury; and it shows the opinion which operates in his mind, and in the minds of the friends of graduation and pre-emption laws. I will not attempt to describe the whole of the consequences of this law. One of its effects is to convert the existing cash system into a credit system. Do you not see it? What is the fact as to the pre-emption laws heretofore granted? They gave the pre-emptor a credit of two years. The gentleman from Alabama [Mr. CLAY] now limits his credit to one year; but whether the term be one, two, or three years, it changes our land system from a sale for cash to a sale for credit; and thus the whole 120 millions of acres of the public domain will all pass under this newly revived credit system.

And who are they who propose this change? The very men who decry all credit, who clamor for hard money, who inveigh against banks, and denounce the credit system as the source of all our woes! and yet here, now, under the name of a pre-emption law, they propose to revive the whole credit system! Can it be doubted that such will be the result of the bill? Will any man, who can get his land on a credit of one or two years, buy it for cash?—especially when he can dispose of his cash at a rate of 18 per cent. interest, as prevails in Illinois and some other new States?

This is a grave feature in this new experiment, and deserves the serious consideration of the Senate. To what will such a system lead? Have we had no experience on this subject? When you have parted with your land from year to year thus on credit, you will at length have accumulated a mass of debtors on whose behalf petition after petition will be presented here, and their inability to pay will be most pathetically set forth, till at last your compassion will be moved, and will forgive these poor debtors the entire amount of their debt and consent to take remuneration for their land in some other form of advantage to the public service.

It is not correct, though it has been said and repeated by some gentlemen here, that the sole difference effected by the pre-emption law in the price you receive for the public land is some two or three cents per acre. First, there is the difference of six cents which the President states; and how is this made out? The public land is sold either by auction or at private sale; but owing to coercion, to violence, to combinations, and the open contempt of law, (a state of things which has grown with the multiplication of pre-emption laws,) the proceeds of the auction sales are now much less than formerly. I cannot believe with the Senator from Missouri [Mr. LINN] that the people of the United States are incompetent to protect their own property. I believe that it can be done, by a steady, firm, and upright administration of the Government. I believe that the people of the United States are capable of protecting the rights against all who assail them, whether from within or from without. Assuredly, if the Government cannot protect what is its own, it must be very incompetent to protect us and ours. But, I ask, how is the six cents excess of sales over the minimum price, referred to by the President, made up? It is got by running an average over the total amount of sales, both by auction and by private entry. Now, the amount sold at auction is not one-fourth, no, I believe, not one-tenth, part of the whole. The Secretary takes the auction sales, where the lands brought from \$5 to \$20 and acre, and spreads that amount of excess over the whole remaining nine-tenths of the total amount sold by private entry, and then he makes an average, and draws the inference that the whole gain in selling the public lands in the established and customary method over what they bring under pre-emption laws amounts to but six cents an acre! Is this fair? But even this amount of six cents, under a proper administration of the system, would cover the whole expense of survey and sale. But is that all? You are to add two years' interest on the mini-

mum price, which, on a credit of two years, amounts to fifteen cents. If one year's credit only is given, it will be seven and a half cents, which, added to the six cents, makes thirteen and a half cents on every acre of the public domain, which would be gained by the continuance of the old system.

But more. This bill amounts to a virtual repeal of the auction system. That system applies only to new lands recently brought into market. But of what avail is an auction if you proclaim to the whole world that they may get the land at the minimum price if they will only come and settle on it, and that before survey? The entire existing system is superseded by the introduction of this “wooden horse,” with all the means of injury with which it is fraught.

I have now described, but not with all that force in which the circumstances of the case would warrant me, the difference between the old and long-established land system of this country and the new and fearful experiment now proposed. You must have seen that the change is to be thorough and radical. Now I put it to the Administration Senators in this body—to their candor—to their patriotism—to their sense of justice—is it right, on the close of the Administration of a dismissed Ministry, to introduce a new and totally different policy in regard to one of the greatest interests of the country? Is it right, is it fair, that the policy of the existing Administration now passing out of power shall be made to lap over on the new Administration without consulting them or paying the least regard to their judgment in the matter? The progress of the administration of the American Government has developed in the practical operation of our system a new feature, and one of the most profound importance. A different political phenomenon takes place here from any thing which exists in Europe. In European constitutional Governments, when a Ministry is dismissed or goes out of office, the King or the Queen, as the case may be, yields to the change of sentiment, and comes round with the nation. But here an Administration may be dismissed and still remain four months in power. What, in such a case, is it their duty to do? I will tell gentlemen what I would do in the like circumstances. I would institute no new measures of policy. I would simply keep the political machine in motion. I would grease the wheels and repair and preserve all its parts in a state of preparation for the performance of those high duties for which the whole was constructed; but I would attempt nothing new in the permanent policy of the country, foreign or domestic. By such a moderate course alone can the evils of the anomaly to which I have adverted be prevented. I would not ask gentlemen to deny themselves a fair exercise of the Executive patronage from now till the 4th of March next. I do not ask them to do what was done when Mr. Adams was expelled from the Presidency—I should say, lost his election. What did they do then? The Senate refused to pass on important Executive nominations till after the 4th of March, and then several of them were withdrawn, and substitutes sent in by the new President. The Senate refused him the constitutional exercise of his official right from the time of his lost election till he went out of office. This I do not ask. I dare to say General Harrison, when he comes, will look at those whom he finds in office, and, if he finds that they are honest and capable and faithful, that they have not been noisy and forward politicians, nor brought their official influence in conflict with the freedom of elections; if any such there be, I hope he will let them stand (though I fear there will be but few) as monuments of the liberality of a Whig Administration, acting on patriotic principles. But if gentlemen expect that General Harrison, because they choose to rush on and make appointments, with a view to thwart his Administration, will, when he comes here, fear to do his duty, either they or I have mistaken the man. General Harrison means to be the President on the 4th of March next, which his fellow-citizens have elected him to be. And no premature bill, no stretching out of the policy of this into the next Administration, is going to restrain him from looking at those in office, and deciding for himself

whether they possess the requisite qualifications for the discharge of their official duty.

But, to come back. I put it to gentlemen whether it is right and fair to make this great change in the land system of the country at such a time? Would you like us to do it if conditions were reversed?

But there are other considerations which admonish us against legislating on this subject at the present time. We have not yet officially received the results of the census for the last ten years; we cannot, therefore, see whether the new States have filled up as rapidly as we could wish. Let us first see what is the number of their population; so that we may judge whether any further stimulant is needed to quicken the rate at which their numbers increase. I know, indeed, that the result will show directly the contrary. From tables which I caused to be carefully constructed nine years ago, it is shown that the population of the new States increases at a rate vastly over that of the old. Take a single example. The population of Illinois doubles itself in six years! What, then, is the ground for the adoption of this new system? Does it consist in some notions of charity to the poor? I have formerly adverted to that subject. Where do gentlemen get their right to set up eleemosynary laws for the benefit of the poorer portions of the community? But if they have, what will be the operation of the system in this respect? It is pretended to be for the advantage of widows and orphans, (orphans over eighteen years, however.) Is any gentleman here ignorant of what will and must, of necessity, be the practical operation of such a law? Will a widow in Maine travel all the way to Missouri that she may receive the boon proposed to be given her by this law? Will not its benefits be confined to the widows of the locality? In terms, to be sure, it proposes to confer the pre-emption on all widows and minors. But will not the benefit, in fact, be limited to widows and minors residing in the States within which the lands lie? Surely. That, then, is the extent of your charity.

I am not very well, and I do not feel very much encouraged by past experience in opposition to this bill. My hope is elsewhere; though I would trust that honorable Senators would at least pause before they take such a leap.

There are other consequences on which I might dwell. We have heard that this bill and another allied to it are to increase the revenue; and I believe that one of them was, *pro forma*, sent to the Committee on Finance on that ground. The new plan is, to increase the resources of the now impoverished exchequer; but I have already shown that, for the present at least, the revenue will be diminished instead of increased by it; for the amount vested in the public lands under this law will be on a credit of one or two years, and cannot come into the Treasury till the end of that time. And as those disposed to make such investments will avail themselves of the credit, there will be sales to but an inconsiderable amount for cash, and a consequent diminution of the proceeds during the present year. Therefore, with an exhausted treasury, with a vast national debt, ascertained and unascertained, besides a large amount to be soon redeemed, of Treasury notes outstanding and running on interest, it is now proposed, instead of replenishing the empty coffers of Mr. Secretary Woodbury, by an imposition at once of duties on luxuries, to increase, instead of removing, the existing deficit in our pecuniary resources.

Our land system heretofore has been the admiration of the world for one of its best and noblest features, viz: the perfect security it gave as to the land titles of our new settlements. No man who had eyes to see the marks upon a corner tree, or upon a stone standing in a prairie, could possibly mistake the limits of his own tract; and no other man could have color of right to disturb him on the ground of his title. Security—absolute security in land titles—has been one of the highest blessings in the new States. But are you sure that this will continue to be the case under your new pre-emption law? Do but conceive how it will work. Imagine that a new district of rich and choice land had just been thrown open. The Indian title has been ex-

tinguished, but the fresh and fertile lands have not yet been surveyed. They are open, however, to the operation of this bill; and, in the course of a few weeks, may become worth from fifteen to twenty dollars per acre. You proclaim to all who come rushing in torrents upon the new acquisition, crowding, contending, scrambling for the fairest spots, and the best situations, that they shall have a pre-emption. What scenes of confusion, contention, heart-burning, ay, of blood-hed, must naturally ensue. When a nation, heretofore esteemed wise and prudent in the management of its public domain, proclaims to all the world that the first man who comes and seizes on it shall have it, who can calculate, who can conceive the confusion, disorder, and mischief which must ensue? Who can estimate the effects of the broad foundations that will be laid for uncertainty, controversy, and litigation in land titles?

Again, this bill must work a vast increase of the Executive power; for all disputed pre-emption rights which, according to the cautious policy of Virginia, were referred to the decision of the Judiciary by *caveat*, or ejectment, or bill in chancery, are now ultimately cast on the Executive of the United States; for the bill provides they shall be settled "summarily" and definitely by the register and receiver of the land district in which the dispute arises, these officers to decide under instructions from the Commissioner of the General Land Office. So, the disputant is put under the register and receiver; the register and receiver are under the Commissioner; the Commissioner is under the Secretary of the Treasury, and the Secretary is under the President. Thus, you add immensely to the mass of Executive power, by drawing within its vortex all the disputed claims through all the land districts. And now, I ask, what right have you—and I put the inquiry more especially to that portion of the Senate who have been in the habit of esteeming it as their more peculiar province and duty to guard and defend the Constitution of the United States, (and who perhaps, have sometimes pushed their zeal on that subject a little too far)—what right have you, and under what principle, or provision of the Constitution, especially after the clear and distinct separation in the Constitution of the Judicial from the other departments of the Government—what right have you to give to the register and receiver of one of your land districts the indisputable judicial power to decide a question of title to real estate "summarily," without appeal, and without the intervention of a jury? And then what a temptation do you not present to public officers so situated? Why, if I am rightly informed, there was not long since a single pre-emption right near the town of Chicago, the value of which was at one time estimated as high as \$200,000; and the right to such a property is to be entrusted to a register and receiver absolutely and without appeal! Can there be greater danger of corruption, or, at least, of favoritism? The power is tremendous.

Mr. President, I have said much more than I intended. Both your comfort and my own require that I should here stop; and I will stop with repeating my most anxious entreaty to these honorable gentlemen whom in political sentiment I have the misfortune to oppose, that they will pause before they sanction an untried experiment of such enormous magnitude. I ask them to wait for the results of the late census; to compare the population of the new and the old States, and the relative rate at which both are increasing; and before they part with a land system which is at this hour the pride and ornament of the legislation of the Congress of the United States, and which has brought to the nation such rich and invaluable fruit to pause—to pause!—and if they will not abandon the plan, that they will at least consent to embark on these new experiments with greater light to guide their course than that which they now have.

Mr. WRIGHT said he had, yesterday, before any question was taken on this bill, offered a few remarks to the Senate on one single question, and with one single purpose, and that was to show that no law which they could pass could have any influence, within one of the States of the Union, upon a holder under this Government, of a patent

for lands, as to the security, or perpetuation, or transfer of his title. He attempted to show that the State, and not this Government, has the control of that matter, and that any alien receiving their patent would take the title, and that it would depend upon the institutions of the State whether he could hold, and whether he could transmit or transfer it, and therefore, that the amendments then under discussion were entirely unnecessary, unknown to their legislation, and of no practical utility. He had then, in illustration of the argument he had attempted to make, referred to the suggestion of the honorable Senator from Kentucky, [Mr. CLAY,] who had just taken his seat, made on a former day, and in reference to the influence of our legislation as to the sale of lands upon the subject of voting in the States; and to that incidental remark of his, the honorable Senator fairly and properly, though unexpectedly to him, replied. It was to answer the honorable Senator's argument on that point, and not to discuss the bill under consideration, that he now threw himself on the indulgence of the Senate.

There was one part of that Senator's remarks, which he should not answer; namely, that the vote of one State, at the late election, the gentleman was informed, and supposed to be true, was controlled by the votes of persons who were not naturalized citizens of the United States. Having no knowledge of the facts, he referred all that matter to the Senators on that floor, who represented the State to which allusion had been made. He referred also the bill, and its provisions, to the Senators from the States more immediately interested, and who were much more able than he was to discuss it. As to the incidental point, one of vast importance—no less than the qualifications of voters, and as to the question where rests the power to prescribe those qualifications—he could not, in justice to himself, do less than make some reply to the remarks of the Senator from Kentucky. He admitted, however, that he was led into an error in making that simple allusion on the previous day, as he had afforded the Senator from Kentucky an opportunity to draw this discussion from the point before the Legislature, and from the proper question to be discussed. The question between the Senator from Kentucky and himself was, first, where rests the right to prescribe the qualifications of voters for members of the National Legislature in this country, for he chose to confine himself within that limit; but if the Senator desired more broad ground, he would then say, for the officers of the State Governments, and, by consequence, for the members of the National Legislature?

Has this Government any power whatever over those qualifications when prescribed by the States? He (Mr. Wright) said yesterday that, as he understood the subject, the whole power was committed to the State, and that no branch of this Government could, in any way, constitutionally interfere. If he understood the argument of the honorable Senator, and that honorable gentleman would believe him when he said he did not intend to misunderstand him, it was that the qualification of naturalization overrides the power of the State, and, resting in the hands of this Government, until it shall constitute an emigrant from a foreign country a citizen, the State in which he may reside cannot constitute him a voter. He believed he stated the argument fairly and truly.

Now he did not propose to go into this discussion: it was above his sphere; but he had some suggestions to make, which it was his duty, at the earliest period, to lay before this body, and before his countrymen. What was the question? It was—in reference to one class—and if they went back to the commencement of our history as a constitutional Government, a very large class—if they looked to the future, likely to be as large a class of the inhabitants of this country, the tillers of the soil, and the operatives in all the avocations of business—has this Government the power to say whether they shall, or shall not, be the free-men of the United States, in the common acceptation of the term? Whence is that power derived? Where did the Senator look for the right of interference. Was it in our Constitution? He (Mr. WRIGHT) had carefully examined that instru-

ment, and the only word or provision which he had been able to discover was almost one of the first in the instrument itself, and what is it? "The House of Representatives shall be composed of members chosen every second year by the people of the several States." And they knew that, up to this hour, no other than the *people of the States* had had any part in the choice of members of that House: they had *quasi* members, in the shape of delegates from the Territories, but they had no "members" who did not come there by the choice of *the people of the States*. The Constitution proceeds: "And the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature"—and that was all there was in the whole instrument on the subject. The electors of a member of the House of Representatives shall have the qualifications of electors of members of the most numerous branch of the State Legislature. Who prescribes these qualifications? The Congress of the United States? The President of the United States? Any power of this Government? No: but the people of the States, whose representatives they are. How are they usually presented and defined? In the Constitution of the State. And who was prepared to say that the people of a sovereign State, forming to themselves a Constitution, can be controlled by this body in designating those who shall elect their officers? The persons to represent them at home, and here? For the argument goes to that.

He believed it had been an unconsidered position of the honorable Senator—it must be a new doctrine in this country. He admitted the States usually confined the right of voting to citizenship. But would it be said the people of a State, in the formation of their Constitution and Government, were compelled to do this? Where was the compulsion? Suppose they did not do it; or, suppose they should say, in the Constitution of the State, that an alien, with a residence of but one hour, shall be a voter for the members of the most numerous branch of the State Legislature; who was to correct that decision? Where was that high court of appeals which could say that the Constitution of a sovereign State was unconstitutional? He believed it did not exist in our institutions; but that the people, inhabiting a Territory, with a title to become a State under this Government, were sovereign, and, in a legal sense, as inhabitants of a State, were without Government, until they made one for themselves. If his memory served him, they had had a recent example, involving this very point; and if he misstated the fact, he should be corrected. He believed, at the formation of the Constitution for the State of Michigan, free white inhabitants of the Territory were the persons who formed it, and who elected delegates to the Convention as their agents. In the Constitution adopted by that Convention, limitations and qualifications of voters were prescribed; but all the free white inhabitants of that State, at the time of the Convention, were made voters within the State, without regard to our naturalization laws. He might be mistaken, but such was his impression of the facts. Could any body, or any power in this country, say that that Constitution was void? Did it conflict with any powers delegated to this Government?

But for a moment, and he did not intend to protract the discussion, let them look at the condition in which a State might be placed, and in which, at a certain period of our history, the States would have been placed, if this power had existed in the Federal Government, and its voice could have controlled the qualifications of voters for officers of the State Governments. At one time, during the existence of the old alien law, the President of the United States was authorized to remove aliens from this Union—to order their transportation beyond the Territories of the United States. At another period, a long residence had been required, to enable aliens to be naturalized under this Government. By the naturalization law of '95, five years' residence was the limit; but by the law of '98—that period which a most distinguished individual of this country once, in

his hearing, in another place, (referring to the House of Representatives,) pronounced hard, unconstitutional times—a residence of *FOURTEEN YEARS* was required to enable a foreigner to become a citizen. Such, then, had been the practical exercise of power by this Government, over the matter of citizenship of the United States. And still no man would question that this was but a faint exercise of the power, in its plenary existence; this Government might repeal all the naturalization laws, and leave the foreigner forever unable to become a citizen of the United States, and consequently, according to the Senator's position, from ever becoming a voter in any State in the Union. Was it true that this Government held that power over the States, and that the States could not, for all practical purposes, citizenize emigrants? It was not true. They could prescribe, either in their sovereign or legislative capacity, the terms on which a man was to hold real estate, not only, but to exercise the right of a freeman in voting for those who were to exercise the powers of Government over him and his property. At least, he knew not of the existence of a power in this country to control the action of the States and the people of the States upon these points. He believed such power did not exist in fact, as a part of our institutions, either State or National. Look at it, and look again at those complaints which gave existence to this Government, as an independent Government among the nations of the earth; and what do we find among the enumeration of grievances? Why, that the King obstructed emigration to the Provinces, and that the passage of proper naturalization laws was refused; and did our fathers of the Revolution, those sticklers for State sovereignty, place in the hands of this Government those vital powers, which the King possessed, and which the King abused? If so, he asked for evidence of its existence, and for a record of the grant. For they should not forget that they stood there with delegated powers simply, and not upon original and absolute power. This Government possesses the powers which the States and the people have granted to it, and none other. Every other power of sovereignty and government is expressly reserved to the one or the other by the terms of the Constitution. But this argument of the honorable Senator seemed to him (Mr. WRIGHT) to be an argument of convenience, or rather he should say, of necessity. His [Mr. CLAY'S] feelings appeared to be horrified at the idea that the foreigner, the citizen, or subject of another Government, owing, as that honorable Senator expresses it, allegiance to a foreign power, should come to this country and, by his vote, govern our politics and political institutions. Suppose this evil to exist, where was the danger to be felt? And where should the remedy rest? Could it be that these serfs of Russia, who had been introduced into the Senator's argument, were to place themselves in one of the free States of this Union, to control its elections, its offices, and its affairs, with its approbation? To be the destruction of this Government, and not the destruction equally of the government of the State? If there be danger, and there may be, where is it first to be felt? In the State where the evil exists. Where then should rest the remedy? In the hands of the sovereign people of that State; and Congress was not permitted, in his estimation, to presume that the people of a State will encourage a policy, in reference to free voters of this country, that will be destructive of our institutions, State or National. If it shall come to be so, the institutions are gone, for they rest on that people, the people of the States, and not on any distinctive organization of this Confederacy, which can preserve them against, or without, their action. The members of Congress are but the delegates of the people of the States, with limited and prescribed powers, not extending to the qualifications of voters in the States. If evils were to be apprehended from too great a latitude in defining these qualifications, the apprehensions must exist with the greatest force in the heart of our sovereignty, among the people themselves, and the remedy should rest where the evil must be first discovered, and where it would be most severely felt. An argument, then, cannot

be drawn from the necessities of the case, for if there be danger, the remedy rests where it should.

The people have the right to prescribe their own policy, and to judge of their own safety. He had now said all he intended to say in reference to the power to prescribe the qualification of voters; and with a single reply to a very playful remark of the honorable Senator, he would close. The honorable Senator said that as a defeated party—as a retiring Administration, it was indecorous and improper in the friends of this Administration to bring forward any new measures, or to adopt any new steps of policy. Well, that he (Mr. WRIGHT) believed; and he had intended, in his heart, to be just as modest as possible for the short remaining period in which his political friends were to hold power in that body, if they held it then—to do what he believed the interests of the country required should be done, and strictly to refrain from doing what he did not believe to be necessary. The bill before the Senate—and it was but the opinion of a single individual—he considered as part of a policy adopted and pursued by the Congress of the United States nearly ever since he had had the honor of a seat in that body; or, at most, it was but a modification of that policy. He viewed it in that light, and he entreated the friends of the coming Administration not to look upon him as attempting to tread in the steps of that powerful party.

Suppose, however, the honorable Senator's exaggerations were real, and that they were attempting, at this late period of their political power, to introduce new and improved measures of principle or policy, it would seem to him that the opportunity to effect a remedy was so near, that that pure and clear light, which was to shine, on the 5th of March next, over all this happy Union, could prevent any great evil; while if, from any motive, proper or improper, they should make a sad mistake, as political partisans, it must be remembered that all partisans did not deeply regret such misfortunes, when falling upon their opponents. If, however, it should happen that this measure runs across the policy of the coming Administration, and yet that a heavy responsibility may be devolved upon those who feel compelled to act in its repeal, then complaint might not only be expected, but received with indulgence. In that aspect of the case, he could feel no disposition to recriminate upon the honorable Senator. Such would have been his feelings, and might have been his course, if their situations had been changed.

A word upon another topic.

The honorable Senator said, that some years ago, when there was a political revolution in the country, this body, of which he (Mr. WRIGHT) was not then a member, refused to consent to the nomination of the non-elected President. That might be so. He (Mr. WRIGHT) did not doubt it, for the Senator said so; but his memory enabled him to say that there was a radical difference between the two cases. It was not that the men of that day acted in violation of the principles which they had espoused and advocated, but that the Administration, then dismissed, happened to fall into a minority in this and the other branch of Congress, not during the year of its expiration, but two years before, and the representation of the people, here and in the other end of the Capitol, had been against that Administration, for that length of time. Surely, then, the honorable Senator would not criminate them for doing what they believed to be in conformity with the will of their constituents, thus repeatedly expressed. He (Mr. WRIGHT) must believe the Senator from Kentucky would not now recriminate on the friends of the present Administration for doing what they believed to be their duty, since they were so soon to yield the Government to those who, he sincerely hoped, would give the country a wiser and better government. But if it be improper for them to introduce new measures, and a new policy, was it generous for the Senator to ask them, during the short period which remained to them, to undo all that they had done? To retrace their steps? To unsettle again their old established and most favorite policy? Should he appeal to them to take ground which the new Administration must occupy? And yet the complaint was that they were carrying out that policy which

they had deliberately adopted and consistently pursued, with intentions as sincere and patriotic, and motives as pure, he trusted, as the new Administration would adopt its measures. It seemed to him, therefore, that the lecture of the honorable Senator was ungenerous; for what he asked was, that they, by their actions, should take back the prominent measure of the present Administration; should undo what they had done; and should reverse the policy by which they had been hitherto governed.

Mr. CLAY. I shall offer but a few words in reply. Among all the charges which at various times have been made against me, I had supposed that a want of generosity at least was not one of them. The gentleman thinks it ungenerous in me to ask—what? That he and his friends here shall obey our common masters, the people—that they shall repeal the Sub-Treasury law which the people have condemned. Why, sir, in this, I only call upon gentlemen to conform to their own doctrine, so often, so long, and so loudly proclaimed by themselves: “that the people are to govern—that the Democracy must rule—that the Democracy of numbers is the real and only sovereign—that we are all here as servants of the people—that, as Senators, we have no original rights—that we are to bow to the majesty of the people in all their pleasure.” But now, it seems that this Sub-Treasury scheme is *their* measure, and not the measure of the people whom they represent—and it is very ungenerous to ask them to obey their masters’ will. Why, sir, what is the honorable Senator? Able, adroit, astute, learned, ingenious as he is, is he not the servant of the people of New York—of the 400,000 voters, a majority of whom have condemned this law? And whose will is to prevail—theirs or his? I have asked him to yield to their pleasure. I hope there will be no flinching, no shuffling; but that the honorable Senator will have the goodness to act according to the principles he has so often inculcated on us—that he will bow to the “Democracy of numbers,” and conform himself to what his constituents require. This measure of the Sub-Treasury was, as I have understood, the one constant theme of the gentleman’s eloquence from the shores of the Atlantic to the borders of the St. Lawrence—that was the issue he continually made—that was the issue on which his State cast her vote—she has condemned his favorite measure—and yet now he considers it ungenerous in me to ask him to abandon what his own constituents condemn! Far from it. I am not the counsellor of the honorable Senator or his friends; but I will tell what I would do. So help me God, on my sacred honor, I would move to repeal the Sub-Treasury law. I would not say that I had changed my opinion—my pride of principle would prevent that—but, finding the measure not acceptable to my constituents, I would conform to their will. Where on the whole face of the globe does not public sentiment exact obedience to its will? Is it in Russia? No, no. The Autocrat himself is bound to yield to its behests, and so in fact he has done. Where? I ask again. In Turkey? No. The Grand Signior is obliged to submit as much as any other despot. We are charged with a want of generosity because we have asked the Senator to bow to this common law of our nature—a law that rules the whole civilized world!

I have now a few remarks to make on the question raised by the honorable Senator respecting the elective franchise. Why he has risen to discuss in so elaborate a manner a mere opinion of mine, thrown out without argument, I do not know. He is too acute and practised a legislator not to know that the manner of putting a question, of itself, often decides it. The Senator asks, what right this Federal Government has to prescribe for a State who shall vote for her rulers? It has none—it pretends to none. But this case of unnaturalized foreigners is an exception to the otherwise universal exercise of the State sovereignty. The exception applies here. An alien is not a citizen of a State, nor is he one of “the people of a State,” and therefore he is not included in the words which the Senator read from the Constitution. The question would be more correctly stated to be, what right has any State to

perform that process of naturalization which is exclusively confided to the General Government? But he asks, who has a right to contest the constitutionality of the Constitution of the State of Michigan. I say to him, *you have*; every man has who lives under the Constitution of this Union. If a State Constitution declares that aliens may vote, then their votes may affect the composition of the House of Representatives, or of the Senate, and so eventually the question might come into these bodies in judging, as they respectively have a right to judge, of the qualifications of persons returned as members of the two Houses.

The Senator supposes as a case possible, that Congress should refuse to pass any naturalization law, and he asks, what is then to be the condition of large bodies of emigrants to this country? There are two answers to be given to this question: First, if Congress should fail to pass naturalization laws, it fails to do its express duty; a duty to which it is bound under the Constitution. Congress has passed such laws, and I presume it always will. There may be a difference as to the time to be prescribed as a probationary period, but there can be no doubt as the obligation of Congress to fix some rule.

But there is yet another answer. If Congress fails to make provision on the subject, then the right reverts and accrues to each State, exactly as it would accrue should Congress neglect to pass a uniform bankrupt law. But for another clause in the Constitution which declares that no State shall pass any law impairing the obligation of contracts, but for that, every State would have the right. There is no such obstacle in relation to naturalization. I have no desire to press this matter; but if the gentleman is very desirous of an abstract argument on this point, I am ready. It is not necessary, however, to enter into it; my only purpose was to enter a caveat against the doctrine advanced by him, as being, in my judgment, not constitutional. The right to vote implies citizenship, necessarily, essentially, although the converse of the proposition does not apply: then comes in the State authority; but the State has no authority to confer the elective franchise on any foreigner who is not a constituent portion of the people of the State—who is not a member of our political community—who is not one of the people of the United States. That incorporation of aliens into our society is an office confided, and wisely confided to Congress alone. A State may confer any other privileges it pleases—allow foreigners to hold and transmit lands; but it cannot make a citizen of a foreigner—it cannot make an alien my fellow-citizen, without the consent of our common Government. Nor can it invest him with those privileges, the existence and exercise of which necessarily imply the existence of citizenship, I protest against the right of any State, by its separate action, to disturb the balance of political power between the States, or to affect the political condition of the people of other States.

The Senator seems to think it easy, after the 4th of March next, to get rid of this new pre-emption law should in now pass, and he seems delighted, he appears to chuckle at the thought that he has got hold of a little popular measure; and that it will be a difficult matter to repeal it. Why, sir, I should think that after setting land traps for the people for these twelve years past and all in vain, the Senator and his party would not be so very sanguine in their expectations of the success of a new one. You have had all these traps for the popular favor for a period now of twelve years, and what have you got by them? About as much as you are likely to get hereafter: you have got four out of the nine land States! The more traps you set, the fewer States you will catch. And now, in conclusion, if I might be allowed to give to the gentleman and his friends my sincere, and I hope unobtrusive advice, I would remind them all that, in the long run and on the great scale in politics and in private life, *HONESTY is the best policy.*

Mr. WRIGHT said he would not protract the debate. With the argument he was content, as the honorable Senator had not materially referred to it.

In the closing remark of the Senator, that “honesty was the best policy in politics, as in private life,” he heartily agreed with him; and however the past might have been, he earnestly hoped that the maxim might be the Senator’s constant rule of action in the long and prosperous life he wished him.

To a single position which the honorable and learned gentleman had laid down, he must enter his earnest dissent; and but for that, and the feat that silence on his part might be tortured into assent, he might have felt at liberty to omit this entire reply. The position was that a *non-user* of a power, expressly granted to this Government in the Constitution, operated to confer that power, and the exercise of it, upon the States. To such a position he could not assent, nor could he permit his silence to be construed as assent to a doctrine which seemed to him so subversive of the very theory of written constitutions.

As to the remarks of the Senator in relation to the expression of the people of the country at the late elections, on the subject of the Independent Treasury measure, he had nothing to add to what had formerly passed between them upon that point. They had then differed as to what the verdict of the people, at the late elections, had decided upon that point; and it was not likely that further discussion between them would lessen those differences. It was enough for him to know that a new party was in power; and if they repealed that measure, he hoped they would replace it by one which would be wiser and better, and more acceptable to the people.

Mr. LINN addressed the Senate at some length in reply to Mr. CLAY.

After a few words from Mr. HUBBARD, the debate was again adjourned, and the bill was informally passed over.

REMARKS OF MR. ANDERSON, OF MAINE,

In the House of Representatives, December 30, 1840
—On the motion to reconsider the vote by which the amendment of Mr. SHEPARD, repealing the pension act of 1837 had been agreed to.

Mr. ANDERSON of Maine desired to inquire of the honorable member from Massachusetts, if the bill he intended to offer as an amendment to the bill now under consideration, should the vote of yesterday be reconsidered, was the bill agreed upon by the Committee on Naval Affairs yesterday. Mr. READ replied, that it was the bill adopted by the committee, with an additional section, extending to all the widows and children now on the pension list, the same amount of pension they now receive, for the further period of five years.

Mr. ANDERSON then stated, that the committee had unanimously agreed upon a bill, regulating and defining the future distribution of navy pensions, and had instructed him to improve the first opportunity of presenting it to the House, and also to ask that it be made the special order for some early day in the session—a duty which he should not fail to perform at the earliest moment; and he was satisfied, that the protracted discussion which this bill and amendment had produced, would predispose the House to a prompt consideration of the measure.

He had made this inquiry and this statement, in order that the House might fully understand the true position of this case. It seemed to him, that the argument with which the amendment of his friend from North Carolina was originally met, was at least in a fair way to be entirely removed; for after a three days’ debate upon the expediency of repealing this obnoxious law of 1837, which was the substance of his amendment, it could not seriously be contended that the House were acting with any inconsiderate haste, or that members could not vote understandingly upon it. Sir, if a tithe of the discussion which this motion has occasioned, had been bestowed upon this most extraordinary act of 1837, no one will pretend that it could have had the slightest chance of passing; and it has excited the astonishment of every one familiar with the operation of that act, that, in a body where every question provokes discussion and debate, a measure so important in its con-

sequences could have gone through the House without question or opposition. I recollect inquiring of the honorable member from Massachusetts, who generally bestows so watchful and vigilant a care over every thing connected with the naval service, how this most extravagant and ruinous bill could have escaped his observation. He gave me substantially the same account he has now given to the House. I put the same question to another distinguished member of the committee from the State of Delaware, not now a member of the House, and received from him a similar answer.

The gentleman from Virginia, [Mr. WISE] also a member of the committee, had informed us that he was engaged in other inquiries, and knew nothing of it. How much good may have resulted to the country from his investigations into other supposed abuses of the Government, I pretend not to say. We have, in that part of the country from which I come, a homely maxim; "that an ounce of prevention is worth a pound of cure;" and I cannot but think it unfortunate for the public interests, that these gentlemen who were then on the committee, could not have found time to look a little more carefully into this measure, emanating as it did from their own committee.

But, sir, the mischief has been done, and under the operation of this law of 1837, entitled an "Act for the more equitable administration of the navy pension fund" this magnificent fund of nearly \$1,200,000 has been entirely exhausted, and this enormous list of pensions is now to be fastened upon the public Treasury, unless this law is now repealed, or some other measure adopted which shall limit and restrain the bounty of the Government. By the operation of this and other pension laws, persons have been included as beneficiaries of this fund, whose claims for pensions rest upon the most flimsy and unfounded pretences. Not only have you given a retrospective operation to this act of 1837, thereby giving to officers now in the navy, and to the widows of those deceased, many of whom were in affluent circumstances, enormous sums, to some of them as much as \$20,000 at a payment; but you have given to these now in service, pensions for life, and there are officers holding a high rank in the navy, now receiving their full pay, and yet drawing pensions for total disability—a degree of lavish liberality, to which I will venture to say, the legislation of no country upon earth can present a parallel.

In the remarks I made upon the amendment proposed to be reconsidered a few days since, I alluded to some of the abuses which had grown out of this law. I have since ascertained, that thirty-eight officers, now in service, and receiving full pay, have been placed upon the pension list by the operation of that act, and are now receiving both pension and pay.

Sir, it is time to stop this gross perversion of the public charity, and I trust that the facts developed by this discussion, will lead to a speedy arrangement of this whole matter, upon principles of just and reasonable economy. I voted yesterday for the amendment of the member from North Carolina, not because I believed it would remedy the folly of the past, or afford any sufficient protection for the future, but because I would not refuse to vote for the repeal of an obnoxious law, and because, in making the first appropriation from the public Treasury to pay these claims, I would couple with it something which should evince a determination on the part of Congress to retrace its steps in this matter, and return to a sounder and better policy. There is a difference of opinion as to the operation of the repeal; and though some gentlemen seem to apprehend that it will at once strike from the pension lists all pensions established under it, others entertain a contrary opinion. The Secretary of the Navy, in his annual report of last year, fully expresses the opinion that it will not disturb existing rights. Even if it did so, there are other laws behind it, which, excepting the retrospective operation, are almost as bad; and the repeal of this act of 1837, revives the act of 1834, which is nearly as comprehensive and profuse in its provisions as the other, limiting, however, the pensions in all cases to the term of five years. The only adequate remedy is in the enactment of a

bill which shall limit and define all pensions now established, and hereafter granted. Such a bill, embodying the views of the committee, will be presented. This bill, with the exception of the section I have referred to, expresses the unanimous sense of the committee, has been considered with great care, and I hope will be adopted by the House; it is just and liberal to those who have really suffered in the service of the country, and provides a limited gratuity to the families of those who have lost their lives in the performance of their duties. It, however, gives no pension to those already receiving pay from the Government, and limits to a reasonable extent the amount of arrearages to which the applicants shall be entitled.

Upon one point, the committee, during the three years that I have had the honor to belong to it, have been entirely united—and that is, in condemning the provisions of the act of '37. They have at former sessions reported bills providing for its repeal; the Senate have also passed bills to the same effect, and every gentleman who has spoken on either side, during this debate, seems equally hostile to it. Why, then, should we hesitate to repeal it, even if the process be a little irregular or unusual?

Mr. A. said he had regretted that this debate had assumed a party character, and that gentlemen had undertaken to arraign the policy and conduct of the Secretary of the Navy and the present Administration in connection with this subject. It seemed to him that the course of the Secretary, in relation to this matter, had been not only wholly irreproachable, but highly creditable and praiseworthy. From the first entrance of Mr. Paulding upon the duties of his office, he had admonished Congress of the effect which the operation of this act of 1837 was producing upon the navy pension fund, and earnestly and unceasingly recommended its repeal—he has repeatedly apprised us that the fund was rapidly diminishing, and would be soon entirely exhausted, and that a demand would be made upon the National Treasury to make good the deficiency. So careful has he been in the administration of this law, that he has sent cases—when for a merely nominal service in the navy, large sums would be abstracted from the fund—to Congress, with a detailed statement of the effect of their admission. These cases, one of which is now before me, were referred to the Naval Committee; but that committee, not deeming it proper to interfere with the administration of the law, declined expressing an opinion, and the claim, to the amount of ten or twelve thousand dollars, has since been established and paid. These suggestions and admonitions of the Secretary fell upon reluctant and unwilling ears. Congress failed to apply the proper remedy; and now, when we are called upon to appropriate \$150,000 out of the public Treasury, to continue these payments, and the subject has forced itself upon the attention of Congress, it is neither just or fair to attempt to charge the Secretary with what he has so earnestly and necessarily labored to avert.

The member from North Carolina has given so minute and accurate an account of the origin of this Navy Pension Fund, that I do not deem it necessary particularly to advert to it. There is one point, however, upon which gentlemen seem to be laboring under a strange delusion. They seem to imagine that this fund was originally the property of those who made the captures, from the avails of which it was formed, and that the Government is now bound to reimburse its entire amount. This is a great mistake, and must proceed from an entire misconception of its origin. The amount appropriated to this fund consisted in no part of the money belonging to the captors, but was the share belonging by law to the Government, and entirely separate and distinct from that portion awarded to the officers and crew who made the captures. It was a mere gratuity at first, and if it has been improperly or improvidently applied and administered, it has not been directed to any other branch of the public service. I hope neither to see this fund reinstated, or any other similar one accumulated. If pensions or rewards are properly due to officers of the navy, let them be paid directly out of the public Treasury, and this will afford the surest correc-

tive of extravagance and abuse. Under the view of this case which some gentlemen take, there is another class of claimants which, in my judgment, present much stronger claims upon the liberality of the Government, than those we are now considering; and I was gratified to hear the gentleman from Massachusetts [Mr. SALTONSTALL] bring them to the notice of the House. The widows and families of those whose personal enterprise and bravery in the private armed vessels of the United States poured millions into your Treasury, are now entirely unprovided for, the small fund of two per cent upon the amount of prize-money being long since exhausted. There are some thirty of those widows, whose husbands fell in battle on board these vessels, most of whom are in destitute circumstances, and who have been, for several sessions, entreating you to continue the small pittance heretofore granted to them, a few years longer. While you have turned a deaf ear to these meritorious petitioners, and while you have doled out your charity with the most parsimonious reluctance to the officers and soldiers of the Revolution, you have not hesitated to bestow extravagant gratuities upon those who have been continually receiving the most liberal allowances.

Sir, I repeat, that I am gratified that this subject has at length attracted the attention of the House; and that whether the vote of yesterday be reconsidered or not, the whole subject of navy pensions will be considered and revised by the House at an early period of the session.

Mr. NAYLOR said that, ever since the commencement of this debate, he had been endeavoring to get the floor for an opportunity of addressing the House. When the bill was first introduced, he thought he had something to say upon it, but all his intended observations had since been so much better given by other gentlemen, that he should not now trouble the House with what he should otherwise have submitted. Yet, inasmuch as he had been a member of the Committee on Naval Affairs, he thought it due to himself to explain his position in relation to the subject, and thus place himself right before both his friends and enemies. He hoped the vote of yesterday would be reconsidered. How did the matter at present stand? The first section of the bill, which had been passed, provided for the payment of pensions accruing under the law of 1837, as well as under other pension laws. It provided over \$150,000 for this purpose. But what next? After the House had wisely enacted this appropriation for the express purpose of carrying the provisions of the act of 1837 into effect, then it had immediately taken another step and declared that the very law it had provided to fulfil was a bad law *in toto*, and should be at once repealed! In this there was not only a gross inconsistency, but there was something else, which the whole history of the passage of the act of 1837 would exhibit. What was its history?

The subject of navy pensions had occupied Congress almost the whole of the last session. A bill had been passed in the Senate and sent to the House, where it had been referred to the Committee on Naval Affairs. That committee acted on the bill. The gentleman from Maine [Mr. ANDERSON] in the eloquent and very sensible speech which he had just made, had told the House what the committee had done. They had reported a bill, and what was its effect? To annihilate the law of 1837! Not at all; but to continue many of its provisions in full force. It went to continue the bill which had yesterday been repealed. But was that hasty repeal an act of wise and prudent legislation? If a man had an inflamed arm, would he, to get rid of the inflammation, cut his arm off? So if there existed in the State a defective statute, in part sound and wholesome, and in part injurious, to get rid of the injurious feature, must a wise Legislature destroy that which was good and wise, and which the justice and the glory of the country demanded? The bill which the gentleman from Maine had presented as the result of the deliberations of the Naval Committee, went to continue so much of the act of 1837 as was sound and wholesome, while it cut off only that portion of it which was unsound and was injuring the body politic.

And such was the general history of the course of legislation. No act was perfect at its first enactment: such laws as were perfect, or at all near to perfection, had become so by the progressive wisdom and emendation of centuries. The law of 1837 might be very imperfect, but it never would be improved by knocking it on the head.

PROSPECTIVE PRE-EMPTION BILL.

DEBATE IN THE SENATE—Concluded.

WEDNESDAY, January 6, 1841.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up, the question being on the amendment offered by Mr. PRENTISS, of Vermont, as a substitute for the whole bill, as follows:

"Strike out all after the enacting clause, and insert the following: That every actual settler on any of the public lands to which the Indian title has been extinguished, except such as are hereinafter reserved, being the head of a family, or over twenty-one years of age, who was in possession and a house-keeper, by personal residence thereon, at the time of passing this act, and for four months next preceding, shall be entitled to a pre-emption in the purchase of the land so settled upon, not exceeding one quarter section, of the minimum price now established by law."

Mr. CLAY of Ky. and Mr. WRIGHT having submitted their views of the subject, as published on Tuesday—

Mr. LINN rose to notice so much of the remarks of the honorable Senator from Kentucky [Mr. CLAY] as referred to what Mr. L. had said on a former day, in regard to the application of force to carry into effect the prohibitions of a pre-emption law. Mr. L. had then expressed the opinion that it was physically impossible to remove by force those who are usually termed "squatters" from the public domain. He had often expressed that opinion here and elsewhere. It was a settled conclusion of his mind; and he now put it to the honorable gentleman from Kentucky, [Mr. CLAY] whether, were he in the executive chair, he would wield the military force of this Government in an endeavor to dispossess them? He should like to see the man that would avow it. The orders might be issued, but the officers of the army never would nor could carry them out. They would, in the first place, be incompetent to do it. On this subject it might be sufficient to advert to what had been said, and said so well, the other day by his friend the Senator from Arkansas, [Mr. SEVIER.] Such orders had once been given, and the officers attempted to remove the settlers in that quarter of the Union, and did remove them from Lovely's purchase, which had been wrenched from the Territory of Arkansas by a treaty with some tribe of Indians from an old State, but no sooner had the officers turned their backs than the squatters again returned upon the lands which they claimed. Their houses had been burnt; they rebuilt them. They were driven off a second time; and a second time they came back; and thus they fought it out, until at last the Government gave up the contest, and gave each of them 320 acres of land: while such of them as had obeyed and gone off the land, got, in the end, but 160 acres by a bill which passed the Senate a few days since. Now if the power of the Government could not enforce its prohibition laws in the single State of Arkansas, then a feeble and dependant Territory, how was it likely to do it along the whole frontier from Lake Superior to the Sabine river? Before such an operation was attempted, you must augment your army; for, sir, the whole military force of the country, as it now stands, would be too weak to accomplish it. The idea, to those acquainted with the real state of the case, had in it something ludicrous. It would be an amusing spectacle, to be sure, to see our gallant and chivalric officers of the United States army engaged in driving off women and children, while their husbands and fathers were in the thickets behind, ready to fire upon them with their rifles! They would every one be shot down the moment

they attempted such a thing; showing, conclusively that there is but one step from the sublime to the ridiculous. The truth was, the law prohibiting such settlement was practically a dead letter, and so it must forever remain. At first, there had been no law to restrain our people from settling where they would, on unoccupied public land. The first law on the subject was passed in 1807, and was made against those who claimed lands under the French and Spanish grants; and the object was to prevent those who had only inchoate title under such grants from going on the lands they claimed either to cultivate or survey, and a most unjust law it was. Mr. L. would speak with respect of the legislation of Congress, but such was his opinion of that law, as can be demonstrated in a moment.

And he now repeated his position, that it was utterly useless to pass laws to restrain the American people from going forward to settle on the public lands. Congress might pass such edicts as often as they pleased, but they never could carry out one of them. As to the grant of pre-emption, there were entire districts settled wholly under such grants, which it was an important policy to bring into market. They would bring millions of dollars into the Treasury for the benefit of General Harrison's Administration, and, but for our pre-emption laws, these districts would have been settled very gradually.

The Senator seemed earnestly to deprecate a change in our land system. Why, the land system of the United States had been a system of change from the beginning. Up to 1820, it was a credit system—then it was changed to a cash system, which was in its effects a pre-emption system, because the payment of a few dollars enabled the poor man to take possession of a choice piece of land, and, by his labor and exertions, to pay the remainder of the money, by instalments, in five years. This was easily done by the real cultivators of the soil, and it certainly was not for their benefit that any change was made in the system, but almost exclusively for those who bought on speculation. In 1830, a new pre-emption law was passed, which changed the system again in many particulars. Mr. L. said he should be sorry to see that part of the system which regulated the survey of the lands altered in any respect. But as to the general principle of pre-emption itself, it was only carrying out the original plan of the old thirteen States of the Revolution—which plan enabled them essentially to battle successfully with the mightiest power in the world. This was the original principle in regard to our new lands. Virginia had her pre-emption laws, and most of the lands in Kentucky had been sold at but 12½ cents an acre. By the old laws of Pennsylvania, and, he believed, of most of the other Atlantic States, a mere nominal settlement was all that was required. The public lands were not then expected to yield any amount of money; that was not the object; the object was to get them settled. Nor would they ever yield the Government a dollar but for that line of settlers who went into the wild woods and preceded what was falsely called "good society." When the second line came forward, they were very glad to find the wilderness opened for their progress, and some decent log cabins ready built to their hands. The same system, in substance, though its form might be slightly modified, must continue to prevail. Mr. L. defied gentlemen to change it. Much as the American people respected the law, they never would consent, for one minute, to see their hardy, enterprising fellow-citizens turned off by a file of soldiers from the land that had received all its value from their toil.

He hoped gentlemen from the East and from the South would not forget the circumstances under which their own forefathers had commenced the settlement of those portions of the Union. He hoped they would not forget, either, the incubus which the legislation of Congress had imposed on the settlers of the West by congregating on their frontier a vast body of resentful savage warriors, whose presence, power, and angry passions were as a smouldering volcano to all white settlers in their vicinity. Those settlers were fully sensible of their danger; and they wished to fortify and strengthen themselves against it by every means in their power.

er. They wanted to see coming in among their forests new emigrants from all parts of the world. It was a matter of comparative indifference to them whether those who constituted this valuable accession to their security were naturalized American citizens or not. The moment the foreigner settled by their side, he became a sharer in the common danger; and the consciousness of this, together with his hardy and adventurous habits, made him at once an efficient soldier. Many years since, the General Government adopted a system, a weak and unwise system, in Mr. LINN's apprehension, in regard to a certain portion of the public domain which contained lead ore. In the year 1822 or 1823, the Government invited, by proclamation, all who chose to come there and dig for the mineral, that their labor, *through a tax upon the lead*, might constitute a source of revenue to the Government. Multitudes of hardy miners from the old world and from the new availed themselves of the opportunity, and were settled on the lead lands at the time that Black Hawk and his party crossed the Mississippi with his band of savage followers, and placed himself between Galena and the adjacent new settlements in Illinois and Wisconsin; and, but for the presence and the hardy bravery of these miners, the entire frontier would perhaps have been laid waste by the tomahawk before the regular army could have been concentrated for their protection. Yet these defenders of our infant settlements, of the helpless families of the inhabitants of the frontier, were "squatters," were the "intruders and trespassers" of whom some gentlemen spoke in such injurious language. Their presence was the means of saving millions of money and thousands of lives. It became men situated as were the people on our Western border to look to all sources for an augmentation of their strength. Should the Indian tribes who had been collected on the frontier once combine in an attack upon the country of the whites, the whole military force of the United States could offer but a feeble resistance to their incursions, but would be driven before them like chaff before the wind. The gentleman from Kentucky on the left [Mr. CRITTENDEN] had spoken of these Indians as a set of poor, naked, half-armed savages, and had insinuated that there was not the slightest danger to be apprehended from any thing they could do. But was it not the duty of that gentleman to have investigated somewhat further the actual state of the facts before he spoke thus slightly of the dangers of an Indian invasion on defenceless women and children? On the frontier of Missouri and Arkansas, chiefly west of Arkansas, there was at this hour a body of 26,000 Indian warriors, prepared at any time to take the field. They were now, it was true, receiving annuities under treaties with the United States; but let these annuities be paid off, and then the only chain which bound them to us, or rather which held back their savage thirst of slaughter and revenge, would be gone. What restrained them now? In part the receipt of their annuities, and in part the dread of the whites. But would this always be sufficient? All who knew the Indian nature knew that war was their element, their pride, their chief delight. Nothing availed to keep Indians quiet but a visible force. It was vain to tell them of a force they did not see; it must be before their eyes—visible and tangible. A people like this, with 26,000 warriors on the lines, and many thousands more within striking distance, were they to be restrained by the 1,500 or 2,000 troops which the Government had on that frontier? The idea was preposterous. Besides, suppose our dispute with Great Britain, or some dispute with another foreign power, should issue in war—had they no access to those Indians? And when organized for war, would they not form the most efficient body of men of the kind ever brought into the field? They most assuredly would. Those who doubted this knew little of the matter.

What had been our past experience? All the language in which some indulged about Indians being cowards was an error, a great error. Had our settlements found them cowards? The truth was that, man to man, these Indian warriors were equal to any troops upon earth, in bravery and determined resolution; in dexterity, in facility of movement, in wily stratagem, in the power of sne-

cessful ambuscade, they were superior, far superior. Exposed to neighbors like these, was it unreasonable that the people of Missouri and Arkansas were anxious to invite among them all the settlers they could get?—that they should be in favor of pre-emption laws?—especially when it was remembered that those laws did but carry out the great and pervading principle on which the entire continent had been in the first instance settled? The French and Spanish Government asked no money from the settlers of their wild lands—all they demanded was inhabitation and cultivation. They wanted men—farmers, cultivators of the soil. And then, to encourage a spirit of devotion to the public good, they rewarded meritorious services by additional land grants. Many of their colonies had thus been planted. Even as a mere financial measure, the present bill would do much toward filling the coffers of the coming Administration. The new lands on the River Platte district alone, when brought into market, would bring into the Treasury a million and a half of dollars.

There was another point to which the honorable Senator from Kentucky [Mr. CLAY] had alluded, viz: the prospect of increased revenue from the lands, by a graduation of their price. Look at the so much vaunted land system, and see what had been its practical operation. The amount of land which a settler could take up was at first 160 acres: from this it had been reduced to 80 acres. Did this lessen the land sales? No, it had greatly increased them. The principle had been pushed still further, and the quantity reduced to 40 acres. And did not a similar result follow? Were not the sales increased? And as this had been the effect of lessening the quantity, why should it be doubted that a reduction of the price of inferior lands long neglected would have the like consequence? The Senator seems to think it very unreasonable, ridiculous, to hold such an opinion—it was his opinion. He believed that the result, if ever the experiment is made, will prove it. He considered the opposite opinion supremely ridiculous. General Harrison was held up in Missouri and elsewhere in the West and Southwest as a pre-emption man. Votes were claimed for him expressly on that ground. He was spoken of by his friends as "a log cabin man," and we were told that he would extend his favor to the inhabitants of log cabins all over the United States. If left to himself—if permitted to act from the promptings of his own judgment, and according to his personal knowledge of Western life, it is probable he may; but it seemed to him, from what he could gather of his sayings and doings, (and they seem something like the inarticulate whisperings of the ancient prophetic shrines,) that it is very hard to conjecture what his course in this or any other respect will be. But it had been charged upon Mr. Van Buren that his opinions in relation to the public lands had undergone a change, from the influence of certain individuals that had access to his private ear. What had the settlers to expect from Gen. Harrison, after the bold avowals that had been made that day by a person that might be considered a power behind the throne greater than the throne itself? We shall soon see.

He knew they were under great disadvantages at the present time for bringing forward this measure, or any other of a liberal nature, in regard to the public lands. Missouri, Louisiana, Wisconsin, Arkansas, and a few other States and Territories, are left to fight this great battle alone, as the new States are rapidly becoming old States, in relation to the public domain. It is the interest of the old States, as they seem to think, to advance the price of the public lands. Pre-emption may suit a temporary purpose, by filling the exhausted coffers of the Government; but their abiding, permanent interest, is to hold up these lands, and get a high price for them, to go to the immediate filling the State treasuries.

But looking to this question in an enlarged national point of view, it seemed to him that every reasonable encouragement should be given to the extension of our settlements, to aid in the development of our resources. Under the invitation of the Government adverted to, the extensive and fertile regions in upper Illinois, Wisconsin, and Iowa, were ra-

ridly peopled. The flourishing and populous towns of Galena, Dubuque, and many others, sprung into existence like magic, and in a few years the wilderness was made to blossom like a garden. Look for one moment at the results. This people dug from the bowels of the earth hidden riches, and from that time have increased the production of lead until it amounts to fifteen or twenty millions of pounds annually; being enough, perhaps, to render us independent of foreign powers for this important article so necessary to our defence in time of war. And, sir, Massachusetts and other manufacturing States upon the Atlantic border, where labor is cheap, are as much or more interested in thus producing national wealth as we are, as they furnish manufactured articles in return for raw material. His own constituents (he said) had also contributed in this way to the sum of national wealth by the annual production of several million pounds of lead, much of which has been made from the public lands or private property acquired under different pre-emption laws. They were now turning their attention, with energy, to the cultivation of hemp; and such was the value of the article for its fineness, silkiness, and strength, that it commanded in the Boston market \$30 per ton more than Kentucky, and was now beginning to be imported into the State of Kentucky for the purpose of being wrought into cotton bagging. He understood from undoubted authority that it is stronger than the best Russian hemp. This hemp was raised upon lands the title to most of which was acquired under the operation of the pre-emption laws, or by squatters, who are now awaiting the passage of one. This was important for the support of an important arm of national defence, viz: the navy. How was it that Daniel Boone commenced the settlement of Kentucky? There were then no such laws as our pre-emption laws, taking from the settler \$1 25 per acre for his lands; no law to restrain him from the wilderness. He roamed and squatted where he pleased, and no one knew better than his friend [Mr. CRITTENDEN] what had been the results. Driven from Kentucky by injustice, and impelled by his love of danger, he sought a lonely spot in Missouri, on the extreme frontier of civilization, and squatted on the public lands, and contributed to its defence. It seemed as if his fearless spirit still hovered over what was once his favorite haunt, and pointed his descendants to the shores of the Western Ocean; and these descendants are now requesting Mr. LINN to use his influence to get them appointments in any expedition fitted out for the Oregon Territory. It was to be regretted that this old man, this hardy and adventurous pioneer, could not have lived a few years longer to see this broad Union stretching itself from one great ocean to the other.

Boon was a living type, an impersonation as it were, of the spirit which had settled this continent. Mr. L. rejoiced to see the same spirit in full force and action to this hour. God forbid he should ever see it stopped; but that could not be done. The whole force of the Government could not stop it; he defied them to do it. Looking at the whole course of the American Government and nation in relation to the public domain and commerce, it seemed to him to be governed chiefly by an eye to dollars and cents. He saw how his countrymen suffered themselves to be kicked about and imposed upon; how they permitted their property to be destroyed upon the ocean and upon the land, and their citizens murdered within the very sight of our own shores. He saw their patience, their meekness, their forbearance; but what was at the bottom of it all? The dollars and cents. What a contrast did this exhibit to that prominent and admirable feature of the British system of policy, which was to protect the man, the British subject, wherever he might be! Without this, she never could have stood so long the enormities of her system. He thought that, as American citizens, we ought to feel proud while witnessing the march of the Anglo-Saxon race in its onward progress for the benefit of the human species. He would rejoice to see it surmount the rugged tops of the Rocky mountains, and, pouring over into the fertile valleys beyond, form, by its presence and its bravery, an impenetrable barrier against Great

Britain on the North. Let the free race of American pioneers go onward West, carrying their love of liberty and all their free and beneficent institutions with them; and he would be the man to encourage their progress by every means within the compass of his ability, even to the utmost verge of the continent. When the bill in regard to the Oregon Territory should come up, Mr. L. hoped the Senator from Kentucky [Mr. CRITTENDEN] might take the same view of the subject which he did, and that he should then enjoy all the benefit of his powerful aid. It was the State from which that Senator came, and his own native State, that first settled its lands under the system of free occupation of the public lands. They came first into the great wilderness; their fathers had had the brunt to bear; and Mr. L. hoped one day to see a noble monument erected, if not to these bold and enterprising men, at least to the noble-souled women who had followed their husbands into the wilderness, and shared their toils and dangers. Cheated they had been, and wronged in every practicable way, by the petty county court lawyers and other reptiles who were ever found haunting the precincts of a court; and now, to this hour, they were pursued by the same class of wretches—heartless speculators—who were every where prowling along our frontier, but who were not permitted by public opinion to wrong them. These advancing pioneers were made of stuff which presented a tremendous battery for the protection of the secondary class which followed in their footsteps. They hewed down the timber; they subdued and exterminated the beasts of prey; they discovered and developed the natural resources of the country; they compelled the roving Indian to recede and seek more distant hunting-grounds; they added to the national wealth; and would gentlemen forego advantages like these for the sake of making some five or six cents more an acre for the public lands? Why should not a pre-emption bill be prospective as well as retrospective? If such a law was fit and right to cure a wound after it had been made, why not adopt a measure which should cause there to be no wound? Illegal combinations of citizens for mutual support against pre-emption restrictions which they deemed oppressive there, would always be on the frontier. An army of 30,000 would be vain to suppress them. Why not supersede the cause and the temptation?

As to a distribution of the proceeds of the public domain among the States, he would give it here as his opinion that, should such a measure ever prevail, the inevitable would be that the lands would be held up from sale from year to year, until (as he had heard suggested by an honorable Senator once on that floor) their value reached \$30 an acre. He greatly regretted that, by unwise and mistaken legislation, men should be strongly, irresistibly tempted, nay, compelled, to evade the law, and, still more, the attempt to enforce such law by the armed troops of the United States. Should a contest of that miserable character ever take place, no man who knew the people of the West could doubt for a moment how it must terminate.

The bill having been ordered to be printed, together with all the amendments hitherto adopted, The Senate adjourned.

THURSDAY, January 7, 1841.

The order of the day being the bill to establish a permanent prospective pre-emption system in favor of settlers on the public lands who shall inhabit and cultivate the same, and raise a log cabin thereon; and the question being on the following amendment offered by Mr. PRATT of Vermont, as a substitute for the whole bill:

"Strike out all after the enacting clause, and insert the following: 'That every actual settler on any of the public lands to which the Indian title has been extinguished, except such as are hereinafter reserved, being the head of a family, or over twenty-one years of age, who was in possession and a housekeeper, by personal residence thereon, at the time of the passing of this act and for four months next preceding, shall be entitled to a pre-emption in the purchase of the land so settled upon, not exceeding one quarter-section, at the minimum price now established by law.'

Mr. HUNTINGTON addressed the Senate, in substance, as follows:

It is no part of my present purpose to discuss, at much length, the general subject of the pre-emption laws of the United States. There are two reasons which deter me from such a discussion. One is, that the indications are quite apparent that a majority of the Senate will sustain the policy of these laws in some form; and the other is, that the subject has been so often and so recently the topic of debate here, that it cannot be expected that much, if any thing, which is new or important, appertaining to it, can be suggested. I wish, however, to call the attention of the Senate—of the friends as well as of the opponents of pre-emption laws—to the peculiar, and, I think, extraordinary provisions contained in the bill before us; provisions which, when understood, I cannot believe will be adopted by this body.

That this bill, in its present shape, is an extension of the pre-emption system; that it introduces new principles, gives greater facilities, and holds out new encouragements to settlers on the public lands, is not denied. Indeed, the latter object is apparent on the face of the bill, and avowed in debate. That it will, in effect, produce an entire revolution in our whole system relating to the public lands; that it is unjust to the States collectively, and impolitic, inexpedient, and fraught with serious mischief, I have no doubt; and I propose to examine the several sections of the bill with the view of sustaining the opinion just expressed.

The bill is prospective in its operation. It does not look merely to the advantage and security of the settler, who has already gone on the public lands, in good faith, and made his improvements, and who is still there, with the intention of becoming a permanent resident, and a citizen of the State where he has settled. In this respect it differs from former pre-emption laws. They were intended to give the industrious and enterprising settler the fruit of his labor and industry, already bestowed upon the public lands, by allowing him the privilege of pre-emption. The act of 1838 confined its benefits to the actual settler of these lands, who was in possession, by personal residence on the land, at the time of the passage of this act, and for four months next preceding. Security, in the form of pre-emption, for settlements and improvements already made, was the design of that and the previous acts. This bill provides for a new class of settlers. It holds out encouragements to enter upon the public lands without right or title. It declares that the persons described in it "who shall make a settlement," &c. shall be entitled to a priority in the purchase. It invites to unlawful entries upon the public domain. It offers inducements to commit trespasses upon the property of the nation. It says to the settler, in advance, that he shall be secured in the pre-emption right to lands to which he has not the shadow of a legal or equitable claim, if he will enter upon them. It is a proclamation by the Congress of the United States, proposing not merely protection to those who are already settlers, but containing an invitation to the people of all nations to become intruders upon the public lands, and offering to secure them in the enjoyment of the fruits of their trespass. Why should there be such a departure from the principle adopted in former pre-emption laws? Why should the legislation of Congress be invoked to encourage violations of its laws, unlawful entries upon, and continued possession of its property? Why should a general request be made to settle down upon the best of the lands of the United States. Has a law holding out such inducements the sanction of any just or equitable principle? Or can it be defended on the ground of general expediency or public policy?

But to whom is this invitation given? Who are to be the objects of the bounty of the Government? Who may claim the benefit of this pre-emption law? The answer to these questions may be given by looking to the personal qualifications required of the settler, and the acts which it is necessary for him to perform. By the law of 1838, he must be the head of a family, or over twenty-one years of age, and a housekeeper. He must be an actual settler, in possession by personal residence. By the proposed act, the settler must be a white person,

the head of a family, or a widow, or a single man over the age of eighteen years; he must make a settlement, inhabit and improve the land, and raise a log cabin or other dwelling thereon. To all such, from every quarter of the globe, whether aliens or citizens, and without reference to character; whether they owe allegiance to this or some other country; whether favorably disposed or hostile to our free institutions; whether good or bad inhabitants; to all, indiscriminately, is the invitation given to become freeholders and owners of real estate in this country. Is it desirable that such an unlimited offer should be made? Is it good policy to encourage every description of persons to become proprietors of our soil, and to remain such (when aliens) as long as they please to continue the subjects of a foreign power? Does this comport with that policy which seeks to perpetuate our free institutions? or with that wisdom which would encourage only the honest, the virtuous, the industrious, to become owners of lands in the nation? But this bill is not confined, as was the act of 1838, to heads of families and adults. It allows widows, and single men over the age of eighteen years, to participate in its benefits. It invites the youth of eighteen, who is under parental care and authority, whose duties to his parents have not ceased, and who is legally incompetent to make valid contracts, (except in a few cases,) to become a settler on the public lands; to leave the service and protection of his father, and select for himself a portion of the public property, and obtain a pre-emption right in it. Can such a separation of parent and child be deemed expedient? Ought encouragement to be given to such a class of settlers?

Such are the personal qualifications of the settler required by this act. I will now call the attention of the Senate to the acts to be done by him to secure to him its privileges. It is only necessary that he should "make a settlement," "inhabit and improve" the land, "and raise a log cabin or other dwelling thereon." This language is very indefinite. No clear, precise meaning is given to the words settlement, inhabitation, improvement, log cabin, or other dwelling. It is certainly open to the construction, even if it will admit of any other, that the slightest improvement, the frailest tenement, the shortest occupancy, will suffice. The bill does not provide what shall be the nature or the extent of the improvement, what the dwelling, or how long it shall be inhabited, to confer the privileges secured by it. The occupant may improve a foot of the land—may cut down a single tree—clear away a few bushes—build a rod of fence—erect the slightest possible dwelling, not larger than is sufficient to contain his person—remain on the land for a short time only—entering upon it with the rising sun, and departing from it when it sets, and then claim the benefit of pre-emption. He is not, by the words of the act, required to make a *bona fide* settlement and improvement. Wholly different was the law of 1838 in this respect. That provided that the settler should evince the honesty of his purpose, the sincerity of his act of settlement, the *bona fides* of his intention, by his being either the head of a family, or over twenty-one years of age, and also a housekeeper, by personally residing on the land at the time, and at least four months next preceding the passage of the act. This furnished some security that his design was not speculation in the public lands for his own benefit, or for others; not a fraud upon the equity of the pre-emption law; not a mere nominal improvement of the land and a temporary settlement upon it. Under that law, he could not come and go in a night; erect a building which would perish in less than a week; make a mere show of residence and improvement, and then claim the pre-emption. He was to have a family, or be over twenty-one years of age; a housekeeper; an actual settler, and this for at least four months, and down to the passage of the act. If this is somewhat indefinite, it is much less so than the proposed act. It provided some test of honesty and sincerity, and, perhaps, practically furnished, in most cases, adequate security that the settlement was made in good faith. It excluded minors: it neither broke up, nor held out inducements to destroy, the relation of parent and child, and its legal consequences.

It was the housekeeper only for whom provision was made, and such a person, it would be expected, would have a comfortable dwelling, and the time of his residence was required to be four months at least, that it might appear that he was not a mere sojourner, but that his residence was intended to be permanent. The bill under consideration contains no such salutary provisions. It opens a wide door to fraudulent settlements, and to the perversion of that equity on which, it is alleged, all pre-emption laws rest, and by reason of which supposed equity such laws have found advocates and friends. What necessity exists for this unusually loose legislation? Why should encouragement be given to fraudulent settlers? What reason can be urged sufficient to justify a law which, in its operation, will benefit mainly the speculator and rich man? Why should those who wish to force, more rapidly than heretofore, the settlement of the new States, and to increase, in a still greater ratio, their numbers, countenance a project which, so far from securing to them an industrious and permanent population, holds out inducements mainly to such as have no intention to become citizens and residents, but to use the law for the purposes of speculation; and to add to their already overgrown wealth?

The Senate will thus perceive who are the special objects of the bounty of the Government, and what acts are required of them to entitle them to receive it. It will be seen that the class is exceedingly numerous, and little else than what is tantamount to a demand of the boon is required as a preliminary to its receipt. But of what land is the settler entitled to the pre-emption? To what portions of the public land is he confined? It would seem reasonable that his right should extend, in ordinary cases, only to that quarter section on which he has settled; for his equity arises out of the fact that he has settled upon and improved the land, and there erected his dwelling. The law of pre-emption is founded on the assumed principle that it would be unjust to take from an honest and meritorious settler the fruits of his industry. To protect him, therefore, in the enjoyment of the product of his labor is the design of the law, which gives him priority in the purchase. He should, of course, unless strong reasons exist for an exception in particular cases, be restricted in the right to the property on which that labor has been bestowed. And such was the law of 1838. But in the provisions of this bill no such restriction is found. The settler is entitled "to a pre-emption in the purchase of a quantity of the public land not exceeding one quarter section, in legal subdivisions," &c. He need not confine himself to any portion of that on which he has made a settlement, provided he can find any public land, in any State or Territory, which is open to pre-emption. He may traverse the whole Western country, select the best quarter section he can find, which is not pre-occupied or reserved, and is the subject of pre-emption, and, under color and by virtue of his settlement on other land, claim the pre-emption right. Nor is he expressly limited in his selection to public lands to which the Indian title has been extinguished, or which have been surveyed. If no survey of it has been made, and perhaps if the Indian title is still outstanding, he may settle upon it. The bill provides that the settler "who shall make a settlement on any of the public lands to which the Indian title has been or shall be extinguished, whether the same be surveyed or not," shall be entitled, &c. The language is not, (as it should be,) to which the Indian title shall have been extinguished at the time of such settlement. This would confine him to such lands. And this was the law of 1838. It declared that no right of pre-emption should accrue to any person or persons in consequence of any settlement or improvement made before the extinguishment of the Indian title to the land on which such settlement or improvement was made. And the policy and justice of such a limitation is too obvious to require argument. It cannot be thought expedient to confer on these settlers or intruders the privilege of going upon your choicest lands, which are not subject to sale, and pre-occupying the best quarter sections, and thus acquiring the right of pre-emption. But this bill may be so construed as to give this privilege, provided the In-

dian title shall be extinguished at any time during the continuance of the pre-emption right.

This bill confers other benefits than those which have been mentioned. It gives the settler liberty to make his improvement and settlement on different quarter sections, and in such case allows him to "make choice of the quarter he will take, or take parts of each in legal subdivisions," if not prejudicial to the rights of others. What a power is here given! and what opportunity is afforded to gain priority in the purchase of the best of the public lands! The settler may, if he please, erect his dwelling on different quarter sections. He may select those which are particularly valuable in quality, or which possess important water privileges or other advantages. They may be contiguous to each other in different quarter sections. And when the period arrives that his pre-emption right is to be perfected, he may select an entire quarter section, or parts of each, shut out all other during the time allowed him to make the purchase, and thus gain priority as to one entire quarter section, or to portions of two, at his election. Can any good reason be given for such a license as this? Why should he be allowed to settle on adjoining quarter sections, and then avail himself of the peculiar privileges of both, to the exclusion of other equally meritorious settlers?

This bill also gives, in one event, the pre-emption in more than one hundred and sixty acres. For although, in the first section, it provides that the settler shall be limited to a quantity not exceeding "one quarter section, in legal subdivisions," it declares, in the 4th section, that where this quantity cannot be had entire, the entries may be made in tracts of eighty acres, or forty acres, or fractions; and when the fraction shall be more than the quantity required to complete the pre-emption, the excess shall be paid for, and the pre-emption right shall extend to the whole fraction. It will be seen that there is no prohibition to settling on a tract, where the quantity cannot be had entire; and of course nothing to prevent, in such cases, an entry in fractions; and, in case of excess, a right to more than a quarter section. It would be difficult to assign a satisfactory reason for conferring such a privilege.

Another unusual, unnecessary, and most extraordinary privilege is conferred by this bill on the settlers on the public lands. By the law of 1838, it was enacted that where more than one person had settled upon any one quarter section, each should have an equal share in it, but should have no claim to any other land by virtue of that act. The policy of this provision is quite obvious: Its justice is equally apparent. By the present bill, if two or more persons shall have settled on the same quarter section, it shall be divided between them, and the deficiency made up to each out of the contiguous vacant ground, excluding, however, from the benefit of this provision, a wilful intruder on the known claim of another. It will be seen that the pre-emption right to what is equivalent to a whole quarter section attaches in favor of each settler, where there is more than one, on the same quarter section; and it is to be remembered that there is no prohibition to an amicable settlement and improvement, by two or more, of the same. I now ask the attention of the Senate to the consequences which may follow from the adoption of this provision, especially when taken in connection with other provisions to which I have adverted. Any number of individuals may associate to improve the same quarter section. The head of a family who has several sons over eighteen years of age may put them on such a section, and obtain for himself, through them, or they may obtain for themselves, each, one hundred and sixty acres. Combinations of persons, in any numbers, may be formed, for the very purpose of acquiring the prior right of purchase of this quantity. Hundreds may associate from every nation upon earth, enter upon the same quarter section, erect a building just sufficient to hold their persons, improve the smallest portion of the land, and for the shortest time, and then each has a lawful claim to what is equal to a quarter section. This would indeed give an inchoate right to a very large quantity of the public lands. It would spread over immense tracts of

the national domain the beneficial lien of pre-emption. It would lock it up from the enterprise of others. It would secure it, for a limited period, from the claims of all others. It might, if carried to its extreme limits, bind most of the valuable lands of the U. States, which are subject to the operation of the bill, with the strong cord of pre-emption, and which no law could break. And will the Senate adopt a measure producing such results? Will they open the public lands to adventurers of any and every character from every portion of the world, and allow them to unite in making a fraudulent settlement, and obtain, as the fruits of it, a quarter section for each? Do our Western friends desire such privileges to be given, indiscriminately, to those who choose to avail themselves of them? Will this give to the new States a healthy, sound, industrious, and permanent population? Is this for the benefit of the poor man who seeks a home in the Far West, builds his log cabin, improves the ground, and in good faith intends to become a permanent settler?

This bill is open, however, to objections even of a more serious and important character than any which have been mentioned. It may be doubted whether the exemption from the operation of the bill of lands "reserved and appropriated," is sufficiently explicit and comprehensive to reach portions of the public lands which ought not to be subject to its provisions. I mean such reservations to Indians by treaty stipulations as have been since purchased of them by the United States, and which, I am informed, embrace some of the most valuable of our lands. Whether all these lands are reserved from sale by act of Congress, or by order of the President, or have been appropriated for some purpose, I do not know. I invite the attention of Senators who are better acquainted with this part of the subject than I am, to this provision in the bill.

The bill does not in fact afford, nor does it even profess to afford, any security against settlements made for the sole purpose of benefiting speculators and rich men. While its passage is urged as being a reasonable and just provision for bona fide settlers—as encouraging the growth and prosperity of the new States, and thus beneficial to the whole Union—its provisions are not confined to such persons, nor so drawn as to produce such results. If it should become a law, settlers on the public lands may avail themselves of it without any intention of becoming permanent residents. Speculators and men of wealth may employ any number of persons to go upon these lands, who shall have the qualifications and perform the acts required by the bill, and obtain all the benefits of the pre-emption system. Mere intruders and rich men, citizens of other States, may combine to give the latter the privileges intended solely for the former, and the public lands thus become the prey of the speculator instead of being the home of the industrious settler. No questions are asked as to the intention and motives with which a settlement is made; no inquiry is to be instituted with reference to the question whether the settler goes upon the land for his own benefit or for the benefit of another. If he is embraced by the description in the first section of the bill, the right of pre-emption attaches, although he declares that his residence is intended to be temporary, and to enable another to enjoy the benefits of the act through such a settlement. Will the Senate adopt such a principle in any pre-emption law? Will its incorporation into our land system increase the wealth, the population, the resources of any of the new States? Will it be just to honest settlers, or to the States collectively? The framers of the act of 1838 provided against the mischief to which I have called the attention of the Senate. That act required of the person claiming the benefit of it, to make oath that he entered upon the land which he claimed in his own right and exclusively for his own use and benefit; that he had not, directly or indirectly, made any agreement or contract in any way or manner with any person or persons by which the title he might acquire from the Government of the United States should inure to the use or benefit of any one except himself, or to convey or transfer the land or title to any other person or persons at any subse-

quent time; making false swearing in the premises perjury, and working a forfeiture of the money paid for the land; and declaring all grants or conveyances made in pursuance of any such agreement or contract void, except in the hands of a purchaser in good faith, for a valuable consideration, without notice. Such was the guard thrown around the Government and honest settlers, to protect both against fraudulent settlements. No such protection, nor any other, is afforded by this bill. If it should pass in its present form, settlements may be made, not for the use and benefit of those who make them, but for those who have no other interest in the land than to make gains by the sale of it at an advanced price, and who are to be encouraged in such speculations by being invested by the Government of the United States with the privilege of pre-emption. Surely such log cabin settlers have no peculiar claims upon the bounty or to the favor of Congress.

To these objections to the bill is to be added another. Every question arising under this act, both of law and of fact, touching the construction of this law, the proof of settlement and improvement, and all questions in relation to pre-emption claims, or between claimants to the same quarter section, are to be settled, summarily and definitely, by the register and receiver of the district, agreeably to the rules which may be prescribed by and under the direction of the Commissioner of the General Land Office. No judicial tribunal is to hear and determine these questions. No court is to construe and declare the law, and no jury is to pass upon the facts. The register and receiver are to proceed summarily, and decide finally. Ought such a power as this to be vested where this bill proposes to place it? And ought not the rules which are to govern in the determination of the many and various points which will necessarily arise under such a law, to be established by Congress? At least, would it not be prudent to make some general regulations, which would reach most of the cases which would require to be settled? Or, should not the power to make rules on the subject (if given to any Executive officer) be vested directly in the Secretary of the Treasury, to whose department the administration of the public lands belongs, and on whom, rather than on any other individual, the responsibility of passing such regulations ought to rest?

This bill also provides for a permanent pre-emption system. It is to continue until repealed or modified by further legislation. It is not, like the act of 1838, limited to two years. It does not expire by its own limitation, but it requires the action of Congress to repeal it, if it should be ascertained by experience to be productive of mischief. Why should we abandon, in this respect, the path marked out by our predecessors? Especially, why should we make such a bill as this, containing so many novel provisions, and which is a new and untried experiment in our land system, permanent as well as prospective?

I have thus, Mr. President, referred briefly to the provisions of the bill now under consideration. It is a bill creating a prospective pre-emption system; it encourages intrusions upon the public lands in advance, and holds out inducements to persons to become settlers upon the public domain without right and against law; it gives the pre-emption right to minors as well as adults, to aliens as well as citizens, to the subjects of a foreign prince, owing him allegiance, as well as to our native or naturalized citizens; it invites all such, without respect of character or country, to become proprietors of our soil; it requires, perhaps, only the form and shape of a dwelling to be erected, an improvement of a small portion of the land, a residence of a few hours only, to entitle the settler to a priority of purchase; and of land other than the quarter section on which he has settled; and possibly of land to which the Indian title may not have been extinguished at the time of the settlement; it gives him the important privilege of selecting portions of two quarter sections under certain circumstances, and of more than one hundred and sixty acres in specified cases; it confers the right of pre-emption to one hundred and sixty acres on each one of any number, however great, who may settle on the

same quarter section; it is doubtful whether valuable lands are exempted from its operation, to which it ought not to apply; it affords no security against fraudulent settlements, but gives to the individual who settles, for the benefit and at the instigation of the speculator and the rich man, the same privileges which are conferred on the bona fide settler, who enters solely for his own benefit, and exclusively in his own right; it refers every question of law and fact, in the construction and execution of the law, to the register and receiver, to be decided summarily and finally by them, under rules established by the Commissioner of the General Land Office; and such a bill as this is to be made a permanent law.

If it should become a law, unless I greatly mistake, it will produce some or all of these results:

It will operate injuriously upon the interests of the honest bona fide settler, whom alone the friends of the bill seek to protect.

It will greatly encourage and enrich speculators and rich men.

It will give the selection of the best lands to those who have no interest to become actual residents.

It will encourage fraudulent nominal settlers.

It will eventually abolish the sales of lands at auction.

It will convert the system of cash sales into sales upon credit.

It will greatly reduce the proceeds of the public lands, and thus unjustly deprive the Union of the full value of its property.

For such a bill (even were I in favor of any pre-emption law) I cannot and shall not vote. And now, Mr. President, having adverted to the prominent features of the bill, and stated my objections to its provisions, I have only to add that I shall vote for the amendment of my friend from Vermont, [Mr. PRENTISS], because it reaches and obviates some of these objections; and when that amendment is disposed of, I shall offer other amendments, with the view of carrying out more fully the design and object which those who are the friends of this bill propose to accomplish by its passage, viz. the encouragement of honest bona fide settlers on the public lands, by giving them a pre-emption right in a quarter section of land on which they have settled.

Mr. HUBBARD addressed the Senate as follows:

Mr. PRESIDENT: The immediate question now before the Senate involves the entire rejection of this permanent prospective system, and the substitution of the proposition submitted by the Senator from Vermont.

I am, and I trust ever shall be, in favor of the pre-emptive principle. Is it just, it is right in itself, and deserves our unqualified support. It has long commanded the co-operation of popular feeling and of public sentiment. Viewing this subject in the light I do, I should be faithless to my trust, and regardless of my public duty, should I withhold my support from this measure—founded, as I believe it to be, upon the great principle of immutable justice—calculated, as I believe it to be, to advance the best interests of the Confederacy, and to secure the happiness, the confidence, and well being of the settlers of our public domain.

The immediate question, as I have before stated, before the Senate, is the proposition submitted by the Senator from Vermont, "To strike out the whole bill after the enacting clause, and to substitute the following:"

"That every actual settler on any of the public lands to which the Indian title has been extinguished, except such as are hereinafter reserved, being the head of a family, or over twenty-one years of age, who was in possession and a housekeeper, by personal residence thereon, at the time of the passing of this act, and for four months next preceding, shall be entitled to a pre-emption in the purchase of the land so settled upon, not exceeding one quarter section, at the minimum price now established by law."

I differ with the honorable Senator who has just resumed his seat, [Mr. HUNTINGTON] I cannot go along with him and give to this amendment my support. It fails to accomplish the object—it comes short of the purpose I have in view. It asserts plainly and in direct terms the pre-emptive policy—and so far it meets my approbation—and I rejoice to find the honorable Senators from Vermont and Connecticut coming in aid of this policy. Heretofore, a retro-

spective pre-emption bill has experienced much opposition on this floor. But the amendment submitted by my friend from Vermont is a surrender of the principle—a yielding up of all objection to the pre-emptive policy. The course pursued by the Senator from Vermont augurs well, and was an indication that a great change in the sentiment of the Senate had already taken place in relation to this subject. But, as I have remarked, it does not go far enough. The time has come when a more decided measure should be adopted by Congress. We have seen, and we must know, the effects which have already been produced by the course hitherto pursued. In my judgment, we should now go further—we should, by our positive legislation, encourage the settlement of our public domain. We have hitherto protected the settlements which have taken place. We have heretofore said to the bona fide settler, you shall not be disturbed in the enjoyment of your rights; the land you have occupied—the habitation you have erected—the home you have made for yourself and family, shall be exclusively yours. We now propose by this bill to invite, to encourage emigration, and to induce the improvement and settlement of our public lands. Heretofore we looked back, and by our legislation protected the honest settler. By this bill we say to the emigrant, go forward, and you shall be sustained in your efforts to occupy, improve, and honestly to settle such a portion of the public land as you may select, not exceeding the quantity named in the bill. This constitutes all the difference between the bill as reported by the Committee on Public Lands and the amendment proposed by the Senator from Vermont. They both contained and declared the pre-emptive principle. They both encouraged and sustained the pre-emptive policy.

The slightest acquaintance with the history of our legislation, would lead to the conclusion, that the pre-emptive policy had been, for a long period of time, the policy of our Government. For more than forty years we have recognised this principle. The right of pre-emption was secured to certain occupants of the public land as early as 1799—and to each head of a family who resided upon and cultivated a portion of the public domain prior to 26th March, 1804, in the then Territory of Michigan, the right of pre-emption to one hundred and sixty acres was expressly provided by the legislation of Congress. By the act of 3d March, 1819, any person who had settled on and improved any of the lands in the Territory of Missouri reserved for schools, before the lands were actually surveyed, shall have a right of pre-emption thereto. And so it was in the land districts in the other Territories of the United States. It will be perceived that a pre-emption right at least to one quarter section was secured to every cultivator and bona fide occupant of the public land, whether the same had been offered at public sale or not. By the act of the 29th of May, 1830—an act which was passed within the first session of Congress under the late Administration—the pre-emptive policy is clearly and distinctly declared. It is true that by the terms of that act its operation was exclusively of a retrospective character. It however asserted that those who had with good faith taken up portions of the public land, and had so occupied and so improved them for a prescribed period of time, as to induce the belief that they designed to make permanent settlements thereon, were protected, and justly protected in their rights.

This was the leading provision of the act of May, 1830. True it is, that act expired by its own limitation in a single year. But there was no occasion for its longer duration. Its object was to protect settlements which had previously taken place; and those whom it was intended to benefit, were required to prove their pre-emption claim within the period to which the act itself was limited. But in that act you cannot fail to discover the disposition of the Government to sustain, and to protect the actual settler upon the public land. The feeling and the sentiment of the people evinced by that act of their public servants was distinctly manifested. The adventurous pioneer—the honest occupant of the public land—the man who had made far himself and his family a home in the wilderness of the West, was, by the act of May,

1830, defended and sustained. I cannot but consider the question then as settled—the policy established—and the right to pre-emption admitted.

Sir, would Congress at this day refuse to re-enact the provisions of the law of 1830? Would they dare refuse protection to the honest settler of the lands. No, sir, no. The amendment submitted by the Senator from Vermont shows what are his feelings, and it shows full well what is the state of popular sentiment touching this subject. Mr. President, you cannot stay the march of the pioneer—you cannot stop the progress of the actual settlement of the public lands by any enactments of Congress. The Senator from Missouri, [Mr. LINN] in an able and eloquent speech, has portrayed the fruitlessness and folly of every attempt on the part of Congress to check the march of the intrepid and bona fide explorer of the wilderness of the West for a permanent home. He has said, and has said most truly, that you cannot prevent, with all the force at your command, the occupation of the public domain by those who wish to make permanent locations. He has, in a masterly manner, given us his views upon the general policy of pre-emption laws. I would not weaken his argument by any attempt of my own to illustrate that policy. I fully and sincerely concur with him in the sentiments expressed by him on yesterday. It may, however, be well to follow up the legislation of Congress a little further in relation to this matter, as going to show with what care, and with what interest, Congress has watched over the rights of the actual settlers of the public lands. In 1834, it was expressly provided,

"That all persons residing on the public lands, and cultivating the same, prior to the year eighteen hundred and twenty-nine, and who were deprived of the advantages of the law passed on the 29th May, 1830, by the constructions placed on said law by the Secretary of the Treasury, he, and they are hereby, authorized to enter at the minimum price of the Government, one quarter section of the public lands, within said land district."

Such has been, then, the character of the legislation of Congress for nearly half a century. Such were the provisions of the law of 1830, and such has been the policy of the Government before and since that period. To protect the bona fide settler—to sustain his rights—to secure to him his pre-emption—this has been the policy of our Government; this should be, and this will be, her future policy; for it is in accordance, in my judgment, with every sentiment of fair dealing, of honesty, and of right.

Let us examine the bill proposed by the committee, and see if in terms it does not advocate the same policy. Let us consider the amendment offered to that bill, and see whether the whole difference between them is not confined to the operation of the two measures. Let us note some of the objections urged by the Senator from Connecticut to the bill, and see whether those objections have been well taken.

In the first place, Mr. President, there is not a shadow of difference in the principle of the bill and of the amendment. They both advance and sustain the right of pre-emption.

The bill seeks to establish a "permanent prospective pre-emptive system," and as such I give to it my unqualified support. The amendment is intended merely to protect settlements already made. And what are the objections urged to this pre-emption policy, prospective as it is in its operation. It is said that it will produce an entire change in our system, touching the public lands. And it is said that if this bill passes, it will be an invitation to unlawful entries upon the public domain—that it will encourage violations of the laws—justify intruders upon the public lands, and protect them in their trespasses and wrongs. Is this so? That it will effect a change in the pre-emption policy, no one will deny. That it proposes a prospective system instead of one retrospective in its operation, all will admit. But, sir, I deny that any such consequences can be fairly charged upon this measure, should it become the law of the land. The bill before us goes to justify entries upon the public domain with the bona fide intent of making permanent settlements. Some of the very objections urged against this bill apply with great force to the amendment proposed by the Senator from Vermont. Continue this retrospective pre-emption policy, and what is it but an invitation to intruders to enter upon the public

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land? What is it but an invitation to the commission of trespasses upon the public domain? The amendment of my honorable friend goes upon the ground that persons have, "without right, and without title," entered upon, cultivated, and improved in good faith portions of the public land; and to quiet all such in their possessions, to protect them in the enjoyment of their rights, this retrospective pre-emption policy has been from time to time resorted to by Congress. It was this consideration which induced the passage of the act of May, 1830, to protect those who had actually settled upon the public domain prior to 1829. It was that same principle which was manifested in the amendatory act of 1834. It was that same principle which led to the passage of the act of 1838; and it was that same kind and benevolent feeling which has induced the Senator from Vermont to offer his amendment to the bill before the Senate. The great object of Congress was, in passing these various acts of legislation, to do what? To protect the occupant—the settler—the man who had, without the sanction of law, at a time previous, entered upon, and who had continued in good faith to improve, portions of the public domain. But, sir, how were these men regarded anterior to the passage of such pre-emption laws? How were they denounced at the time these pre-emption laws were under the consideration of the Senate? They were called trespassers, land pirates, wrong doers, and squatters—every odious and opprobrious term was cast upon this portion of our citizens. This fact must be fresh and green in our remembrance. The events of the last ten years, connected with our legislation in relation to this very subject, cannot fail to impress, and deeply to impress, upon our minds, the importance of some change in the character of our legislation. We have not hesitated, and we do not hesitate, (after applying to our citizens, for such acts of settlement upon the public land, the most denunciatory language,) to grant unto these same citizens protection in the enjoyment of all their settlement rights—to secure to them the pre-emption of the very land, the occupation of which has called forth every foul epithet which goes to characterize any but the honest citizen.

It is in view of these things, Mr. President, and with a perfect knowledge of what has taken place, that I am prepared for an entire change in the pre-emption policy. I would no longer limit this system to a retrospective operation: I would no longer confine the application of this principle to settlements which have taken place: *I would protect them.* And I would go further: I would throw open the door far and wide: I would say to every man who desires to become an honest settler upon our public land, Take it, occupy and improve it, and make it exclusively a permanent home for yourself and your family. In advocating this policy, I should be doing no wrong in a pecuniary point of view to my own Government; and instead of producing the effects which have been described, by way of objection to this bill, I should avoid them all. Instead of encouraging trespassers, this bill would prevent them. Instead of inviting lawless intruders upon the public lands, without right and without title, this would justify all entries made with an honest intent—with the purpose of making permanent settlements. This bill is an encouragement and a protection to the citizens of New England who wish to emigrate to the West. The census recently taken shows that my own State has added but little to her population within the last ten years. Some of the best and most patriotic portion of New Hampshire have within that period settled upon portions of the public domain. In my own excursions through Michigan, Illinois, and Wisconsin, I have frequently met with many a native son of my native State. I need not say that they are among the most valuable portions of those communities—distinguished for their sobriety, industry, and moral worth. They have left us, and found an acceptable home in the wilds of the West. To some of them you have already granted protection and relief from all apprehension that their rights would be disturbed. To others now residing within some of the very best sections of Illinois, protection has not as yet been extended, because these public lands have not as yet been brought into market. All are ready

and willing to pay in specie to the Government the minimum price per acre fixed for the sale of our public lands. I know these men well—they have been greatly abused heretofore on the floor of this Senate for doing that they were authorized to do by the passage of the act of May, 1830, and the act of 1834. True, there was no existing law giving them direct authority to enter the public land which had not been offered at public sale, but they considered the acts referred to as having settled the policy of the Government. But notwithstanding all this, anterior to the passage of the law of 1838, and while that measure was before us, these men were denounced as trespassers and wrong doers for having thus entered upon the public lands. I would now, sir, establish a permanent prospective pre-emption. I would avoid all this kind of retrospective legislation hereafter. I would ask any one to show me the difference in the two supposed cases which follow. Suppose, sir, that under the encouragement tendered by the acts of 1830 and 1834, fifty citizens of the State of New Hampshire should leave their ancient home to make a permanent settlement in the West; that each should take up, occupy, and improve in good faith one hundred and sixty acres of the public domain, and should continue to possess it, without the authority of law, until Congress, by their legislation, should protect them in the enjoyment of their settlements by securing to them the right of pre-emption. Such a proceeding would be to encourage the settlement of the public domain, without prejudice to the public interest. Suppose the present bill should become the law of the land, and other fifty citizens of my own State, with the law in their hands, should each take up for his exclusive use one hundred and sixty acres of public land, and should occupy and improve it in good faith, for the purpose of making a permanent settlement, and should pay into the land office therefor the minimum price per acre fixed for the sale of the public lands. Where is the difference in principle? The retrospective pre-emption law is to protect the settler in his occupation. The prospective pre-emption law is to encourage and protect the settler in his occupation. It seems to me that there is no difference, so far as it respects the actual and abstract right of the settler, whether he is protected either by a retrospective or a prospective enactment. But so far as the morality of the two cases is brought in question, there is a wide and manifest difference; and it is this very difference in the moral character of the cases which induces me to give my support to the bill before us. I have no doubt that Congress would protect and sustain the settler upon the public land. They would not dare to drive from the public domain by any coercive measures, the *bona fide* actual settler, under any circumstances. In the one case settlements are made without strict right and without legal title. In the other, they are made under the authority of our own laws. In the one case the settlers are, in the eye of the law, trespassers. In the other the settlers are sustained, not only by the voice of public opinion, but by the sanction of public law. I go then, sir, for the bill, and against the amendment.

Mr. President, I go for this bill because it is prospective in its operation. This is the best mode that could be adopted to settle the public lands. Secure to the Government the minimum price is all I ask, and all that I expect the Government will ever realize. Instead of abusing those as land pirates, who engaged in the hazardous enterprise of penetrating the wilderness, I would encourage such acts of daring by the positive legislation of Congress. I would afford to such adventurous spirits, in the outset, the certainty of a good title to the public land they might occupy, in accordance with the provision of the law and at our minimum price. I regard this bill as more acceptable—more just in itself—than a bill merely quieting past titles upon the settlements which had been made. Pre-emption is a part of our public policy. It could not be interrupted, and I would not interrupt it if I could. The thing was right in itself, and those bold adventurous pioneers, who had opened to us a way to the Western wilderness, were worthy of all encouragement.

Mr. President, the first time I visited the West, in 1836, there were but few settlements upon the northern line of Illinois, or upon the southern line of Wisconsin. When I again visited that country, it was truly matter of astonishment to a man who had come from a State which had been peopled for a century, to witness with what rapidity the sections of country to which I have referred had been actually settled within the preceding two years; and these settlements had been made by the hardy yeomanry of the country, upon lands which had not as yet been brought into market. I was at Milwaukee a short time after the public sale took place in 1839, and knowing that the southern counties in Wisconsin had been previously settled, to some extent, by emigrations from New England, I was induced to inquire what had taken place at that sale. I was informed that these settlers, who might have proved their pre-emption claims clearly under the act of 1838, chose to attend the public sale, relying for their protection and support upon the state of public opinion, upon the force of popular sentiment. The result showed that they did not look in vain to that source for protection and support. More than half a million of dollars, the result of that public sale, found its way into the public Treasury; and nineteen-twentieths of all the receipts proceeded from those who had been for months in the previous occupation of the very tracts offered for sale. The sheriff of the county was the agent of the settlers; he proclaimed that the tract which was offered was in the occupation of A B; it was bid off by him at the minimum price, and A B was permitted to hold it; and thus the sale proceeded, until every actual settler was protected in his settlement rights; and such was the state of public feeling, that not an individual present attempted to interfere with the claims of the settler. The whole matter was conducted with the utmost harmony. The sheriff, as the agent, holding in his hand the list and description of the lands thus occupied, bid them off for their rightful owners, without the least interruption. The actual settler paid into the land office the amount required, received the evidences of payment, and in due time will receive from our General Land Office the proper patents. All this was accomplished by the moral force of public opinion, the principle of pre-emption being founded in justice and right. The practice necessarily was made to conform to it. No one would have dared, on that occasion, to oppose the rights of the actual cultivator. And if the bill before the Senate becomes the law of the land, the settler could at once pay for his quarter section, without being put to the expense and loss of time of attending a public land sale. There would be, practically, no difference in the amount received into the Treasury. The United States, under this bill, would get the same money they now did for the same quantity of land.

The Senator from Connecticut objects to the passage of this bill, and expresses himself in favor of the amendment, because the provisions of the bill extend as well to aliens as to citizens. And what is there in the language of the law of 1838 (which is retrospective in its character) which confines the operations of that act exclusively to naturalized citizens? What was there in the act of May, 1830, which limited its application to native or to naturalized citizens? Not anything. The acts referred to went to confirm and establish the rights of aliens as well as of citizens. Is there a single line—is there one single sentiment in our whole land system which goes to exclude foreigners and aliens from taking up, possessing, and holding portions of our public domain? No, sir. The invitation under the general provisions of our land system is just as comprehensive as the invitation under the particular bill before us. The foreigner can now enter any portion of the public land subject to private entry. Your pre-emption law, which have heretofore passed, have extended to the cases of aliens as well as of citizens. All have alike participated in their benefits. In the pre-emption bills which have been passed by Congress we have not required that the occupant—the head of a family—the cultivator—should be a naturalized or a native citizen of the United States

We have studiously avoided all such distinctions in our legislation upon this subject. Aliens and citizens are alike entitled to take and hold our public lands; they have been alike protected by our pre-emption policy; and I am at a loss to find any good reason why any difference should now be attempted to be made—I am at a loss to discover any satisfactory reason for saying to the foreigner, you may take our lands, subject to private entry, but you must be excluded from becoming a prospective pre-emptor; saying to the foreigner, you may go on to the public land which has not been brought into the market, and if you cultivate and improve it with the intent of making a permanent settlement, Congress will, by a retrospective pre-emption law, protect and sustain you in your rights; but you cannot be permitted, by the authority of public law, to take up a quarter section of the public land with ever so honest a purpose. This is a distinction without a difference—this is a kind of refinement entirely above my comprehension—this seems to me to be so gross an absurdity, that it only requires to be stated but to be condemned. Mr. President, I can tolerate no such principle; I am disposed to carry out, as far as I am able, the liberal, generous, and just provisions of our general land system. This is but in accordance with the practice of many of the States of this Union. In my own, foreigners may purchase and hold lands; but, unless they become naturalized citizens, they cannot transmit them by deed or by descent, but they will escheat to the State.

After the able and conclusive argument touching this point, of the Senator from New York [Mr. WRIGHT,] I shall forbear adding any thing further.

The Senator from Connecticut objects to the details of the bill reported from the Committee on Public Lands, and complains that the terms of settlement, the period of occupation, are too vague, and too uncertain. I am free to admit, sir, that I would like to see the requirements of the settler more distinctly defined; and I hope yet to see the bill improved in this particular. But, sir, let us not lose sight of the immediate question before the Senate. That question is, shall the whole bill, the good and the bad details, the great prospective principle itself, be stricken out, and the amendment proposed by the Senator from Vermont be substituted? This, sir, is the question, and to this amendment I am utterly opposed, because it does not contain the prospective principle. I differ entirely from the Senator from Connecticut, with reference to the provisions of this bill. It seems to me impossible that, under the terms of this bill, a pre-emption right can be acquired to more than one hundred and sixty acres of land, or to any land to which the Indian title has not been extinguished. Nor can I discover how this bill can be made to enure to the benefit of speculators, or how the great object of actual settlement and occupation can be defeated. As far as my knowledge extends, our pre-emption laws hitherto have operated to the exclusive benefit of the actual and honest settler. But again I say, if the bill does not effectually secure that object, I will agree to any amendment which shall look to the accomplishment of such a purpose. The first section of the bill, from which I have made the subjoined extract, distinctly avows the object of the friends of this measure; it distinctly asserts the prospective pre-emptive principle; and this is the great feature of the bill I wish to preserve unimpaired. As it respects the details, I stand ready to agree to all such as shall practically carry out the principle. The first section declares:

"That from and after the passage of this act, every white person, being the head of a family, or widow, or single man over the age of eighteen years, who shall make a settlement on any of the public lands to which the Indian title has been or shall be extinguished, whether the same be surveyed or not, or who may have settled on such land since the first day of June, eighteen hundred and forty, and who shall inhabit and improve the same, and raise a log cabin or other dwelling thereon, shall be entitled to a pre-emption in the purchase of a quantity of the public land, not exceeding one quarter section, in legal subdivisions, to be paid for at the minimum price of such land at the time of paying for the same: *Provided*, That no person shall have the benefit of this pre-emptive right more than one time: *And provided further*, That no person being the owner of land in any State or Territory, who shall quit or abandon his residence on his own land, to reside on public land in the same State or Territory, shall acquire any right of pre-emption under this act."

I shall not be deterred from giving my support to the bill from any objections which have as yet been stated, either by the Senator who moved the amendment, or by the Senator from Connecticut. It may be well for us to consider what has been our legislation heretofore in relation to some of the objections which are now urged against this bill. The third and fourth sections of the act of May, 1830, contain the precise provisions embodied in the sixth and seventh sections of the bill before the Senate; and when the Senator from Connecticut, as well as other Senators, object to the bill on the ground that every question of law and of fact is summarily and definitively to be settled by the register and receiver of the district, I answer that such was the law previous to, and has been subsequent to, the act of May, 1830. The jurisdiction of these pre-emption claims has been given, and properly given, to these officers. They are, or should be, men competent to decide all questions which may or can be submitted, and they can have no interests in the questions involved. The bill before us requires that instructions should be prescribed by the Commissioner of the General Land Office, who is known to act subject to the supervision of the Secretary of the Treasury. No evil has arisen under the law as it stands. No objections have been made to that particular provision of the act of 1830. I am, therefore, not disposed to change the law in this particular.

The sixth section of the bill, in reference to this point, is in the following terms:

"That, prior to any entries being made, under the privileges given by this act, proof of the settlement and improvement, required by its provisions, shall be made to the satisfaction of the register and receiver of the land district in which such lands may lie, agreeably to the rules which may be prescribed by the Commissioner of the General Land Office for that purpose; which register and receiver shall, each, be entitled to receive fifty cents for his services therein; and all assignments, or transfers of the right of pre-emption, given by this act, prior to the issuance of patents, shall be null and void."

And it is an exact transcript from the act of 1830. I cannot the fore regard this objection to the bill as important.

It is also objected that by the terms of this bill, lands reserved by treaty for the use of Indians are not exempted from the operations of this measure. This objection is not well taken. Nothing can be more specific than the provisions of the seventh section in reference to this matter. I have transcribed that section entire, not only as furnishing a perfect answer to the objection as stated, but also to a still farther objection which has been made to the bill—that it abolishes cash sales and necessarily extends a credit to the purchasers of our domain.

The section declares:

"That this act shall not delay the sale of any of the public land of the United States, beyond the time which has been, or may be, appointed for that purpose by the President's proclamation; nor shall any of the provisions of this act be available to any person, or persons, who shall fail to make the proof and payment required before the day appointed for the commencement of the sales of land, including the tract, or tracts, on which the right of pre-emption is claimed; nor shall the right of pre-emption, contemplated by this act, extend to any land which is reserved from sale by act of Congress, or by order of the President, or which may have been appropriated for any purpose whatsoever."

Here again this section is a literal copy from the fourth section of the act of 1830—and it does seem to me that these objections have not any sufficient foundation upon which to rest. In spite of all of them, I must go for the bill. I support it because I believe it to be in accordance with the instructions of the Legislature of my own State, directing us to use our exertions to produce such graduation of the prices and limitations of the sales of the public lands as will best promote the settlement and actual occupancy of the same.

I support this prospective permanent pre-emption system to prevent trespasses and intrusions upon the public domain, which have hitherto been the subject of so much and so severe animadversion.

I support this bill because I believe that it will advance the actual settlement of the wilderness of the West.

I support this bill because it goes to encourage, protect, and sustain the honest emigrant, be he whom he may.

I support this bill because it practically carries out the literal and just policy of our general land system.

I support this bill because it is just in itself—

extending equal privileges and equal benefits to all.

I support this bill because I cannot fail to regard it as tending to the benefit of an honest and meritorious class of our countrymen.

I have opposed the proposition excluding those worth over five hundred dollars from participating in the benefits of this bill. I would make no such odious discrimination. I would prevent no man who desired to leave the home of his fathers for a home in the West, whatever might be his estate or his condition in life. Many a man worth more than that sum has left New Hampshire for Michigan; and if more choose to take the same road to comfort and independence, they shall have all the aid I can give them.

Believing, as I do, that the settlement of the public domain should be the primary object of the statesman and of the patriot; and believing, as I do, that no more than the minimum price can be expected or even desired from the sales of the public lands; and believing, as I do, that the bill before us is admirably calculated to advance the actual settlement and occupancy of the now trackless forests of the West, I go for it. I desire to see it become the law of the land: and in my judgment, whenever that time shall come, you will hear no more of the lawless intruders upon the public domain; you will find a moving mass of patriotic citizens settling your outer borders, capable of resisting every encroachment, and of sustaining at all times the honor and independence of their country.

MR. YOUNG of Illinois explained in reference to the admission, by that State, of aliens to the privilege of voting. Persons of that description might, until lately, enjoy the elective franchise in Illinois after a residence of only six months, whether they had been naturalized or no. And such had then been the practice for twenty years. Nay, the State had gone still further. When the country was settled by its present occupants, they found there many French settlers whose fathers had resided on the soil time out of mind. And it was fit that these people should be secured in the same privileges as should be granted to new comers. There was, especially at that time, in the country a deservedly prominent and popular man by the name of Pierre Menard—a man without reproach, universally respected and beloved by all, French and Americans. And, in framing the Constitution, a provision was introduced with a direct reference to his case. The qualification required for Governor of the State was, that he should have been a citizen of the United States for thirty years previous to his election; and it was at first provided that the same qualification should be requisite in the case of Lieutenant Governor; but that provision had been altered, with the express purpose of admitting M. Menard, whom the people generally desired to fill that office. To be a member of the State Legislature, a man must be a citizen; but for the election of members of Congress, no such qualification was necessary. The Constitution of the United States recognised the same distinction. The electors of President were not required to be citizens of the United States—the phrase was, "people of the United States;" but when it spoke of members of the House of Representatives, it required them to be "citizens."

One of the first laws passed by the State Legislature declared that aliens might take, hold, and transmit real estate, and that their widows should be entitled to a right of dower. And would the Senate now, in reference to the privilege of pre-emption, insert an odious distinction, which did not apply even to the holding and transmission of land? He hoped not. The distinction was rejected by his State, and he hoped it would not now be established by Congress.

The Senator from Kentucky, [Mr. CLAY,] who had objected to the admission of aliens to vote, and who was so much opposed to the present bill, had stated that the population of Illinois had doubled itself in six years. Well, if that was true, did that present a reason why pre-emption laws should not pass? On the contrary, it was the very reason why they should.

As to the justice of the measure now proposed, he would put it to gentlemen on either political side

of this body, how it could be refused to his State? There were seven millions of public lands still unsurveyed; they constituted the fairest portion of the State; and though they had not been laid out into sections and quarter-sections, county lines had been established by law; and would gentlemen prevent settlers, entitled by law to vote as all other citizens of the State, from going and occupying these new counties and filling them up with a hardy agricultural population? If so, what was to become of these fair portions of the State, the new, fresh, and fertile lands which invited to settlement and cultivation? Would gentlemen say that the people of Illinois, or strangers from a distance, should not be allowed to occupy counties in the old Atlantic States regularly organized by law? And if not, why should they desire to say this in reference to similar counties in the new States? Some of the members of this body had recently been travelling in the Rock river country; would they say that the settlers were all guilty of frauds, frads in every shape? that they were a set of plunderers and land pirates? He was willing to refer to the Senator from Massachusetts, [Mr. WEBSTER.] Let that gentleman tell the Senate what he saw in that country, and what sort of a population he found upon the public domain. Was it filled with rich speculators? or was it occupied by the poor, industrious, enterprising actual settler? He believed speculators had had pretty near enough of dealing in the wild lands of the West.

On the subject of graduating the price of the public lands, the Senator from Kentucky [Mr. CLAY] had used an argument which was fallacious in point of fact. He had insisted that it could not be good financial policy to hope to get more money for the lands by reducing the price. He said that the Senate had been deceived as to the vast amount of poor land, which would not bring over twenty-five cents an acre, as large quantities of this very land had since been actually sold at the Government price. This was true, and what had been the result? All who had been engaged in such purchases had been broken up and totally ruined. There had come, not long since, a man from Philadelphia who only looked at the maps to ascertain what tracts were still vacant, and he had bought them up in all directions, in fact, had swept the whole country. He purchased at the Government price, and he had been ruined. In 1835 the amount sold was between four and five millions of acres; in 1836 it went up to twenty-four millions. The same course of things appeared at the same period from an assessment of the value of real estate in New York; the same spirit prevailed everywhere; and what had been the issue? Universal ruin and desolation. Figures, therefore, while they showed a vast apparent increase of the public wealth and prosperity, were not always to be relied on.

Let any man go and look at these Western settlements; let him travel through them and mingle with the people; let him see what sort of people were on this national domain, and who they were that were actually benefited by our pre-emption laws, and they would soon have all doubts as to the expediency and utility of the system done away. Men who went into that region on a pack-horse, carrying their worldly all upon his back, had now become respectable farmers, and were able to give their children a good education. Should not the law give a preference to such men as these over mere land speculators?

But it was said that, if this bill should pass, the squatters would rush out upon the lands, even before they were surveyed, and take possession of the best portions every where. That was true; and that was just what every Western man desired to see. Let them rush; let them get hold of the best and choicest lands; and then, if the speculator chose to come after them to purchase on speculation, let him take up with the refuse that was left. It was true that in some particular cases the land thus obtained had brought a high price. He knew one case where a man had obtained a tract of land in exchange for a horse, which he had recently sold for \$8,000; he had then gone further on, and settled again. Did gentlemen wish to put a stop to this? He hoped not: he wanted to see it go on.

And then let it be remembered that the new States had themselves a direct interest in the passage of such a law; and they had a right to insist that some such act should pass. Did gentlemen wish to hold up vast tracts of wild land from sale, and thus keep it from the reach of the taxation of the State? Did they really want to cramp and embarrass the new States? Every gentleman knew that the public lands in a State, when sold, were exempt from State taxation for five years. Did they want to keep back the termination of this period as late as possible? There was no injustice in the enactment of a law of this kind. If it did go to foster the growth and augment the wealth of the rising States, was that a result not to be desired? Very possibly the older States might, in some degree, suffer from the emigration of their population westward; but they should not endeavor, on that account, to prevent their poorer citizens from bettering their condition, and providing a heritage for their children. Under this system of pre-emption Illinois had already attained a population exceeding that of Kentucky, and surpassing by twenty thousand that of the Old Dominion. But would Senators from those States prevent the emigration of their poorer neighbors? He trusted not; he was sure they never would act from such a motive. On the contrary, every facility should be extended to those honest and enterprising men. What more did gentlemen expect to get for this Government land? Was not a dollar and a quarter enough for an acre of wild land? Surely it was. But supposing it would bring \$10 an acre at auction, was that a reason that it should be held up from the reach of the poor man who wished to cultivate and improve it? And was he to be condemned to toil all his days on a second or third rate soil, that the Treasury might be enriched by selling its land to wealthy men?

Gentlemen supposed that a reduction of the price of the poorer portion of the lands would not lead to more sales and a larger consequent receipt of money. He thought they were mistaken. Graduation was, in fact, the policy of every State that had lands of its own to sell. Kentucky owned lands south of the Tennessee river; had she not gradually reduced her price until it came down as low as 12½ cents? That was the policy of Illinois. She had sold at \$1 25; then at \$1; then at 75 cents; and was now selling her land at 50 cents the acre. Were the same course pursued in reference to the United States lands, many would be induced to examine with a view to getting a good bargain, and the consequence would be a great increase of the amount actually sold. After this had been continued some time, and the sales grew slack, then diminish the price again; and so on, till not an acre was left unsold. He admitted that when poor land lay immediately adjacent to good land, the owner of the latter was likely to give a better price for it than others for convenience sake, because from its situation it was worth more to him; but this held only in particular cases, and not generally.

He concluded by expressing his hope that the bill would pass. It would be seen that, except in what land was subject to private entry, there could be no delay of payment. The moment the land on which a pre-emption had been granted was advertised for sale, the settler must pay the money for it, or lose his pre-emption. He had no doubt that, should the bill pass, more money would be brought by it into the Treasury than could be obtained in any other mode. The money paid at Burlington, in Iowa, on pre-emption lands, had in a few weeks amounted to half a million of dollars. That Territory had already 40,000 inhabitants, and would shortly be applying to come as a State into the Union.

Mr. GRAHAM of North Carolina rose and said that he had originally entertained no design to participate in this discussion. Those whom he represented (so far as he had ascertained their wishes) were generally opposed to the policy of pre-emptions; and he himself, concurring in that opinion, had intended to content himself with a silent vote, but for certain doctrines which had been advanced and facts stated in the progress of the debate. The bill would have been far less objectionable to him had the amendment prevailed which was offered by

the Senator from Kentucky, [Mr. CHITTENDEN,] limiting the bounties which it proposed to confer to American citizens, and excluding unnaturalized foreigners. But, in resisting this amendment, the distinguished Senator from New York [Mr. WRIGHT] had contended that any one of the States had the right to confer the elective franchise on foreigners without naturalization, according to the laws of the United States, and thus enable them to vote in elections under this Government; and the honorable Senator from Illinois, [Mr. YOUNG,] who has just taken his seat, had stated that this doctrine was actually carried out in practice in his State, for that there aliens had voted after a residence of six months. It was upon this subject he had risen to say a few words. He could not but regard such a doctrine as directly in the teeth of the Constitution of the United States. The honorable Senator from New York [Mr. WRIGHT] understands this power to belong to a State by reason of the general provision in the Constitution that members of the House of Representatives and the President are directed to be chosen by the people of the several States, and that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature." It was unnecessary for him to remind one who showed himself so familiar with such subjects, of the ordinary rule of interpretation, that all parts of the instrument must be looked to in giving it a construction, and that general words were oftentimes controlled by particular provisions. The section of the Constitution immediately preceding that referred to by the Senator from New York was equally general in its terms: "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." If we look no further than this clause, the Senate and House of Representatives can make laws without hindrance or concurrence from any other department of the Government. The words are as comprehensive as any that our language can afford. But in the subsequent parts of the Constitution we learn that no act of Congress shall become a law unless it receive the approbation of the President, except in cases which need not now be mentioned. Finding this first and broadest declaration of the Constitution qualified and restrained by subsequent provisions, our surprise will be the less if we discover that that relief on for the support of the power in question is subject to a like qualification. Let us, in passing, inquire who are "the people of the several States" by whom representatives, &c. are to be chosen? Who are the people of Kentucky, among whom you, sir, reside? Who are the people of New York? Does any one understand them to include unnaturalized aliens, owing allegiance to foreign Governments, and bound to cleave to them in the event of a controversy with our own? But suppose that by the generality of these words they were embraced. The Constitution elsewhere, in express terms, gives to Congress the power "to establish a uniform rule of naturalization," and Congress has exercised that power by prescribing the rule. From its very nature, it cannot be concurrently exercised by the General Government and the States. There cannot, in the nature of things, be a uniform rule throughout the United States, and yet different rules in different States. But it is asked by the Senator from New York, [Mr. WRIGHT,] shall Congress prescribe the qualifications of voters in the States? By no means. Congress cannot prescribe any qualifications for electors in the States who are native born or naturalized citizens; and even in the case of a foreigner they cannot prescribe to him qualifications as an elector, properly so called, but they prescribe the means by which a disqualification under which he labors may be removed; and such disqualification can be removed by no other authority. This construction of the Constitution conflicts with no just rights of the States; on the contrary, the rights of all the others are grossly violated by any one of them undertaking to naturalize aliens in any other mode than that agreed upon in the Constitution of the United States. The States, by the Constitution, have entered into certain stipulations with each other, which none of

them can in good faith violate. Some of these are of a positive character, such as that they will deliver up fugitives from justice, and fugitive slaves and servants. Others are negative, such as that they will abstain from the exercise of powers themselves which they have delegated exclusively to the General Government. To refuse to execute the former is a crime of omission; to attempt the exercise of the latter is a crime of commission; both alike injurious to the other States. When, therefore, a State admits foreigners to political rights, affecting the action of this Government, without naturalization, she violates the covenants of the Constitution and does injury to her sister States.

Such was his reading of the Constitution. How stood the question upon authority? He believed that all interpreters of the Constitution agree that the States have alienated exclusive powers of legislation to this Government in three cases only: 1st. Where the Constitution, in express terms, granted an exclusive authority to the Union. 2d. Where it granted, in one instance, an authority to the Union, and in another prohibited the States from exercising the like authority. And 3d. Where it granted an authority to the Union, to which a similar authority in the States would be absolutely repugnant and contradictory. And it was a little remarkable that all the commentators on the Constitution, from Mr. Madison down—at least as far as he was informed—had selected this very power of naturalization as an illustration of the third class of these cases. In the Constitution of the State which he had the honor in part to represent—and but for this fact he would not now have obtruded himself on the notice of the Senate—as adopted in 1776, there is this clause: "Sec 40. That every foreigner who comes to settle in this State, having first taken an oath of allegiance to the same, may purchase, or by other just means hold, acquire, and transfer land or other real estate: and, after one year's residence, shall be deemed a free citizen." Under this section, foreigners, by taking an oath of allegiance to the State may yet acquire, hold, and transfer lands; but, in the fulfilment of her duties to the Union—and he trusted she had fulfilled them all—North Carolina, by her constituted authorities, both legislative and judicial, had uniformly admitted that, by her adoption of the Federal Constitution, and the passage of naturalization laws by Congress, the latter clause of the section just quoted was abrogated; and that foreigners could become citizens only according to the uniform rule established by Congress. And he appealed to honorable Senators if it was just towards her, and the other States of the Union who put a like construction on the Constitution, that other members of the Confederacy should adopt a different rule of naturalization. When the Constitution was adopted, it was declared to be intended to secure "the blessings of liberty to the people of the United States and their posterity." Aliens were no parties to it. But a provision was inserted by which Congress might admit them to become parties, and to share in its blessings. The Constitution was brought into existence mainly to regulate our foreign relations. To Congress had been given the power to make peace and war with other nations; and there appeared to be a propriety in giving it also the power of determining upon what conditions the people of those nations should be admitted to share with us in the privilege of deciding on the question of peace and war with their native countries.

But the States have agreed by the Constitution to distribute their relative power in the other branch of Congress, and in the election of a Chief Magistrate, according to the respective numbers of their people; and, so long as those numbers depend on the natural course of increase, or on the inducements which might be held out for emigration from one State of the Union to another, the struggle for power among themselves was one of fair and honorable competition. But, sir, I deny that in such a contest, any State has a right to invoke as allies unnaturalized foreigners. This is a subject of vast magnitude, to which I desire to call the special attention of Congress and the country. There is shortly to be a new distribution of power, accord-

ing to the census recently taken of the people of the United States. Sir, I protest against aliens being enumerated in that census, or, if so enumerated, against any State acquiring members of the House of Representatives, or votes in the Presidential election, by considering aliens, not naturalized, as a part of "the people" of such State. This is an unconstitutional mode of acquiring power; which, if tolerated, would subvert one of the first principles of our Confederacy. And, with proper deference to the opinions of others, I cannot conceive a more gross violation of the Constitution, a more clear usurpation of power, than for a State to annul or dispense with the laws of naturalization, and swell its own importance and weight in the Union by the aid of aliens owing no allegiance to this country, but bound by the highest obligations to take up arms against it in the event of war with their own sovereign. Such an injury is the more grievous because it operates not so much against this Government as against the constitutional rights of the co-States of the Confederacy who had not expressly provided sanctions to prevent such infractions.

He would take occasion to remind the Senate that not only personal bravery and adventurous spirit, the qualities so much lauded by honorable Senators from the West as characterizing those for whose benefit this bill was intended—that not only these, but the highest degree of virtue and honor, might co-exist with a deadly hostility to Republican institutions; and he would exhort them to beware how bounties were bestowed on those who owed no allegiance to the Government.

He had not noticed, in its proper connection, the precedent alluded to by the honorable gentleman from New York [Mr. WRIGHT] of the admission of Michigan into the Union with a clause in her Constitution allowing foreigners to exercise the elective franchise. If he had been correctly informed in relation to the facts of that case, he did not conceive that it sustained the doctrine contended for by the Senator from New York. As he (Mr. GRAHAM) had understood, the Constitution of Michigan gave the right of voting to the inhabitants of that State at the time of its formation; and the act of Congress admitting her into the Union was by implication a special act of naturalization for the then inhabitants. He supposed such a law was within the power of Congress; and if so, the case of Michigan was not a precedent for this, to him, new and alarming doctrine; if, however, it were otherwise, he could not admit that a single precedent of Congress could overturn what was in his opinion the true construction of the Constitution—one of its most important provisions. He had no feeling of hostility to foreigners who were disposed to become citizens according to the constitutional mode. He believed our present regulations on the subject were hospitable and liberal. If they were not enough so, he was even willing to hear propositions to make them more liberal. He, however, was opposed to annihilating the uniform rule on the subject of naturalization, and bestowing bounties on those who owe no allegiance to our Government.

Mr. PRESTON had not risen with any wish or purpose of protracting the discussion; but, as this question of power had been debated with some earnestness, he would say a few words in relation to it. He referred to a period, some years ago, when he had the misfortune to differ on certain points of State power from the opinion of many of his friends; and it was now again his lot in reference to the question which had been raised. After mature reflection, his views were quite different from those which had been expressed by the two gentlemen near him, the Senator from Kentucky [Mr. CLAY] and the Senator from North Carolina [Mr. GRAHAM]. He did not believe that the Federal Government possessed any right under the Constitution to look into the qualifications of voters in any State. No such power was expressed in that instrument, and the power would be nugatory and its exercise impossible even if it did exist there. The State of Michigan had determined that persons other than naturalized citizens might vote in her elections. He held that she had a right so to determine, and that from necessity. The mem-

bers of the Senate held their seats in that body by the election of the States; but, if the principle contended for by these gentlemen were to be allowed, then, in every case where persons had voted within the State who were not entitled under the Constitution so to do, this original vice in the election would pervade the whole act, and a Senator so chosen could not take his seat. He held that the Senate had no power to go behind the Constitution of a State, and thought it would be a dangerous usurpation should they undertake to look into the case of each member at the electoral college to see if those who constituted it were or were not duly qualified. The Constitution provided no particular qualifications for voters, and if it implied such qualifications, it must be by a strong necessity indeed. And should a law be passed to lay down such qualifications, that law would be against the express declaration of the Constitution which provides that the qualifications of persons voting for members of Congress shall be according to the State's own determination with respect to voters for the most numerous branch of the State Legislature. The whole control over that subject was given to the States emphatically. The logical proposition of the gentlemen who held the opposite opinion amounted to this: you shall in this matter imply for the General Government the repeal of an express delegation of power to a State. The States had power to declare who should be electors, for the Constitution provided that those might vote for electors of President who were qualified to vote for the most numerous branch of the Legislature. The State declared these qualifications, and, therefore, the State had power to declare who should vote for electors of President, but the doctrine of the gentlemen would go to repeal and completely abrogate this power.

But if the power for which they contended had been reposed in the General Government by the Constitution, it would have been impossible to exercise it. Suppose a seat in the House of Representatives to be contested on the express ground that persons voted for the sitting member who were unnaturalized foreigners; and suppose the sitting member should appeal to the Constitution of the State which permitted such persons to vote for members of Congress, could that House look beyond the State Constitution? Was it for a committee of that House to decide that this ought not to be so, and thus to repeal the Constitution of a State? And if they once got behind the Constitution, where were they to stop? It would, in his judgment, be wise to confine the elective franchise to citizens alone, but, in the absence of any express prohibition, he would not restrict the right of the State by implication. Had Congress any right to do it? Might it pass a law declaring that none but citizens of the United States should vote for members of the State Legislature. He apprehended not. The Constitution did not say so, and they could not infer the power. If time served, and if this were the time, it would be proper to inquire more generally into this whole subject. Gentlemen talked of a citizen of the United States; what was a citizen of the United States? Could any gentleman tell him? Could they define the idea? Was every citizen of a State a citizen of the United States? Was a citizen of the United States a citizen of all the States? Was a man who was a citizen of the District of Columbia a citizen of South Carolina? He apprehended not. In North Carolina aliens could hold and transmit land, by the Constitution of the State; in Georgia they held under an express statute. The States always modified this matter to suit their own pleasure. A man's holding land did not make him a citizen of the United States; and a man's citizenship in the United States did not make him a citizen of any one State. The States carefully guarded this right of citizenship, and required a probationary period of various lengths. In South Carolina a man must be a citizen of the State before he could practise law. On the whole, he did not see where the rights of the States over citizenship and the exercise of the elective franchise were abrogated or touched by the Constitution. The question, however, did not affect the present bill. It mattered not whether a man was a citizen of the United States or not. He could purchase

public land. He did it at his own risk. He did it under the laws of the State where the lands lay; and though he purchased of the United States, he could hold only under the State. Congress had passed no law that all who purchased the land of the United States should have power to hold it within the new States. It had, however, gone further than this bill proposed to go. It had not only sold, but given land to foreigners, and even to those who were subjects of the Autocrat of Russia and the King of France. Tracts had been given both to Polish and to French settlers, and the States had formerly done the same thing. He would not dispute the power to sell to any one; whether to do so was politic or not, was a different question. It had been thought good policy to give these lands to the Poles and the French emigrants, but he greatly doubted this. He did not think it good policy to give privileges to foreigners, in preference to our own citizens. The present bill was a bill of privileges—it was a bill of bounties to some classes of persons over others. He was not in favor of giving privileges and making grants to foreigners, over the heads of our own citizens, in order to induce them to come and reside among us. Congress had had a magnificent domain confided to its care, not, indeed, to be managed in the niggardly spirit of a land holder, who was determined to make the most of every foot of the soil, but to be held as a great and sacred trust, for purposes both of finance and of patriotism. To view the subject aright, gentlemen ought to look at it in both these views. They ought not, on the one hand, to forget that the public lands were a great financial trust for the benefit of the whole Union, nor, on the other, that they were the means to be employed in building up a glorious empire in the West. Considered first in a financial point of view, they were a property not to be wantonly wasted, or profugetly dilapidated. As a trust fund, held for the benefit of all the States, the land was to be husbanded with care. They might be made to diminish the public burdens, and to lighten the load of taxation; but while the General Government was to regard them in this light, it must remember that it might not, to secure these objects, trample on the rights of the inhabitants of the great West, nor on the paramount right of the whole people of the United States. He would not waste the domain, but would administer it in such a manner as to afford an inviting outlet to that mass of population which was leaving the Atlantic shores to seek a more fertile residence in the virgin soil of the West.

As to the financial question, the present bill, by allowing settlers to select the most fertile tracts and advantageous points, certainly would diminish the value of the residue which was to be exposed at public sale. Lands thus sold at auction brought to the Government, upon an average, something over \$1 25. Those who went in on the public domain would fix upon spots not only good in themselves, but commanding, to a greater or less degree, the value of the lands in the vicinity; such, for example, as spots of wood in the midst of a prairie, valuable springs in a dry region, water-power where water-power was scarce. Such points as these were certainly worth greatly over the minimum price, yet the bill allowed a pre-emption without restriction, knowing that the seizing and occupancy of such favorable situations would be the certain and necessary result. The consequence was inevitable, that the value of the rest of the territory would and must be diminished. Means would of course be devised of speculating on these advantages. They had been already put in practice. Every body who came from the West well knew that this was and always would be done. Wealthy men would send individuals to settle on the land, with an express view to buy up their improvements. Nor was there any thing wrong in this. He had himself made such purchases, and the settlers from whom he bought immediately went on to make new settlements, and openly begged his custom. They were in the habit of seizing on a commanding situation, so as to make the surrounding land of comparatively no value without it, and thus contrive to put money in their pocket.

Extreme cases answered extreme cases. The

worthy Senator from Missouri on his left [Mr. LINN] had said that, if pre-emption and graduation were refused, the public lands might be held up until they should be worth \$30 per acre. True, this might happen; but then, on the other hand, the lands might be given away for nothing at all. The Senator said that, if thrown open, the lands would bring more money than if held up; and yet that they might be held up until, instead of bringing \$1 25, they would bring \$30 per acre. Both positions certainly could not be true.

There was no man who rejoiced more at the astonishing growth of the West, or who wondered more at the contemplation of it, than he did. His heart's most earnest desire had been gratified to witness the population of some of these States doubling itself in eight or ten years. But what was the practical effect of this whole state of things? If it was our true policy to build up the West, to foster by every proper means this young and rising empire, was it not equally our policy to cast an eye toward the seaboard, and to preserve the old States of the Confederacy? And if so, what right had our Western brethren, out of those States' own patrimony, to offer a bounty for the purpose of draining off their population? What right had the General Government to draw off the population and resources of South Carolina that the West might spring up like the palace of Aladdin, or rise like an exhalation? This bill offered to all who would leave the worn out soil of Virginia or the Carolinas a positive bounty. It held out inducements to the young and enterprising to pour over the mountains, and build up an empire in the West, beyond even the rapidity of Nature. The Atlantic States were already drained. The lands of South Carolina were already worn out by long use, while those of the West were fresh and new. New Hampshire was very much in the same condition. Her population had forsaken her, and were to be found in the West. God forbid he should prevent the efforts of the young and the strong to better their condition. But were not the inducements to emigration already sufficiently strong without superadding the force of rewards and bounties? Yet the privilege proposed by this bill was as much a bounty as if it had been offered in cash. He estimated it in that point of view. If the United States should sell land in order to give money, what was it but a system of rewards and punishments?—of rewards to the new and rising States, of punishments to the States which were to be devastated and drained. The old States had as much property in the public lands as the new; and yet it was proposed to take from the revenue they would bring, and give it as a bounty to those who shall go West. The bill would take money from him to give it to his neighbor, to induce him to leave Carolina and go into Arkansas or Missouri. This was not fair; it was unequal; it was exclusive.

Whether the existing land system was in all respects correct or not, was a question on which he should not enter. Thus far, at least, it had acted regularly and well. It had made Ohio. It had made Indiana. It had made Illinois. It had made Missouri. It was making Michigan. It was making Arkansas. It was fast making the West the great depository of political power. One census more would make the old States but an appendage to the new—a mere fringe upon the border of the Western empire. Was not this enough? Did Western gentlemen ask for more? Would they still insist upon hastening the process yet more by bills of bounty and privilege? He hoped not. If the United States title to the land was a grievance, it was a grievance which the new States could not remove. No doubt it was held as a grievance that the Government should hold up the land at \$1 25. Granting it, however, to be an evil, it could not be a very great one where there was so much land of the first rate quality. There might be some evils in the system; but let not the Senate, by one fell swoop, tear up and reverse the whole.

It might be because he was passing the meridian of life, but, from whatever cause, he certainly found a daily increasing tendency in his mind to stop in past experience, to abide by what had been tried. *Stare decisis.* He was for adhering to that which had worked well, and not, in the mere insolence of

his own reason, for tearing up and overturning what had long been decided by the wisdom of those who had gone before him. He turned from mere theory, however fair and promising, to actual results—to the verdict time had given. The proposed plan held out magnificent results, but they were results merely in prospect. He preferred to stand on what experience had proved, and was satisfied with the results which proved the system, from which they flowed, to be wise and beneficent. As to the distinction proposed in the amendment of the Senator from Kentucky, [Mr. CARRINGTON,] by restricting the pre-emption privilege to the settler whose property does not exceed \$500, I am not inclined to adopt it. Its object is to confine the benefits of the bill to the poor man; but we are all poor. In this country we all have to win our way to fortune by the sweat of our brow. The primeval curse rests upon America as upon the rest of the world. I am not disposed to legislate for the poor. In this free Republic we are all equal before the law, and when we are dispensing the bounties of the Government, I do not think we have any right to segregate one class alone as the objects of our beneficence. If we do it in favor of one class, we do it against another class; which is utterly abhorrent to the genius of all our institutions. The men who subdue our Western forests are a noble race; hardy, daring, full of enterprise and courage. I admire their character. I rejoice in their success; but I think they have no claim to exclusive legislation. While I look at them I must also have some regard to my own interests. What carries them to the West. A bold and enterprising spirit. And who is it they seek to benefit? Me or mine. Not at all. They seek to benefit themselves, and they are right; but they are no more entitled to the patronage of the Government than I am. We both pursue our own interests, though in different lines of exertion. Our stimulation is to be found in the high rewards which this country holds out to every form of resolute enterprise. If we employ men to settle the public lands, we ought to pay them; but if they go for their own advantage, to that advantage they must look as the reward of their efforts. If, indeed, we have in any case thrown special burdens upon them, the case is altered. It is said we have accumulated an Indian foe upon their borders, and that this body of settlers present their bosoms as a rampart for our protection; but wherein does their situation in this respect differ from that which has in succession been the early condition of all who settled this country? Has not our whole wilderness been opened and settled under the gleam of the tomahawk? Did not our first settlers calculate on dangers when they penetrated the Western wild? They braved those dangers, and they have found their reward. But it is said that if we expose them to Indian neighbors, we are bound in justice to guard them from the danger we have created. Admit it; and have we not guarded them? Have we made no military provision for their defence? When Black Hawk and his band invaded the frontier, did we stand with our hands folded and suffer their settlements to be ravaged? No; we sent them our Generals and our troops. We poured out without stint the treasure and the blood of the nation; and it was but our duty. I regard these Western settlers as children of the same common Government, as brothers in our great and wide family whom it is our pleasure and our pride to cherish and protect. We have sent regiment after regiment; we have built fort after fort; and if we have exposed them to danger, we have at least endeavored to shield them against it; not but what, while I say this, I think that many gentlemen are disposed to overrate that danger. True, we have sent off the Indians from within the States, and some of these very settlers have got the richest of the land which the Indians left behind them. We have congregated their tribes upon our frontier; but how are they situated? On the one side are the settlements of the whites, the very States from which they have been expelled, full of an armed and hardy population, which is multiplying and becoming more and more dense from day to day. This is on one side of them, and what is on the other? The boundless prairies of the West. A land of

primeval beauty, covered with herbage and roamed by countless multitudes of buffalo and deer, and whatever else can delight the eye and tempt the footstep of the hunter. Are their tendencies toward us, or toward these vast and inviting hunting grounds? Will they be tempted to enter the bounds of Missouri and Arkansas, and rush upon the rifles of the settlers, and the bayonets of our troops, when the Camanches and the Caddoes lie beyond them to the West, whom they may sweep before them into the Pacific? I think not. I think their native tendency lies manifestly westward. Still, with their uncertain and malignant temper, it is our duty to guard against all possible contingencies, and I am willing and prepared to do it.

He observed, in conclusion, that his object in rising had only been to speak to the question of State rights, and not to discuss the bill. For one, he was as much disposed to trust the regulation of the elective franchise to the States of this Confederacy as to the General Government; and he felt content to leave the whole subject where the Constitution had placed it.

Mr. ANDERSON of Tennessee rose to address the Senate, but yielded to a motion to adjourn which prevailing—

The Senate thereupon adjourned.

FRIDAY, JANUARY 8, 1841.

The order of the day being the bill to establish a permanent prospective pre-emption system in favor of settlers on the public lands who shall inhabit and cultivate the same and raise a log cabin thereon; and the question being on the following amendment offered by Mr. PRENTISS, of Vermont, as a substitute for the whole bill:

"Strike out all after the enacting clause, and insert the following: That every actual settler on any of the public lands, to which the Indian title has been extinguished, except such as are hereinafter reserved, being the head of a family, or over twenty-one years of age, who was in possession and a housekeeper, by personal residence thereon, at the time of the passing of this act, and for four months next preceding, shall be entitled to a pre-emption in the purchase of the land so settled upon, not exceeding one quarter section, at the minimum price now established by law."

Mr. ANDERSON addressed the Senate as follows:

Mr. PRESIDENT: It is always with extreme reluctance that I rise to trespass on the attention of the Senate, but the great interest which this question has excited, and the deep feeling with which it will be received by our countrymen, and especially by those whom I have the honor, in part, to represent, will sufficiently justify me in the humble attempt I shall make to discharge what I believe to be my duty upon the present occasion.

The policy of the bill, of which alone I shall speak, without intending to rely, at present, upon its details, has been repeatedly recognised in the legislation of Tennessee, and has again and again received the sanction of Congress in their disposition of the public domain. The people of this country have always sympathized deeply with that hardy, industrious, and enterprising portion of their fellow-citizens, who go from the respective States, to seek a solitary home in the great wilderness of the West.

Sir, I feel the full weight of such considerations pressing upon me, and I cannot repress the abrupt expression of my entire dissent from the views presented by gentlemen on the other side of this House.

If an enlightened foreigner had attended the progress of this debate, he would have received the impression that this was a mere question of finance. Following, by legitimate inference, the line of argument pursued by gentlemen on the other side, the question would have risen upon him, whether it was not an evil greatly to be apprehended, that our distant borders would be too soon occupied by bold pioneers, and that the vast wilds, which have now a scattered population, might prematurely be formed into States, under the guidance of those industrious cultivators of the soil. He would have listened in vain to understand, by this discussion, any great statesmanlike objections

which ought to be interposed against the rapid settlement of the far West. In vain might he attempt to trace any fact in the history of the rise and progress of other nations that resembled the restrictive policy which so strikingly distinguishes the opposition to this measure. It is not to be found in the action of the mother country towards us, at any period. It is not to be found in the colonial history of the great nations who are now acting a conspicuous part in the affairs of the world. It is not to be found in the conduct of Great Britain, either towards her present American provinces, or her settlements in Asia or Africa. It is not to be found in the history of any of the nations of the earth whose territorial extension was great, and whose borders needed protection, but on the contrary, the solicitude of every wise and patriotic Government has been to encourage the progress of their population to their utmost extremities, to strengthen and consolidate those distant settlements, and teach the emigrant to feel that his home there, however lonely, was sacred. The Roman empire planted not only fortresses, but backed them by colonies at a vast expense, upon her remote frontiers. To her they were, as they must be to every nation of the world similarly situated, not merely the keys of peace and of war, but the shield of defence. A wise people, looking at the relations of things, will appreciate the magnitude of such a policy by no present security so much as the possibility of future danger. The existence of the first is one of the chief objects of government, as involving the whole question of prosperity; and to guard against the latter, one of the great principles of its administrative action. It is with this view, in part, that England now seeks to settle by gratuities her American lands. Texas—but the other day founded by our own people—pursuing a wiser policy than ourselves, offers the most liberal rewards to those who will become her citizens, while we, at the centre of this great Republic, receiving the largest share of the benefits of the public expenditures, commencing at this point, and spreading almost exclusively upon the Northern Atlantic borders—we, sir, in the midst of such considerations, hear this question deliberately treated as one of mere finance, of pounds, shillings, and pence, and a fit occasion to denounce the poor emigrant, for daring to set his foot upon the public soil, and that he should be bold and impudent enough to erect a cabin to shelter his household.

Sir, I do not look upon this as a mere question of finance, but one of a far higher order, affecting deeply the happiness and prosperity of a mighty people, and the multitudes of exiles who will seek our land as an asylum from an iron oppression, that has risen and strengthened under the feudal subjection of a thousand years. I look, too, to this measure as only the programme to some system which must necessarily, in the end, take the antagonist position to the proposition heretofore made, to distribute among the respective States the proceeds of the public lands. Both projects to which I refer must mainly stand or fall upon the same great principles. This, it is true, is not complete in the final disposition of the public land, and does not postpone those vexed questions which must annually arise here, but it is at least a pioneer to some equitable system, which will most surely, in the great movement of things, come sooner or later. That other system to which I allude, should be framed with a careful regard to the various interests involved, and if practicable, at least possess the merit of a final adjustment of the subject. The present system, however, which is proposed, ought not to alarm the fears of those who look specially to the moneyed concerns of the country in connection with our public domain; for I do not entertain a doubt that it will rather add to than diminish the revenues of the Government. That which you will receive, and that which you will save in the course of fifty years, will advance far beyond the paltry millions which you can cast into the Treasury, by any nursing policy for the benefit of the States respectively. I refer, sir, to the quantity of land you will sell, and to the accumulation of a massive population, upon a vastly extended and exposed frontier, whose

presence may either overawe to peace the naturally belligerent savage, or check his bold and bloody incursions.

I consider this measure, therefore, not likely to have any unfavorable financial effect, and as presenting the means of promoting the progress, and providing for the safety of a great nation.

The bill proposes that every white person being the head of a family, and every white man over the age of eighteen, or widow who shall make a settlement on any public land, and who shall inhabit and improve them, and raise a log cabin or other dwelling thereon, shall be entitled to a pre-emption in the purchase of one hundred and sixty acres of land, at the minimum price of one dollar and twenty-five cents. It was attempted to amend this provision, by adding the condition, that the emigrant who was worth more than five hundred dollars should not be entitled to the right of pre-emption. A regret was expressed on yesterday that it had failed. Nothing, it seems to me, could be more unjust and invidious than such a condition, and I rejoice that it has failed. It is the enterprise, the industry, and the safety of the emigrant, without distinction of persons, which you seek to protect against the unequal power of the speculator; and whether he is worth one dollar or five thousand, all those considerations apply with undiminished force to him, while he stands there as one more to be added to the living rampart, which is thus formed for the defence of the whole country.

But, sir, what is the great policy of this measure? This being settled, for good or for evil, determines of course the proper line of our action. Is it such as we heard it denounced to be on yesterday? It was then denominated a system of "privileges and bounties!"—a system by which our magnificent domain would be exhausted! Sir, what privilege, and what bounty? The privilege of buying land at the minimum price at which you have fixed it! The privilege and bounty of being preferred to the speculator! That privilege and that bounty to the poor and the adventurous, which alone can make your public domain most valuable! The privilege of entering a wilderness seven hundred miles from your seat of Government! A privilege, the natural result, I might say the necessity, of having cast the Indians out of our borders! The privilege of assisting to fill your Treasury! This privilege you confer upon the undismayed adventurer, who goes forth from the land of his birth, and the home of his childhood, from friends and kindred, and who plants towns and cities where you would have to establish a cordon of military posts. Sir, let it be remembered, these privileges and bounties fall from our hand upon the laborer, the farmer, and the pioneer, the great producing classes of the community, like summer showers upon the parched earth! They are rare, but welcome. They are our only tender mercies cast upon them, like "angels' visits, few and far between!" And shall the humble poor look to us in vain? Shall we turn them from our door homeless and homeless, and even forbid them to strike the axe, and rear their cabin in our vast and unoccupied forests? Has so soon a "change come o'er the spirit of the dream?" "but yesterday, and they could have stood against the world; now, none so poor to do them reverence!" Sir, I confess it struck me with peculiar force; it sounded strangely in my ears to hear from the other side of this House—from the party with whom we have so recently contended, this bill which so justly and fairly provides for the poor, the industrious, the enterprising, the great producing classes of the community, denounced most bitterly, as a "bill of privileges and bounties, of rewards and punishments." I repeat, considering the scenes through which we have recently passed, and the quarter from whence this came, I was most profoundly astonished. It carries with it a practical commentary, which no ingenuity can escape, and which requires no eloquence to illustrate or enforce. Sir, how soon has it been forgotten that those very men for whom we are now legislating, belong to that great agricultural mass who pursue the only unprotected occupation in our country? How soon has it been forgotten that they are the voters and the taxpayers, from whose hands are received all the

power, and from the sweat of whose brows flow all the sweets that luxurious wealth carefully gathers up to cherish and inspire its collapsed excitement, to please its taste, and gratify its pride.

But, sir, what sort of privilege is that which you give to the humble and unambitious emigrant to buy the little spot of earth upon which he seats himself, when compared with the privileges and bounties which you bestow upon more highly favored objects of your kindness? The contrast is strange, marked and peculiarly distinguishing! The history of this country shows that we have just passed through a long succession of privileges and bounties to the manufacturer, of privileges and bounties to a great National Bank, and of privileges and bounties almost every where, except to the poor and industrious farmer, who asks you to give him nothing but protection against the speculator—that the cabin which he rears to shelter the wife of his bosom, and the pledges of their love, may be sacred against the world! For that price you have set upon it; he only demands of you to let him be the purchaser! The very thought, however, of privileges and bounties to the honest and industrious cultivator of the soil, rouses up resistance and provokes denunciation from those who have very lately professed to hold his interests very carefully and tenderly in the hollow of their hand! And how long, sir, will gentlemen pause—or will they pause at all under their keen sense of horror at these privileges of the husbandman, when they shall come to erect a vast Bank of the United States, with the highest prerogatives, and the largest privileges, or else when they shall come to call into existence, as the head of a great banking league, some rotten, disjointed, prostrate and still sinking institution, whose privileges have been corrupt and boundless, as her power has been abused and uncontrolled? All this will not shock the lively sensibilities of gentlemen! That banker, and that banking institution will with ease gather wealth, and grasp a thousand landed titles, and even aspire to guide and master the political current of events, and they are advocated upon the high public considerations of promoting the general welfare, while the humble laborer, utterly denounced, seeks but a home, and, “remote and unfriended,” pursuing “the noiseless tenor of his way,” he forms one of the millions on the strength of whose arm, and the courage and patriotism of whose heart, depends the safety of the Republic. Is there nothing of the public welfare that belongs to the destiny of that man? This one of the million? And shall not the voice of kindness be raised here to cheer his onward course, and the hand of a wise policy be extended to protect his lonely habitation?

But, sir, this prospective pre-emption, as I have stated, was also denounced as a system of rewards and punishments, applied between the Atlantic and the West. The citizen of the neglected Atlantic was described as being left to pursue his obscure path unknown, and unregarded by the Government, while the man of the far West rioted in the pursuit of the wild game of the prairies, and had superadded to his pleasures the highest legislative rewards. The great landed domain has been held up as that patrimony of the old States of which they have been gradually stripped by a similar legislation, and of which we seemed now to be in the attitude of ultimately depriving them, for the benefit of a more favored region. The hamlets, the towns, the cities, the vast spreading population of the West, has been grouped in graphic pictures to impress more strikingly upon our minds how we have built them by our legislation, and fostered them by our patronage. These have been called the rewards to the West. In contrast with this, and over which the sensitive and sympathizing can scarcely refrain a tear, we have the neglected condition of the Atlantic States painted with a fervid pencil and a filial hand. Their old fields covered with the growth of the pine, their villages decayed, their houses deserted, and their citizens gone. Who, sir, but would mourn over desolation like this? would weep to witness the infliction of such a punishment? There is nothing, perhaps, which more powerfully appeals to the sympathy of the human heart than the narrative of the misfortunes of those who have passed

from the highest tide of prosperity to obscure want. But that the impression may sink deep and lastingly, the picture must be just! A mistake in this is fatal. It will chill your charity, and dry your tears. How, then, does this work of the imagination contrast with all that meets your eye throughout the broad Northern Atlantic States? They have advanced in their population, augmented their commerce, improved and increased their agriculture, adorned and extended their cities, founded new seats of learning, revived those whose decaying lights were going out, and added with a most unexampled rapidity to the private wealth of individuals, the progress of the arts and sciences, the building of roads, the opening of canals, and the laying of railways, until they have extinguished space, and almost condensed their cities to a unit. In all this the broad hand of prosperity has made its deep and indelible impress. This forms a small part of the punishments inflicted upon the Atlantic States by the disposition of the public lands.

But, Mr. President, let us inquire, for a moment, into this system of rewards and punishments, which has excited so much denunciation. I do not mean to utter any thing unkind, or invidious, or in the spirit of complaint, but in the right of rejoinder. I may be permitted to contrast the action of this Government in regard to the two grand divisions of the country—the Atlantic, on the one side, and the interior on the other. I think it requires no great mental effort to perceive that there is sound philosophy in the parallel, that this division in the Republic of two great sections has a necessary existence in their natural position. It is the history of all governments, and wherever they have had durability it has been by the action and reaction of balances established by natural causes, and preserved by a skillful administrative policy. In the West we have lands. We therefore want men; and men and lands constitute the greatness of our position, and from which, as a resource, we may build up a flourishing country. In the progress of industry this is a necessary consequence. It is not more natural in us, therefore, to ask you to do that in regard to the public lands which will benefit and protect the laboring settler, than it is wise in you to grant the demand, because it will, in the end, promote a common prosperity. Such, sir, is the true “head and front” of the whole system of rewards to the West! But not merely to balance this for the past, the present, and through all future time, has it never occurred to you that for all the purposes of taxation and expenditure, ours is a Northern Atlantic Government, and those States are, have been, and most probably will continue to be, the great recipients of the mass of the public expenditures. The difference between us is that we of the interior are taxpayers, but not receivers of the great body of the appropriations. In the Atlantic they are taxpayers and receivers too, and their industry is actually stimulated by that which they consume, because the premium at which they are permitted to do it is returned into their hands, either for the products of their soil, or their skill in manufactures. Thus the system of punishments proceeds. It is in the Atlantic States that you have erected your most costly palaces and public works; your custom-houses, and light-houses; and, added to all these, you have improved their harbors. I repeat, sir, I do not speak in the spirit of dissatisfaction, but of justice. Our brethren of the Northern Atlantic do but enjoy their position, perhaps with no greater tendency to the monopoly of all the moneyed favors of the Government than is natural to man where his slightest caprice has been respected, and all his wishes indulged. These men for whom we ask your protection against the speculator, are both taxpayers and land-buyers at your own price—and for all this we inflict a punishment upon the old States, by building our ships there when they might be constructed on the waters of the Mississippi. We purchase there almost all our naval and military stores, when they might be obtained in the West. In the manufacture of fire arms, and all the munitions of war, Tennessee and Missouri can offer facilities not to be excelled in any part of the world; but in the harshness of our severity, we punish our friends and fellow-citi-

zens of the Atlantic, by the manufacture of these articles within their borders, that their raw material may be used instead of ours, their skill employed, and their provisions consumed. We have punished them by giving to the deaf and dumb asylum of Connecticut a township of land—and of the millions appropriated for the support of our Government, more than five-sixths are expended in the Northern Atlantic States. Above all, we punish them by expending every surplus dollar we make in their ports. No matter how it comes, whether from the toil of the miner or the ploughman, the hardy trapper or the trader of Santa Fe, the wealthy merchant and the manufacturer of the North gather within the year the hard earnings of the whole West. But, sir, I ought to add that other, and that last punishment which we inflict upon them, and from which, like the rewards they bestow on us, we all derive a common benefit. We punish them by seeking to improve that proud and glorious navy which protects them in war, and enriches them in peace.

This is a hasty review of the punishments inflicted upon the Northern Atlantic, peculiarly; and it must be admitted they are at least gentle and tender. In return, sir, though you may call them by the name of rewards, give to us similar punishments—so gentle, so kind, so modest, so tender! That is, sir, let us have the advantages of our position—of land and men—as you have the advantages of your position; and do not seek to become a great land merchant, holding up your merchandise for higher prices, or fretting over the apprehension of the loss of a few cents. It is not demanded by your obligations—it is unsuited to the greatness of your policy.

Let us hear no more, then, of “privileges and bounties,” of “rewards and punishments,” or of the obscurity of the man of the Atlantic, while that gilded coach parades yonder city, and that humble laborer delves in the soil of the far West, and while that banker has been, or is to be, made yet more than a millionaire, with potent privileges, that princes might envy, while that lonely emigrant asks leave to pay, from the labor of his hands, the price you have fixed upon the little spot of earth where he has reared his log cabin, and placed in it, as its queen, the wife of his bosom, the partner of his perils and his toils.

In one word, bestow upon the men of the West who shall go there, those kind, those gentle, and those tender punishments which we bestow upon the Northern Atlantic. Give us, I repeat, the advantages of our position, as we give to you the advantages of yours, and do it not grudgingly.

Mr. President, I now turn to what was done for the French settlers and Polish exiles, as adverted to in the course of this debate. I had the laws before me at the moment they were referred to, but I confess my mind took a very different direction from what appeared to be to be the opinion on the other side of this House. From the legal argument which was made by one gentleman, I had at first inferred that we would have received some additional aid in the support of this question. But, sir, I little expected that the charity which induced Senators to vote a township of land, at the minimum price, and a credit of ten years to the unfortunate Polish exiles, would so soon have given way when a less gracious deed was to be done to our own citizens, mingled it might be with the few who who should seek to escape from the oppressions of foreign despotism. In that very vote, which I now have before me, are the names of many Senators who are now honored by seats upon this floor, and gave to that measure their sanction. I do not, sir, mean to find fault with that privilege and bounty act, nor with the punishment it must have inflicted upon the Atlantic, if the position be true, as taken in this debate, that this bill is one of punishments to the Atlantic States! That at required no declaration of their intention to become citizens, nor have your land laws ever required such a proceeding on the part of the purchasers, of whatever country they might be. Either the charity to those exiles was wrong then, or less charity to our own citizens, and to foreigners generally, the men of log cabins, is right now! There is no escape from this conclusion! As far as the question of any declaration of citizenship is

involved, the policy of our law, as well as that more recent act of this august body, was doubtless founded upon the very rational presumption that foreigners who seek an asylum in our country would come as the natural enemies of tyranny. I am not unmindful of what I say. The principle which embraces the one completely covers the other. It is in vain to refer to poor, unhappy, dismembered, prostrate, and ruined Poland, rent asunder and trampled in the dust by the Autocrat of Russia, as sending forth upon us higher claims, in the persons of her exiles, than other emigrants from every oppressive despotism of Europe. Nor do I agree with the suggestion made, that emigrant foreigners, who find here our outstretched arms, secretly retain their early prejudices in favor of kings and princes. This might apply to the tilled exile, but not to that laborer who fled to us for the protection of our laws, and the enjoyment of our liberties. He has no sympathy with power. The iron of resistance and of hatred has entered deep into his heart against the titular nobleman before whom he was compelled to bow, and against that king who had ruled him with a despot's rod. From the moment that he set his foot upon your shores, and beheld that glorious banner that waves above the dome of this Capitol, his allegiance to the land of his adoption entered into his heart, as a fixed principle, faithfully and forever; and when he feels the first tree of the far West, and treads upon the soil he can proudly call his own, an invading foe could only strike down the standard of liberty by passing over his dead or dying body.

Sir, why should not such men as those, as they have for more than forty years, mingle in the purchase of your lands; and if we could vote a township of land to the exiles of Poland, at a credit of ten years, and the lowest price, why not let our own countrymen enter the land for prompt payment? Why, too, sir, should we for the first time introduce odious exceptions in reference to aliens, never resorted to in all our legislation upon this subject? Sir, the poor of every land are the same. They are the lovers of liberty wherever you find them, because they have been made to taste the bitter cup of degradation. You have nothing to fear from such men! Such were the sires of that population which filled our victorious armies in the Revolutionary struggle. But, sir, we voted to the French settlers four townships of land, at a credit of fourteen years, for the minimum price, without exacting any condition of naturalization. The possession and occupancy of land seems to imply in our legislation that this act will follow as a matter of choice on the part of the individual. Any interposition at this day is obviously unnecessary, when no inconvenience has ever arisen from the present state of our laws.

The importance which has been given to this part of the subject, has induced me to call the attention of the Senate to the special legislation which we have made in those cases, without deeming it necessary to alter our general rules, in the slightest particular. Sir, I am fully sensible of what may be said for Poland, the country of Kosciuszko and of Pulaski—a country which seemed destined, at one period of her history, to take the lead of all the continent of Europe in the march of the right of suffrage, and the equality of liberty, when her three hundred thousand men were assembled on the plains of Warsaw, and the negative of a single individual would have decided the power of her ruler. I never can forget she has a hero whose bones sleep in this land, consecrated by his blood; and, sir, I should, if I had had the honor of a seat upon this floor then, received the perishing exiles from her ruin with a generous heart and an open hand. But, sir, to what despotism in Europe can you not turn and behold like oppressions, and when the victim who has long writhed beneath the tyrant's grasp escapes to this happy land, will you begin now for the first time, to doubt his sincerity, and to place him under hitherto unknown exceptions?

Sir, for one, in the sense in which all our institutions have been a proclamation to the world, and in conformity with your long established policy, if the silence of the law in relation to aliens be a like proclamation, let them come and mingle with our people, and partake of the joys and the blessings of

liberty. The only impress of despotism they will bring with them, will be that hatred of it which has been indelibly stamped upon their hearts. It is now too late, with our success and our experience, and the past sanctions of our law, to enter upon the first act of proscription of the foreign emigrant.

Mr. President, I regretted exceedingly to hear it intimated upon this floor, by some of those who belong to the recently triumphant party, that the settlers upon the public lands ought to be removed by force. It is true, sir, that in some sense they are trespassers, but without disturbing the public peace. By the very act of occupancy which has been here denounced, they add to the value of our national domain. If the design of such settlement was to prepare the way for asking the land as a gift, there would be some plausibility for the denunciation. But the first wish and the highest expectation of the settler is to become the purchaser. It is in the very philosophy of things, in a country like ours, whose free institutions awaken and bear up the spirit of aspiration from the humble hut, as well as the lofty palace, that the poor man, surrounded by his wife and his children, and animated by a holy love of those endeared objects, with a pure conscience and a resolved purpose, relying upon his own unassisted arm, should go forth to the wilds of the far West to improve his fortunes, and confirm his personal independence. He meets, there, men like himself, who have entered upon that new experiment with the same ardent hopes and lively expectations. A common lot, and common sufferings, band these settlers together, and they love each other next to those whom God hath specially committed to their charge! Such, sir, are the men whom it is proposed to drive from their homes! Whence, sir, and whither, would you march an army? What part of the broad territory of the West would it traverse in order to reach the point of attack? I tell you public opinion would drive back your cohorts, and the man who should attempt such a measure is not so high but that same public opinion would drag him to the dust with scorn and indignation! My friend from Missouri [Mr. LINN] was right—the deed can never be done!

Mr. President, there was another view of this subject taken by gentlemen on the other side with which I do not concur. It has been said that there was no danger to be apprehended on our extended Western frontier. The twenty-six thousand Indian warriors whom our policy has assembled there, it has been said, are perfectly harmless, and that, instead of directing their arms against us, they will sweep California. This has been said in answer to the argument that this bill should pass in order to induce emigration to our most remote borders. I confess, sir, in this aspect of the subject I look upon it as presenting some of the most imposing questions which can occupy the attention of the American statesman. If we attempt to consider it as a subject of finance only, we carry it far below the standard to which it advances in the great scale of our interests. It is almost, sir, next in magnitude to the question of peace or war. I look upon its failure, if it is to be followed by the prevention of settlements on the public lands, as pregnant with vast and unknown mischiefs, and its success as certainly to be the ultimate means of procuring safety and protection to a long line of inland and undefended frontier, which cannot, in any other way, be secured against the invasion of the savage. If, however, the love of money must prevail, I entreat gentlemen to look through the rapid and protracted march of events it will produce, and when they have subjected the measure to the test of practical scrutiny, it will be found to be the most profitable scheme for the sale of the public lands that has ever yet been devised. When they calculate the difference between the interest on the amount of moneys which would be received under the old system, at particular periods, extending for more than fifty years, and that sum which would be realized by prompt and rapid sales under this law, I think it must be seen there would be little reason in a financial aspect to resist its passage.

But as a measure of policy, by which settlements will be invited to your most remote borders, along

which you shall form a living and massive rampart of bold and hardy men, its importance can only be estimated by a review of the actual condition of our frontier; the relations between us and the hundred Indian tribes who hover like a storm upon our Western horizon, and the great interests of the civilized world, which in the adjustment of its balances may finally precipitate upon us the mightiest power of the earth. The proposition is startling and imposing, but not more startling than true.

Sir, how is it that we can assume the fact that the Indian tribes are harmless? The history of our country, passing from its first settlement through the war of the Revolution, and the second war of independence, is replete with contradictory evidence to any such supposition. Peace! Peace! Security with the Indian! It is but a dream! He but proposes for a season in the enjoyment of your favors until that day shall arrive when he flushes with the hope of blood and revenge. The recollection of the injuries you have inflicted—the lands you have taken—the wounded pride you have humbled, the very tribute under which you have placed him, keeps the fire of hatred unquenched, and fiercely burning in his bosom! He will receive your gifts, extend his hand for your annuities, but instead of turning his face upon the bleak passes of the Rocky Mountains, and descending upon the coast of California, he will patiently await the period, when events, guided by the potent hand of his old ally, shall call him to the war-path and the battle field. He will then remember, not your bounties, but your triumphs, and he will prepare, in a more formidable shape than at any former period, for uniting his kindred tribes in one solid league against your frontier brethren. The annuities which you so bountifully bestow upon them exert but a friendly influence, where no other more powerful agency is brought to act upon their councils. Their civilization too, in which some of them, at least, are rapidly advancing, is but the instrument of removing the barriers between you and them in your more social relations, but cannot at its present stage have any influence upon a question of war, which is the natural element of the Indian. His daily pursuits of the wild game of the forest or the prairie, is but the inspiring mimicry of war, and so in the midst of peace, the habit (the controlling power of man after all) is kept fresh, inspired and vigorous. We have, sir, an illustration of what I say in one of the most memorable and graphic incidents of Indian history. At the commencement of our last war with Great Britain, we were paying to the Indian tribes ample annuities. The Creek, the most powerful of his kindred, shared largely of our bounty, but it had no repressing effect upon his hostile spirit. That intrepid man, whom you, Mr. President, met in that battle field which has given immortal honor to the living and the dead, joined them in their national councils, and turned their love of peace to the fierce spirit of war. It was not the witchery of his eloquence, but, sir, the witchery of their passions! Their love of war! Their hatred of the border man! He went forth as the ally and the agent of a great power, and some kindred spirit of his will be found to act the same part, with the consolidated Indian tribes, in the future drama of the frontier, whenever sufficiently active and skilful appliances are brought home to their prejudices, their habits, and their passions.

But, Mr. President, I consider the question of danger upon our extended Western frontier, which has been treated as utterly illusory, as having its origin in the present progress of international events which no skill can avoid, and no human arm can stay. I refer, sir, to the relations between ourselves and Great Britain. I refer to her interests, the position she occupies in the affairs of mankind, and the power which sooner or later she will be called on to exert.

I do not wish to be misunderstood. I concur most fully in the opinions expressed by my friend from Missouri [Mr. LINN] in the debate of this morning, upon another subject, in which he adverted to the action of that Government towards us. He expressed his opinion that, for the present, she had no designs of a hostile character; but while this

was apparent, she was not the less earnestly engaged in pushing her settlements to every point of our pacific territory, from the waters of the Oregon to California; and for the peculiar purposes of her far trade, and other ulterior objects, not yet developed, she had extended her laws to every portion of the West, even where we held the right of eminent domain, within the Indian possessions.

Sir, there is no movement of the British Government in regard to ourselves which is not marked by a wise and careful looking forward to the future; and no man can have given a profound attention to her history, without perceiving that her position is intrinsically difficult and great. For the present, she prefers our friendship, and needs the moral countenance of every disinterested people of Christendom. It is entirely reasonable to suppose that her able statesmen understand her complicated relations, and the intricate line of action she has to pursue in the present pressing and maturing affairs of the world; and nothing short of a stupid diplomatic blunder, joined to bad temper, could possibly involve us now in a war, when it is the obvious interest and the desire of both to maintain peace. I do not mean by this that Great Britain is anxious to expedite the adjustment of our differences; but the questions which present themselves on the surface of our intercourse, are not those upon which she is disposed, at present, to take on any very high excitement. It is most probable she would prefer to leave them open to the accession of other causes, until the time and the occasion shall be ripe for her to assume a very different attitude. Without intending to trace the motives of her future action, it is plain that, although we may have peace with her for ten, or perchance fifteen years, which, however, I think, pretracts the supposition beyond the probability, we may confidently expect that our commerce and navigation will interpose such rival interests to her progress in every quarter of the globe, which is made accessible to our enterprise, that she will then be ready to invent the ways and means to hasten the conflict. At present she is occupied with watching a nearer and more formidable power—a power made so by herself, in the height of her prejudice, and the violence of her passion. The moment she struck the falchion from the hand of the Gaelic Cæsar, and plucked from his brow the iron crown of Lombardy, she felt and perceived her error, and hastened to adjust herself to the movements of that other rival dominion, which rose unmatched, as that ascendant genius sunk beneath the horizon. It is now more than twenty years since that remarkable event, and the Autocrat of Russia, pursuing the unavowed end of a profound policy, and with signal success passing onward from his frozen region to the East and the South, has transferred the question of the balance of power from the old seat of its adjustment in Europe, to Asia and Africa. In this grand drama, England is cast as an actor having the deepest stake and greatest agency, and she is preparing to play her part with an energy that never tires, and a wisdom that never forsakes her. Of her final triumph in any great struggle like this with European nations, I have not the slightest doubt; and if, in the progress of events, it shall become necessary, she will dictate the terms of peace in the plains of Anatolia, and with one foot planted in Egypt, and the other in China, flushed with conquest, and possessing an empire upon which the sun in his wide career never sets, she will present herself in the full panoply of war, not only as she now is, the most formidable power of the world—but our most formidable rival of the world. It is in that attitude of things that I contemplate the rival destinies between England and ourselves! It is a conflict that is fixed and inevitable, unless the spirit of justice and forbearance, and of kindred feeling, which, Heaven send, shall prevail in the mutual councils of these nations. And, Mr. President, humble and inconsiderable as this measure may be in contrast with such mighty events, it can be made to form a great and leading link in the defence which you will be called on to make in that great contest! What, in that event, is to prevent England passing from Asia to the Pacific coast, and crossing the Rocky mountains to precipitate an allied army

of disciplined veterans, and enraged Indians upon your Western borders. Sir, it is no impracticable undertaking to a power possessing the position and the means of Great Britain. The resources to supply an army in the country to be penetrated, are inexhaustible. That movement would be met by a correspondent line of action on the part of the British Fur Companies, in order to bring into requisition, every Indian warrior beyond the Mississippi. Let us not forget that Great Britain has already her standard at the mouth of the Oregon, as if the spirit of prophecy was upon her! And shall we hesitate upon a line of policy to which we are bound, as well from the danger that has sprung from our own hand, as by those which must follow from the natural course of events? Shall we hesitate upon a line of policy, which, if it prevailed no where else, we are solemnly bound to establish upon that Western frontier! The Indians are in a concentrated body there, by our act, and England occupies the Oregon by our connivance!

Such, sir, is the answer I have to make to those who think there is no danger upon our Western frontier, and such are the views I entertain in regard to this question, and whether considered as affecting the private happiness of individuals, or the public prosperity of the country, it seems to me a wise forecast demands of us the passage of this measure. The time will come, I have no doubt, when all individual opinion will give way to the progress of events, and I humbly trust, that our legislation will be such, that those who come after us will find reason to rejoice that the policy we now propose has fulfilled the just and ample expectations of its advocates—the poor and the industrious befriended, and the public prosperity promoted.

The following remarks were submitted by Mr. PRENTISS when the above bill was under consideration on Monday, the 4th instant.

Mr. PRENTISS said he did not intend to enter at all into the general policy of pre-emption laws. He deemed it altogether unnecessary to do so, because that question had been discussed at length, and very fully, on former occasions, and every member must have made up his mind decisively upon it. His object was merely to state, and bring distinctly to the notice of the Senate, the main particulars which distinguished this bill from all other laws which had been passed upon the subject, and which, in his opinion, rendered it singularly and exceedingly objectionable.

It was well known that he had not looked upon pre-emption laws with much favor; that he had been opposed to the whole system, and had uniformly voted against every bill of the kind, believing, as he did, that the system was wrong in principle, unsound in policy, and incompatible with the public interest, as well as with every consideration of justice. But if he had entertained a different opinion, and had given his assent to the laws which had been previously passed, he could not be prevailed upon to yield his support to a measure of so extraordinary a character as the present one.

The first and most essential particular (said Mr. P.) which distinguished this bill from all former laws was, that it was prospective and permanent, holding out an invitation to persons from all quarters of the world to settle upon the public lands, and to endure for all time to come. The laws heretofore enacted had been entirely retrospective in their operation, confined to cases of past settlement, and had professedly held out no encouragement to future intrusions upon the public domain. Mr. P. wished to know whether the Senate was prepared to depart from the policy hitherto invariably acted upon, and to carry it to the extraordinary extent contemplated by this bill. For one, he must say that he was unwilling to make the public lands an object of scramble and plunder, not only by our own citizens, but by aliens and foreigners.

Former laws had been framed in such a way as to guard against frauds, and to effectuate the professed intention of the laws. The act of 1838 defined what should constitute a settlement. It required a possession by personal residence on the land at the time of passing the act, and for four

months next preceding. The present bill gave the right of pre-emption, generally, to all persons who should "inhabit and improve the land, and raise a log cabin thereon," without specifying what should amount to an *inhabitation* or *improvement*, or containing any limitation as to the extent of the improvement or the duration of the inhabitation. The bill, in this respect, was extremely vague and indefinite; and it was difficult to perceive what there was to prevent any one who should erect a temporary cabin, plant perhaps a rod or two of ground, and camp upon it a week or so, from securing to himself a title to the exclusion of all others. It was obvious that the facilities to fraud would be great; and it required no uncommon discernment to see that speculators and jobbers, rather than *bona fide* actual settlers, would receive the principal benefits of such very liberal legislation. Slight acts of settlement would answer the purpose, and nothing would be easier than for capitalists, men of wealth, to plant hordes of squatters upon the public lands, one here and another there, and in that way monopolize to themselves the choicest and most valuable tracts in the whole extent of the public domain. The last pre-emption law which had been passed was carefully guarded in this particular. It required from every person claiming the benefit of the law an affidavit that he entered upon the land exclusively for his own use and benefit, and not for the use or benefit of any other person, and that he had not agreed or contracted, directly or indirectly, to convey or transfer it to any other person. The present bill contained no provision of that sort, or indeed any security whatever against abuses, but left the way open and unobstructed to the practice of the most extended fraud and speculation. It was further to be observed that there was no limitation as to the time of payment for the land, and the settler might hold and enjoy his right to it not only for many years, under a credit without interest, but it might be for an indefinite period of time. The interests of the United States were not properly or sufficiently secured in several other respects which might be mentioned, but it was hardly worth while to go further into details.

The bill (Mr. P. said) was a measure, in his view, of a new and very extraordinary character. It was not only prospective and permanent, but most extensive in its operation. It covered the whole public domain. It extended to lands surveyed and unsurveyed. It exposed the richest portions of any and all to be picked and selected, to be seized upon and taken up, at the inconsiderable price of a dollar and a quarter an acre, as well to gratify the avarice and cupidity of greedy, rapacious speculators, as to satisfy the wants of the needy but hard laboring and meritorious cultivator. It would supersede and put an end to the whole land system; a system almost coeval with the Government, which had been in successful operation nearly half a century, had been tested and approved by long experience, and the beneficial effects of which had been seen and felt by all. To a measure of such tremendous import, involving consequences so much at variance with public policy, so seriously affecting one of the great interests of the country, Mr. P. would repeat, he could not give his assent.

MONDAY, January 11, 1841.

The question being upon the instructions moved by Mr. CRITTENDEN, as follows:

Resolved, That the bill be recommended to the committee that reported it, with instructions to report amendments thereto to the following effect:

1st. To distribute the proceeds of the sales of the public lands among the several States of the Union in just and equitable proportions.

2d. To grant to actual *bona fide* settlers upon the public lands the right of pre-emption to any quantity thereof not exceeding one half section, or 320 acres, including place of settlement, at the minimum price of \$1 25 per acre, with such provisions as shall limit this right of settlement and pre-emption to actual *bona fide* settlers whose estate at the time of settlement shall not exceed the value of \$1,000: and further with such provisions as shall effectually exclude the wealthy speculators from all benefits under this law, and shall prevent them from interfering with, or participating in, the privilege, and right of settlement and pre-emption which are hereby granted and intended for the sole advantage of the needy and honest settlers and cultivators of the soil.

Mr. CRITTENDEN addressed the Senate in reference to the instructions he had moved. He said he could declare, with great candor, that he

had not made the motion to recommit with any expectation of delaying the Senate in its action on the bill; and was not a little surprised at the unexpected effect of that motion on the temper of a portion of the Senate. It had not been his wish that the instructions with which he had accompanied his motion should have given rise to so much discussion as had occurred. The proposition was a perfectly plain one; it spoke for itself. He would consent to vote for allowing the *bona fide* settler to have his land at the minimum price, free from the interference of the wealthy speculator, and therefore he proposed so to amend the bill as to confine its operation to the man who could make oath that his whole property did not exceed the value of \$1,000. He would go for a pre-emption law if gentlemen would consent to unite with it the distribution principle.

Mr. BENTON made some remarks in reply, which were given in our paper of the 12th instant.

Mr. MANGUM of North Carolina said he was far from concurring with the honorable Senator [Mr. Benton] in the opinion that there was any incongruity between the bill under consideration, and the proposed amendment; and far less did he concur in the justice or the propriety of denouncing the amendment as monstrous, as an unfair mode of assault, as, in short, an enormity. The truth is, (said Mr. M.) there is no one who looks at the various movements which are made in relation to the public lands, and the various questions which come up here, that does not perceive that a consideration of one of them necessarily and properly calls up the consideration of all the rival and alternative propositions.

As to the pre-emption bill now before the Senate, it is impossible to form a just estimate of it, and come to right conclusions, unless we consider it in connection with all the other measures of its friends—unless we consider it (as it is) a part of a great system—as an element in the great scheme of a definitive and ultimate disposition of the vast public domain of the country.

It is, in truth, in the language of the honorable Senator from Tennessee, [Mr. Anderson,] the first step to a final disposition of the public domain. I thank the Senator for this explicit and manly avowal of the purposes and views of the friends of this measure. The first step to a final disposition of the public domain! Yes, sir; it is the first step in the race where each struggles to be first in the great work of squandering and scattering this more than princely domain to all the winds of Heaven, by bestowing it in largesses, by giving it to schemers and speculators, and inviting to its occupation all the ends of the earth, the bandit of the Apennines, the mercenary Swiss, the hungry loafer of the cities of the Old World, the offal of the disgorged jails, penitentiaries, and houses of correction of foreign countries—all, all are invited by this bill to mingle with our American citizens, and seize upon the public lands, and appropriate them, excluding the old States, whose property in common with their sisters they are, from any substantial and equal participation in this common property of them all.

I confess, said Mr. M. that I am at a loss to determine which is the most objectionable, the principle or the details of this bill. To me, it seems the crudest, the most de-jure, and the least safely guarded that I have ever known to be introduced into the Senate. It being, however, a sort of wholesale disposition of this vast property, without equivalent or consideration, the details can be of but little moment, except to exhibit to a curious observer what vast results may be found in connection with the weakest bungling.

This bill goes to revolutionize the whole system of pre-emption itself, as that has heretofore existed, and in the end to abrogate the whole land system, which has been built up and consolidated through a series of years, by so much care and labor, and which has extorted praise and eulogium from all sides of this Chamber. Heretofore, when settlement had gone in advance of a regular disposition of the public lands, and the hardy pioneers had shown evidence of good citizenship by habits of honest labor, Congress, out of tenderness for the citizen, and a scrupulous desire that every one

should enjoy the avails of his own labor, have overlooked the original intrusion, and in a liberal and parental spirit given the right of pre-emption, so that every one might continue to enjoy the humble dwelling and other improvements, the result of the sweat of his own brow and the work of his hands. This was pure bounty, unmixed gratuity, conferred by a Government unwilling to repress or thwart the energies and enterprise of these hardy men, who had sought upon the dark brow of the wilderness a resting place for their wives and their children. It was a kind of concession to the restless energies of this Anglo-American race of ours, which, though a little too unobservant of the rights of others, yet had the hearts, the hands, the wishes, the purposes, and the patriotic aspirations of American citizens—a race that loved their country, loved liberty, and were ready to peril all they had in enterprises, dangerous or otherwise, in defence of their country. It may be that, in any aspect, financial or political, the occasional and judicious interposition of Congress in their behalf was wise, as most indubitably it was kind, liberal, and parental. All these cases were retrospective, overlooking initiative error, and quieting these hardy pioneers in their homes, their titles, and all the fruits of their labor. If this legislation was somewhat unjust to the old States, yet it was kind, and upon the whole may not have been unwise.

But now, for the first time, it is proposed to hold out standing lures and temptations to the whole world to come and seize upon our public domain. To sustain this sweeping prospective measure I have heard doctrines avowed more objectionable than the measure itself, from which my judgment revolts, and which, I am confident, could they be submitted directly to the whole American people, would be indignantly, if not contemptuously, rejected. I say this bill invites the whole world, aliens as well as citizens, to come and take possession of our public domain; and how? Under any rule? According to any uniform regulation? No, no, sir. The bounty is held out to the swiftest foot and the strongest arm; these are to seize, and defend what has been seized, with all the means that God and Nature have placed in their hands. And all this worst of confusion and demoralization to be sanctioned by this grave body; ay, to be invited, solicited by our legislation.

If we were a weak and feeble nation, physically unable to defend our liberties, we might indeed hold out inducements to foreigners to bring to our assistance the protection of their physical force. But has it come to this: that we are obliged to invite foreigners to assist us in the defence of our heritage of liberty? To bring amongst us the arts of civilization? To enhance our power, either moral or physical? Can any one believe that we are reduced to a necessity like that? No, sir. The friends of this measure would cast back such a taunt with scorn and indignation. What then? Can any one doubt that this bill is the first step towards the squandering and wasting the public domain, so far as the old States are concerned? That the new States feel as a fetter, that galls their over-excited sensibility, the claim of the old States to land within their limits? To get rid of this, and to make the destruction of the rights of the old States sudden and complete, it is proposed to invest with the highest privilege of American freemen foreigners not naturalized. To give to alien strangers, who will come and take, what indisputably belongs to all the States in common. And this to assuage a painful sensibility, an over-wrought pride, that will concede nothing to those who have given them every thing. As if not content with the desecration of our rights of property, it is contended that these favored aliens shall also exercise the rights of suffrage—the highest rights of freemen, and be endowed by these States with the elective franchise, in disregard of Congress and all the co-States.

I mean not (said Mr. M.) to go into the argument of this incidental question, momentous and alarming as it would be, did we not feel confident that it will ever be met by the real people of the United States with a stern and uncompromising resistance. The doctrine is anti-national; it is incompatible with the very conception of a political

community endowed with the power of perpetuating its institutions. No nation that I know of, that had risen to the dignity of an independent community, ever tolerated the indiscriminate admission of foreigners and alien influences to a full participation in its elections and its government. What is our case? Who effected our Revolution? The people of the respective States. They had formed independent political communities. These States, before the adoption of the Federal Constitution, did of right exercise the power of determining who should be considered citizens and entitled to all the privileges and immunities of citizens. They further rightfully regulated the terms and conditions upon which aliens might be adopted in the community, with all the rights and privileges of free citizens. Who did, and might rightfully do, all this? The people of the States. Who could gainsay it? Could the Englishman, the Hollander, the Italian, or the Pole? Unquestionably not. Who then? None but the people of the States.

By the adoption of the Constitution, each State conferred upon the General Government, as a common agent, all those powers which it could better exercise for the benefit of the whole than could the States respectively for themselves; reserving to the States such as could be best exercised by and for themselves. This common agent had in charge all our foreign relations, and had the regulation of all our intercourse with foreign powers. This Federal Government and these State Governments were made by and for the people of the United States and their posterity. The power of passing uniform laws of naturalization of foreigners was conferred on the common agent—the Federal Government. This grant passed the whole power. Such was the opinion of the enlightened and able contemporaneous writers in the Federalist; such has been the uniform opinion of every respectable writer on constitutional law, as far as I know; such has been the exposition in a majority of the States, as I suppose; certainly such has been the exposition in North Carolina by all its authorities, judicial and legislative. The distribution of political power in the States, as well as the General Government, rests upon a right enumeration of the people of the respective States. Our whole political scheme rests upon it. It was provident, therefore, that, in a matter so immediately affecting the relative power of the State, there should be some uniform rule regulating accessions from abroad of aliens, with habits, feelings, and principles often alien, not to say hostile, to the genius and spirit of our institutions. Such a provision is conformable to the general sense of mankind in all ages in well-regulated political communities. Hence I regard the provision in the Constitution of Illinois as in conflict with the Constitution of the United States, and of course void, and that a persistence in the enumeration of aliens as citizens, so as to affect the relations of political power between her and the other States, and the permitting of them to exercise the elective franchise so as to affect the action of the Government common to all the States, would be in bad faith and clearly violatory of their common bond.

The question is not whether Congress can prescribe the qualifications which shall constitute a voter in the States. No one contends for any such thing. The States can each prescribe for itself in every respect, except where inhibited by the conferring of the power on the General Government, and those who are empowered to vote for members of the most numerous branch of the State Legislature may also vote for members of Congress, and none others. The only difficulty is, not in the non-existence, but in the application of the remedy, in cases where the States shall transcend their constitutional authority. Wherever the authorities of this Government can reach the case, they can apply the remedy. If aliens shall vote for a member of the House of Representatives, upon a question of contested election, the House may take jurisdiction and rectify the error.

[Here Mr. Wright of New York, asked what will you do in the case of a Senator elected to this body by a Legislature in part formed by the votes of aliens?]

Mr. M. said the only difficulty consisted in ap-

plying the remedy. In the case put, great difficulty and inconvenience might arise, perhaps insuperable—and so in many other cases that might be put. What would the Senator do in the case where a majority of the States should decline or refuse to elect Senators to this chamber? In the latter case it would operate at once to the destruction of the Government, and yet I know of no remedy. The truth is, in our complex political system, much has been left, and, of necessity, must have been left, to the good faith of the States, the authors and creators of our system. And perhaps in every case where a practical remedy is not provided, it was deemed safe to leave it to the good faith and good sense of the parties to the covenant. But I have turned aside to this incidental question mainly to enter my protest against the doctrines avowed; and to show that North Carolina, in that good faith which has always characterized her relations with this Government, holds that the adoption of the Federal Constitution has abrogated her constitutional provision for the naturalization of aliens, and that she may not swell her relative power in the Confederacy, either by the enumeration of aliens or the permitting of them to exercise the elective franchise.

I said in the outset that I found great difficulty in determining, in reference to the present bill, which was the more objectionable, its principle or its details. In respect to the latter, they have been exposed by various Senators so fully and clearly that "he who runs may read." When before now has it been proposed to hold out temptations and rewards to infants who by law owe allegiance to the head of their family? When before now has it been proposed, for the sake of encouraging emigration, to break up domestic relations—those primeval bonds of society which it is of so much importance to keep sacred and intact? The ambition that looks to the highest office in the Republic may have an interest in inviting into the *mélée* all infants that, at the end of the next four years, may be invested with the rights of suffrage. This bill holds out the same benevolent intentions towards widows. How excellent a virtue is benevolence! And how cheap, too, is the beneficence that confers bounties out of other people's goods and chattels, lands and tenements! But, like the witch's prophecy, while it keeps the promise to the ear, it breaks it to the hope. The whole is mere delusion—it is worse—it is imposture. Such widows as reside in the immediate neighborhood of the lands to be settled may possibly get the benefits of the bill, but the great body of the destitute widows throughout the Union, and especially on the Atlantic frontier, will not be benefited a stiver.

Again, there is another principle in the bill more objectionable. Its operation is extended to land unsurveyed. The entire alien population of the globe, as well as our citizens, are invited and tempted into our national domain before a chain carrier has entered upon it. Proclamation is made to all to come and seize upon our best spots, and they shall keep whatever they take. Has any Government in the world acted upon a principle like this? Must it not inevitably lead to riot, bloodshed, and general confusion? Where have ever such lures been held out to alien interlopers, bandits, and scapegraces of foreign lands to come and seize upon so rich an inheritance, and hold it by strong arm, or at the muzzle of the rifle? All they are required to do is to come upon the land, to build a log cabin or some other dwelling, and call it a settlement, and the right of pre-emption is fixed. How long are they required to occupy? A week, or a day, is sufficient; for no specific length of time is required by the bill. How many settlements may be made by the same person? The bill as introduced prescribed no limitation. A reluctant limitation to one in the same State has been imposed by a vote of amendment; yet the same person may make the tour of all the frontier barrier of States and Territories, and in each the work of a day may secure a quarter section of land in the most favored spots at the minimum price, and that, too, on a credit, to be paid whenever, and only whenever, the convenience of the enterprising and travelled gentleman may seem best to admit of it. What a broadcast waste and squandering of this

vast national property! The waste would be a reproach to the age; and the consequent riots, feuds, and confusion would mark this measure as an epoch in the career of profligate wastefulness of a discomfited, deflated, and desperate Administration. True it is, by an amendment, the same person shall be entitled to but pre-emption. But what may hinder him from getting one in each and every State and Territory? Where are the guards? What check is provided? None, not one!

One of the amendments declares that a man may not move off from a settled home and get a pre-emption by going on the public land in the same State. What prohibits his doing the thing by going into the next State or Territory? or all the other States and Territories? It is declared to be for the benefit of the poor; and yet a man on a fraction of forty acres may not have the benefit, while the wealthiest money-holder may avail himself of the privilege. Admirable equality. The friends of the measure have refused to confine these bounties to the poor; worth not more than \$1,000 or \$500, and yet the man fixed to a poor spot of little value, with his wife and children, shall be inhibited, while the rich in bank stock, money, or other personal estate, shall enjoy it. This is one of the beauties of a scheme conceived in a spirit of such ardent devotion to the interests of the poor and laboring man.

But an objection yet stronger, if possible, exists to the mode of adjusting and settling the disputes arising from conflicting claims among these settlers. The mode proposed in the bill is quite characteristic of the principles of the past and the present Administration which now lies stranded. It brings the masses of conflicting claims which now must arise under this bill within the range of Executive determination to be despatched summarily and with a sort of military celerity—the Executive agent disposing of a complicated and knotty question of private right with the facility that he would wheel a squadron of well-disciplined political troops. Sir, it erects a new sort of judicature, with vast and unrestrained powers, taking within the scope of its jurisdiction vast and complicated interests.

The registers and receivers of the land districts, subject to the regulation of the head of the land office, are to dispose of all the questions of conflicting claim in a summary way. Can any one fail to perceive that here is held out every conceivable lure, and temptation to fraud; that the bill opens the way to a regular system of corruption; that these powers will be devolved on men not most distinguished generally for ability, and yet with duties overtaking the highest ability? Will it not tend to corrupt both the Government and its dealers? May it not be wielded so as to subjugate the entire frontier, from the lakes to the gulf, to the will of their politico-judicial masters? A dozen men make a rush for a mill seat or water privilege or salt spring, and in case the rifle and bowie knife shall fail as judicial instruments to settle the controversy, then the appeal lies to this other eccentric judicial tribunal of the registers and receivers, whose judgments are to be final and definitive. I suppose we need not fear that the sword of Brennus, or the bowie knife, or other extraneous matters, will be thrown into the judicial scales.

But this is a log cabin bill. In its title it purports to be especially for the tenants of log cabins. Its friends are friends of the log cabin; it is designed to confer a bounty on the great body of those poor men who have no means to better their condition but to settle on a little spot of wild land and build themselves a log cabin. Yes! it is to provide a home for the log cabin men, for the poor, hard handed, honest, industrious settler! Admirable beneficence! I am glad to see gentlemen's sympathies awakened for this great body of our citizens—the greatest, indeed, whether we regard them for physical force, devoted patriotism, or for those homely, simple, primitive, untainted, and genuine virtues so much out of fashion in the saloons of the great and powerful. I respect them, I esteem them, and I would cherish them to the extent of my ability. Yet with what consistency have we seen the gentlemen act who hold to us this language? Will they consent to a \$500 limitation? No. To a \$1,000 limitation? No, sir. They invite to com-

petition with them, not only the wealthy of our own country, but the whole world, of every tongue and clime, whether they come in rags or purple and fine linen.

And yet they talk as if the bill were especially for the poor. Who can believe it? Or who does not believe and know that the bill is what one of its friends described it, [Mr. ANDERSON,] the first step towards a final disposition of the public domain?

I am not, indeed, disposed, either as a private individual or a public man, to regard the public domain purely in a financial view. The General Government holds these lands as a trust. They should administer, or rather execute, this trust reposed in them, justly, but with liberality.

I am not for restricting the system to such rules as bind a master in chancery. I would, if I could, elevate myself to the position of a statesman. I would regard the public domain as a trust, in which all the States have an equal interest. While I am just, I would be liberal; but while liberal, I would be just. I ask, what right has this Federal Government to administer this trust but in such a manner that it shall inure to the benefit of all the States? Where do gentlemen find their authority? Nowhere.

To judge rightly of this specific measure, we must consider it in connection with the graduation bill. And who can doubt that the two united will cut deeply into the financial resources of the country?—but they will deduct large sums from the fiscal means of this Government? What is the first step in the practical operation of this bill? In the first place, all the lands likely to bring a price over the minimum established by law will be seized on forthwith, not only by our own citizens, but by the renegades and aliens of the old world. And then what remains—what gentleman call the refuse lands—will be brought under the auctioneer's hammer on behalf of the Government. Who will bid. No one. What next? These lands having been offered, and remaining unsold, the auction system will be withdrawn from them, and they will then be subjected to the Procrustean operation of the graduation system, descending rapidly from \$1 to 50 cents, 25 cents, and 12½ cents, and then an unconditional surrender of the residue to the States respectively in which they lie. The average amount of the auction sales under the present Administration does not much exceed the minimum price. But let all the lands which in the first place would sell at prices greatly exceeding the minimum go off at the minimum; and then apply the graduation principle to the residue; is it not plain that the average income from auction sales would be greatly below the minimum?

On this subject my attention has been recently drawn to a very valuable and important paper, which discloses that system of delusion which has for many years been played off upon the public mind; such a systematic scheme of deception and imposture as I never could have believed to exist, had it not been proved by official documents. I refer to what has been constantly told us in reference to this principle of graduation. I will not detain the Senate by going through all the details, though they eminently deserve the most careful and attentive consideration, and I hope will have it from those more familiar with the subjects than I am; and if a gross delusion has been practised, as I conceive, for years upon the old States, I trust it will be corrected.

I find that, in pursuance of a resolution adopted by the Senate, the head of the land bureau caused returns to be made of all the public lands unsold, in the respective States and Territories, accompanied with such other information as was deemed useful in forming a just estimate of the value of this great national property. I find that, on the 30th of June 1828, there remained in Ohio 2,584,347 acres of public land unsold. The land officers estimated the value of this more than two and a half millions of acres, at \$1,747,126, or nearly one million and three-quarters of dollars. These lands had been offered and in market from seven to twenty-eight years, but little less than the half of them had been in market twenty years and upwards. They are represented as inferior, and to

effect sales the prices ought to be graduated. Well, sir, on the 30th of September, 1837, some nine years thereafter, upwards of two millions of acres of these lands had been sold at the minimum of \$1 25 per acre, realizing to the Treasury \$2,726,599—exceeding the estimates of the officers, who ought to have been well informed, by the sum of \$979,473, or nearly one million of dollars; here then remaining on hand nearly five hundred thousand acres, the most of which has since been sold at the Government price.

I find similar startling discrepancies between the estimated values and the sums actually realized from sales, applying to Indiana, Illinois, Alabama, Mississippi, Louisiana, Arkansas, and Missouri. In the St. Louis land district of Missouri, I find that on the 30th June, 1828, there remained of public lands unsold 2,219,426 acres. These lands were represented as having been in market under the Spanish Government for forty years, and under this Government for ten years. It was further represented that they had been so "picked and culled" that there did not remain one quarter-section of first-rate land. They were valued at different prices, but the great mass at 12½ cents per acre. The total value was estimated at \$333,000, or about the third of a million of dollars.

Well, sir, again. On the 30th September, 1837, or about nine years thereafter, the Treasury had realized \$711,000 from these lands, a sum exceeding the estimated value of the whole of them by three hundred and seventy-eight thousand dollars, and leaving then unsold 1,600,000 acres, much of which, but how much I am unable to state, has been since sold at the Government price.

I have selected the St. Louis district simply because there we find a great bulk of intelligence, and might have expected more correct information from that than almost any other district, and yet from that what a startling difference between the estimates and the facts? I well remember how, nearly twenty years ago, these lands were invoked in favor of a graduation bill, and how solemnly we were assured that the lands on which it was intended to operate never would bring the minimum price. It was argued in reply, and I thought with great appearance of truth, that, as the country should come to be gradually settled, and lines of communication should be opened by turnpikes and railroads, or other facilities afforded for the transportation of produce, the unsold lands would come by degrees to be contiguous to infant settlements, and would then go off at the Government price. In a dense population, every foot of land fit for cultivation, though poor, which yields any sort of timber, will go off at that price, in many instances, if for no other reason than to keep off a too near and inconvenient settlement.

In looking into the history of our settlements, it will be found generally, if not universally, true, that, as the country fills with population, the inferior and refuse lands come to be prized, and go off. And so, precisely in proportion as the population advances westwardly, and fills each locality, in the same proportion does land once regarded refuse go off. And so it will be to the end, excepting only those lands covered with irreclaimable swamps, or some other obstacle of like difficulty.

Such has been the experience of the old States. In my own, in the portion that I know best, lands that had been much worn fifty or eighty years ago, turned out and recovered with a new growth, cannot be bought any where, there, as low as the Government price.

Sir, the grasping propensities of this Anglo-American race of ours, with its Anglo-Saxon blood, (said, I believe, sir, to be the greatest land robbers in the world,) would give the Government price, ay, and more, when the density of population threatened too near a propinquity of some disagreeable neighbor.

In Alabama, I find, from this table, the most singular and extraordinary results. There the population has filled, and is yet filling. In the Cahawba district nearly all the lands have been sold for three, four, and five times the amount of the estimated value by the land officers in 1828. And so it will be to the end. To the base of the Rocky Mountains, and when you shall have scaled their

lofty summits, and passed to the western base, so it will continue to be, until the restless energies of our people shall be stayed by the broad Pacific. I would invoke the serious attention of Senators, more conversant with these subjects than I am, to the marked contrast between the estimates in 1828, and the actual results as proved by the sales. I will ask their attention to the singular accuracy with which the predictions of the opponents of graduation have been verified by the results. In Ohio they have been completely tested and verified. In Indiana, not so fully; but the experience is in a rapid process of development, and all the indications augur similar results. In Missouri, the experiment is in its initiative process, but so far as it has gone it gives the most flattering promise of results equally satisfactory. And so of all the rest.

There is another feature of the bill to which I feel no less objection; and which has been animadverted on by the Senator from Kentucky, near me, [Mr. CLAY.] I think it presents a strong objection to the bill. The Government once felt severely the inconvenience of the credit system in reference to the sale of our public lands. Its evils will not soon be forgotten. This bill revives that credit system, and substitutes it, to a great extent, for the cash system now existing. It extends credit, professedly, to one entire class of purchasers, and practically and substantially to all. A man seizes on a tract of land before he pays for it, and is to pay for it within a year. How are you to get rid of him if he does not pay? When the "Convention of the World," held in London, shall send here all its constituents, how are you to get rid of them if they fail to pay for their land? Does not your bill convert the system of cash payments into a system of credit? And what will be the consequence? We shall have petitioners besieging this and the other House of Congress; hosts of sturdy beggars, petitioning for a long day, then to take a part of our dues, and finally to forgive them their debt. We have seen all this; and are likely, should the bill pass, to see it again.

We all remember the effect of the national plethora in 1818 and 1819. You know how your ear was vexed with perpetual petitions; until at last you were wearied out, and you gave up 33½ of your demand, and allowed the debtors a long time to make up the balance. So it will be here. If a man pays you in cash, it will be a matter of voluntary liberality. All the better land which might sell well at auction will be at once seized upon, and credit of necessity ensues.

Gentlemen complain of the illiberality of the old States. They call them Shylocks, and say we demand our pound of flesh, and all that. I repel such imputations, as far as they are directed against me. I participate as largely in the pride excited by the progress of our Western States as the proudest of all our Western men. I see with wonder and joy the daily developments of that vast portion of our country, and I am fully aware that it is ere long to become the centre of our political world. My constituents do not demand of me to become a Shylock in their name; they rejoice, as I do, in the hourly expansion of this great Republic; they exult in the extension of its population, bearing with it, in all directions, the arts of civilization, the love of liberty, and an adherence to our invaluable Constitution. We are prepared to go as far as gentlemen from the West themselves in doing all that can with justice be done to give a stimulus to the growth of the new States of the Confederacy. But really, with, I acknowledge, but a very slight opportunity of forming an opinion, it does seem to me that the charge of illiberality is as little sustained by facts and reason as any accusation I ever witnessed in my life. What is the relation which these States bear to the Government while they yet remain in their state of territorial pupillage? Have they not all been in succession the firstlings and the nurselings of Congress? Have we not dandled them upon the knees of patronage, rocked them in the cradle of indulgence, and fed them, like petted infants, with the money of this Government? If any thing, we have indulged them too fondly, till, like other pets, they have been in danger of becoming spoiled by over-much kindness. Who can

deny that the West has ever been treated, here, with the utmost liberality? Never have they asked for either public or private aid at our hands and been refused. We have given them lands and money, and we have poured forth the chivalry of the old States for their defence in danger. Surely they have no just grounds of complaint. Against me they certainly have not, for I am ready to lend them all the aid in my power toward attaining that commanding position which it is their destiny to attain.

But what, I ask, is likely to be the effect of such a bill as this upon the older States? The public lands constitute a trust fund, to be administered for the benefit of all the States, and not, for the sake of throwing into the West a preternatural plethora of growth and prosperity, to inflict injustice and injury upon the rest of the Union. And yet what must be the effect of such a bill on the strength and prospects of the old States? The enterprising, the adventurous young men, will all flee to the West, and leave the old States to weakness and decrepitude, and we are to be left to support the comparatively inert mass which they leave behind. Yet, in all that tends to elevate the human character—in all that fosters moral and intellectual excellence, they might have enjoyed at least equal advantages, had they remained at home. Certain it is that North Carolina has poured forth into the West and Southwestern country a mass of talent and energy such as, had it remained there, would have enabled my State to lift her head as proudly as any one of her sisters in the great family of the Union. And ought it not to be the aim of this Government to infuse an equal degree of health and vigor into every portion of this wide Republic? Do our Western friends desire to see us impoverished, in order that they may be built up and strengthened? I well know that, should we be invaded by a foreign foe, or our honor or safety threatened with danger, the men of the West would be the first to hasten to our side. A more chivalrous people does not exist upon earth; and generosity is well known as forming a prominent feature in their character. And sure I am that, could they but abstract their minds for a moment from the force of that prejudice which has grown up with a false system of administration of the public lands, the new States would be the last to desire, by excessive and unnatural stimulus, to withdraw the resources and prostrate the strength of their venerable mothers on the Atlantic board.

I ask the friends of this bill to point out, if they can, one single compensation it offers to the old States for tempting their population, even lads of eighteen, to leave their homes and their parents and go into the new States. I know of none. I can perceive none, unless it be to leave to desolation the patrimonial fireside. None, none.

But we are told by my friend from Missouri [Mr. LINN] that it is indispensable that this system of pre-emptions should go on, because the American people cannot be restrained from seizing on the lands of the Government, and that all attempts to put a stop to it must be vain and idle. I confess I was surprised at hearing language like this. I had entertained a very different opinion indeed of the American people; and my life on it—knowing that gentlemen as I do to be brave, prompt, and resolute—I am confident that were he President of the United States, and should the law be openly resisted, he could and would enforce its execution.

[Mr. LINN, (speaking across.) I would resign first.]

Ay, the Senator might resign. The kindness of his heart and his habitual indulgence of the wishes of his constituents might induce it. That proves nothing. But his energy could arrest what his kindness might tolerate. I know very well that, when vast throngs of lawless settlers shall have been accumulated on the frontier, it would be an odious task, and abhorrent to the feelings of every American citizen, to attempt to remove them by the bayonet. Happily, there never has a human being in the country suffered death in such a struggle since the foundation of the Government. But I have no doubt that this enlightened and law-abiding people, differing as they do from the population of any nation under Heaven, would

respect their own authority too much to resist their own laws. In Europe, indeed, obedience must be enforced by a forest of bayonets, and a park of artillery, but here, in this free, self-governed republic, there is no law but may be enforced by the constable and his staff. Among my countrymen, a little scrip of parchment in the hands of a plainly dressed, unarmed citizen, works like a charm; no sooner is it exhibited than the uplifted hand falls powerless to the side, and, like genuine descendants of the Anglo-Saxon race, it is their pride, their choice, their glory, to bow to the majesty of the laws. If, indeed, you allow whole States to be filled up by squatters—I beg pardon, I mean by gentlemen who think proper to set down on land which does not belong to them, and without any pretence of title—we may prefer to pass a retrospective pre-emption law to pressing our demand and standing upon the rights of the Government. But, for the future, let the President place upon our new lands, not his uninformed soldiers, with their bayonets, but a corps of his marshals and their tipstaves, and let the first intruder be brought up and tried. I have no doubt that even there a jury of the vicinage would convict and punish him.

[Mr. LINN here shook his head and said, "Never; it has been tried, over and over."]

Sir, the failure must have resulted from some injudicious mode of bringing up the matter. Let the naked questions to the jury, the isolated facts be, "whether there was intrusion into the lands," and "whether upon authority from this Government," and all that I dare to put upon it I would put, that the verdict would generally conform to the evidence. In that case, your judges would do the rest.

But the gentleman from Tennessee goes for the bill because "the great West must avail herself of her natural advantages." I once acted on that principle in behalf of North Carolina, in the memorable matter of the branch mints. That bill was to enable North Carolina to "avail herself of her natural advantages." Now, I never yet rightly understood what that phrase, "natural advantages," means; and I cannot admit the argument which is founded on it till I understand it a little better. And the more especially, since that incomprehensible abstraction, that oily phrase, betrayed me into one of the errors, not to say follies, into which I fear I fell when I formerly had the honor of a seat in this Chamber. The natural advantages of the West; in what? In mere contiguity to the public domain? Is that it? They must have the land because they are conveniently situated to take possession of it! Why, might not any loafer about New York streets plead the same argument? Is he not as near to the vaults of the banks as our good friends of the West are to the public domain? What peculiar right have they, who have already received so much of it as a donation, to take the whole, because it is near, while the old States are to get none of it, because they are far off?

There has scarce been a movement on the subject of these public lands within the last two years that has not produced in my mind a melancholy foreboding as to the successful working of our system of Government. No one can shut his eyes to the fact that these lands are made the subject of a mere political game, in which political leaders contend for the power of vying with each other as to who shall make the largest gift—who shall obtain the largest vote, from aliens and all. Some disposition must be made of this matter, if we would not be subjected to perpetual excitements. I have seen it employed long enough as a great stake, always brought into our party questions, and so it will continue to be until it can be finally and definitely disposed of, and I hope it soon may be.

I do not regard the introduction of the subject of distribution as at all incongruous to the present bill, nor do I regard the amendment the Senator from South Carolina [Mr. CALHOUN] has notified us that he will offer, as presenting any incongruity. I mean not now to discuss either the one or the other. I have long since, however, had them under the maturest deliberation that I was capable of bestowing on them. I have fixed and satisfactory opinions in regard to both. They are part and parcel of this great matter of the public domain.

They all must be considered; they must be decided. These great interests, with all their disturbing influences, must be withdrawn from the keenly embittered and exciting contests for the highest office in the country; or these contests will lose their purity and dignity, and descend to the level of a scramble of mere mercenaries—a struggle between political janizaries on one side, and the honest, undisciplined, and generally betrayed people on the other.

But this is really a log cabin bill—a bill for the poor man. I could not but regret to hear these party "catch-words" introduced into this Chamber, and still less could I have desired to see them introduced, with a sort of flourish of trumpets, into the title of this bill. But as they have been dragged in and pressed forward into prominence, it may be proper for us all to deal with them.

I may say, then, that I am pleased to see gentlemen on the other side taking lessons on this subject of log cabins. They have much aptitude, and I doubt not, with perseverance, that they may come, in time, to a respectable proficiency. They have manifested, on former occasions, a very commendable alacrity, not to say some sparkles of genius—perhaps that is too strong a word, if genius is supposed to be conversant with novelty and variety—in seizing upon certain "catch-words," and saying or singing them to the same tune, whether sleeping or awake, with a spirit of most admirable perseverance. Who has not heard the euphonious sounds of Bank! Bank! Monster! Monster! run and rung again, throughout the whole gamut?

These specimens inspire me with fair hopes that gentlemen will make very respectable progress with very extraordinary efforts. "*Sh ho te deeri*" is not always an unwise maxim; and I see that gentlemen are commending to themselves a sedulous study of it. But, as I profess to have made some progress in these log cabin doctrines, I trust gentlemen will not think me officious in offering them some wholesome suggestions that may aid them in their horn book.

Then, first, I will say to gentlemen that one great and radical mistake lies at the foundation of their former essays. The mistake consists in supposing that the people of these United States can be ruled, governed, and subjugated by means of patronage, largesses, and party organization. For instance, a bill that sets out to squander the whole domain, belonging to all, for the benefit of a few, is not the best way to control the grand results of the elective franchise. I grant you that, when people are cool, they may sit down and chaffer about paltry matters of selfish interest. They may be swayed to a certain extent. But I would commend to gentlemen the fact, worthy of all consideration, that the great mass of our people are honest, enthusiastic, devoted to liberty, and devoted to our institutions. To move the mass, you must appeal to their high and generous natures, to their patriotism, their love of liberty. You must kindle them with admiration of the glorious revolutionary achievements of their fathers—awaken their hatred and rouse their indignation against the rappers and misers of this fair and happy Government—against the spoilers—against the impudence that seeks to subsidize them with their own means—against the party hacks that would harness them, and then ride them "booted and spurred." If there be just cause for these appeals, the mass will begin to heave, to agitate frightfully and fearfully from the Canadas to the Gulf, and from the Atlantic to the base of the Rocky Mountains; and what think you would be the quieting effect of a little pre-emption bill thrown in upon this wild commotion, that agitates, and heaves, and shakes the continent? But as the minutest gossamer in a gale of wind.

When the log cabins shall be roused—when the high and enthusiastic love of liberty that characterizes their indwellers shall be strung up to intensity, then soap go the meshes of party; then patronage and largesses, whether in lands or money, are lost sight of or scorned. And these indwellers, too pure, too incorrupt, too untainted by the artificialities of high life to be wrought upon, come as the winds or as the "rushing of many waters" to the rescue of their Constitution and their liberty.

You cannot here, as in old Rome, gain the people

at pleasure by largesses of corn, or money, or office; nor will it do any better to give them land. No. When they have risen up, as of late, as by the sound of the tocsin, to drive from power men who they believed had grossly abused their trusts, their force will be found irresistible.

This log cabin movement is no more like the little feverish excitements got up by party trick and machinery and bribery, than mimic theatrical thunder is like the resistless bolt that leaps from the cloud, echoes and reverberates throughout the vast concave of the heavens, and shakes the solid earth on which we stand.

We have seen, for the first time in this country, the attempt made to govern it by the force of patronage, of largesses, and party machinery. We have seen a band of officials at open war with the people by whose breath they had their political being. We have seen public opinion thwarted, scorned, and jeered. We have seen the most strange, sudden, and portentous conjunctions—entirely new phenomena in our political atmosphere. We have seen heaven and earth moved to sustain a tottering authority, a crumbling dynasty; but all, all in vain, in vain.

In such a contest as this, not all the wealth of all the Cæsars would have a particle of influence in repressing the indignant unburning energies of the popular power. The decree has gone forth that this Government is no longer to be administered by a system of official bribery. The people require a just and equal action in the system. They demand it. They will get it. And, in this matter of the public lands, gentlemen must remember that new States will not always be new; that they are rapidly becoming identified in interest with the old; and I tell my honorable friend [Mr. LINN] that even Missouri, before many years, will be found to stand side by side with North Carolina in the land question, as would her gallant population now, upon any exigency menacing from abroad the honor, the independence, or the integrity, of this our glorious Union.

Mr. LINN said that the remarks of the honorable Senator from North Carolina having made it imperative on him to say something in the way of reply, in following the honorable gentleman, he would endeavor to be a little more argumentative and a little less complimentary. There were few gentlemen toward whom, personally, Mr. L. cherished a higher degree of esteem. His brilliant talents, the Senate would all confess. In the remarks submitted by Mr. L. in a previous period of the debate, he had assumed the position that this Government had adopted the pre-emption system from the very beginning; and Mr. L. was in favor of keeping the beginning, the middle, and the end in consistency with each other, and for preserving a principle on which our country itself had been built up. He did not forget our origin. It was of the humblest and simplest kind. We had taken possession of the country as though we acted under the command given in the 1st chapter of Genesis—"Increase and multiply, and replenish the land and subdue it." We were all land stealers. The charge lay against the whole American people. They had stolen, so to speak, or conquered, as others chose to express it, or cheated the Indians out of it, which was probably nearer the truth. This general statement would apply as much to our fathers as to ourselves. On this principle our country had begun—on this it had proceeded and grown, and would continue to grow. He defied any one to gainsay this statement, or to prevent the onward progress of our population. As they advanced, like a mighty army, to subdue the wilderness, they were always in advance of the laws of this Government, and would always continue to be so. In support of this assertion, Mr. L. had referred to what had been so well stated by his friend from Arkansas, over the way, who had stated facts going to show that the whole force of the army of the United States would be insufficient effectually to remove that band of settlers who chose to set themselves down on the public lands. Our forefathers had all been squatters. By what he must consider an iniquitous treaty with an Indian tribe, Congress had taken off a large tract of territory, which had formerly been included within the

bounds of Arkansas, and, in consequence, all those who had settled upon it were ordered to remove; and, as they showed no disposition to do so, a military force had been employed to remove them. They went into the country and drove off the squatters, but the moment the soldiers' backs were turned, the squatters came back, and so they continued to do until, at length, they carried their point, and received from the Government pre-emption rights. What could more plainly show how vain must be the attempt to drive them by military force from the entire extent of the public domain?

Mr. L. had a practical reply in regard to what the gentleman from North Carolina [Mr. MANGUM] had said about tipstaves, and the profound regard of all American people for the majesty of the law. Suits had, in a great number of cases, been instituted against the settlers as trespassers, but as often as the case had gone to a jury, so often had the verdict regularly and uniformly been given against the Government, which had thus ineffectually expended many thousand dollars. How was this practice ever to be restrained? To do it by the constable and his staff had been tried in vain, and there remained but one other alternative, which was utterly abhorrent from the feeling of every American citizen. Could any gentleman cherish the belief that the American people could stand tamely by and see their fellow-citizens destroyed by military force, for the offence of building a cabin and cutting down a few trees on a tract of wild land belonging to the public? For Mr. L.'s part, had he an enemy in the world—and he believed he had but very few—he would not wish him a greater punishment than that he should be the man to issue the order for an attack of this description on poor unarmed cultivators of the soil, and their helpless women and children. Sure he was that the scorpion stings of that man's own conscience would be a punishment too heavy for him to bear. To that Mr. L. would be content to leave him. Besides, no President could ever get the gallant officers and soldiers of the American army to enforce the law against these people at the point of the bayonet. As he had already remarked, this band of pioneers preceded the law, and when they had opened the wilderness, Government by degrees brought the law up to them; and when things had reached this point, the settlers prayed for a pre-emption law to heal the breach, and Congress had always granted it. What! would the Government grant a remedial act to cover the delinquency of every petty bank in the United States that violated its charter by suspending specie payments, and refuse a similar act to the thousands of hardy settlers, whose only offence was that they had, by their labor, given value to the public domain?

Mr. L. would not ramble into general politics, nor attempt a reply to gentlemen who had spoken so warmly about offering bribes to the American people. If an enormous, if a tremendous bribe ever had been offered to them, it certainly was the distribution bill; and yet that was an unpopular measure in the new States. Mr. L. held in his hand the first law which had ever been passed by Congress to turn men off from the public domain. It had been first pointed out by the late Judge White, and its object was to prevent those who held inchoate grants from going on to survey the public lands. Congress had admitted the grant of a Spanish Governor to be valid if made before the 20th September, 1803, in lower Louisiana, or before the 10th March, 1804, in upper Louisiana. It was considered somewhat hard that a grant, if made on the 9th of March, should be valid, and, if by the same Governor on the 10th of March, good for nothing. Cases went up to the Supreme Court, and there it was decided that no grant should be valid until the land was surveyed. As soon as this was known, the settlers commenced surveying; but here is a law of Congress imposing a fine of \$1,000, and threatening imprisonment to any grantee who should go on the land for the purpose of survey. This Mr. L. had denominated an iniquitous law, and so he held it to be; but it proved in effect a dead letter.

The honorable Senator from North Carolina had said that he would not treat this question of public lands as a mere matter of dollars and cents, but

would look at it as a statesman. If he did so, he would take into view all the powerful considerations which urged men to settle on the public domain; and, so far from squandering the public lands, would go with Mr. L. for applying their entire proceeds to the support and increase of the navy, and for providing for the public defences of the country.

TUESDAY, January 12, 1841.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up, the question being on the proposition by Mr. CRITTENDEN to recommit the bill, with instructions to report a bill to distribute the proceeds of the sales of the public lands among the States, which Mr. CALHOUN offered to amend, by substituting a bill to cede the public lands to the States in which they lie, upon certain conditions.

Mr. CALHOUN said: I regard the question of the public lands, next to that of the currency, the most dangerous and difficult of all which demand the attention of the country and the Government at this important juncture of our affairs. I do not except a protective tariff, for I cannot believe, after what we have experienced, that a measure can again be adopted, which has done more to corrupt the morals of the country, public and private, to disorder its currency, derange its business, and to weaken and endanger its free institutions, than any other, except the paper system, with which it is so intimately allied.

In offering the amendment I propose, I do not intend to controvert the justice of the eulogium which has been so often pronounced on our land system, in the course of this discussion. On the contrary, I believe that it was admirably adjusted to effect its object, when first adopted; but it must be borne in mind that a measure, to be perfect, must be adapted to circumstances, and that great changes have taken place, in the lapse of fifty years, since the adoption of our land system. At that time, the vast region now covered by the new States, which have grown up on the public domain, belonged to foreign powers, or was occupied by numerous Indian tribes, with the exception of a few sparse settlements, on the inconsiderable tracts to which the title of the Indians was at that time extinguished. Since then, a mighty change has taken place. Nine States have sprung up as if by magic, with a population not less, probably, than two-fifths of the old States, and destined to surpass them in a few years in numbers, power, and influence. That a change so mighty should so derange a system intended for an entirely different condition of things as to render important changes necessary to adapt it to present circumstances, is no more than might have been anticipated. It would, indeed, have been a miracle had it been otherwise; and we ought not, therefore, to be surprised that the operation of the system should afford daily evidence that it is not only deranged, but deeply deranged, and that its derangement is followed by a train of evils that threaten disaster, unless a timely and efficient remedy should be applied. I would ask those who think differently, and who believe the system still continued to work well, was it no evil, that session after session, for the last ten or twelve years, Congress should be engaged in angry and deeply agitating discussions, growing out of the public lands, in which one side should be denounced as the friends, and the other as the enemies, of the new States? Was the increasing violence of this agitation, from year to year, and threatening ultimately, not only the loss of the public domain, but the tranquillity and peace of the country, no evil? Is it well that one-third of the time of Congress is consumed in legislating on subjects directly or indirectly connected with the public lands, thereby prolonging the sessions proportionally, and adding to the expense upwards of \$200,000 annually? Is it no evil that the Government should own half the lands within the limits of nine members of this Union, and over which they can exercise no authority or control? Is it nothing that the domain

of so many States should be under the exclusive legislation and guardianship of this Government, contrary to the genius of the Constitution, which, intending to leave to each State the regulation of its local and peculiar concerns, delegated to the Union those only in which all had a common interest. If to all these be added the vast amount of patronage exercised by this Government through the medium of the public lands, over the new States, and through them, over the whole Union, and the pernicious influence thereby brought to bear on all other subjects of legislation, can it be denied that many and great evils result from the system as it now operates, which call aloud for some speedy and efficient remedy?

But why should I look beyond the question before us to prove, by the confession of all, that there is some deep disorder in the system? There are now three measures before the Senate, each proposing important changes, and the one, or the other, receiving the support of every member of the body; even of those who cry out against changes. It is too late, then, to deny the disordered state of the system. The disease is admitted, and the only question is, what remedy shall be applied.

I object both to the bill, and the amendment proposed by the Senator from Kentucky, [Mr. CRITTENDEN] because, regarded as remedial measures, they are both inappropriate and inadequate. Neither pre-emption, nor distribution of the revenue, received from the public lands, can have any possible effect in correcting the disordered action of the system. I put the question, would one or the other contribute in the smallest degree to diminish the patronage of the Government, or the time consumed on questions growing out of the public lands, or shorten the duration of the sessions, or withdraw the action of the Government over so large a part of the domain of the new States, and place them and their representatives here, on the same independent footing with the old States and their representatives, or arrest the angry and agitating discussions which year after year distract our councils and threaten so much mischief to the country? Far otherwise would be the effect. It would but increase the evil, by bringing into more decided conflict, the interests of the new and old States. Of all the ills that could befall them, the former would regard the distribution as the greatest, while the latter would look on the pre-emption system, proposed by the bill, as little short of an open system of plunder, if we may judge from the declarations which we have heard in the course of the debate.

As, then, neither can correct the disease, the question is, what remedy can? I have given to this question the most deliberate and careful examination, and have come to the conclusion that there is, and can be, no remedy short of cession—cession to the States respectively within which the lands are situated. The disease lies in ownership and administration; and nothing short of parting with both can reach it. Part with them, and you will at once take away one-third of the business of Congress; shorten its sessions in the same proportion, with a corresponding saving of expense; lop off a large and most dangerous portion of the patronage of the Government; arrest these angry and agitating discussions, which do so much to alienate the good feelings of the different portions of the Union, and disturb the general course of legislation, and endanger ultimately the loss of the public domain. Retain them, and they must continue, almost without mitigation, apply what palliatives you may. It is the all-sufficient and only remedy.

Thus far would seem clear. I do not see how it is possible for any one to doubt that cession would reach the evil, and that it is the only remedy that would. If, then, there should be any objection, it can only be to the terms or conditions of the cession. If these can be so adjusted as to give assurance that the lands shall be as faithfully managed by the States as by this Government, and that all the interests involved shall be as well, or better secured than under the existing system, all that could be desired would be effected, and all objections removed to the final and quiet settlement of this great, vexed, and dangerous question. In saying all objec-

tions, I hold that the right of disposing of them as proposed, especially when demanded by high considerations of policy, and when it can be done without pecuniary loss to the Government, as I shall hereafter show, cannot be fairly denied. The Constitution gives to Congress the unlimited right of disposing of the public domain, and of course, without any other restrictions than what the nature of that trust and terms of cession may impose, neither of which forbid their cession in the manner proposed.

That the conditions can be so adjusted, I cannot doubt. I have carefully examined the whole ground, and can perceive no difficulty that cannot be surmounted. I feel assured that all which is wanting is to attract the attention of the Senate to the vast importance of doing something that will effectually arrest the great and growing evil, resulting from the application of the system, as it exists, to that portion of the public domain lying in the new States. That done, the intelligence and wisdom of the body will be at no loss to adjust the details in such manner as will effectually guard every interest, and secure its steady and faithful management.

In the mean time, I have adopted the provisions of the bill introduced originally by myself, and twice reported on favorably by the Committee on Public Lands, as the amendment I intend to offer to the amendment of the Senator from Kentucky, [Mr. CRITTENDEN,] as containing the general outlines of the conditions and provisions on which the lands may be disposed of to the States with safety and advantage to the interest of the Government and the Union, and great benefit to those States. The details may, no doubt, be greatly improved; for which I rely on the intelligence of the body, and critical examination of the committee, should the amendment be adopted and referred. At the present stage, I regard nothing but the great principles on which it rests, and its outlines, to be at issue; and I do hope, that all who may concur with me on principle, will give the amendment their support, whatever imperfection they may suppose to exist in its modifications. A measure relating to a question so vast and complicated, can be perfected in its details, however sound the principles on which it rests, or correct its general outlines, only by the joint consultation and counsel. With these remarks, it will not be necessary for me, at this stage, to give more than a general summary of the provisions of the proposed amendment.

Its object is to instruct the committee so to amend the bill, as to dispose of all the public lands, lying in the States of Alabama, Louisiana, Mississippi, Arkansas, Missouri, Illinois, Michigan, Ohio, and Indiana, with the exception of sites for forts, navy and dock yards, arsenals, magazines, and other public buildings; the cession not to take place till after the 30th June, 1842, and then only on the States respectively agreeing to the conditions prescribed in the amendment; that is, to pass acts irrevocable to adhere to those conditions, the most prominent of which is to pay annually, on a day fixed, to the United States, 65 per cent. of the gross proceeds of the sales of the lands; that the land laws, as they now stand, and as proposed to be modified by the amendment, shall remain unchanged, except with the consent of Congress; that the cession shall be in full of the 5 per cent. fund thereafter to accrue to those States; that they shall be exclusively liable for the cost of surveys, sales, extinction of Indian titles, and management generally; that the States may, within certain prescribed limits, gradually reduce the price of the lands that may remain unsold after having been offered for sale ten years or upwards; may grant, for a limited period, the right of pre-emption for ninety days to the actual settlers, at each step in the reduction of price; and finally, that if the conditions of cession be violated by a State in any particular, all titles or grants to land thereafter sold by the State to be null and void—thus giving the measure the force and solemnity of a compact, and placing the whole under the protection of the courts, which would pronounce the titles to be void, if made after an infraction of the conditions of the cession.

It is not my intention to go into an investigation of these various conditions at this time. On a question of reference, where the principle only is at issue, it is not necessary. It is sufficient to say that the leading object is to make as little change in the land system, as it now exists, as is consistent with the object in view, and to adopt such provisions as will enforce the faithful performance of the terms of cession on the part of the States, with the least compensation for their expense and trouble, and loss to the Government, in a pecuniary point of view, consistent with the arrangement. If it can be made to appear that there are reasonable grounds to believe that the States will faithfully comply with these conditions and that there will be no pecuniary loss to the Government, compared with the system as it now stands, in consequence of the proposed disposition, it would seem difficult to conceive what substantial objection there can be to the measure.

I am thus brought to the great, I might say the only question admitting a doubt as to the expediency of the measure. Will the States adhere to their contract? or, to express it differently, would there be danger that the Government would lose the land, in consequence of the States refusing to comply with the conditions of the cession? And if not, will the pecuniary loss to the Government be such as to make it inexpedient, even if there be full assurance that the terms of cession will not be violated?

Before I enter on the discussion of these important points, it will be proper to make a few remarks on the extent of the interest that would be embraced in the cession. Without it, there would be but an imperfect conception of the subject.

The quantity of public lands lying in the new States, and embraced in the amendment, was estimated to be, on the 1st of January, 1840, about 160,000,000 of acres. It has been reduced since by sales, the exact quantity not known; but it will not materially vary the amount. The Indian title has been extinguished to nearly the whole, and about three-fourths has been surveyed and platted, of which a larger part has been long in the market (much, more than twenty years) and has been picked and culled, over and over again, with the view of taking all worth having, at the present price, even during the great expansion of currency, and consequent rise in price, and speculation in public lands, in 1835, '36, and '37. If compared in quantity to the remainder of the public domain, it will be found to be not equal to one-sixth part of the whole. In this respect, it is a far more limited measure than that proposed by the Senator from Kentucky, to which mine is an amendment. That embraces not only the proceeds of the whole public domain, exceeding 1,000,000,000 acres, but includes, in addition, the large sums drawn from the duties on imports, which are annually expended on its sales and management, all of which he proposes permanently to distribute. It is also more limited in its application than the original bill, which embraces all the lands to which the Indian title is extinguished, as well Territories as States, which greatly exceeds the quantity lying in the latter.

Having now shown the object and the character with the scope of this measure, I shall next proceed to the great, and I must say, in my opinion, the only question that admits of controversy—will the States adhere faithfully to the terms of the cession? Or, on the contrary, will they violate a compact solemnly entered into, on just and liberal principles, mutually beneficial to both, and which will place them, as to their domain, on the same independent footing on which the other States stand?

I would ask, at the outset, is there any thing in their history to justify a suspicion of a want of good faith? Have they been in the habit of violating contracts? If so, point out a single instance? Instead of giving ground to excite suspicion, I rejoice to say their history affords many and striking examples of exact and faithful compliance with their engagements. They all have standing compacts with the Government, entered into on their admission into the Union, which impose important limitations on what otherwise would be their unquestioned right as independent members of the Union; and, among others, the important one, not

only of not taxing the vast portion of their domain held by the United States within their limits, but also, for the period of five years after sale, the portion held by purchasers. To their honor be it said, that in the long period which has elapsed from the admission of the oldest of these States, there has not been a single instance of a violation on their part of their plighted faith. With so striking an example of fidelity to engagements, with what justice can it be objected that the States will violate their plighted faith to a contract every way advantageous to them, as well as the rest of the Union?

But I take higher ground, and put the question, with what propriety can we object to the want of faith on the part of the States to their engagements? What is our Constitution but a compact between the States; and how do we hold seats here but in virtue of that compact? And is it for us to turn round and question the faith on which our system stands, and through which we have our political existence; and this, too, when it is notorious that the State Governments have adhered with far more fidelity than this to the constitutional compact? Many and great violations are charged, and truly charged to us, while few, very few, can be justly attributed to them.

But, admitting there might be danger of losing the lands, should they be disposed of as proposed, from the want of good faith on the part of the States, I boldly assert that the danger of their being lost is far greater, if the present system should unfortunately be continued, and that, too, under circumstances vastly more disastrous to the peace and safety of the Union. What I have asserted comes from deep and solemn conviction, resulting from a long and careful examination of this vast and complicated subject.

Those who have not given special attention to it, and the progress of our land system, can form no just conception of the danger to which the public lands are exposed. The danger is two-fold: that they will be lost by the mere progress of settlement, without payment, in consequence of the vast quantity beyond the wants of the country, to which the Indian title is extinguished; and if that should not be the case, they will be from the growing conflict between the old and new States, in consequence of the rapid increase of the latter, and the great difference in their respective views of the policy proper to be adopted in reference to them. Both causes are operating with powerful effect; and if they do not speedily attract the attention of the Government and the country, they will certainly terminate before long, either by their separate or joint action, in the loss of the public domain. Nothing but a full understanding of the causes of danger; and the application of prompt and efficient remedy, can prevent it; and what I propose is to present a brief sketch of my views in reference to both.

As important as it is, few have turned the attention it deserves to the almost miraculous extension of our land system. In the comparatively short time in which it has been in operation, the Indian title has been extinguished, in round numbers, to 320,000,000 of acres, of which there has been sold 81,000,000, and granted away, for various purposes, 12,600,000, leaving in the possession of the Government, on the 1st of January, 1840, 226,000,000, a larger portion of which is surveyed, platted, and in the market, showing that the progress of extinguishing the titles of the Indians has far outrun the demands of the country for Government lands, as great as it has been. In fact, the reality far exceeds the statement, as strong as that is; for, of the eighty-one millions of acres sold, upwards of thirty-eight millions were sold in the years 1835, '36 and '37, during the great expansion of the currency and rage for speculation in lands, of which but a small portion, perhaps not a third, was for settlement; and of the residue, a greater part, say twenty millions, is still for sale in the hands of large purchasers. Making proper allowance for the speculative operations of those years, the actual sale of the public lands for settlement, during the period of fifty years, which has elapsed from the beginning of the Government, would not probably exceed sixty millions of acres, about one-

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fourth as much as that to which the Indian title is now extinguished.

But numbers can give but a very imperfect conception of the vast extent of the region to which the Indian title is extinguished, and of which the Government is the sole and exclusive proprietor. To form a correct idea of its great magnitude, it will be necessary to compare it to portions of the Union, the extent of which is familiar to all. To enable me to do that, a friend has furnished me with a statement, from which it appears that if all the land now unsold, and to which the Indian title is extinguished, was grouped together, it would be equal in extent to all New England, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and a third of North Carolina. But this falls far short of the vast extent of the region throughout which it lies dispersed—a region equaling all the old Atlantic States, taking in all Florida, the States of Alabama and Mississippi, and half of Tennessee. Into this vast and unoccupied domain, our people, with a multitude of foreigners, are pouring yearly in one incessant tide, by thousands on thousands, seeking new homes, some with the means of purchasing, who select the best lands; others with insufficient means, who select their place, and settle, with the hope of purchasing in a short time; and a large class without means, who settle on spots, without any fixed intention but to remain so long as they are undisturbed, generally on tracts of inferior quality having the advantage of a spring, with a small portion of more fertile land, sufficient for their limited cultivation, but not sufficient to induce a purchaser to take it at the Government price. This class of settlers has greatly increased, if I am correctly informed, within the last ten or fifteen years, and are rapidly and still increasing, especially in the West and Southwestern States, where the proportion of good to inferior land is comparatively small, and must continue to increase with accelerated rapidity, so long as the present land system remains as it is.

Those who have had an opportunity of witnessing the effect of such occupancy on the minds of the settlers, will not be at a loss to anticipate the consequences which must follow unless arrested. Occupancy long and undisturbed, accompanied by improvement, however limited, cannot fail to be associated with the idea of property, in the soil. It is that, in fact, which constitutes the primitive right in land. This will be felt in common by all the occupants similarly situated—will be sure to create an *esprit de corps*, accompanied by mutual respect for each others' rights, which would not fail to make it dangerous for any one to disturb the rights of another. This feeling will not be long in showing itself towards the emigrant intruder, as he would be considered, coming in with the view of purchase. He would find it not a little hazardous to enter and purchase a spot held by a mere occupant, or squatter, if you will, and oust him of his possession. In a short time, no one who regards his peace and safety, will attempt it; and then, the feeling, which began with the poorer class, will extend rapidly upwards to the more wealthy, until, finally, none will look to any other title but occupancy and improvement, and all, the rich and poor, will become squatters, with a common interest to maintain and defend each other, when the public lands will be lost, and cease to be any longer a source of revenue, if nothing be done to stop it. For the truth of the picture I appeal to the Senators from the new States, especially from the Western and Southwestern. We have thus presented the difficult question, what is to be done to remedy it?

It is perfectly natural that the first impression should be, to keep out intruders on the public lands. The lands belong to the people of the Union as common property, and it would seem contrary to reason and justice, that any one should be permitted to enter on and appropriate the use of that to himself, without paying for it, which belongs to all; and we accordingly find not a small portion of the Senate, who insist on keeping out and expelling all intruders as the proper remedy. But in this case, like many others, we must look beyond mere abstract right. What

seems so plausible would, when tried, prove impracticable. We need no other proof than the fact that no Administration has ever undertaken it, even when it would have been an easy task, comparatively to what it now would be. How is it to be done? By the marshals and their deputies? Can they expel from their homes the vast host of occupants on the public lands, all hardy and bold men, familiar with the use of the most deadly of weapons? Would you employ the army? It would be found almost as impotent as the civil authority. If the whole military was employed in this to the neglect of all other service, there would be more than five hundred and fifty square miles for each officer and soldier, supposing your establishment to be full. No; were it possible to employ the military in so odious a service in this free country, you would have to double your force, at a cost greater than the annual income from the land; and the work would be ever beginning and never ending. If you drive them away and destroy their improvements, as soon as the force was withdrawn, they would return to their possession. I had some experience, while Secretary at War, of the difficulty of expelling and keeping off intruders; and I found that the message which brought intelligence of the withdrawal of the force was immediately followed by that which brought information that the intruders had returned.

But the Senator from Kentucky [Mr. CLAY] deems all this as merely imaginary, and asserts that intruders may readily be kept off the public lands. I will not attempt to reply to his reason for this opinion. He and his political friends will soon be in power, with a chief of their own selection, and in whose firmness and energy they express high confidence. In six weeks the time will come round which brings him into power, and we shall see what will follow. Without pretending to the spirit of prophecy, I feel I hazard nothing in predicting, that what is deemed so easy to be done when out of power, will be pronounced impracticable when in. The Senator would have too much prudence to give the advice, but, if not, the President elect will, I conjecture, have too much discretion to act on it.

If, however, I should be mistaken, and the attempt should be made to expel the occupants from the public lands, I hazard nothing in predicting that the Administration will go out of power with ten times the majority with which it came in, as great as that was. The bitterest enemy could not give more fatal advice.

If, then, this powerful tide of emigration, which is flowing in on the public lands, cannot be arrested, what ought, or can be done, to prevent the loss of the public domain, by the action of the causes already explained? This is the difficult question. In answer I say, we must do as we are often compelled to do in our progress through life—accommodate ourselves to circumstances; to mitigate evils we cannot overcome, and retard or lessen those we cannot prevent. Such are the laws to which beings of our limited powers and control over events, must necessarily yield.

Without, then, undertaking the impossible task of arresting the tide of emigration, or expelling the settlers, I would advise the adoption of the most judicious and efficient measures of converting them into freeholders, with the least sacrifice consistent with effecting that object. The first step towards this, should be to unite the interest of this Government with that of the States within which the lands lie, so as to combine the power and influence of the two for their preservation. Without it, nothing can be done. If they should not be united, the necessary consequence would be, that the interest of the States would be invariably found to be opposed to that of the Government, and its weight thrown on the side of the settlers on all questions between them, of which we have daily proof in our proceedings. In the end, their united power and influence would prevail. If this indispensable step be not taken, in a short time, instead of graduation and pre-emption, we shall have a demand not to be resisted, for donations and grants to the settlers. A leading inducement with him to dispose of the lands to the States, was to effect this important union of interest. It is the only way by which

it can be accomplished, and to render it sufficiently strong to effect the object intended, I am in favor of a liberal compensation to the States, for the expense and trouble of their management.

But something more is indispensable to prevent the loss of the lands; and that is, to hold out adequate inducement to the settlers to become freeholders by purchasing the land. This can be effected with the least loss to the Government, and greatest advantage to the settlers, by a judicious system of graduation and pre-emption; and it is with that view that provisions are made for both in the amendment which I intend to offer. It provides, that the States may, at their discretion, reduce the price of all lands which have been offered at sale ten years and upwards, to one dollar per acre, after the 30th of June, 1842; and all that may be in market for fifteen years and upwards, to seventy-five cents per acre, after the 30th of June, 1847; and all that may have been twenty years and upwards, to fifty cents per acre, after the 30th of June, 1852; and all that have been twenty-five years and upwards, to twenty-five cents, after the 30th of June, 1857; and all that have been thirty years and upwards, to twelve cents, after the 30th of June, 1862; and all that should remain unsold five years thereafter, to be surrendered to the States; with the right, also, at their discretion, to allow pre-emption for ninety days to settlers, at each step in the reduction of the price. It also provides, that all lands, after having been offered for sale in those States, shall, at the expiration of ten years from the time of being offered, become subject, in like manner, to graduation and pre-emption.

The object of these provisions is to hold out inducements to the settlers to purchase, by bringing the lands, within a reasonable period, to a price which would not only justify, but hold out strong inducement to them to purchase. One great difficulty in the way of purchasing, as the system now stands, is, that the great body of the lands are not worth, in reality, the price of \$1.25, which they are sold by the Government. There appears to be a great mistake on this point, which it is important to correct. Instead of almost every acre, as is supposed by some gentlemen in debate, to be worth that sum, the reverse position is true, that none was worth it but that which was, at the time, coming in demand by purchasers. I rest the assertion on the well established principle that demand and supply regulate price, and the fact that an article which is in the market at a fixed price, open to the demand of all, and is not taken, is the best proof that the price is above the market value at the time. It is in vain to talk of intrinsic value—a thing wholly different from price. There are many things of the highest intrinsic value that have no price, as air and water, while many of but small value would, from their great scarcity, command a very high one. In the language of business, a thing is worth what it will sell for, and no one is willing to give more, unless compelled by some particular reason. The occupants of the public lands partake of this feeling. They are unwilling to give for the inferior lands, which for the most part they occupy, \$1.25, when a small part only of the best lands offered for sale would command that; and feel that they have something like justice on their side in not giving so high a price for their possessions.

This feeling must be met; and it is proposed to meet it by the provisions for graduation and pre-emption which I have just stated; a policy so liberal towards a large, though poor class, not less honest and patriotic than the rest of the community, could not fail to have a happy effect, not only in reference to them, but in a more enlarged point of view. One of the most important would be the great increase of the number of small freeholders, which, in the hour of danger, would prove of vast importance, especially in the weakest portion of the Union—in the Southwestern States—where the provision would have the greatest effect. It would be the class that would furnish the hardiest and best soldiers, with the advantage of being inured to the climate. Combined and modified as they would be, they cannot but have a powerful weight in inducing the occupants to purchase. It will work a revolution in his character. He will

regard himself, on his little domain, more a freeholder than a squatter; and as the price in the descending scale of graduation approaches the price that lands such as he occupies would sell for, his industry and economy will be exerted to be prepared with the requisite means to make the purchase. The liberal character of the policy would impress him with deep feelings of respect for the justice and care of the Government; and the security it would afford would put an end to the *esprit de corps*, which otherwise would be so strong; and all, combined with the influence of the States on the side of the Government, would, I feel confident, guard effectually against the danger of losing the lands, as far as the occupants are concerned, in the only way that would be practicable.

The amendment proposes to leave it to the States to graduate and grant pre-emptions or not, at their discretion, within the limits prescribed. The conditions of the several States are very different in reference to the expediency of exercising the right. In the uniformly fertile region in the upper portion of the great Valley of the Mississippi, it may not be necessary to resort to either, or, if so, to a very limited extent; while in the Southwestern States, including Arkansas, it would be indispensable; and hence the propriety of giving the right, but leaving the exercise to the discretion of the States. Each State would be the most competent judge whether it should be exercised or not, and to what extent.

Having considered the provisions intended to guard against the danger of losing the lands from mere occupancy, without payment, I next propose to make some remarks on that of their being lost, in consequence of the conflicting policy between the new and old States in reference to them, should the present system be continued. To understand this danger, we must have a just conception of the cause in which it originates, which I will endeavor first to explain.

In the nature of things, it is impossible that the new and old States can take the same view of the policy proper to be adopted in reference to the public domain. Their respective position, interest, and extent of knowledge in reference to it, are wholly different, which cannot but have a correspondent effect on their views. The old States stand in reference to the new somewhat in the light of an absent owner of a large estate, and not without some of his feelings, while the new stand, in some degree, in the situation of those who occupy and work his estate, with feelings not a little akin to those which belong to that relation. That such is the case, and that it leads to diverse views of the policy that ought to be adopted, and that, again, to conflict between them, the questions now before us, the discussion now going on, the feelings it excites, and the yearly and violent agitation of those questions for the last eight or ten years, abundantly prove. Nor is it less clear that they have increased, and must increase with the growth and influence of the new States, over the action of the Government, till their rapid growth will give them the ascendancy, when they will decide it in their own way, under the high pretensions and excited feelings of real or supposed injustice which must necessarily grow out of a long continued and violent conflict. It is, in like manner, clear that the evil originates in the ownership and administration by the Government of the lands lying in the new States, and constituting a larger portion of their Territory. If, to these considerations, it be added that the question growing out of this great subject must extend to and embrace, and influence in their bearings, every other question of public policy, as is illustrated by the amendment for distributing the proceeds of the sales of the lands among the States, which, in its consequences, takes in the whole circle of our legislation, and that it must enter into and influence all our political struggles, especially that in which all others are concentrated—the Presidential election—some conception may be formed of the distracting influence, the agitation and danger which must grow out of this great question, if not speedily settled.

If something be not done, it is not difficult to see that the danger from these causes and that from occupancy must run together, and that their com-

bined forces will be altogether irresistible. The occupants on the public lands lying within the States are voters, with a weight at the polls equal to the most wealthy, and, of course, an equal influence over the election of President and Vice President, members of Congress, and State Governments. I hazard little in asserting that, if they have not already, from their numbers, a decided influence over all the elections in many of the new States, they will, in a very short period, from their rapid increase, if nothing should be done to arrest the evil. That influence would be felt here, and movements would be made to satisfy the demands of so numerous and powerful a class, till with their growing influence, the proposition will be boldly made, to give, as has been stated, the land without purchase, to which, from the necessity of the case, the Government will be compelled to yield, in order to avoid the danger of being seized and kept in open defiance of its authority.

Against this, the only ground that can be devised, as far as I can see, is the one I have proposed; to dispose of the land to the States—to part with ownership and administration, the root of the evil—on fair and equitable conditions, with the best possible provisions that can be devised to ensure the faithful performance of the compact. If that, with the provisions against the danger from occupancy, cannot prevent the loss of the public lands, I know not what can. I have as strong confidence as the nature of the subject will admit, that it will when perfected in its details by the wisdom of the Senate, prove all sufficient, not only to prevent the loss of the public domain, but to arrest the many and growing evils, to which I have alluded, as incident to the system as it now exists. But, if in that it is possible I should err, with all the caution I have taken to come to a correct conclusion, I feel assured I cannot, in asserting that the danger would be far less, under the amendment I intend to propose, than it would be should the system continue as it now stands; and that if the public domain is to be lost, it is far better it should be under the former than the latter. It would be with far less intermediate hazard, and, in the end, with less violence and shock to our political fabric. In the one case we could lose nothing but the value of the land, which I shall presently show is far less than usually estimated, while in the other no one can estimate what the loss may not be.

Having now, I trust, shown to the satisfaction of the Senate, that nothing short of disposing of the public lands, on just, equitable, and liberal terms, can remedy the evils, and guard against the dangers incident to the system, under existing circumstances, it only remains to consider what would be the effects of the measure on the revenue, compared with the present system. Should I be able to prove, as I hope to do, that even in that respect it will bear a highly advantageous comparison, it would yield more, and that when most needed, now, when the Treasury will require replenishing, every solid objection to its adoption would, I trust, be removed.

There was a great and prevalent mistake as to the true value of the public lands, as I have just intimated. They are estimated as if every acre was worth \$1 25 paid down, without taking into account that only a small quantity could be sold annually at that price, and that by far the greater portion of the income from the sales can only be received through a long series of years, extending to a very remote period. In estimating what is their true value, we must not forget that time has the same effect on value, which distance has on magnitude; and that, as the largest objects in the universe dwindle to a point, when removed to the distance of the stars—so the greatest value, when it can only be realized at remote periods, diminishes almost to nothing. It is in consequence of this difference between present and future value, that a sum paid down is worth twice as much as an equal sum to be paid sixteen years hence, estimated at 6 per cent. simple interest, and four times as much as a like sum to be paid at the end of thirty-two years. I do not take fractions of years into the estimate. The principle is familiar to all who are in the habit of calculating the present value of

annuities for a given number of years, and is as applicable to regular annual incomes from land, or any other source, as it is from what is usually called an annuity. On the same principle, discounts are made on payments in advance. But we are in the daily habit of overlooking this plain and familiar principle, known to every business man in the management of his own affairs, in estimating the value of the public domain. In consequence of such oversight, the 160,000,000 of acres lying in the new States have been estimated to be worth \$200,000,000, at \$1 25 per acre—a sum nearly eight times greater than its real value, supposing that it would give an annual income averaging \$2,500,000 annually, and admitting every acre will be sold at \$1 25—a supposition far greater than will ever be realized. The Committee on Public Lands, at the last session, assuming these data, proved incontestably that the true present value did not exceed twenty-six millions and a half of dollars. They showed, in the first place, that a permanent income forever of \$2,500,000 would be worth but a fraction more than forty-one millions of dollars in hand, as that sum, at six per cent. would give an equal income. They next showed, that to derive an income of \$2,500,000 from the hundred and sixty millions of acres in the new States, would exhaust every acre in eighty years; and that, of course, instead of being a permanent income, it would be one only for that period, which would reduce its value to about thirty-four millions of dollars, which would be its present value, if there was no expense attending its sales and management. That is, however, far from being the case. Applying the same rule of calculation to the annual expense incident to their management, including what would be saved by the Government, if the cession should be made, ascertained to be about \$550,000 annually, they find the present value of the land to be the sum stated, (\$26,500,000.) The result, assuming the data to be correct, is incontrovertible; and that sum would constitute the entire amount of the loss under the present system, if the lands were really to be given away by the proposed cession, as has been most unfairly charged on the other side of the chamber.

I propose to apply the same principle to the same lands, to show its present value, under the operation of the measure I intend to propose. Should it be adopted, the whole of the lands in question would be sold, I assume, in twenty-five years from the time they become subject to the graduating process—which is much more probable than that the whole would be sold in eighty years at the present price of \$1 25 per acre. I next assume that equal quantities would be sold during each period of graduation. I next assume that the portion not yet offered for sale, and which, according to the amendment, would not be subject to graduation, and which is estimated in the report of the Committee on Public Lands, to amount to a little more than 62,000,000 of acres, would yield an average revenue during the ten years, equal in proportion to what the 160,000,000 acres are estimated to yield. It is probably much less than what they would, as they will, for the first time, be offered for sale. I also estimate that the lands that have been offered, and which have not yet run ten years, and will of course be held till then at \$1 25, will, with that which will be sold on the first reduction to \$1, average \$1 12½. I have also estimated the whole period including that which is now in progress towards ten years, and the first period of reduction, as one period of fifteen years, and that the entire amount sold during the entire period, will only equal the average of the other periods of graduation, (five years); an estimate greatly under the truth.

On these data I have based the calculations which have been made, with great care, and I find the present value of the lands would be more than a third more under my proposed amendment, than under the existing system; and that the excess would be sufficient to pay the 35 per cent. proposed to be allowed to the new States for their expense and trouble, leaving the 65 to be received by the Government, equal to the entire present value of the lands, under the existing system. Such is the vast difference between receiving a smaller amount by annual payments, during half of a long period and a much larger one in like manner during double of the time.

There are but two of the data on which the calculation is based, which can be supposed to have any material effect on the result, which can possibly prove to be over estimated; the one, that all the lands will be sold during the period of graduation, which, however, is quite as probable, to say the least, as that all will be sold in eighty years at \$1 25; and the other, that equal quantities would be sold during each step of the reduction. It is not improbable this may not prove to be the case, and that larger quantities would be sold towards the latter stages of the graduation, at low prices, than during the earlier stages, at higher prices, which affect the result. The other suppositions, that equal sums would be received at each period, would, probably, be much too low; and the truth may probably prove to be between them; but even on that assumption, the present value, under the measure I propose, would greatly exceed that under the present system; so much so as to be quite sufficient to cover the 13 per cent. proposed to be allowed to the States for their trouble, above the expense of ma-

naging the lands, including the saying to the Government by the cession. I have assumed that additional allowance, because it nearly corresponds to that proposed to be given in the bill for distribution, (introduced by the author of the scheme,) to the new States, above that allowed to the old. I refer to the bill that passed both Houses, and was vetoed by the President. That allowed 12½ per cent. which, for the sake of facility in calculating, I have enlarged to 13 per cent.

I have, I trust, now successfully met the only two objections which can, in my opinion, be urged with any plausibility against the measure I intend to propose, by proving not only that there would be reasonable assurance that the States would abide by the terms of the cession, but that it was the only measure which could be devised to prevent the almost certain loss of the public domain, under the operation of the system, as it now stand, and that, instead of a loss, there would be a clear pecuniary gain. If I have succeeded in doing so, I have done all that ought, according to my conception, to be necessary to obtain the support of the body. But I cannot be ignorant that there are members from the new States who prefer supporting this bill to the measure I intend to propose; not that they think it better, but because they believe it has the best prospect of passing. In this I think they are mistaken. It is not probable that either can pass the present session. It is now but a few weeks to its termination, and it is impossible, in the midst of the crowd of other business, that any important measure, not indispensable, can get through, especially a system of pre-emption and graduation which has been so long struggling, unsuccessfully, to pass both Houses. But if it could not pass now, there was little prospect that it could the next four years, against the opposition of the coming, when it could not with the aid of the present and late Administrations.

With this prospect, I put it to my friends from the new States, is there not danger in pressing these isolated measures, which cannot settle the vexed and dangerous questions of the public lands, and which, at best, can be pressed on grounds only interesting to those States, that they will lose not only a favorite measure, but cause the passage of obnoxious to them of, all measures, that of distribution? I ask them, can you hope to oppose successfully a measure so seductive to so many members of the Union, by a measure so partial in its operation, and which, so far from appealing to the reason or sympathy of two-thirds of the States, secures but a reluctant vote from any of them; more from party feelings and associations, than any conviction of its justice or expediency? Let me tell my friends, that if the struggle is to continue between this bill and the scheme of distribution, it is, on their part, a desperate one. Defeat is certain; and there is no way to avoid it, (if it be not already too late,) but to enlarge the issue—to raise it above mere local or pecuniary considerations, to the broad and elevated ground of a final settlement of this deep and agitating question, on just and satisfactory principles, and thereby arrest the countless evils rushing through that channel on the country. It is only thus that an antagonist of sufficient strength could be reared up against the dangerous and corrupting scheme of distribution. A measure seductive to many of the States, unfortunately overwhelmed by debt, could only be successfully opposed by one which would make a powerful appeal to truth, justice, and patriotism. As strong as may be the appeal to the necessity of embarrassed States, a still stronger may be made to the higher and more commanding considerations of duty and patriotism. Such an issue, I believe, the measure I propose would tender to the country. I solemnly believe it to be founded on truth, and sustained by justice, and high considerations of policy; and all it needs to ensure its success, if I mistake not, is the earnest and determined support of the States which not only have no deepest stake, but whose independence and equality, honor and pride, as members of this proud Republic of States, are involved.

Having now presented my views of the amendment I intend to offer, with a motion to strike out the amendment of the Senator from Kentucky, and inasmuch as I shall conclude with a few remarks in reference to the leading feature of his amendment, the distribution of the proceeds of the public lands among the States.

It is not my intention to enter on the discussion of a measure which I cannot but regard as palpably unconstitutional, as well as dangerous and corrupting in its tendency. I do not deem it necessary, as I expressed my opinion fully on the subject at the last session. I intend at this time to make a few remarks, in order to show that, viewed under every possible aspect, it must be regarded as either foolish, idle, or unjust.

It is admitted on all sides that the Treasury is embarrassed, and that no part of the revenue can be withdrawn without making a corresponding deficit, which must be supplied by taxes on the people, in one form or another, and that the withdrawal of the revenue from the land would cause a deficit so to be supplied, of not less, probably, than \$5,000,000 annually. The whole process, then, would consist in giving to the people of the several States their proportional share of the five millions of the revenue from the lands, to be collected back from the people of the United States, in the shape of a tax on imports, or some other subject, the same amount. Now, sir, I ask, is it not clear, if a State should receive by its distributive share a less sum than the people of that State would have to pay in taxes to supply the deficit, it would be, on their part, foolish to support the distribution? So, again, if they should receive the same amount they paid instead of a loss, would it not be idle? And if more, would it not be unjust? Can any one deny these conclusions? How, then, can a scheme, which implies the one or the other of these alternatives, (laying aside all other weighty objections,) have any chance to be adopted? But two answers can be given. The one, that the States, which would receive more from the distribution than their people would have to pay to make up the deficit, can outvote the others, and are prepared to act on the principle of the strong plundering the weak; and the other, that a majority of the States want the money to pay their debts, or to spend in favorite schemes, and prefer shifting the responsibility of taxing to the General Government to assuming it themselves, without regarding whether their people would contribute more or less than they may receive. They are afraid to lay taxes, lest the people should see the sums extracted from their pockets, and turn them out; and to avoid this, would transfer the task to the General Government, because they can take from the people, through the tax on imports, without being detected as to the amount.

I take the opportunity, before I sit down, to tender my thanks to the honorable and high-minded suggestion of the Senator from Missouri [Mr. LINN] considering the interior quarter of

the Union from which he comes, to set apart the proceeds of the lands as a permanent fund for the navy.

[Mr. LINN, in an audible voice. The navy and the defences of the country.]

I would rejoice to see such a disposition of it, and do hope that he will move an amendment to that effect. I would gladly receive it as a modification of my amendment, and would regard it as a great improvement. The navy, sir, is the right arm of our defence, and is equally important to every section—the North and South, the East and West, inland and seaboard. When I look at the condition of our country, and the world, I feel that too earnest and too early attention cannot be bestowed on the arm of defence on which the country must mainly rely, not only for sustaining its just weight and influence in the scales of nation, but also for protection.

Mr. HUBBARD called for the yeas and nays on the adoption of the substitute of the Senator from South Carolina.

After a few words between Messrs. CRITTENDEN, CLAY of Alabama, and MERRICK—

The PRESIDENT again stated the question, and

The CLERK commenced calling the list, but he had not proceeded further than the name of Mr. ALLEN, who voted for the substitute of the Senator from South Carolina, when

Mr. CRITTENDEN rose and observed that he had hardly ever felt more surprised than in listening to the amendment proposed by the Senator from South Carolina. In offering the amendment which he himself had proposed, his simple and unobtrusive purpose had been merely to put on record the views he entertained, and what he was willing to do on this subject of pre-emption. He had been desirous that his views should not be misunderstood or perverted, and he had drawn up and offered his amendment for the purpose of showing that he was willing to go for pre-emption, if it was combined with the just distribution among the States of the proceeds of the sales of the public lands. For these two measures, if united, he was willing to vote. He had been desirous of putting this on record, and that was his whole purpose in offering his amendment. For the audacity of making such a proposal, he continued, I—no, not I—but my proposition itself has been denounced in all the variety of epithets which the eloquence of the honorable Senator could supply. It has been pronounced to be "idle, unjust, or foolish." This was the sententious condemnation passed upon by the Senator from South Carolina [Mr. CALHOUN]. The Senator from Missouri [Mr. BENTON] had directed against it a storm of epithets yet more ponderous. According to the thunder of that gentleman's elocution, the proposition was "enormous!" "monstrous!" So monstrous and so enormous was it that I shrink from all attempt at defending it, and the honorable Senator did not wonder! Now these argumentative epithets of the Senator will, I rather imagine, make no very great impression on the understanding of the country or on the Senate. It is not by epithets that either of those gentlemen, high as they may believe themselves to stand, can put down measures in this body. Great as may be their power of animadversion, it is not on that power that the fate of this measure is to depend. The gentlemen may suppose I shrink from the very thought of defending my amendment, because I do not choose to occupy an hour or two in debate—on what? On a measure new to the Senate? Not at all. The bill before us is to grant a prospective pre-emption on the public lands. Did the honorable Senator expect I was about to take up the time of this body in unfolding the advantages and disadvantages of a measure of this kind? To him, at least, all such discussion must be, in an eminent degree, flat, stale, and unprofitable. Pre-emption and graduation have been abundantly argued, both now and heretofore; there remains but one more proposition to be considered, which is distribution. Is that to be debated now? Does the gentleman suppose that I am going to debate that question with the vain hope of carrying it now? Surely not; and yet, because I have abstained from this, I am accused of shrinking from the defence of my amendment. I thought that it would be abusing the patience of the Senate if I should attempt such a thing. And though, from the manner of the honorable Senator from Missouri, my frankness must have surprised the Senate, he has multiplied a repetition of his thanks for my proposal of a measure perfectly stale from repetition. The propositions have been re-

peated for years. What is there about them so "monstrous?" Is it pre-emption? Is that so atrocious? It is distribution? Is that "idle, unjust, or foolish?" If it be, let Congress take the burden of these denunciations on themselves. Pre-emption laws we have passed again and again, and a bill for distribution passed both the Senate and House of Representatives by triumphant majorities, and would have been the law of the land long ago but for a most extraordinary and unparalleled instance of Executive interposition. Was this the measure that was so "monstrous," so "enormous," so "outrageous," as to deter any gentleman from even an attempt at its defence?

But the honorable gentleman from Missouri seems to consider this proposition so monstrous and so outrageous, as a measure over "cunning," that I will now say a word or two on that point. It is, on my part, no cunning proposal. I have very little of that quality in my composition; it is a thing I know not in my public course; to work by cunning is a thing I leave to older and more practised politicians than myself. It was not my purpose or design to do any thing cunning when I offered the amendment to the present bill; I wished, as I have said, to put my exact position on record, that all might see it. I do not see any thing so very "cunning" in this. I knew, before I had said a word, that all who will not yield their unquestioning assent to depredations on the public lands may calculate on being denounced here as enemies of those hardy and adventurous men who are our precursors in subduing the wilderness. I never was their enemy. I am the son of a pre-emptor, and was myself born on a pre-emption; and if I have been restrained from going the full length with gentlemen on this subject, it is from no enmity towards the pre-emptors, but from a sense of duty to the Union, as one of the trustees to whom has been confided the management of their common property. I rejoice to find that there is now a way in which I may at once gratify my sympathies with the industrious and hardy settler, and at the same time do my public duty to all the States; that I can make a compromise between the rights of the settler and the rights of the Union. I am now ready and willing to give a pre-emption right of 320 acres of the public land to every real bona fide settler who is not worth over one thousand dollars. I am prepared to protect him in his possession against the host of rich and grasping speculators who, under the pretext of your pre-emption law, and under the deceptive mask of an intention to settle and improve your lands, are seeking to get the public domain into their possession, that they may convert it into an engine to enrich themselves. Is there any thing in this proposition so very unreasonable—so "monstrous"—so "enormous"—so "cunning?" If we are to have a pre-emption at all, for whose benefit is it to be granted? Gentlemen, in very moving tones, demand our sympathies and demand our bounties for the poor and needy. This proposition meets their sympathies and complies with their demands; it holds out a bounty to the poor and the needy—a larger bounty than the gentlemen themselves propose to give; and all it asks is a guard that this bounty shall not be given to the rich. Is that "monstrous?" What do gentlemen desire? What would they have? Do they want to give pre-emptions to the rich? To make the rich richer? If not, why do they reject my proposition? Mine has the very essence of a pre-emption law; and it is the only sort of a pre-emption law that can be honestly vindicated. Few men worth over a thousand dollars seek for themselves a home amongst the distant wilds of the public lands. Very small indeed is the number whom such a restriction will exclude; but it will shut out the men who make their wealth out of the public plunder. Do gentlemen resist it on that account?

I would not occupy a moment of the Senate's time were I not bound to show that I am not ashamed of the measure I have proposed, and have no thought of "shrinking" from its defence. What objection can be urged against that part of my amendment which proposes to unite with pre-emption the principle of distribution? It would be idle at this time to repeat the history of the cession

to the Union of the public domain—on which cession rests the right of the States to a participation in its proceeds. These lands were ceded, be it remembered, in 1784, at a time when the old confederation was the fundamental law of the Union—when the Treasury was supplied by requisitions on the States, according to the amount of territory in each State; it was ceded with the express purpose that it should be and remain for the common benefit of all the States. The proceeds were to be divided according to the quota furnished by each State to the expenses of the General Government; and how was that quota regulated? According to an estimate of the amount of improved lands in the several States. But is that the rule of the States' contribution now? If the proceeds of the public lands go into the Treasury, does each State get its share now in this proportion? No; not unless the taxes were in exact proportion to the lands in each State. This rule has been altered. You have changed the means of taxation. But you cannot change the words of the acts of cession under which you hold your public lands; and the only way to fulfil the intent and meaning of that cession is to go according to the terms in which it is expressed. The revenue from the public lands is not like the rest of the revenue under the Constitution. Those lands were ceded to us, not under the Constitution, but under the Confederation; and the purpose of the cession can only be fulfilled by as near an approximation to the very words of the deed as circumstances now render possible.

But this proposition is very "dangerous." The honorable gentleman from Missouri reminds us that when, some years ago, we were about to distribute the surplus then in the Treasury by depositing it with the States, he uttered the prophecy that the practice of distribution would not stop there; that if the States once began to lap that blood, it would eventually become their common food; that the General Government would be stripped of its revenue; that the States would seize upon the money in the Treasury, and would have the General Government to collect the deficit as it could; in a word, that the States, having once got the taste of blood, would fasten on the General Government like so many vampires, and would drain its veins of the last drop of their vitality. Well: the honorable Senator last up seems to think (and I concur with him) that we ought to repose the fullest confidence in the good faith of the States, and rely without hesitation on their fulfilling all their contracts. But what does the argument of the Senator from Missouri imply? Confidence in the fidelity of the States? What a magnificent compliment has the honorable gentleman paid to the States of this Confederacy! In his opinion, they are so many vampires—they are to lap the blood of the Government—they are to feed upon its strength and suck its veins. Why, what is the General Government? Is it not their own offspring? And is the parental sentiment so weakened, so destroyed, so reversed, that the parent will devour the child? The States, it seems, are not to be trusted; they are a set of vampires; they will lap the heart's blood of the Government, and drain its veins. That is the Senator's opinion of them. I believe no such thing, but he does; and we were told all this, yea, and a great deal more. The States, if they once get their hands upon this money, will apply it to unwise purposes; it will corrupt them—destroy their dignity and sense of independence! In our pure hands alone there is no contamination. The States are a pack of idle spendthrifts, tempted by the sight of money, intoxicated by the touch of their own property, corrupted by its possession, and led into all sorts of folly and mischief; therefore, we, as a sort of wise guardians, must keep these our little wards from juvenile indiscretions—must defend them from themselves, by—keeping their inheritance!

The States have a right to demand this distribution; and if they have, their circumstances render it desirable that they should have what is their due. They have debts to pay; and under such circumstances, think you that they do not, like private individuals, like to receive what is due them? We are their debtors; we owe them this money; and they ought to have it. If it is their just right, then it is no argument to say "we need this money; we

cannot spare it; our Treasury is at a very low ebb, and if we take out this amount to pay it to them, we shall have to lay taxes to make up the deficiency." We have no right to use their property for our purposes. We possess ampler modes of raising funds than the States do; and, if paying your just debts leaves you with a deficit, it is much easier for you to supply it than for the States to lie out of their dues. That is my answer to the honorable Senator, and all he says about the monstrosity of my proposition.

It is said to be "idle" to pay over this money to the States if by taxation we must raise an equal sum. But that is a fallacy. I have shown that the rate of distribution is to be regulated by the principles which prevailed under the old Confederation, and not according to the ratio of taxation established by the Federal Constitution. The principle of distribution applying to the proceeds of these lands is special and not general; it is regulated by the terms of the original cession, which was made while the Confederation was yet in force; but we have gone very wide from the rule then laid down. Give this money to the States, and every man in the State, rich and poor, will share in the benefit. It is their right, and they ought to enjoy it. I might stop there, without going into any question of consequences. But if, by distributing to the States the proceeds of their own property, we are driven to taxation to make up the deficit, have we not ample means? Are there not luxuries on which a very small tax will be sufficient for this purpose, without reaching the poor man at all? Lay your tax on these luxuries of life, and you tax the rich only. This you can do if your Treasury is in straits. I hope, too, that the abstraction of this money may operate to bring back the Government to a just and economical administration—such an administration as gentlemen all profess to desire. But how has it been administered during the expiring dynasty? Has the little stream of money flowing in from the sale of the public lands had any other effect than to increase the extravagance of the Government? More than *thirty millions a year* has been expended during the Van Buren administration. It would seem that this landed revenue, of which the gentleman from Missouri talks to us so solemnly, has done little but feed their extravagance. There is nothing, rely upon it, that so promotes extravagance in expenditure as to feel plenty of money in one's pocket. I do not want this Government to have any such feeling. I wish it to have no money flowing insensibly into its possession. I want it to have none but what it gets by taxation—so that the people may know and feel where the money comes from. Give a Government an income independent of taxes, and the people do not feel what they are paying. Such a mode of filling the Government coffers must be dangerous. I do not desire it to continue; and I hold, therefore, that justice and expediency alike require that this great subject of the public domain shall be settled as soon as possible. Give the amplest provision you please to the poor *bona fide* settler; I do not object to it; I am ready to do it, and I will do it freely and cheerfully; but while I do this, I would at the same time do justice and discharge my duty to the States, by giving them their just shares in the proceeds of the whole domain.

I hold this to be greatly preferable to the scheme of cession proposed by the Senator from South Carolina. I was, I confess, greatly surprised by many of the demonstrations of that honorable Senator. He reduced the value of the one hundred and sixty millions of acres of the public land, lying within nine States of this Union, to *twenty-six millions of dollars*! He reverses the position that each acre of that land is worth a dollar and a quarter, and holds, on the contrary, that not an acre of it is worth that price.

Mr. CALHOUN explained. He had meant to be understood that the lands were none of them worth a dollar and a quarter cash in hand value; and that none were worth that but such as could now be purchased in market.

Mr. CRITTENDEN. The Senator thinks he can reduce the total value of the whole domain to its value as a sum in hand; and he insists that this

sum, put out at interest, will bring us more than the lands will. Why, what is the value of land covered with the ocean which no man can drain? Or what is the value of land with no human being to cultivate it or to enjoy the fruit of it? What is the value in hand, of land so situated? Yet the Senator concludes that, because such land is of no value now, we ought to sell it now for nothing. That is the substance of his argument. What is the selling price of land under the sea, not drained, or land at present inaccessible to settlement? No man can get at the one or want the other—and, while things so remain, it has no present value at all. But would a prudent man, or a prudent Government, therefore, part with it for nothing? The value of a thing consists in the use of it—that is the value of land, and that only. Its value depends on the demand for it. Till the demand advances, we must content ourselves to wait. When it comes to be wanted, then it will have its value.

It is disgraceful to witness the manner in which matters are now proceeding—to see the sale of valuable lands postponed as it has lately been. The sale is advertised to take place in the midst of cold inclement weather, and when this is complained of, the Secretary then writes a most gracious letter declaring that, though he is in very great want of money, yet he will condescend to put off the sale a little longer. The Treasury wants a little money: does not know where to get it, until it is resolved to get up a pre-emption law; then Mr. Secretary, in all haste advertise the lands for sale, at a time proper or improper, no matter. Just as a spendthrift hastens to sell off a piece of his patrimony to-day to pay for the extravagance of yesterday, and to get what he needs for more extravagance to-morrow.

The whole basis of the honorable Senator's argument is perfectly idle and visionary. To talk of the present value of one hundred and sixty millions of acres of land, when every body knows that not more than five millions of it are wanted in a year? What demand is there for one hundred and sixty millions of acres of land? What is the price such a tract will bring if put up to sale? Had we not better husband it and sell it off, little by little, as it is needed? Can we not hold the property and sell it off for homes to settlers as homes are needed? Can we not keep it for posterity, when they will want homes too? This is not a subject to which to apply the calculations of annuities. The land is not wanted now, and therefore there is no ground on which to calculate its value at this moment.

But this notable scheme of cession is to remove at a stroke all our evils. This to put an end to our angry debates; this to put far away the danger of the lands falling into the hands of the settlers, or of the States. No more jealousies are to be felt between new and old States; no more Executive patronage is to be felt in this body or elsewhere; no more landed bribes are to be offered by ambitious seekers of the Presidency—nothing of all this is to be felt any more—all, all is to be at an end; and moreover, the cession is to bring you in more money for your lands! Now, I differ entirely from the learned Senator in all these calculations. I will show you how it is he makes the land produce us more money; by calculating, in the first place, what the land would fetch, if set up at auction when no one wants to buy, and then contrasting this with what we are to get for it from the States to which we are to cede it. But will this remove one solitary evil of all those he has enumerated? The States will be our debtors, and they are to promise to pay. Can the gentleman's perspicacity see no possible matter of controversy in the interpretation, and in the compliance with this contract? We have here individual States asking us for graduation and pre-emption laws, and it produces a vast deal of prolonged and angry debate; if we substitute money for land, will that diminish the debates? Shall we not have all the angry controversy then we have now? And more? Now, the General Government acts on individuals; it grants pre-emption to A and B, and it has them in its power; and yet he says there is the utmost danger of resistance, and of our losing the lands; but give up the whole and take a State bond, and then all will be peace and quiet.

ness. Why, will there not be as much danger when all who might oppose our authority are consolidated into one, as when we could deal with them as individuals, and take them one at a time? Can we act on a mass with more effect than on a single man? Is it so easy to deal with States and to compel them to fulfil their engagements? Was it found so in the days of the Confederation? Under the Confederation you acted on States—on States who had made promises; and did the plan work well? Was it perfectly easy to raise the respective *quotas* of the States, even under the most urgent pressure of the wants of the continental army, fighting for the liberties of us all? No; it was found to be a contest of Government against Government, and it was found that Governments are not as likely to pay as individuals; and, if they refused, it was much harder to coerce them. Hence that form of government was changed; and our Revolutionary forefathers were so "idle, or unjust, or foolish" as to think they gained by the exchange! and the Federal Constitution stands a monument of their wisdom to this day. But now, forsooth, we are to travel back again to the principles of the old exploded Confederation! We are to give up the land which is ours, and in the sale and management of which we have to do with individuals only; and we are to convert this vast and wide landed inheritance into debts of particular States. I do not distrust the honesty of the States, or their good intentions; but we know that it is not always convenient to pay to-day. Do debtors never ask indulgence as to terms or as to time? If we take these State bonds, are we perfectly sure they will never become a subject of controversy? May the States not say the progress of graduation is too slow? it keeps our people waiting too long; give us a modified graduation law with shorter periods of reduction, so that we may get the land at nine pence the acre so much the sooner? His peace-making proposition only changes the ground of controversy, it does not remove it. Its whole operation is to part with all the grounds of controversy we know, and look out for new sources of discord at present unknown. Shall we leave the ground we have so long trod, and with every foot of which we are familiar, to plunge into a sea of troubles new and untrod? I say no. And then we are to purchase all this trouble at a price.

A few years ago the proposition of the honorable Senator was to give up half the public lands. Was this fair, to surrender by cession to the use of a few that which is equally the property of all? To pacify the clamors of nine States, shall we give up one-half of 160,000,000 acres of land? Is not such a price rather high? And have we a right to pay it? I hold we have not. The entire scheme seems to me to be one of the wildest, most wasteful, most visionary conceptions that ever entered into the brain of a statesman.

But the object of the scheme is to get rid of Executive patronage. Now, I am not an advocate of Executive patronage. But, let me ask, what a vast patronage will there not be exerted by giving away, in one single act of generosity, an entire moiety of the public domain. Seldom, indeed, is one individual so fortunately placed as to be able, by a single act of magnificence, to make a present of eighty million acres of land—a vast and royal donation, to be sure. Yet the honorable Senator, while making this popular largess of eighty million acres of land belonging to the whole Union, is terribly opposed to patronage; and he tells us, as one of his "demonstrations," that, if we refuse to make this gift, nine States will be able to seize and carry off the whole property in a body, against the will of the other seventeen States. The "demonstration," I confess, does not to me appear to be very logical. I do not believe these States will ever be so unjust, so rapacious, so profligate, as to attempt thus to seize upon the property of their fellow-citizens. But if there is such great and imminent danger that these States will thus seize upon the lands, if we refuse to cede them, can not the honorable gentleman suppose, on the same ground of reasoning, that the States may tear up the bonds if we do cede them? If he considers them so utterly unprincipled, so impudent, and shameless as to seize upon and appropriate to themselves lands

which belong to the whole family of confederated States, what will there be to restrain them from vacating their bonds after we have surrendered the land into their possession? One part of the gentleman's argument supposes the States to be all virtue and good faith, the other all rapacity and violence. There is great danger, imminent danger of our losing the whole domain, and we must give it away before the States take it by force; but when these entire lands shall be converted into the shape of a bond, then these States are to be all purity, all honesty, all fidelity. For my part it seems to me that if we cannot depend on these nine States for their fulfilment of their constitutional obligation to the Union, we cannot depend on any voluntary engagement they may now enter into.

I apprehend no such danger. I do not call upon the Senate to cede the public domain on any such ground. If that is to be the ground of our procedure, I say let the lands go. I will not be one to encourage the spoilers. I will never be one to say this thing must be done and will be done. On their own heads be it. I will take neither part nor lot in the responsibility.

I repeat that I have no objection whatever to consent to pre-emption, provided the rights of all the States can be respected. That is all I ask. That was all my amendment proposed. I am sensible that I have occupied too much of the time of the Senate, but, challenged and called out as I have been as one who had offered a proposition so outrageous, so enormous, so monstrous, that I shrank from all attempt to defend it, I could not refrain from saying a word in explanation and reply. The whole subject I know is perfectly stale. Not a word can be said upon it that has not been better said already. Yet, as my proposition was pronounced an enormity, I wished to show that I did not shrink from its avowal and defence. The enormity of which I have been guilty is a simple act of obedience to the instructions of my State Legislature. The plan is before the country, and denounced as it may be, and outrageous as it has been called, it is a plan which has received the public approbation wherever I have been. My own State has passed a solemn resolution giving it the seal of her approval. In offering it here, I have but obeyed her voice, and no denunciation, however loud and swelling, shall turn me aside from the course she has marked out for me to pursue. She understands her interests; she judges calmly; she asks nothing but her plain recorded right, and I ask nothing more in her name.

Mr. BENTON said that a part of the remarks of the Senator from Kentucky [Mr. CRITTENDEN] were in reply to a poor speech made by himself (Mr. B.) some days before, and were of a nature to require some answer from him. He would give the answer which the case required; but before answering the arguments of that Senator, he wished to set him right on a couple of small points on which he had fallen into error.

The Senator supposes, said Mr. B. that I applied the term cunning to him some days ago—that I spoke of him as a cunning man; and under this supposition, he repulses a term which he feels to be injurious. The Senator is certainly right in the repulse, if such a term was applied to him; for certainly there is nothing in his character to warrant the application. But I do not think it was so applied. I have no recollection of it. Certain I am that I never thought it, and I am not apt to speak what I do not think. Cunning is a quality which I had never thought of attributing to the frank and high minded character of that gentleman. On the contrary, if there was any defect in his character, (and what human character can be without some alloy?) if there was any little defect in his, it was the reverse of cunning—it was the excess of his amiability—and the obliging facility of his temper. I have thought him not quite cunning enough—not quite sharp enough to keep himself out of scrapes which others contrive; and that, on the present occasion, he has given evidence of that amiable facility by standing father for a very ugly child which is no son of his. The Senator appears as the present mover of the land distribution bill; a measure bad enough at all times, but too bad for

its own author to move in at the present time, when the Treasury is so nearly empty, and when the proposition to abstract the land revenue from the annual income, and distribute it among the States, and supply its place by new taxes, is about equivalent to a proposition to put an end to the Constitution, and to let Congress go on to do what it pleases, without a guide to its steps or a restriction upon its will. I think if the Senator had been a little more cunning, he would not have moved that bill at this time; anxious as he might have been to oblige a friend, I think he should have demurred to the time, and begged off until the Treasury was full.

Mistaken as the Senator was in the supposition that the term cunning was applied to him, he has been equally so in the application of a term of his own to this side of the chamber, and doubtless intended for me—that of older politicians who could give him lessons in cunning. The Senator supposes that politicians older than himself—giving to the phrase a pointed application by a smiling glance in this direction—would be masters of a cunning to which younger politicians, himself for example, could not pretend. Now granting that there may be old politicians who are too cunning for that Senator, yet I deny that there are any such on this side of the chamber; and especially affirm that I am not. It is not on this side, but on his own side of the chamber, that he should look for these wily elders. There are none of them here. We are all his juniors. Between himself and myself he is most respectfully my senior. He was here long before me. I remember very well to have read with much satisfaction—the more, because the speaker was then on my own side in politics—the lively speeches of the Senator from Kentucky, delivered on this floor, long before Missouri was admitted into the Union—when I myself was a mere provincial attorney in the Territory of Missouri. The gentleman was therefore a politician, a distinguished one, of rank Senatorial, when I was nothing but a provincial attorney! This settles the question of political seniority between that Senator and myself. It leaves him far ahead of me. I believe I can also settle it up quickly for all the members on this side of the chamber. Immediately before me (pointing to Mr. KING of Alabama) sits the oldest sitting member of the House—not the oldest gentleman by any means, merely the oldest sitting member. The gentleman is not yet married, and it would be doubly wrong to wrong him in a question of time. The united terms for which he has been elected amount to twenty-eight years, six of which remain yet to be served. He has been here twenty-two years; he is the longest sitting member. He has seen many *exits* and *entrances* upon the Senatorial boards; but he has not been here long enough to have seen the first appearance of the Senator from Kentucky. That Senator had made his first entrance, and his first exit also, before the Senator from Alabama had taken his first seat here. He had served out a term, and was gone, before the oldest sitting member now here, had reached this floor.

[Mr. CRITTENDEN said: I have never been a politician since.]

Mr. BENTON continued: It is not on this side, but on his own side of the chamber, that the gentleman's remark can find its application. He must look on his own side—in his own neighborhood—on his right hand—for a view of the only Senator on his floor to whom his remark can apply.

Having disposed of these two small matters, Mr. B. would proceed to larger ones, and first would express his regret at having so signally failed in almost the only quality in public speaking which he aimed at; and that was intelligibility. He did not say perspicuity, for that was a high quality in speaking and in writing, and one to which he did not pretend. But intelligibility he did pretend to. He aimed at being intelligible—at being understood—at making his hearers comprehend his meanings; and in his aim at this quality, meritorious though humble, he greatly regretted having so signally failed. The Senator from Kentucky is astonished at the violent denunciation of a measure which has been so long before the country: he is astonished at the violent epithets which are lavished upon the

land distribution bill—a bill for years before the Senate, and often recommended by State Legislatures. He is astonished at this denunciation, and these epithets; but has wholly failed to understand why I used them. I endeavored to make myself intelligible on this point, and therefore dwelt particularly upon the chronology of his movement. Bad and indefensible as the distribution of the land revenue was at all times—unconstitutional and mischievous as such a measure must forever be—it seemed to me to be stamped with peculiar enormity at the present time, and in the present circumstances of the Treasury. In was in respect to this time, and these circumstances, that I felt myself called upon to speak, and to speak in language which the Senator qualifies, perhaps very truly, as violent, unexpected, and uncalled for by the occasion. He understands me as directing all this violence against the measure itself; no part of it as being induced by the time and circumstances under which it is moved. Yet, upon these latter points, I intended to be full and pointed—explicit and emphatic; and upon these points I expected to hear from him; I expected to hear from him on the point of bringing forward a distribution of the land revenue at a time when the Treasury needed every dollar of the money; and when, if the abstraction should be made, an immediate resort must be had to loans or taxes to fill the chasm thus made in the public income. I expected to be understood on these points—to be replied to upon them—and the denunciation shown to be unfounded, if unfounded it was, which qualified this conduct as a naked, flagrant, breach of the Constitution! as much as if we levied taxes, or borrowed money, in the first instance, and by name, to be distributed among the States. I considered this conduct as flagrantly unconstitutional—as admitting of no argument—as being an exercise of our revenue-raising power, not for the Union, but for the States—not to support the Federal Government, or to pay its debts, but to support the State Governments, and to pay their debts. I relied upon the time and circumstances to give this flagrant character to the present movement in favor of the land bill; and upon these points I wished to be understood, and to have an answer. The Senator has not answered me: I presume he has not understood me—that I have not been able to make myself intelligible to him; otherwise he could not have been so entirely silent on the main points, while so profuse of answers on small ones.

The Senator has been dead silent upon the charge of flagrant unconstitutionality in creating a deficiency of revenue by distribution, for the purpose of supplying it by taxation. He has not denied but that it is equivalent to an original imposition of taxes for the purpose of distribution. He has neither answered this charge nor denied this proposition. Nor has he done another thing which I called upon him to do: he has not told us in what manner he would have the deficiency supplied—whether by loans, or taxes, or issues of Treasury notes. The gentleman shakes his head at this last alternative; he seems to eschew the Treasury notes. If so, we shall be together at that point; for a Treasury note issue is to me worse than loans or taxes. The gentleman would not tell his resource—whether to borrow or to lay duties; but, without the benefit of a declaration from him, I believe I am sufficiently acquainted with his alternative. I believe I can name it for him. I think I have heard enough upon this floor to be able to name it. It is a tax upon luxuries—upon silks and wines—upon French silks and French wines—which is intended to supply the place of the land revenue. This is the resort and the resource. He hopes to make his tax palatable by laying it on luxuries. But let me say to the Senator, that, in point of unconstitutionality, there is no difference between taxes on luxuries and on necessities. The point of expediency is open between them; but in constitutional authority there is no difference. It is just as unconstitutional to lay taxes upon silks and wines, for the sake of raising revenue for the States, as it would be to raise the same revenue by a tax on sugar and salt. As to the expediency of doing so, that is another question. When revenue is needed for a constitutional object, a luxury presents itself as a proper

subject for taxation; but when it is not needed, a tax upon any thing is unconstitutional. As to French wines and French silks, a systematic effort has been going on for some time to have them taxed. To any one who will look at the table of the importation of these articles for a few years past, a reason may be seen for the efforts which are made out of doors to subject them to future duty. The importations have been immense—sufficient to supply the country for two or three years to come, and the effect of a tax would be to enrich present holders, not to replenish the Treasury. Present holders of silks and wines would add the duty to the price of the articles imported free of duty; new importers could not contend with them; for they might be undersold, and ruined; and thus a tax upon silks and wines, while enriching individuals who have been accumulating these articles, would add but little for some time to the Treasury receipts. The only effect would be to enrich individuals, and injure commerce, without material immediate benefit to the Treasury. The importations would be diminished until the present stocks were sold off; this diminution would be an injury to commerce and navigation—an injury to Southern commerce and to Northern navigation. The injury would fall upon the South and West—upon Southern and Western cotton and tobacco. Large quantities of these articles go to France. Nine pounds out of ten of the foreign cotton which she consumes, and four pounds out of five of the foreign tobacco which she uses, go from the United States; and how does she pay for them? Like other nations—in her products, and these products are chiefly silks and wines. Diminish the import of these silks and wines, and you diminish the export of cotton and tobacco, and besides dry up, or lessen one of the sources for obtaining specie. For these silks and wines, received in return for tobacco and cotton, are many of them exported from this country—carried to foreign countries—to the West Indies, Mexico, South America—there to be exchanged for specie, or valuable productions; and thus become the means of supplying us with money, while giving double employment to our navigation.

Mr. B. said it was an easy business to lay taxes; it required but little capacity, or knowledge, or thought, to draw up an act to lay so much per centum on the importation of a foreign article; but there was something else which was not quite so easy—which required judgment, knowledge, thought. It was to trace the workings of that tax through its multiplied consequences—through its effects on agriculture, on commerce, on navigation, and on the present pursuits of individuals. I do not profess to be able so to trace the operation of our taxes; but I can say that I have the annual document of our commerce and navigation for twenty years back—that I keep it at my room in this city—and that not for show, but for use. I study it from time to time, and endeavor to follow, and to understand, the vast subject of our foreign commerce, its connection and dependence on agriculture, and the effect of legislation in relation to it; and I am now ready to say, that let this question of taxing silks and wines—French silks and French wines—(for these are the kinds often mentioned, and always intended;) let this question come when it may, I shall hold myself ready to prove a tax on silks and wines to be a tax on Southern and Western productions—on Southern and Western agriculture—on Southern and Western cotton and tobacco. All that I have to say at this time is, that if this tax is to be laid for a necessary and a constitutional purpose, the people of the South and the West will be ready to pay it; but if proposed to be laid for an unconstitutional and unnecessary purpose—for the purpose of raising money, either directly or indirectly, to be given to the States, and chiefly to the States which raise no cotton or tobacco—then I say that they ought to resist the proposition—ought to oppose the tax by the united voice of their delegations in Congress, and should summon their brethren in every part of the Union to desist from a measure fraught with ruin to the Constitution, and injury to the one-half of the Union.

The Senator from Kentucky [Mr. CRITTENDEN]

is pleased to remember an expression which I used some days ago, and which was only a repetition of what I said four years ago, when the distribution of public money among the States was first proposed in this chamber. He remarked upon my expression that if the States once began to lap that blood, they would, in the end, prefer it to all other food, and suck it until the last drop was drawn away. I certainly said it, and not merely a few days ago, but four years ago. I used the metaphor, coarse, but strong; and I used words in their literal sense at the same time. I said if the States once began to receive supplies of money from the Federal Treasury, they would go on to supply themselves from that source, until the Federal Government was stripped of its property and its money, and left in the helpless and defenceless condition of the old Confederation, dependent upon the States for its support, and destined to die of inanition. I said then that the deposit with the States was a distribution—that not a dollar of it would ever come back to the Federal Treasury—that from dividing surplus revenue, we should come to the division of that which was not surplus—that the States would take what they wanted, and let the Federal Government supply itself as it could—that the public defences, and all the proper objects of Federal expenditure, would be stinted and sacrificed, that the money might be taken to be divided among the States. This is what I said four years ago; and short as the time has been, we have seen it more than realized. The twenty-seven millions deposited with the States until needed for the uses of the Federal Government, have been needed, are now needed, and cannot be had. They are gone forever! The public man is not in existence who dares to call for it, or any part of it. Even those who reproached me for saying it would not be returned, cannot venture to ask its return; and if they did, they would be told it could not be paid—that the States, far from being able to refund what they had received, were compelled by their necessities to call upon us for more! The public defences have almost disappeared from public view. I endeavored for some time to make a stand upon this point; I endeavored to rouse the Senate and the country to the necessity of attending to the public defences. With what effect? None, but to make myself an object of derision! to be literally laughed at, and cried down under the clamors for distribution! My worthy colleague [Dr. Linn] now ventures to mention it again, as a proper direction to be given to the public land revenue: he makes the proposition as the antagonist of distribution: the friends of distribution will overwhelm his proposition. Sir, I saw and foretold many evils from the commencement of this distribution policy; but I did not foresee all the evils of it. Things have taken place already which my imagination, gloomy as it was, and boding evil as it did, could not foresee. I did not foresee that, in six short months after the first deposit bill passed, a second one should be offered, and not only offered, but saddled, contrary to all parliamentary rule—contrary to all fair legislation—upon a bill of a totally different character—upon a fortification bill, which was actually sunk and lost under the foreign and unnatural load. I did not foresee this in June, 1836, when I declaimed against the evils of the distribution scheme; but I did see it in January, 1837, when it actually happened! Neither did I foresee an accusation of fraud against the United States for not depositing nine millions more, when she had nothing to deposit or to use, and was driven to the issue of Treasury notes for her daily support. Neither did I foresee the motion of this day—the motion of the Senator from Kentucky to make distribution of the land revenue at a time when the Federal Treasury was in want of every dollar which the lands, and the customs, and every other source of revenue can bring to it. I did not foresee these things; but they have happened. They have come upon us; and they confirm me in my original opinion, that this distribution policy is the most fatal step ever yet taken in our Government. It brings the States upon us for their supplies; it makes them look to us for all the money which they want; and they have the power to take what they please. The Union

has no Senators or Representatives in Congress; these functionaries belong to the States. In every question between the States and the Union, the delegation of every State must take part with its own State. Demand what the States please, and they must have it. First, surplus revenue; then the public lands; then current revenue; then taxes laid for their benefit; then loans made for them, credit stretched for them, and debts assumed to sustain them. We must all vote the wishes of our States, or give place to those who will do it. There will be none to defend the Union—none to protect its existence—none to form a life guard around her. The President is the only part of the legislative power which is elected by the Union, and responsible to the whole Union. He has a negative voice upon our legislation, and is peculiarly bound to exercise that voice when the safety of the Union is endangered by the encroachment of the States. He, and he alone, is the representative of the Union. His veto power balances two-thirds of the two Houses; and as the representative of the Union, he should use it when the Union is endangered. We have had one President to do this—one President to prevent the passage of a land distribution bill—and to protect the property of the Union from the seizure of the States. We have had one to do it; and for doing it, we hear him daily denounced by those to whom the late elections have transferred all power. We have had one President to discharge his duty to the Union which elected him; he is denounced for it; and according to all that we can see and hear, we are not to have another for four years to come at least. Sir, the danger is reversed. Formerly the States were in danger from the Federal Government; now the Federal Government is in danger from the States. It is now a moneyed, and not a political action, which creates the danger. The encroachment of the Federal Government upon the States was political; that of the States upon the Federal Government is pecuniary. The States go for the money, and for the property of the Federal Government. They help themselves to it; they take what they please. *No veto power* is now to arrest their arm. Twenty-six States fasten themselves upon the bosom of the Federal Government; they hang themselves upon every vein and artery which circulates life-blood through her body. How long will it be before they suck her dry, and leave her dead?

Mr. B. touched again upon the public defences. He lamented the loss of the twenty-seven millions which had gone to the States, and which had been to them what a prize drawn in a lottery is to a thoughtless young man—the mere incentive to extravagances, which lead to debt and misery. Every State is worse off since she received this money. The Union has lost it from the defences, and to the States which received it, it has been a curse. More than that: it has destroyed all thoughts of national defence! Banished all idea of fortifications, armories, foundries, steam ships, and the whole armor of defence. The cry for distribution stifles the voice of patriotism; and in doing so, invites the foreign powers to intrude and trample upon us. The nation, like the man, which will not use its means for defence, invites aggression. It invites insult, depredation, outrage, war. This is enough for me to say at this time. I will not give to the general remark an individual application. I have forborne to speak of the boundary question, so often agitated here, and which I consider as nothing but one link in a chain of questions. Though a Senator for twenty years, and this question a prominent theme the whole time, I have forborne to speak upon it. I have sat silent, and observant, while all sides of the chamber were eager to speak out. Why have I done this? Because I had no opinions? Certainly not; for I have never been without a decided opinion. Because I was afraid to avow it? Not at all. I have no reason to be afraid of my countrymen, and still less of foreigners. Why, then, not speak out? Because the public mind is not ripe for the reception of my sentiments! because the public ear is not ready to hear them! It would be nonsense to speak my sentiments on the English questions—I will not limit myself to the boundary question—

but speak in the plural; it would be idle for me, in the present state of the public mind, to speak out. We must await the progress of events. In the mean time, I shall take the liberty to say that Congress is inviting aggression by neglecting defence, and crippling the Union by surrendering its money and its property to the States.

We have just had one humiliation, said Mr. B. and we do not want another. We have seen what no Government has experienced before. It was believed that the degradation of Governments had reached their lowest point, when a company of English merchants were seen in Asia dethroning princes for the balance of an account, and seizing kingdoms in payment of a note of hand. The imagination of Sheridan and Burke could conceive nothing beyond that; the magnificent oriental drama of the trial of Warren Hastings could present nothing beyond it. But we have seen something beyond it. We have seen the election of an American President made a stockjobbing operation on the London Exchange. We have seen English bankers and money dealers "turning their attention to the internal politics of America," and "trying a change of the American Executive," in order that stocks might rise, and themselves pocket *per centums* on the American securities which they held! We have seen this; and it seems to me that, to have the "change of the American President" converted into a stockjobbing operation on the London Exchange, is to reach a point of humiliation which no Government has ever seen before.

Mr. CRITTENDEN. The Senator has based his whole reply to my remarks on the assumption that the States do not possess the right to demand of the General Government a distribution of the proceeds of their common estate in the public lands. I went on the assumption that they have that right. That is not denied, and has not been disproved. True, the money has to pass through the Treasury, but still it is their money. This point the Senator has not touched; every thing has been argued but the principal point in the argument, on which all the rest hangs and turns.

The honorable gentleman, in his concluding remarks, made a very extraordinary assertion indeed. Alluding to the late Presidential election, and the influence of foreigners in this country, he ascribed the change in the Executive Administration of this Government to the bankers and stockjobbers in England and in this country. Can this be possible? Sure I am that, if such an influence does exist, it has not reached the part of the country where I reside; nor can it have operated where the honorable Senator himself lives, as the vote of his State for Martin Van Buren conclusive proves. It is not at that end of the Union, then; and I am sure it is not in the centre: where, then, is this dangerous and irresistible influence which has revolutionized our whole party history? Where, I ask, has it been at work? Here are collected representatives of every portion of the entire Union; to each Senator I put the question, Was it your State whose vote has been controlled by the trickling, stockjobbing capitalists of Europe? Which of the States is it that lies under this foul stigma? Or is it branded on the forehead of the whole American people? Is this entire Republic to be considered as justly charged with this dishonor? Is it true that the two or three millions of voters who constitute that majority whose votes have brought in a new Administration, have been influenced, swayed, bought up with foreign money?—the meanest and basest of all influences. Where is the evidence that fixes a blot like this to the American name? For myself and my constituents, for the noble and beloved State I represent in part on this floor, I put the charge far from me. If there has been such an influence at work, it has not been among us. No one man of the twenty-six thousand majority of votes cast in Kentucky for General Harrison has acted, as I in my soul believe, from any such base, unworthy, degrading influence. Loth I am to believe that any free-born American citizen has acted so unworthily of his name and his birthright. And again I ask, where is the proof of it? Does the Senator believe that proof to be found in a correspondence between an

agent in the State of Missouri and some financiering gentleman in England?

Mr. BENTON. A director of the Bank of England.

Mr. CRITTENDEN. Well; a director of the Bank of England, with respect to the sale of a portion of Missouri stock? Is that what the Senator relies on? The agent here writes to his correspondent in England as to the influence likely to be exerted by public events in this country on the price of American stocks. Is there any thing so wonderful—any thing so "monstrous," so "outrageous" in this? Can any thing be more natural, more in course, than such a correspondence on such a subject? Suppose, instead of speaking of the price of stocks, he had been writing about the probable price of cotton, might he not have referred to a probable change in our financial system as likely to affect that article of trade? Does not every body know that the very slightest change in public affairs has an effect on the commercial world, and immediately affects the state of prices in the market? And why should not this be mentioned in regard to stocks as well as any thing else for sale in the market? That is all the proof I have heard in support of this mighty charge about British stockjobbing influence in American elections.

Mr. BENTON. Not the tenth, not the hundredth part of the proof.

Mr. CRITTENDEN. No: I will tell the honorable Senator what has produced this astounding political change. The gentleman shall not escape from the argument—from a fact so notorious. It would indeed be but a melancholy consolation to the gentleman and his friends, to ascribe their defeat to the dishonor of their native country. Were I in their situation, sooner than cast a stigma like this on the land of my nativity, and on so large, so vast a majority of my countrymen, I would admit that my party had mismanaged public affairs, or that at least the people thought they had; or, somehow or other, they had lost the public confidence. Never, never since the foundation of the Government, did so many American freemen cast their votes with one special and specific understanding as to the grounds of their united action. That is my opinion. The result of the late election is not the effect of British gold, but the sense of the American people as to the management of their public affairs, publicly and palpably expressed. Let not gentlemen attempt to get out of the position in which that election has placed them, by stigmatizing the people of the United States with corruption. No, no: this expression of opinion comes from the old genuine Republican stock who set up the Government: it is a spark from the old Revolutionary flint, and it has blown the gentlemen sky high. Let them not, now that they have reached the ground, and are rubbing their bruised and broken limbs, try to disguise from themselves the truth as to what hurt them. Strange indeed would it be, could the magic wand of British gold be applied to produce such a result. All the natural causes, on that subject, seem to point the other way. We might expect that Kings and Presidents, who try to be, and to live, like Kings, feel a natural sympathy with each other. They do not seek to put down the throne to raise the cottage. If the real truth could be come at in the matter, I verily believe that there was more foreign sympathy with the reigning President than with his plain, humble, Republican opponent. There is not a State, no, nor a county, through this wide Union, that was swayed in its late vote by any influence from the London Exchange. Gentlemen are sadly puzzled to account for the result. Some say, "Oh, it was all the work of British gold!" Others say, "It was nothing but the senseless cry about log cabins and hard cider." All sorts of devices are used to disguise a fact so appalling. Some say it was all the effect of coon-skins. And one very distinguished, intellectual, argumentative Senator assured us that, if the principles of the Whig party were to be carried out, they would lead only to this, that we should pull down this magnificent Capitol, the proud hall of American legislation, and build in its place a log cabin hung round with coon-skins! But the gentlemen do not, or will not, understand what they see. It is no cry about log cabins or hard cider that has thus

moved, as one man, almost the whole American people. It was something greater, higher, deeper. I know that the election of William Henry Harrison is to the politicians a stumbling block, and to the Van Buren men foolishness; but to any unbiassed, candid, intelligent observer, it must appear to be the wisdom and the power of a great people. I can tell the gentlemen that it is not so very politic to sneer at log cabins. They are the emblem, the visible type, of the power of the people. Long will it continue to be dear to them as a remembrance of the fact that they were able, by the peaceful fiat of their will, to take the man they loved from a log cabin, and set him in the palace of their dominion. It is the practical, visible, tangible symbol of their power—which may God preserve! Think you to win their favor by treating it with scorn and derision? You forced it on us by your taunts; you laughed at our candidate as the inmate of a cabin; and you have seen, and you now feel, the effect of your own wit; and, if I am not very much mistaken, you will never need another lesson to teach you the danger of sneering at log cabins. The people are coming, on the 4th of March, to show you what it is to set your foot upon them. They are bringing the man of the log cabin, and they mean to place him in yonder White House. You puzzle your heads sadly to account for it; but we will work out the sum for you.

Mr. BENTON rose again immediately after Mr. CRITTENDEN, and said that he had again failed at the point of intelligibility—had again failed in the only quality which he aspired to in public speaking—had again failed in the humble effort of trying to be understood. The Senator from Kentucky mistook him. He had not attributed the result of the late Presidential election to any one cause, much less to the sole interference of British bankers. He spoke of the degradation to which we were subjected when these money dealers had the audacity to interfere in our Presidential election in order to raise the price of their stocks. It was the disgrace of the interference of which he spoke, and not the effect of the interference. The Senator from Kentucky was mistaken in supposing that he had attributed the result in every State to the interference of the London money dealers. He (Mr. B.) knew very well what he had said; and what he had said he was able to prove, and meant to do it on a proper occasion. He had the evidence on hand, and that not merely in the Huth letters, and in the London high Tory papers, but in more formal and considerate productions. I said that the *change* of the American Executive had been made a stockjobbing operation on the London Exchange—that English money dealers had interfered in our election, and interfered for the purpose of raising the price of stocks—for the purpose of enabling them to pocket per centums. This is what I said. I was speaking of national disgrace, and not of election results. Doubtless these foreigners contributed much to that result; but I have never attributed the whole to them. I ascribe the result to many causes; but since the official returns have come in, I confess the result is, to me, incomprehensible. These returns show the Democratic candidate to have been defeated after receiving an immense, and almost incredible increase of votes. Mr. Van Buren received, in 1840, no less than 370,000 votes more than he received in 1836; he received nearly double as many as General Jackson received at either of his elections; he would seem to have received an increase as votes equal to the increase of the whole voting population; he had received all this, and still he is defeated! This, sir, is incomprehensible to me. Perhaps the Federal census may throw some light on the enigma.

The question now recurring on the amendment moved by Mr. CALHOUN—

Mr. CLAY of Kentucky reminded the Senate that the amendment contained a blank which should be filled before the vote was taken.

Mr. CALHOUN said he left the blank to be filled by the Senate as it might think proper. If the amendment should prevail, the blank might be filled afterwards.

Mr. CLAY of Alabama said there was no need of filling the blank at this moment.

Mr. PRESTON said the proposition was one of importance, and he required a little time to reflect before he voted upon it; and he thereupon moved that the Senate adjourn.

The motion prevailed, and
The Senate adjourned.

WEDNESDAY, January 13, 1841.

The Pre-emption bill coming up as the unfinished business, and the question being on Mr. CALHOUN's proposition to strike out Mr. CRITTENDEN's amendment, and insert a provision ceding the public lands, on certain conditions, to the States in which they lie—

Mr. PRESTON expressed his regret that, on his account, the Senate should have gone through the formality of an adjournment, since he had nothing to say which would at all compensate for this delay. He had intended to offer but a few necessary remarks, and he now therefore rose under circumstances somewhat embarrassing. He felt it, however, to be a duty which he owed to himself, before he gave the vote which he intended to give on this measure, to state some reasons why he could not yield it his support; more especially as he had formerly felt somewhat inclined to favor some such scheme: for he had been ready to embrace almost any measure which should divest the Federal Government of the trouble, vexation, embarrassment, contests, and particularly of the patronage which arose from these public lands lying within the several States. The management of them seemed to be generally conceded to be very burdensome to our legislation, and he had been very anxious that no effort should be omitted to deliver Congress from its perpetual exactions; and he still considered it as one of our misfortunes to be so often called to discuss and decide upon difficult questions connected with this intricate subject, and so frequently to exercise the powers of the General Government within the limits of the States.

A long course of observation, however, had diminished his apprehensions as to the subject of most difficulty, viz: the danger of Executive patronage, arising from the possession and management of this extensive domain. Reason and experience had long since taught him that all the powers which Congress assumed, whether legitimately or not, whether constitutional or otherwise, ultimately found their residence in the President of the United States, whose person was the great and ultimate depository of the powers of Government, and most especially of all unauthorized and doubtful powers claimed by it. Having resisted all irregular exertion of Executive authority with great anxiety, and having felt its effects very severely, Mr. P. had been extremely desirous to see the prolific source of patronage diminished or cut off. When he saw, from day to day, so many of the Senators, representing new States of the Confederacy, voting habitually with the Executive, and sustaining all those measures which he then thought, and the result has proved, to be most disastrous, he inferred that there was a source of influence in the public lands which produced a course so much to be deprecated. He perceived that the control of this public domain enhanced the powers of Congress, and that Congress was disposed to surrender its powers to the Executive.

He, however, said that the deep and painful anxiety he had once experienced on this subject had been somewhat diminished. He was happy to find that he had been mistaken as to the extent of the evil; that, after all, the free spirit of the inhabitants of the new States was competent to resist this malign influence—of asserting its independence, and this gave a pledge, and furnished a happy augury of the continuance of our free institutions. Mr. P. admitted that he had been taught a lesson of great value. The landed States, which he had once supposed to be bowed and subjugated by their condition into a spirit of subserviency to the Executive will, had, in the late Presidential election, proved that a large majority among them were animated by a spirit superior to local and temporary influences. Five out of nine of these States, embraced in this cession, had ranged themselves against the existing Administration, in spite of its patronage, and the open and daring use

of it for its purposes, and out of sixty-three, had cast forty-two votes for General Harrison. Mr. P. asked pardon, therefore, of these patriotic new States for the fears which had once possessed him. He here took back the opinion he had once held and expressed. He congratulated the country on so favorable an omen for the future, and was now prepared well to believe that the sturdy independence of our brethren in the West would ever be ready to assert itself when circumstances required. Mr. P. said this in no spirit of acrimony towards any one, but to explain and vindicate some change of opinion which had been mainly founded on these views.

He did not desire to be understood as saying that he had or could at any time have approved the project of cession now presented to the Senate, but he had once expressed himself in favor of surrendering in some way to the new States the exclusive control of the public land within their limits, hoping thereby to exempt Congress from all further responsibility and anxiety respecting it, and to relieve those States from the influence of a dangerous patronage. He did not think that, even under the powerful action of these motives when operating on his mind in their fullest force, he could have voted for the measure proposed by his colleague. He certainly could not do so at this time.

He was aware that the entire subject of the administration of the public domain was now thrown open for discussion, but it was not his purpose to enter at large upon the subject, not only because there was not now time to do it justice, but because he had already spoken to the principle of pre-emption contained in the bill.

And now, with regard to the amendment before us, let us first look at the nature of the powers of Congress in controlling the public land. By an express provision in the Constitution, we are authorized to make such regulations in regard to them as Congress shall think proper. This provision resulted from the cessions by Virginia and Connecticut, and from the subsequent ordinance of the old Congress. Undoubtedly these grants did look to the power exercised under the Confederation in establishing the rates of contribution of the different States to the expense of the General Government. I hold in my hand these deeds of cession and the ordinance to which I have just referred. I shall not go fully into the extent of the control here authorized, or the duties of Congress growing out of it. By these deeds it is declared as follows:

Deed of Cession of Virginia, March 1, 1794.

"That all the lands within the territory so ceded to the United States, and not received for or appropriated to any of the before-mentioned purposes," &c. "shall be considered a common fund for the use and benefit of such of the United States as have become or shall become members of the Confederation or Federal alliance of the said States, Virginia included, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever."

Deed of Cession of Connecticut, Sept. 14, 1788.

"All the right, title, interest, jurisdiction, and claim of the State of Connecticut," &c. "shall be included, released and ceded to the United States," "for the common use and benefit of said States, Connecticut inclusive."

South Carolina deeded August 9, 1787, "for the benefit of the said States." North Carolina deeded "as a further means as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States," and declared that the lands "shall be considered a common fund." Georgia deeded on the same conditions.

Resolution of Congress, Oct. 10, 1790.

Resolved, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular State, shall be disposed of for the common benefit of the United States.

What, then, are the powers and duties of Congress in reference to this fund? The first thing that strikes one is, the cession of Virginia a fund was ceded—expressly and emphatically a fund—to be used in the general charge and expenditure, for the use and benefit of all the States; and then, by way of greater caution and more explicit declaration, adds, "and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever." It is manifest that Virginia had in view a money transaction—the creation of a fund to be in the hands of Congress, to be disposed of for money purposes. While she ceded the jurisdiction of the lands, her object was to enable Congress to discharge moneyed dues, and effect fiscal operations. I contend that this was a trust fund, to be used for the benefit of the United States, on

certain conditions, and under restrictions, and that our control over it is limited by the nature of the trust. Here, then, we have a fund created—a trust confided—and the objects of both specified, viz: to relieve the States from the burdens imposed by the Confederation, and each State was to receive the benefit, according to its usual proportion in these burdens.

We must perform in full faith whatever duty was confided to us. Yet, considering the whole scope of the deed of cession, we cannot conclude that, in the administration of this trust, we are to regard it exclusively in a money point of view, as mere pounds, shillings, and pence. There are other and very high considerations which cannot themselves with the subject. We must remember that, while we act under trusts from Virginia and Connecticut and other ceding States, we also act under other trusts, of a very comprehensive nature, from all the States, and that each of these trusts must be administered in reference to the other, so as not to trench upon or be inconsistent with it. If, because it is a fiscal trust from Virginia, we act upon a calculation of mere pounds, shillings, and pence, then we immediately run foul of the other trusts which we hold from the whole Union. While we look that we are faithful to the one, we must see that we are not unfaithful to the other; we must keep an eye to the whole, and carry on all our trusts together, as harmoniously, with respect to each other, as we can. We must destroy none, but promote all, as far as it shall be possible. I am not for looking exclusively to the financial aspect of our power, but for remembering that, in the discharge of them, there also political relations which must of necessity be evolved. No doubt, the first motive which led to the cession was a political one—the States owning no land, seeing that the vast domains of other States might lead to an undue ascendancy in the Confederacy, therefore proposed a cession for the erection of new States.

We are entrusted then with a general fund which we are bound to administer in a spirit at once of liberality towards the new States, of just economy as regards our Treasury, and of mere policy as regards the general good of our Union. These new members of the Confederacy have been made States much more quickly than ever was anticipated; they are treated as children, and have ever been treated as favored children. They have grown and thriven with vast and unexpected rapidity; they are filling up with a teeming population, and are fast becoming of themselves a magnificent empire, which stands in the presence of the other States, not as a child in the presence of its parents, but as one of full growth and proportions, on a footing of entire equality with the Old Thirteen, and destined, at no distant day, even to assert superiority of them. But, on the other hand, it should not be forgotten that while we have been so fulfilling the trust reposed in us as to promote and foster the well-being of the new States, we hold a trust for all the States of the Confederacy, and hold it on the ground that this public domain on which these new States have sprung up, is a fund—a common fund for the use of all the States. What was the feelings of Virginia when she made a cession in terms so guarded? She states the purposes for which she makes the cession, and then she adds that it shall be applied to these purposes, and to no other use or purpose whatever. And to show the spirit of caution in which she proceeded, she would not leave it to implication that her own rights were of course to be regarded with the rights of all her sister States, but added the words "Virginia included," thus making assurance doubly sure. There is not on the records of civilized nations a more illustrious instance of long-sighted, wise, and devoted patriotism than this very act by the Commonwealth of Virginia. She thus dismembered herself of an extent of territory larger than her own limits, and freely gave it to the whole Republic. She begged herself that she might bestow this munificent donation upon the Union at large. And now, in her advanced age, when her lands are worn out, and, instead of being covered with waving harvests of wheat, are covered over with broom-sedge, when her finances are embarrassed, and we may almost say that in her old age she is actually improve-

rished, is it right, is it becoming, is it honorable, is it grateful to turn round and say to her, you are no longer entitled to any share in the benefits of this your own donation? Were there no other State in the Union which could put in any claim to a share in the proceeds of this public domain, surely it is our duty, it is your duty, it is my duty to stand up for the rights of the Old Dominion, and to see that she shall retain some portion in that inheritance, which, with a regal munificence, she has freely bestowed upon us all.

In the administration of the public lands, we are not to oppress and pinch the West, so as to wring out the very last dollar the lands can be made to produce; we are not to act the part of a miserly landlord. We have not acted in this spirit. Never. On the contrary, I aver that we have acted towards these new States the part of a true-hearted and generous parent. We have nurtured, and fed, and clothed them, till they are grown to the height and stature of adult strength long before they are of age. From being feeble and helpless and tottering, they have become strong and rich and able. But would I stop here? Not at all. I would act towards them in the same spirit still—a spirit liberal, affectionate, and generous. I would foster their growth and improvement, and promptly defend them from Indian aggression; but, at the same time, as a trustee, I would look for some return of profit to the other States of the Union.

Now, in the application of these general principles to the amendment which has been proposed by my colleague from South Carolina, in the first place I inquire whether his is a financial scheme at all; and if so, whether it is such an one as, under the relations in which we stand, it is just and proper for us to adopt? I cannot but regard it as it respects the cession under which we have received these lands. I will not quibble about the terms. Virginia did certainly cede these lands to the United States, and the equivalent was the securing of certain rights to herself, together with the incidental advantages which would grow out of the cession to herself and her sister States. But was it a sale? Was it a financial agreement? Did she reserve for herself a fund from the proceeds? Was it a mere act of bargain and sale? Nothing like it. It was a deed of boundless liberality; it was a cession of all her interests in this vast territory; it was an act in which she sacrificed herself and looked only to the good of the country. The present amendment purports to be a "cession." We are to give away to the new States the public land. But can we give these lands away as Virginia did? Is this Territory ours, as it was hers? Not at all. She held it in fee-simple. She held it in entire and absolute property. It was her own; she might do with it what she would, and she chose to give it away. But we cannot give it. It was hers in fee simple; it is ours only in trust. She held it in her own right; we hold it in right of others. She held it as proprietor, we hold it as trustees for all the States. That we have a right to sell the land, I have no doubt; and that, in execution of other trusts confided to us, we may, in certain cases, give portions of it away, I do not deny; but we have no constitutional right to destroy the trust: that is an act which transcends the power of Congress. And further, if we part with it under a mere colorable sale, it is an avoidance of our high trust, and a violation of the Constitution. If we sell at all, we must sell in good faith, for a valuable consideration, and for the benefit of the United States.

What is the consideration reserved in this act of cession? It purports to be 65 per cent. on the sales; in other words, it is a proposition to cede 35 per cent. of the proceeds of the public lands to certain selected States. What consideration for this 35 per cent? We have been now for fifty years administering this trust, and we have not yet got through with it. It is, in fact, continually opening upon us. There seems something magical about it. It grows on us as we proceed. A portion of the trust estate has been destroyed, and yet, just as fast as we have sold and consumed it, it has increased upon our hands. In proportion as we have ascended in our legislation, a wider horizon has

opened. At first, there was a wall of Indians and of foreign territory all around us; but with every rolling year its limits have been rolled back. It is not now bounded by the Miami, nor by the Wash, nor by the Mississippi; no, nor by the Rocky Mountains. But my honorable friend here [Mr. Linn] invokes the Senate to extend its view to the mouth of the Columbia river. We have not done with this trust, nor half done with it: we have built up an empire, and yet we are only on the threshold of our possessions. To show how little we have yet made by it in a financial view, let me state that, from the returns as brought up to a very recent period, our expenses have exceeded our gains. We are not yet repaid for the expenses of the trust: we are more than five millions yet in debt. I speak of the whole domain, however derived. The cost and charges of managing this property have been \$102,000,000. The income from it has been not quite \$98,000,000. Nor is this difference the only balance against us. Thus far, the sales of the public lands have not reimbursed the expenses of their acquisition and preparation for sale. The following is the official statement of the account current of the United States with their public lands:

<i>Statement of the cost in the acquisition and management of the public lands, and of the receipts arising from the sale thereof, to the 30th September, 1838.</i>	
The whole expenditure under the head of Indian Department, from the commencement of the Government to September 30, 1838, so far as can be ascertained from the records of this office, amounts to	\$32,047,598
By the convention of France of the 3d April, 1803, the United States paid for Louisiana, in stock and money	\$15,000,000
Interest on the stock, up to the time it became redeemable	8,529,353
	23,529,353
By the treaty with Spain of the 22d February, 1819, there was paid for the Florida the sum of	5,000,000
Interest on the stock, constituted per act of 24th May, 1824, to provide for the awards of the commissioners under the said treaty, up to the time it was paid off	1,489,768
	6,489,768
The payments to the State of Georgia, on account of lands relinquished to the United States, including the value of arms furnished that State, amounted to	1,250,000
Amount of Mississippi stock issued under the act of 3d March, 1815, and redeemed at the Treasury, exclusive of the amount received in payment of lands	1,832,375
There has been paid for salaries and the contingent expenses of the General Land Office	1,126,609
For salaries and incidental expenses of the several land offices, out of the proceeds of sales, while in the hands of the receivers	3,227,939
For the salaries of the registers and receivers, by warrants on the Treasurer of the United States	92,905
	3,320,842
For the salaries of surveyors-general and their clerks, and of the commissioners for settling land claims, &c.	1,032,666
And for the survey of public lands	3,106,831
Cost, including foreign cessions and expenses of Indians	\$73,736,047
The cost in the acquisition and management of the public lands, exclusive of the sums paid for cessions from foreign Governments, and expenses of Indian wars, for which specific appropriations were made;	28,464,066
	102,200,103
Receipts into the Treasury from the sales of public lands to September 30, 1838, exclusive of receipts from lands sold for the benefit of Indians,	\$97,900,379

TREASURY DEPARTMENT,
REGISTER'S OFFICE, February 1, 1839.

T. L. SMITH, Register.
NOTE.—The records of this office exhibit no specific appropriations for suppressing Indian hostilities until 1836; prior to that year, the cost of wars with the Indians was paid out of appropriations for the Army generally. The expense of Indian hostilities from 1st January, 1836, to 30th September, 1838, amounts to \$15,232,868 64.

This account does not include the heavy disbursements for Indian wars, which, swelled by the recent enormous expenses in Florida, may be safely set down at forty millions of dollars. With this very large balance standing against the land yet in possession of the United States, if the calculation of the value of that residue made by the Senator from South Carolina be correct, the whole will not reimburse us, much less the 65 per cent. which he proposes to reserve. And thus we shall have squandered not only what Virginia and the other States gave us, but also a large sum of money contributed by the old States in the form of taxes upon their citizens before the States now proposed

to be benefited were in existence. In this most obvious view of the case, we give out of the Treasury, to a few favored States, thirty-five per cent. of many millions of dollars collected from the other States. By this operation, Virginia will not only have given her lands but her money also. She will have transferred her property and paid a sum to those who take it. The quantity of land proposed to be surrendered by this act of cession is, according to the report of the select committee, one hundred and fifty-four millions of acres, lying in various portions of the nine selected States. Thirty-five per cent. upon this quantity is upwards of fifty millions of acres, certainly a munificent donation. The average annual income from the sale of public lands for the last twenty years is about five millions of dollars. Assuming this ratio, the annual grant in money to these nine States is more than a million and a half of dollars. It is equal to the civil list of those States. It is the assumption of the public debts of those States. It is the distribution of the whole net proceeds of the public lands amongst nine States.

It seems to me that the mode of calculation by which the mover of this amendment brings down the value of the public lands is erroneous; but, whatever that value may be, we have no power to cast it away. One thing is certain, that the sales yield an income of five millions, and that, in all human probability, they will continue to do so for the next thirty years. Their value for a sum in hand, therefore, is correctly estimated by a very obvious process. The annual receipts should cover the annual interest, and provide a sinking fund for the capital. By this mode of calculation, then, allowing the income from the public lands to terminate at the end of thirty years, the present value in hand would be upwards of fifty millions; and the proposition thus reduced results in a donation, *in present*, of seventeen millions of dollars to the nine States. The eagerness manifested by the Senators representing those States is natural. There is a grandeur in this munificence which subdues the imagination, and casts into shade the vast donation of Virginia—differing from that, too, in this: that, whereas Virginia gave to all the States, herself included, this proposition gives to one-third of the States, containing less than one-sixth of the population.

That the average of the last twenty years is a just, or at least a sufficiently low, criterion of the proceeds of the public lands for the future, will be apparent from the consideration of the great increase of the population, which furnishes the demand for new lands. The United States now contain 18,000,000 of inhabitants, an increase at the rate of about 700,000 a year. The demand for new settlements will increase in a corresponding ratio with the population. It may be safely put down as increasing at the rate of four per cent. Experience, heretofore, has shown that the rate of purchase does not diminish, as the land has been picked and culled; but, on the contrary, those lands which have been longest in market are most freely sold, in proportion to the quantity in market. Thus, lands are more rapidly taken up in Ohio than in Arkansas, for the obvious reason that a dense population makes inferior land more valuable in the midst of it, than more fertile districts in an uninhabited country. There is but a million of acres of United States land now remaining unsold in Ohio, and even this is diminishing with an accelerated ratio. It therefore may be well assumed that from this source the United States may enjoy a revenue of five millions, until very much the largest portion of the domain within the nine States is disposed of, and long before that period Florida, Iowa, and Wisconsin will have brought their contributions to the general fund, and extended the period of this income to future generations. Reasoning upon data known to be correct, in thirty years from this time the demand for the public lands will be in proportion to a population increasing at the rate of two millions a year.

But there are other serious objections to this amendment, and I invoke the attention of Senators from every quarter of the Union to that which I am now about to state. The proposed mode of disposing of the public lands is altogether and to

an enormous extent unequal in its operation. What I insist on is, that there shall be at any rate a perfect equality; that there shall not be discrimination and bounties in favor of one State and against another; but here there is a degree of inequality which, were there no other objections, would be sufficient to compel my decided dissent. It is proposed to cede the public domain to each of the States respectively within whose territorial limits they lie. It is given to the States, not to individuals. It is given to them, not as being all the States, but as being part only of the States of the Union. Should it be ceded to all the States, it would be a violation of the original cession of the Constitution, as the advocates of this measure contend. It is to be ceded to the States, not in proportion to their contributions to the public burdens, or in proportion to their size or population, but simply as States. And what will be the result, as between one of the States and another? Ohio exceeds Missouri in population four to one; and how does this amendment propose to distribute the public lands between these two States? The share of Missouri is to the share of Ohio as more than twenty-eight to one, making the population of Missouri receive over the population of Ohio more than one hundred to one. Can Ohio stand by and see the public domain given away in this proportion? Nor is this all; for the one million of acres which Ohio gets is of lands which have been in market for more than forty years, and have been picked and culled during all that time, while the thirty millions which are given to Missouri consist of fresh and fertile lands but recently surveyed. Now let me ask, what will Virginia get? She contributes to the public burden six times as much as Missouri. Missouri is to get 35 per cent. of thirty millions. How much does Virginia get? Nothing. This is not thirty millions to one; it is thirty millions to nothing. Besides, Ohio has now passed her chrysalis condition. She has now become one of the old States of the Union. A million of acres is nothing to her. But this amendment gives her her dividend but of one million of old and refuse land, while it gives Missouri her dividend of thirty millions of new land of the very best quality.

Let us now look a little at the operation of this scheme in its details. I have here the report of the learned Committee on Public Lands, made at the last session, stating the quantity of public lands within the various States. Ohio, it appears, contains one million of acres of second, third, and fourth rate lands, while Arkansas has forty-three millions of acres.

Mr. SEVIER. Yes, and rich.

Yes, said Mr. P. Arkansas is rich; and this is one of the schemes to make the rich richer, and the poor poorer. Arkansas has forty-three times as much of the public land as Ohio; at the same time Ohio has a million and a half of inhabitants, while Arkansas has one hundred thousand. Thus, one hundred thousand people are to be benefited at the rate of forty-three millions of acres of land—rich land, as the Senator tells us—while a million and a half of people in another State are benefited at the rate of one million of refuse land. Arkansas is to get two hundred and fifteen acres to each inhabitant, and Ohio one-third of one acre! being a difference of six hundred and forty-five in favor of Arkansas. Each inhabitant of Arkansas, therefore, will get six hundred and forty-five times as much as each inhabitant of Ohio. And so of the rest. Michigan has thirty-one millions to Ohio's one million. Yet she has less than one hundred thousand inhabitants. The proportions are enormous. The original cession said that the avails of the public domain were to be shared among the States according to their several portions of the general charge and expenditure. Yet, here an inhabitant of Arkansas is to get six hundred and forty-five times as much as an inhabitant of Ohio; or, if you regard the two as States, one gets forty-three times as much as the other.

But it does not stop here. New States of the Union are selected as beneficiaries: are they, then, to be confined to the avails of the land they receive? Not at all: after receiving that, they are then to come in and be common sharers with the rest of the States. We are to give them all their own

lands, and a portion in ours besides! Virginia is to get one twenty-sixth part of one-half of these lands, and Arkansas, after having got her own thirty-one millions, is to share this one twenty-sixth part with Virginia. I should really hope, if the land must be given away, it will be at some rate more reasonable than this. The entire quantity of lands remaining unsold within the States enumerated in the Senator's amendment is 154,000,000 acres: one-half of this will be 77,000,000, one-third is 50,000,000. And the bill gives these 50,000,000 to nine States, the other States to give no portion of it.

I could run out this illustration yet further: but I refrain. *Ex pede, Herculeum.* These are sufficient.

These are to me striking views, but they are not the considerations which weigh most heavily upon my mind, and which I should be most glad to see removed if this amendment is to be adopted, and is ever to become a law. In arguing this whole question I feel the difficulty of our situation as arguing against the wishes and expectations of those who are to receive the benefit. The nine States who are to get this magnificent donation have eighteen Senators amongst those whom I am addressing, who have, of course, a more direct interest in the adoption of the amendment than any of the rest of us. This, of itself, presents a powerful motive to secure their support to the measure: and this fact alone ought to make us pause before we hastily adopt the plan. The benefit to be granted is not common to us all, but peculiar to them—it is exclusive as to us. They are to be benefited: we are to be injured. In alluding to the strength of the motive here presented as likely to band together eighteen Senators in support of this scheme, I mean to make no personal or offensive reference to those Senators; it is a motive likely to act on all men placed in their circumstances. They desire, very naturally, and very properly, to benefit their constituents: and, under the pressure of that desire, with such an opportunity for its gratification, the understanding even of the strongest is very likely to be warped in its conclusions, and seduced to believe that the measure is perfectly just and proper. We must entreat gentlemen so situated, as I do now entreat them, to raise their views from the immediate interest of their constituents in such a cession as is now proposed, to a just administration of the sacred trust which has been confided to them for the benefit of the entire Union. Is it right—is it just—is it generous—to find their own peculiar interest in our loss and sacrifice? I throw myself upon them, that they will consider this subject in an enlarged point of view. Especially do I wish Ohio to do this, who is passing out of her state of minority and becoming of ripe age. Will Ohio consent thus to squander our common patrimony? I put it to Indiana, who is soon about to become the third State in this Union: and I ask her whether to promote a transient interest to-day, she will be willing to sacrifice the permanent and abiding interest of to-morrow? and whether she will lend herself to the delusion that it is just to deprive the old States of the inheritance they have received from our ancestors?

The amendment will produce a state of things I earnestly deprecate. In the administration of this domain something is due to our past experience. We all remember the large amount of debt which was once accumulated under the credit system of the sale of the public lands; you remember that the debtors declared that they could not pay, and would not. The very same spirit which prompts men to take the land without a legal right prompts them to stand out for the money they ought to pay for it. Circumstances made it difficult, perhaps impossible for them to pay; and I well recollect the terror with which the politicians of that day looked to the results of such a state of things. I remember with what anxiety, not to say terror, Mr. Monroe contemplated a debt of nineteen millions owed by one section of the Union. Congress looked with dismay at the mass of debt due from settlers on the Lower Mississippi; and, in contemplation of the mischievous effects arising from the credit system, in relation to the public lands, you determined to alter your terms of sale; and it was wisely decided to sell, in future, for cash alone.

But if a scattered debt, due from individuals, be an evil of so dangerous a character as to excite their terrors, how fearful will it become when this debt, instead of being dispersed among a number of individual settlers, is consolidated into one mass, and owed by a section which has already, from time to time, made claim to an indefeasible title in all this land! Can you collect it? You cannot drive your debtors from the land. Will you call out the force of the country—send your army—sell the land under them, and take possession of it for the United States? It cannot be done. To individuals, in such a case, you can afford to yield, and make a compromise; but how will you stand when you have made States your debtors? The amendment establishes the relation of debtor and creditor between this Government and entire States—with neighboring, with contiguous States—with a mass of States, all having one common interest in the question, one common character, and one common debt. Do you expect from a debtor like this to collect your debt by any process? The thought is idle. I estimate the honor and fidelity of the States as much as any man; but what have we heard for the last few years, from the other side of the Senate, but wild denunciation of State extravagance—State profligacy—and the dear, blessed people to be taxed to pay State debts? Suppose there comes a short crop, or an Indian war, or any other of the like contingencies, would it not be urged as an excuse for not paying the State debt? And would you venture, under such circumstances, to call upon them for your money? You dare not. Gentlemen have told you, in one breath, that you cannot protect your lands from the squatters either by your stipstaves or by your soldiers; and in the very next breath they say you can force whole States to comply with their contracts by the power of the Judiciary! Your army cannot remove a handful of individuals, and yet you are going to drive the States by your Judiciary! You cannot turn off a poor squatter, who has no sort of title, or evidence or pretence of title; and yet you are, by the most nugatory provisions of this bill, to oust a citizen of a State, having a deed from the State in his pocket, and the whole State power interposed between him and you! If a State shall declare that they will not pay you, do you expect that individuals of that State will? God forbid I should ever see the day when this comes to be tried, or that I should contribute to the possibility of superinducing it. You place the man between two fires. The State tells him to hold his land; the General Government orders him to give it up. He is to be hung by the State if he disobeys the State Government; and if he obeys the State, then he is to be hung by the General Government! You never can enforce your contract; the Judiciary is utterly incapable of it. The remedy which the amendment provides for the case is utterly inefficient. It is, that if the States refuse to pay, then the deeds made by the States to individuals shall be vacated. Pshaw! Why, as I have said, with no deed at all, the settlers have stood out against you, and you have been forced to yield, over and over again. Think you that, with a State deed to show, and the State authority to shield them, they are going to march off their farms at the bidding of your marshal? He would be a bold man who would carry a process there. I say, then, that there is great danger in your establishing the pecuniary relation of debtor and creditor with the States. If they cannot pay, what will you do? They will resist in masses. They have eighteen Senators on this floor; and it is already their boast that in ten years from this time they will hold the balance of power, and that they will take the land upon their own terms. The remedy proposed by the amendment is altogether fallacious. It proposes to divert a vested right, and to drive a man from lands that he has bought and paid for.

Something of the same kind was once done by Congress, (and the measure, I admit, was supported by myself, among others,) by which the States became debtors to this Government for a distribution of the surplus in the Treasury. And what has become of your debt? Who asks for it? Who dare move such a demand? Have we not, in the very face of this debt of twenty-six millions due from

the States, borrowed money to supply the wants of the Government from day to day? The Secretary of the Treasury tells us of these twenty-six millions on deposit with the States, and in the same breath asks for an issue of five millions of Treasury notes! A debt from the States! The States cannot pay it; they will not pay it; and we dare not ask them for it. I would not give you a groat for your whole debt. Some difficulty will occur concerning it, and you will forgive them all. Let us not, then, take the first step—let us not make debtors of States too powerful for your management. A contest will arise, and if they are too strong for you, you will be subjected to them; and if you are too strong for them, it will be yet worse, for they must be subjected to you.

On these grounds I am opposed to the scheme of the Senator for a cession of the public lands. I trust I shall always be ready to promote the interest of the new States; but I am not willing to see such an inequality of division among them as that one man shall receive 625 acres of this domain, while another man gets but one acre. I cannot consent to establish the relation of debtor and creditor with the States, and so lose all.

There is one other objection to the measure, to which I shall barely allude. I am strongly impressed with the idea that, while the Old Dominion, in making us the cession of her territory, wisely and cautiously provided that the benefit should be ratably divided among all the States, (and therefore among the Western States with the rest,) yet the main point of view in which that cession is to be regarded is as a financial transaction. In regard to the proposition for a distribution of the proceeds, commonly known as the land bill of the distinguished gentleman to my right, (Mr. CLAY,) I occupied a peculiar position. As an independent proposition, I have been against it; but, in connection with the surplus revenue, I was for it. I was for a distribution of the surplus revenue accumulated in the Treasury, and of the proceeds of the public lands as forming a part of it. We distributed both the landed revenue and that from the customs. We have now the subject of the tariff opened again, or soon to be opened. All questions before us in regard to the lands are complicated with the financial system of the United States. If I had the control of matters, I would set down five millions as the income from the public domain, and I would then have a moving scale of duties in proportion to the wants of the Government. But this is scarcely likely to be done. The tariff, I suppose, will be fixed, and not moveable, with a view to give permanence to our great interests. That they will, to a certain extent, be permanent, no man, I think, can doubt. How the proceeds of the public lands are to be adjusted is a different question. I think they should be adjusted contemporaneously with the tariff, or else suspended till the tariff is settled.

I cannot but regard the proceeds of the sales of the public lands as a portion, and a very important portion, of the public revenue at all times, but more especially now, when there is a public debt actually existing, and a proposition before Congress to increase it. One of the peculiar purposes to which the old Congress appropriated the income of the public lands was the payment of the national debt. We have, at this moment, an acknowledged debt of near five millions. The Secretary of the Treasury demands an increase of five millions to meet pressing emergencies; and no one doubts that, in deferred payments, in existing charges, in unsettled balances, and unadjusted claims, there are five millions more outstanding. Thus, on the 4th March next, there will be a national debt of fifteen millions. This is no time to give away any portion of our income, neither to all the States nor to a portion of them—neither to twenty-six States nor to nine. If these proceeds are to be abstracted from the general Treasury, it were manifestly best that they should be disposed of to the States generally. That would be an approximation to justice and equity; but the highest justice and equity—the most honest and obvious performance of our trust—is to apply these funds to the payment of the national debt.

The proposition of the Senator from Missouri,

to appropriate these proceeds to the Navy and the public expenses, is conceived in so high a spirit that it is well calculated to enlist our sympathies and captivate the imagination. I heartily concur with him in his estimate of the propriety of doing something for the Navy. That important branch of the public service has been too much neglected. It merits, at all times, the highest consideration. Its actual condition exacts our most anxious attention. Its glory and its usefulness cannot be too highly estimated, and I fear it has fallen into great dilapidation. It might be invidious to inquire how this disastrous condition has been superinduced, but it is due to our most precious recollections—to our highest interests—to all that pride and patriotism can enforce—that it continue no longer. That Administration which shall build up the Navy, reinvigorate its energies, and revive and stimulate its wonted spirit, will deserve the eternal gratitude of the country. As far as the public purse can contribute to this, I would not circumscribe our appropriations to any special fund. If there be any one thing amongst us which may be called national, it is the Navy. I would not limit it to any sum, however ample. Its only limitation should be, the capacity of our commercial marine to man it, and up to that full extent I would enable it to be present with our commerce in the four quarters of the world, equipped and inspired to protect it and our honor against all opponents.

THURSDAY, January 16, 1841.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up, the question being on the proposition by Mr. CRITTENDEN to recommend the bill, with instructions to report a bill to distribute the proceeds of the sales of the public lands among the States, which Mr. CALHOUN offered to amend, by substituting a bill to cede the public lands to the States in which they lie, upon certain conditions.

Mr. SEVIER said he knew of no political question, except it were a question involving national or State honor, or a question of war with a foreign power, in which his constituents felt an interest so deep and universal, as they do in a just, speedy, and final disposition of the public lands.

In the adjustment of this great question, they desire what is just and liberal, and nothing more; and they will never be satisfied, as they ought not to be, with any settlement of it which falls short of ample justice and great liberality. Senators from the old States have had the power, and yet have the power, to vote down every reasonable proposition upon this subject, as they have frequently done from time to time for the last half century. But, thank God, selfishness, and avarice, and injustice, like all things else on earth, have a termination! Human extortion and annoyance, either individually or by States, in the wise dispensations of a merciful Providence, cannot last forever! What influences a sense of justice, in conflict with pecuniary interest, or a knowledge of what the future will inevitably bring to pass, may now have upon the minds of Senators representing the old States, will be determined by their votes upon the proposition now before the Senate. Ten years hence, after the next census, should a settlement of this question be so long deferred, and should we at that time have no traitors in our garrison to betray us, it will be a matter of slight concern with us, further than to have, what would be at all times desirable, the friendship, good will, and co-operation of our brethren, whether the Senators from the old States are willing to settle the land question or not. We shall then have the power, and we shall then exercise it, too, of disposing of this great question to suit ourselves. And when that settlement takes place, we shall hear no more of this Government peddling in town sites and town lots; no more of the relationship of federal landlord and tenant, in lead mines, salt springs, and Indian reservations; no more of penal statutes prohibiting emigration and settlement upon the public lands; no more of suits of trespass or ejectment; nor of our illustrious army, crusading under your orders, not against the

enemies of the country, but against our own flesh and blood; and acquiring distinction, not on the battle field, but by burning down the dwellings, cutting down the crops, and driving into the woods to starve, or perish by exposure, unarmed, inoffensive and harmless citizens of the United States, with their helpless families! We shall then hear no more of these enormities, nor of the thousand other vexations which the frontier settler has had to bear, without remedy or redress—without daring to complain, lest he should be denounced as unmannerly, impudent, impertinent, a bandit or robber. We shall then have the power, and shall find, when that blessed day shall arrive, in politics as in war, that a bomb shell or cannon ball flung into the camp of the weaker party, will have the usual happy effect of hastening negotiations, and of settling rapidly, and to every body's most perfect satisfaction, knotty points of dispute between us of long standing. You, sir, have read the history of the last days of Napoleon. Had he been satisfied, in his first reverses, with the empire and with France, an heir of his, in all probability, this day would be seated on the throne of the French. He wanted more; he wanted provinces; and vassals and income, and in striving to retain them, lost all. Profit, sir, by the lessons of history; for men and things are the same in every age and circle of the globe. Will you, sir, profit by these reflections? Will Senators from the old States profit by these reflections, and come to a fair adjustment of this great interest, in a spirit of brotherly love and generous magnanimity, of which we hear so much and see so little? If so, I, for one, will promise them a pardon for the past, and love and confidence for the future. But, sir, I feel no such consolation. I feel that the sordid considerations of money, money which they collect from others than their own constituents, will be found too powerful with them for any patriotic sacrifices which would give quiet, peace and harmony to every member of the Confederacy. They now have the power to prevent our emancipation, and they now calculate that their strength will increase in an equal ratio with ours. They calculate as the West, the Northwest, and South give new States to the Union, that new States will become old in interest, and join them as allies in plundering the balance. Already they consider Ohio and Indiana as belonging to them. And hence we find, with the exceptions of my friend from South Carolina, [Mr. CALHOUN,] of my friends from New Hampshire, and a few other generous, lofty spirited Democrats from the old States, who have stood by us heretofore, and who stand by us now, the old, inveterate and uncompromising opposition to every land measure desired by the new States. And what are these measures, and why are they opposed? There are three of them now before us. The first, the pre-emption bill; the second, the distribution bill; and the third, the cession bill.

The pre-emption bill proposes to authorize any citizen of the United States to give one dollar and twenty-five cents an acre, for one hundred and sixty acres of land, provided he will improve and cultivate it. The friends of this bill support it with a view of protecting the labor of the poor man against wealthy land speculators. They allege, and prove it by official documents, that land sold at auction, and without a pre-emption right, yields to the Government but two or three cents an acre more than the pre-emptor pays; and as the loss to the Government is so trifling, and as protection to the settler is so important to him, as well as to the State in which he resides, they urge the passage of this bill. During the last forty years, we are told, and truly, that several pre-emption laws have passed, but all of them retrospective, and applicable only to settlers on the public land, at the time, or prior to the passage of those acts. And such bills of late years have been opposed, on the ground, among other reasons, of their unconstitutionality; because it was said to be a law lacking uniformity; because it granted privileges only to certain citizens of particular States, and not to all the citizens of all the States. To obviate this objection, and at the same time to save the trouble of constant applications for the

passage of such laws; and to save the time and expense of Congress in passing such laws; and lastly to obviate the constitutional scruples of very conscientious gentlemen, the friends of the measure have proposed this bill, which is of a *prospective* character, extending to the citizens of all the States the same rights and privileges that former pre-emption laws conferred to certain citizens of particular States. With the single exception of its *prospective* feature, it is precisely the same bill which has been passed frequently, at different times, for the last thirty or forty years.

This is the pre-emption bill, sir. I have given you, in a few words, its length, and depth, and breadth, and a few of the reasons which influence its friends to support it. Its passage is opposed by gentlemen for sundry reasons, some of which are avowed, and some of them concealed; and by all of its opponents it is opposed for the same reasons, whether avowed or concealed.

One of the main reasons, though not avowed, for opposing the pre-emption bill, is to prevent the emigration to, and the settlement and improvement of the new States. The wealthy of the old States desire to retain their poor citizens among them for what they call operatives, (that, I think, is their polite term for the class I allude to,) for the purpose of working on their farms and in their shops and factories; and by so doing to keep down the price of labour by increasing the demand for employment. They oppose it because they imagine that such a bill is calculated to keep down the price of land in the new States, and in that reduction they imagine emigration will be successfully encouraged; that the poor will then become elevated in condition; that laborers will become scarce among them; that the price of labor will increase, and that by such a process the value of their real estate will be affected and diminished. This wealthy class have now, as they ever have had, their representatives in this chamber.

The politicians of the old States (always excepting my Democratic friends I have before alluded to,) oppose this bill because they are jealous of the rapid growth of the new States, and fear a loss of political power and consequence; and therefore, considering this bill, as they do, as a temptation to emigration, and as leading to a loss of political power, they oppose it. To keep these people on their muster roll, that they may be counted in the census, they would sooner see them in poverty, rags, and misery in their country, than rich, happy, and prosperous in ours. Their reasons for opposing this bill are well understood in the new States, and thank God, properly appreciated. This is not all. The old States want the land in the new to bring the highest possible price, that they may have annually more money packed over the mountains, to be spent among them on their wharves, light houses, buoys, and breakwaters, and the Lord knows what; not satisfied in placing on our shoulders a protective tariff on the necessities of life for their benefit, we must also be saddled with a high land tariff, a sort of English corn law, that they may thrive and fatten at our expense; and, most generous souls! when they were kind enough to modify the tariff in 1832, to save the Union, a reduction, at that time, of the land revenue, never entered into their imaginations, no, never. These, Mr. President, are some of the *concealed* reasons for opposing the pre-emption bill. I will now consider a few of those which have been avowed.

The Senator from North Carolina [Mr. MANGUM] objects to the passage of this bill, because, he says, pre-emptors are an unworthy class, a lawless banditti! His idea of the settlers upon the public lands in the new States, is that they are a sort of North Carolina blue beards, who are ragged, dirty, brawling, browbeating monsters, six feet high, whose vocation is robbing, drinking, fighting, and terrifying every peaceable man in the community.

Mr. MANGUM here rose to explain, and said he referred to *aliens*.

Mr. SEVIER said he had not so understood the Senator, but no matter, they are all God's creatures, and a portion of them are his constituents. This is the idea he has of them; but now, sir, no description on earth is further from the truth than

the one he has given of them. On the contrary, sir, the settlers upon the public lands, constitute the best part of the population of all the new States; and that is saying a good deal for them. It is saying that they constitute the best portion of the population of the United States; and that is saying a good deal for them. Sir, I never was in Europe, and never intend to be, and therefore am unable to contrast the settlers upon the public lands, with the better part of the population of the old world. But, sir, I have been in North Carolina. I was born and lived in sight of Buncomb; from the door of the house of my nativity, though in a different State, I could look out and see the high blue mountains of that celebrated country. I knew, in the early years of my life, many of its inhabitants. I have since been in Wilmington, the seaport city of that State, and have travelled through the turpentine region, which I understand is the best part of the State; I have met with her citizens at home and abroad, and must willingly bear testimony to their worth and virtues. And yet, sir, I assure the Senator that I should not blush, or dread a comparison of my constituents upon the public lands, with the best his State offers, by any standard of virtue, intelligence or worth, which he or others could suggest. I have heard a great deal said about the settlers upon the public lands. This is not all. I have seen written descriptions of the emigrants to the new States, and only the other day I met with a description of them, which will, I dare say, whether he considers it poetry or prose, afford him some amusement, if not instruction. The extract is taken from Hall's Magazine. He says:

"First in order, as he is always first when speculation is concerned, comes the hardy, enterprising New Englander. Of all the emigrants to the West, Brother Jonathan alone knows where he is going to—the cheapest mode of travel, and what he is going to do when he gets there; he alone has read the pre-emption laws, and knows what sum he must take with him, or notions in the way of trade, to secure a home in the wilderness. Already, before he gets there, he converses fluently about ranges, townships, and sections, has ascertained the number of acres in each subdivision, the amount reserved for schools, and is ready on his arrival to avail himself of his new position."

"Behind the rest, some distance in the rear, comes the lone some looking couple from old North Carolina. They had evidently, from their appearance, ventured their all, such as it was, upon the enterprise. An old one horse tumble, with two high creaking wheels, and an old store box for a body—drawn by a lean pony of the preceding generation, constituted their mode of conveyance. A bed, a spinning wheel, a pair of cards, a bag of dye stuff, and a few hanks of coopers colored cotton, with six sickly looking children, made up their stock in trade. As they moved slowly along, the man walking before, and the wife behind, the tumble, their lean pony occasionally stopping to crop the tall grass which stood by the way, it was evident to all who saw them, that they had long since arrived at that term of life which the magistrate alluded to, who married them, when he said "better for worse."

Well, now, sir, if the Senator is ashamed of his o'd neighbors and friends, who probably have stood by him in many a hard fought political battle, I assure the Senator that I am not. They are a good sort of people, and I wish we had more of them among us. I had expected the Senator would back these friends of his, and do something for them, give them at least a pre-emption, if not a donation of land, to support the wife and the poor little sickly creatures, as well as the lean but faithful pony. But it seems that I have mistaken the man, and I am sorry for it.

The Senator objects to this bill for another reason. He says that this bill allows more than one pre-emption. Well, suppose it did. Suppose it allowed the settler to pay for every place he found vacant and unimproved, on which he should build a habitation and cultivate; is there any very great outrage in that? If a poor man settles upon, improves, and pays for one tract of land, and he should afterwards sell it, what harm is there in letting him settle and improve and pay for another quarter section of land? I can well imagine, it might be to his advantage to pursue such a course—I can well imagine, there might be cases where it might require, as in the case of the emigrant from North Carolina, I have already referred to, some two or three removals, before he would find himself in a condition to stick comfortably. Such an indulgence is calculated to encourage industry and enterprise, and to improve both the state and condition of the settler; and, at the same time, to get rid, for a valuable consideration, of that most odious of all monopolies, a monopoly of the public land, by the great *non tax*.

paying power, the General Government. I think such indulgence right and proper. But the Senate think otherwise, and have already obviated the Senator's objection. He is violently opposed to any such indulgence. He says, one of our Western hunters can travel without difficulty, the whole of our frontier, from the St. Peters to the Kiamichie or Red river, and be able to select, and to squat upon, and locate, the very best tract of land on the whole route! What unparalleled monstrosity! He would not only not permit such a fellow, with his flap and leggins on, to have a tract of land, even if he could sell bear meat and peltries enough to pay for it. No; not he. He would not even permit him to camp upon the public lands for a single night, lest such abomination would pollute even the soil upon which he slept. He would remove him forthwith from the public lands. Not however with the militia! Oh, no, sir. Mr. Poinsett, you know, Mr. President, gave us some trouble about the militia bill, of which, perhaps, the honorable Senator has heard something—and the Senator is rather too smart to be caught tinkering with men in uniform. He would send a constable to remove him with his warrant and staff of office! Would his constable succeed? Oh, yes! quite likely—quite likely, sir. Friendly persuasion often effects what force would fail to accomplish, and it has been said, that a poor man, in any extremities, when forsaken by the world, can safely count upon two friends, two inseparable companions, that will never desert him: his dog is one, and the constable is the other.

The Senator from Connecticut [Mr. HUNTINGTON] also objects to the passage of this bill. He cannot bear the idea of a poor man having the privilege of entering by pre-emption, a hundred and sixty acres of rich land. Because, the brute may have the audacity to select a spot of land where there may be water privileges!—water privileges! Why, sir, he loses the equanimity of his temper at the thought that a poor devil make stake his thirst by drinking from a spring of pure water, or of having a tub-mill to grind meal for his family. Water privileges! I have heard of this objection before, but never heard of it without feeling as though I had swallowed a dose of tartar emetic or ipecacuanha. All the Senators who oppose this bill, represent it as a revival of the credit system. Yes, sir, credit system! and upon that hypothesis, they have favored us with some learned discourses upon the evils of the credit system. Sir, when I heard these eloquent harangues, coming from a certain quarter of this chamber, I felt something like the Senator from Kentucky [Mr. CLAY] did, on his return from Richmond, a year or so ago; when he wished to express his surprise at something he heard in this chamber, he exclaimed, "Where am I, Mr. President? Am I in the Senate chamber, or no? Do I see you, Mr. President, or not? Is that the chandelier I see there, or not? Is that the picture of the father of his country which I see suspended over you, or not?" He could not have been more surprised on that occasion, than I have been at the philippics and tirades of certain honorable Senators against the credit system—some of them the advocates of the reception, for dues to the Government, of the paper of broken, suspended, and non-pecie-paying banks—and all of them the advocates of depositing the revenues of the General Government with the States! The credit system, indeed! Sir, all their fears are without foundation. We propose to sell no land by this bill, or any other, upon credit. We do not propose to part from our land without the cash. It is true, we propose to delay the sales of the lands, to which there are pre-emption claims, for twelve months, except it should be thought advisable to sell the land at an earlier day; and of that matter, the President of the United States is the sole judge; and whenever it is sold, the cash must come. It is merely a question between March and May, and June and September. The pre-emption bill may hasten, but, in no event, can it retard the sales; and whenever it is sold, to-day, to-morrow, six or twelve months hence, the money must be paid down or the claim is forfeited, and is subject to be sold to any one who will buy it.

Another objection to the passage of the bill is

that settlers upon the unsurveyed lands are placed upon an equal footing with those residing upon the surveyed lands. These settlers have always been upon an equality, and they ought to be upon an equality. If the lands are not surveyed, it is our fault, and no fault of theirs; and if you are determined to cripple our States in this manner, you have only to refuse, as you have the power to do, to pass the appropriations to carry on the public surveys, and you accomplish your purpose. You survey when and where you please, and are not more in the habit of consulting the wishes of the settlers upon this than upon any other question—that is to say, sir, they are never consulted by you upon any subject.

Sir, I do not desire to be tedious, and must now pass on to the other bills under consideration, which are offered as substitutes for the original bill. The next bill in order is the distribution bill. Well, sir, I am not going to discuss this bill at this time, if I ever do. I made a speech against such a proposition twelve months ago, and am not disposed to repeat now what I said on that occasion; and especially as I have been anticipated by the Senator from Missouri, [Mr. BENTON]. He, sir, for this session at least, has given this bill its death blow—it has fallen dead under his Herculean blows—he has demolished it, killed it, murdered it; and I have no disposition to take up the time of the Senate in mangling the carcass of the deceased.

I was glad, however, to find, from the course of his remarks, that the Senator from South Carolina [Mr. PRESTON] intended to vote against the distribution bill, because he considered it inexpedient and unconstitutional. There is some consolation in this, sir; for at a future day we may need his services in resisting the passage of this identical bill.

The next bill which is proposed as a substitute, is the cession bill. This bill proposes to cede the public lands to the States in which they lie, on certain conditions. Taking the cession, as qualified by the conditions, and it amounts to little more, if any thing, than a transfer of the management from the National to the State Governments. The lands are now managed by the General Government, and at its sole expense; and if this bill passes, the lands hereafter will be managed by the States respectively in which the lands lie, and at their exclusive expense. And as an indemnity to those States for their trouble and expense in managing this great interest, and as a consideration for the surrender of the five per cent. on the sales of land in their limits, hereafter accruing, to which they are entitled by the terms of their admission into the Union, the bill proposes to give to the States thirty-five per cent. of the gross proceeds of the sales of the land. This is the bill—a bill which has been most falsely characterized as a bill to give away the public lands. It is my favorite bill, because it embraces the cession clause, by which we get the heavy, crushing, Federal foot from off our necks, and because it puts it beyond the power of a future Congress to raise the price of the public lands, as a future Congress will do, if the growing avarice of the old States should continue to increase, and they should have the power to accomplish it.

It is my favorite bill for other reasons. It embraces the pre-emption and graduation clauses: of the former of these propositions I have already spoken; and of the latter, I have but a word or so to say, as the subject of graduation is familiar to every Senator; and what I purpose saying, is elicited by a remark made the other day by the Senator from North Carolina, [Mr. MANGUM]. He opposes the graduation principle, because, in the course of time, the refuse lands may bring a dollar and a quarter an acre, and therefore, he is unwilling for the Government to make such a sacrifice. He states, as a justification for his argument, what is doubtless correct, that in 1836, the public lands had brought a great deal more than what they had been estimated at in 1828. No doubt of it, and what was it that did not bring a great deal more in 1836 than it did in 1828? Will the Senator select that year as the proper time to test the value of land, or any thing else, in either old or new States? Does he not know that the inflated prices of land, and every thing else in 1836, broke the banks, mer-

chants, and traders, and the United States, if not the world? Most certainly. I should select any other than 1836 as the proper time to estimate the true value of any thing. Where is the old State that has refuse lands to dispose of, that holds them up to any thing like the prices to which you hold up the refuse lands in the new States? No where, sir. No Legislature of any State in this Union would dare pursue such a policy; nor would any Senator here, with all his feigned independence, dare to pursue such a policy, were they but within the reach of the citizens of the new States. They pursue towards the new States, who are not their immediate constituents, a course of policy they dare not adopt in regard to their own States. What a commentary upon that good old rule of "going as you would be done by."

My friend from South Carolina [Mr. CALHOUN] has shown conclusively, I think, that the intrinsic value of land, or any thing else, is six per cent. upon the sum it yields annually. He has thrown over this subject such a blaze of light, as to carry conviction, I think, to every unprejudiced heart. He has shown, by an unanswerable argument, that it is better for the Government to receive *speedily* a moderate price for their property, than to hold on to it for a great series of years, with the view of getting an enhanced price for it; and yet, with these convictions, without even the flimsy apology of subserving the financial interest of the United States, we find Senators moving heaven and earth to keep quantities of the inferior lands out of market, by holding up the price beyond their value. Why is it, then, that such a course is pursued? The answer is obvious. It is to prevent the settlement and improvement of the new States, and to prevent them from raising a revenue by taxation upon their lands. Sir, if the United States, the great land monopolist, like every honest land holder in the State, were to pay the State taxes upon their lands, we should have far less grounds of complaint. The Government pays no taxes, nor will she suffer the lands to be sold at a fair price, that somebody may be induced to purchase them, by which the States in which they lie may, by taxing them, receive a small revenue to support the State Governments.

The friends of this bill anticipate many beneficial results from its passage. The reasons which influenced the committee in reporting this bill, and the reasons which influenced the author of it to offer it to our consideration, have been presented to the Senate. I shall not repeat or dwell upon them. The views of the committee, and of the author of the bill, are met and opposed by the adversaries of the measure!

They oppose the bill, in the first place, with an exaggeration of the quantity of land subject to its provisions. The true quantity, (if there be any truth in our official documents,) in all of the new States, which is subject to the provisions of the cession bill, is one hundred and fifty-four millions of acres. Some of the opponents of this bill represent the quantity, I think, to be ten hundred millions of acres! Now, sir, I care but little what the quantity may be; our arguments apply to the principle, and not to the number of acres. I should not, therefore, notice this bombast at all, but that I wish to disabuse the public mind as to the extent of our possessions.

Where do we find these immense possessions, amounting, in acres, to numbers which I have not mathematical skill to compute? I have no objections to go on a trip of pleasure with the Senator from South Carolina [Mr. PRESTON] to the peaks of the Rocky Mountains, on whose elevation he perched himself, to be able to begin to form some idea of our countless acres. Where are they? Are they there? Do we not all know that all the country west of Arkansas and Missouri, and south of the Missouri river, and east of the Rocky Mountains, is held in fee by a patent from the President, by the Indian tribes; and by treaty, with Mexico or Texas? Do we not all know that the angle of country formed by the Missouri river, Iowa, and the Canada line, is either held in like manner by Indian tribes, or else is totally uninhabitable? Do we not also know that all the country west of the Rocky Mountains is held by Indians, and is claimed,

though unjustly, by a foreign power, and that we have not to this day had nerve enough to wrest it from him? We all know these things, and yet, they would have us and the world believe we have as many acres of land as there are grains of sand alone the sea shore.

The adversaries of this bill also exaggerate the benefits it proposes to confer on the States. The Senator from South Carolina [Mr. PRESTON] states, that my State (yes, sir, he has done her the honor to select her for his illustration,) will, by the provisions of the cession bill, receive forty millions of acres of land! Has the Senator ever read the bill? I doubt it; for if he had, I am satisfied he would never make such a statement in the face of the Senate. I have already shown that in consideration of the surrender of her five per cent. to which she is now entitled, and for the trouble and expense of managing and selling the public lands, that the bill proposes to give her thirty-five per cent. and no more, and not the whole of it, as the Senator argues. The Senator also misstates the quantity of public land in that State. It is a little over *hirty* instead of *forty* millions. This thirty-five per cent. it will also be observed, she is to receive gradually throughout the period of eighty years—and from sales of land in her own limits to her own citizens—but, when she defrays the annual expenses of managing and settling this land, by paying surveyors and land officers and all that, and when she has had deducted her five per cent. which she now receives, and which she is entitled to receive in virtue of her compact of admission into the Union, *without expense*, she will have remaining out of her thirty-five cent upon the gross proceeds of the sales, which the bill proposes to give her a trifling sum, not worth a week's debate in the Senate, so far as money is concerned. Sir, I think if this bill be liable to objection, so far as money considerations are involved, the bill gives her too little instead of too much. But I am willing, as one of her representatives, to receive it, in order to get this land question finally disposed of.

The Senator also opposes this bill because it violates the terms of the compact with Virginia and Connecticut. He tells us these States ceded their lands to the United States to be "disposed of" for the common benefit. I have read the Virginia compact the Senator refers to, but not lately. As his objection seems to be founded on the words "*disposed of*" as being incompatible with the word "*cede*," as used in the bill, I hope the author of the bill will accommodate the gentleman, as I think he can do with propriety, by substituting in the bill the words "*disposed of*" for the word "*cede*." Either term I fancy will be acceptable to the friends of the measure. The Senator tells us that the leading and only objects of those two States, in making the cession, was money. Well, sir, Connecticut at least, has long since received, for what was at best a doubtful claim, an ample consideration for all she ceded. The objects of these grants being money, as we are now informed, he argues, that these lands cannot properly be disposed of for the common benefit, for any thing else. This construction I consider rather too restricted. Congress, I apprehend, can dispose of these lands for other things than money, provided it be for the common benefit. Congress certainly have often exercised such a disposition of them, and probably will do it again. There is no stipulation in the compact, that I am aware of, requiring those lands to be sold at a certain price per acre, nor any stipulation, prohibiting Congress from selling those lands at a price less than one dollar and a quarter an acre. They have full power over the subject, and can sell on what terms they choose, and either to individuals or to States. I know of nothing to the contrary. But whatever force there may be in the Senator's objections, they do not apply to this bill, because it goes on the ground that the lands shall be sold for cash, and upon the further ground that the money accruing under its provisions shall be paid in the public Treasury for the common benefit.

The Senator objects, further, to this bill, because it establishes, as he alleges, the relationship of debtor and creditor between the national and State

Governments. I am against any such relationship; and if there be any such obscurity in the bill on this point, I hope the author of it will modify it, by making it the duty of every purchaser of land to deposit the sixty-five per cent. the portion of the purchase money coming to the United States, with the proper person, to the credit of the United States. I do not desire, notwithstanding my confidence in the integrity of the States, for a dollar of Federal money to be placed, even temporarily, in the treasuries of the States. Let the bill be so modified, if it requires such modification, and then, sir, all the evils the Senator has so eloquently painted, resulting from such a connection, will be avoided—and here is an end to that chapter.

The next objection to this bill is, that it is changing our most admirable land system—and that is monstrous! Will you change a system, they ask, which has operated so happily for forty years? Behold Ohio and Indiana! See what magnificent communities have grown up under our most admirable land system! Yes, sir, Ohio and Indiana have grown up with surprising rapidity, and so has Russia under the edicts of her absolute Emperors, and that, too, without the magical benefits of our admirable land system! Has our land system produced the growth of either Ohio or Indiana? No, sir; far from it. They would be better off, if you had neither lands or land systems in the limits of either. And have we not changed our land system frequently? We have changed it, in reducing the quantity of land authorized to be sold. We have changed it from a credit to a cash system. We have changed it, by reducing the price from two dollars to a dollar and a quarter an acre. The distribution bill, which those gentleman advocate, is a proposition to change the land system. And have any of these changes checked the growth of Ohio or Indiana? No sir. They have gone steadily onward—and would have done so, if they had never heard of any of your land systems. Other States, old States, all things considered, have grown up as rapidly as Ohio and Indiana, where your land system never had a location or an existence. We should act with childish superstition to refuse to make any alterations in our system, which experience, or the wants of the community, or the condition of things, might point out or suggest. And pray, sir, how long since is it that those gentlemen manifested such a horror at change? Change, change, I had thought, was their war cry. I had thought every thing was to be changed from head to foot! I had thought every thing was to be changed, that commerce was to be revived, that money was to be good and plenty, that poverty and hard times were no longer to be found in the land, and, in short, that we were to have a glorious summer of unbroken prosperity! And do these great reformers, that were to change every thing, expect, now that they have expelled the incumbents from office, and are about to seat themselves snugly in their places, to forget their pledges, and sit quietly down at their ease? If they dream of such comfort and composure, they will find themselves sadly mistaken. They must let off their thirty-pounders, if they have any; they must bring forward, and carry it too, some great and striking measure, as they have promised, or they will be laughed into scorn, ridicule, and contempt! If they fail in all this, their days are numbered. If such logic as this could have deterred our bold and iron nerved ancestors, (and it was preached by a celebrated party of that day,) from changing the whole Government, we should now, sir, be the humble subjects of her Majesty, and not the independent representatives of twenty-six States and eighteen millions of free-men. I hope some of us, at least, have inherited a portion of the inquisitive virtues of our fathers, and have courage enough to look things in the face as they are, and not be frightened to death by sounds and empty shadows. I admit that every change is not an improvement, and fear that the late change of our President is of this character.

The Senator from Kentucky [Mr. CLAY] tells us that all these land projects are traps to catch votes; and he appeals to the result of the late election as an evidence to show that they had failed in their object. In the North, generally, I doubt if any

candidate would obtain their suffrages who was not considered friendly to a protective tariff. In the South, notwithstanding the result of the late election, I doubt if any candidate could obtain their suffrages who was known to be in favor of emancipating their slaves; and I believe, in the new States, that no candidate could obtain their suffrages who was known to be against graduation of the price of the public lands and pre-emption rights, or other land measures or substitutes which would confer equal benefits upon that section of the country. And how was it in the case of the late election in that quarter? Was not every stump worn smooth by Whig orators in trying to convince the people that Gen. Harrison was the real friend of the West? Did they not show, from a history of his public life, that he had always voted for both pre-emption and graduation bills? Did they not also show that his competitor had, so late as 1828, voted against these measures? Did they not tell us that Mr. Van Buren's professions of friendship for those measures, as contained in his messages, were hypocritical, and that they were of too modern origin for evidence, and that they ought not to be relied upon? I can appeal, I think, with safety to every Western Senator as a witness to the truth of this statement. Sir, Gen. Harrison obtained the votes in the West for other reasons doubtless, but *mainly* because he was friendly to these measures. And popular in that quarter as he has proved himself to be, he never would have gotten their votes if his hostility to those measures had been even suspected.

Mr. President, I have dwelt longer than I had intended upon this great question, and have, before I conclude, but a single remark to make, and that is, that public sentiment in the new States requires a change in the disposition of the public lands, and, sooner or later, public sentiment in that quarter will have it done. On this subject there is a collected moral force which cannot and will not be successfully resisted. And is it not your duty to respect this public opinion? Is it not our duty to promote the peace and happiness, whether it be disturbed by real or imaginary causes, of every member of our Union? And, in accomplishing so high and so noble a purpose, does it become us to stand out upon mere trifles? What are a few dollars, more or less, to the National Treasury, in comparison to such high and absorbing considerations? And after all, is it not our duty, as far as in us lies, to make every citizen of every State a freeholder, an independent and happy man? What spectacle is there so pleasing to a virtuous and feeling heart!

January 14 and 15, 1841.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up, the question being on the proposition of Mr. CRITTENDEN to recommend the bill, with instructions to report a bill to distribute the proceeds of the sales of the public lands among the States, which Mr. CALHOUN offered to amend, by substituting a bill to cede the public lands to the States in which they lie, upon certain conditions.

Mr. SMITH of Indiana said: While the original bill granting pre-emptions to actual settlers was the only question before the Senate, I felt no desire to say a word upon it; but since the proposition of the Senator from Kentucky, and the amendment to that proposition submitted by the Senator from South Carolina, have fairly brought before the Senate for discussion the whole subject of the public lands, I have come to the conclusion that it might be expected of me to take some part in the debate. And, sir, permit me to say that I enter upon this discussion with the more pleasure, because I have not the least idea that the question will be settled at this session, now half expired, and because I feel not only willing but anxious that my sentiments should be fully known by the people of my State before the next session of Congress, during which I hope to see the whole subject amicably and finally arranged: for, sir, if I know myself, I desire to represent, on this occasion, and upon all other sub-

jects, both the interest and wishes of my State, and to those wishes and that interest I will at all times, on all questions of expediency, conform my own action here, as her representative, with great pleasure. I have said that I consider the bill and the proposed amendments as bringing the whole subject before the Senate; for, sir, I cannot agree with the Senator from Missouri that they are incongruous. I consider them entirely germane, and legitimately connected, both for argument and legislation. The whole subject may well be arranged in a single bill; and as the bases of such a bill must include the principles of one or both of the proposed amendments, it is entirely proper that they should be discussed with the original proposition.

Previous to the views which I intend to submit upon this subject, the Senate will pardon me if I notice the closing remarks of the Senator from Arkansas, [Mr. SEVIER,] who has just taken his seat. That Senator, taking, as he generally does, a clear, common sense view of the relation between cause and effect, has just told us that the incoming party must do something to meet the expectations of the people; that it must bring up and support new measures; that it must not sit down in the seats of the outgoing party and fold its arms; that the people have been led to believe that new measures were to be adopted; that the doctrines of the outgoing party were to depart with them in their retirement; that the measures under which the Government has been administered were hostile to the interest of the people; and, says the Senator, if there shall be no change, the days of the incoming or Harrison party are numbered—it will go out at the end of four years by a larger majority than it came in. I entirely concur with the Senator in his position, and thank him for the honesty and candor of the admission he has made; he has honestly and conclusively solved the mystery which surrounded the recent result of the political campaign in the minds of some Senators, and especially in that of the honorable Senator from Missouri, [Mr. BENTON,] who declared, a few days ago, that the result was a mystery he could not understand. The Senator from Arkansas perfectly understands it, and I concur with him that, if the incoming party pursuers the same line of general policy that was the ruling policy of Mr. Van Buren, its days will be numbered; its days ought to be numbered. The people have condemned that policy; they have willed that those who support it shall no longer fill the highest offices within their gift; they have willed that a different policy shall prevail; they have selected their agents for the purpose of carrying out a different policy; those agents stand pledged to do so, and it would be a direct violation of faith to the people to refuse to conform to their will. It would be such a breach of faith as ought to number the days of those who should presume upon such a dangerous experiment. I trust, however, that there is no cause for alarm from any quarter on this subject. I merely notice the remark of the Senator to say that I heartily concur with him, and, so far as I am concerned, the charge shall have no application.

Another remark of the Senator I must briefly notice, in which I am not so fortunate as to concur. I understood the Senator to say that the Senators from the old States had uniformly voted down every proposition from the new States in which they felt any interest.

[Here Mr. SEVIER rose and said he had made several exceptions.]

So I understood the Senator, but I do not feel disposed to let the remark pass, even with the exceptions, as I do not think it does justice to the Senators from the old States, as they are called. How many Senators compose this body, sir? The answer is fifty-two; of that number only eighteen are from the new States, so called. Well, sir, does not the Senator consider both the pre-emption and graduation bills Western measures? And how could the new States, with their eighteen members, have passed any bill on either of those subjects without the votes of Senators from the old States? And still these bills have again and again passed the Senate with the votes of Senators from the old and new States. And, sir, I cannot let the occasion pass without doing to Senators from the

old States justice, so far as my State is concerned. I have frequently, since I have been a member of this body, felt the kind aid and support of many of the Senators from the old States on subjects of vital importance and deeply interesting to my State, when a most settled opposition had come from Senators from the Southwestern States, designated as new States. It affords me great pleasure to except from this remark the Senator from Arkansas. So, sir, as one of the representatives of one of the new States, I claim no participation in the application of the remarks of that Senator.

The Senator from Arkansas also intimated that the new States would soon be strong enough to make their own laws on this subject without the aid of the other States of this Union. This he thinks may take place by the year eighteen hundred and fifty. The Senator from South Carolina [Mr. CALHOUN] also predicated a portion of his remarks upon the same hypothesis. Here again I am compelled to dissent in toto from the positions assumed by those Senators. It seems that the Senators overlook a most important fact in order to arrive at their conclusions; that is, that the States are becoming old faster than new; or, in other words, that the old States are increasing faster than the new ones. I use the words "old" and "new" in their confined acceptation. If the Senators consider all new States that have been, and that may be, admitted into the Union since the adoption of the Federal Constitution, they are right; but that is not the use they desire to make of the term; they refer to States having a border interest in common, growing out of their frontier situation, and the quantity of public lands within their limits. In this sense, does it not strike those Senators that the danger is the other way? that the old States must increase in proportion? and that the power to control legislation on this subject must ultimately, unless settled soon, lie with them? It looks so to me, and I have heard no argument to shake this view of the case. How stands the case with Ohio? How with Indiana? ay, Indiana, that but a few years ago was upon the extreme frontier. The former no longer claims to be a new State; and the latter, so far as the land question is concerned, can scarcely be said to belong to that class of States. Others are following rapidly; and in a few years more all the present great States in the valley of the Mississippi will be in the very centre of the Union of States, and not even the Western of the old States, in the sense I am discussing the subject. Is it, then, wise in the Senators from the extreme frontier of the States called the new States, to raise any question founded upon local considerations exclusively, on this great land question? I submit these remarks in a spirit of kindness; for these Senators, one and all, know that I have ever stood by them when the interest of their States was in question. But, sir, I must be pardoned for saying that I never hear these local and discriminating questions agitated here or elsewhere, when they can possibly be avoided, without a deep sense of the impropriety of the course. Let us remember that we are brethren of the same family, embarked in the same vessel, bound to the same port. Let us never forget our motto, "United we stand, divided we fall." We must have confidence in each other. Deriving our existence from the same race, united together by the same patriotic love of country, acknowledging the same Supreme Being, and cherishing the same free constitutional form of government, should we not have full confidence in each other, and should we not avoid every thing calculated to excite angry feelings or engender sectional hostilities? It may not become me to lecture older Senators on this subject, but I shall rest my defence on the importance of the position, and the impression it has made on my mind. I will digress no further, but take up the subject under consideration, as I had originally intended before I was decoyed from the path by the remarks of the Senator from Arkansas, which I have thought proper to notice.

While we differ upon many points connected with the land question, we all concur in the magnitude of the subject, and its great importance. There is another point in which there is a general concurrence, so far as I have as yet heard an opinion ex-

pressed, and that is, the propriety, nay, more, the necessity, of settling the whole matter so soon as it can be done satisfactorily to all. Upon the magnitude of the subject and its consequent connection with the legislation of Congress, and the diversified interests of the States in all their varieties, the Senator from South Carolina commented at large; and, as I do not design travelling over the same ground that other Senators have occupied, where I concur with them, I shall content myself by reading an extract from the report of the Committee on Public Lands, to which the bill of the Senator from South Carolina had been committed. This extract will show the quantity of the public lands over which our legislation extends. And I read it to the Senate that it may be fresh in the recollection of Senators when I allude to it in my subsequent remarks. The report says:

"It appears from the report of the Commissioner of the General Land Office (see Doc. 46, 31 Sess. 26th Cong.) that the whole quantity in acres of the public domain on the 30th September, 1833, to which the Indian title was not extinguished, amounted to seven hundred and sixty-six millions of round numbers. There were at the same time, as appears by the same report, in the State and Territories three hundred and nineteen millions of acres to which the Indian title was extinguished; making the whole public domain in the aggregate that time to be ten hundred and eighty-five millions of acres. By table marked A, herewith annexed, it appears that, on the first of January last, there were in the new States one hundred and fifty-four millions of acres to which the Indian title was extinguished, and nine million five hundred thousand acres to which the Indian title was not extinguished; making in the aggregate one hundred and sixty-three million five hundred thousand acres. From this deduct for disputed grants, many of which are large, three millions and a half of acres; which would leave one hundred and sixty millions subject to the operation of this bill, (Mr. CALHOUN'S amendment;) being less than one sixth of the whole public domain."

Who can read the above extract, and not see the immense magnitude of the subject under consideration? I listened to the Senator from South Carolina, [Mr. CALHOUN,] while portraying the importance of this great subject, with the attention due to that Senator as well as to myself—desirous as I was to hear the whole argument; and, sir, I had the pleasure of concurring most fully with that Senator up to the point of his argument where he declared that the pre-emption, graduation, and distribution plans all fell short of the desired object of settling the question upon the terms of compromise upon which I desire to see it placed; and urged as the only panacea, or remedy for the disease, his amendment ceding to the States in which they lie the lands within their limits, upon certain terms and conditions. At this point I was compelled to leave the company of the Senator. I could not concur with him in either of his positions; and, sir, I confess that I was surprised to hear the Senator declare that his amendment, or bill, was calculated to close the whole land question. Why, sir, does not the Senator see that it falls greatly short of meeting the desired object? Can he shut his eyes to the fact that the garment he has made is entirely too small for the body he designs to put it on? His bill applies to the lands lying in the new States alone—one hundred and sixty millions of acres; while the whole quantity of the public lands is over ten hundred millions of acres, as shown by the report which I have read.

The great objects of the Senator, as he has declared, are to get rid of this agitating question in Congress, to withdraw Executive patronage, and, finally, to settle the land question. How will the bill of the Senator effect these desirable results? As I have said, it touches less than one-sixth of the public domain; the land system, with all its paraphernalia, must still be kept up; Congress will have just as much legislation, and the patronage will be about the same as if no such bill had been passed. But, sir, I forbear to push the argument on the Senator's bill further at this moment. I shall have occasion to examine it in its proper order in the course of my remarks. Our land system has been justly eulogized by Senators on all sides of the Chamber. When we compare it with the systems of other countries, how high does it stand in the comparison; or even contrast it with the manner of the disposition of the public lands, by granting large tracts, upon credit, to individuals or companies, as was first adopted by this Government, and how pre-eminent does our present system stand? Still it is becoming too great in magnitude, too extensive in its demands upon the legislation of Con-

gress, intimately too much connected with the various affairs of the nation. There seems to be a universal disposition and desire to make changes, either in the manner of the administration of the lands or in the disposition of the funds proceeding from their sales. The debt of the Revolution has been extinguished; the lands ceded by the States have been liberated from that charge, and a new state of the question has been presented by these considerations.

I propose to notice the different propositions that have been made for the disposition of these lands, in as brief a manner as I can, and show how they stand. At the commencement of the last Congress of the administration of Mr. Adams, I took my seat as a member of the House of Representatives. At that time the questions of graduation and pre-emption were the favorites for discussion. Well, sir, pre-emption laws, in some shape, have been passed from that day to this; and we now have one before us, differing somewhat in character from any former law, of which I will speak hereafter. But, sir, the graduation bills have shared a very different fate. Not a session of Congress has been held without discussing or acting upon a graduation bill in some shape or other. General Jackson came into power on the tide of unbounded popularity: his friends were devoted to his person, and his partisans sustained his measures with great unanimity. He was most decidedly in favor of graduation: he held it up, as did his adherents in the West, as the antagonist measure to the distribution principle, as carried out in Mr. CLAY's land bill; and when the President defeated that bill, he proclaimed graduation as the proper measure. Well, sir, he held the station for eight years; and at the expiration of his term, Mr. Van Buren came into power. Like his predecessor, he, too, recommended graduation; the Secretary of the Treasury favored it as a financial measure; his partisans in the West held it up to the people as an Administration measure. At the last session of Congress the bill passed the Senate about the same time the pre-emption bill did; they went to the House together; the pre-emption bill passed, and the graduation bill slept on the table. There was power enough to pass the Sub-Treasury bill and the pre-emption bill, but the graduation bill was forgotten. Thus, sir, twelve years, including the administrations of General Jackson and Mr. Van Buren, have passed away, and the graduation bill stands precisely where it did when I came to Congress first. From this I am led to believe either that there never was any serious intention of passing it by those who clamored the loudest for it; that it was merely held up to the gaze of the people as the opposition measure to distribution, for the purpose of defeating the latter measure, or the people were opposed to it, and the dominant party knew it, and were afraid to pass it; and let me say to Senators now, that I have not the least idea it ever will pass, unless it shall be connected with the pre-emption and distribution principles, upon terms of compromise of the whole subject.

The objections that are urged against the graduation bill are, first, that it unsettles the land policy; secondly, it reduces the price of the real estate of the country; thirdly, the principle of graduation, by the time the lands have been in market, is arbitrary and unjust; inasmuch as the tables of sales show that lands which have been long in market still find purchasers at the minimum price of one dollar and twenty-five cents per acre. These objections are entitled to due consideration; and although I do not expect to live long enough to see a graduation law standing upon its own basis, I will briefly notice them. As to the first objection, it will depend entirely on a prior question; that is, would the change be for the better? If so, there can be no objection on that ground; as frequent changes have been made, and the land system has been much improved by them. Instance the subdivisions of the tracts; the introduction of the cash for the credit system; the reduction of the price from two dollars, which was the minimum, to one dollar and twenty-five cents, the present minimum. The second position is, that it reduces the price of the real estate of the country. This assumption I think rather specious than substantial; it would

certainly tend to sell the land, and cause it to be improved at a much earlier day than it otherwise would be; and as the value of the improved land depends upon the state of the improvement of the country, it follows that the cultivation and improvement of these lands at an early day must tend to increase rather than diminish the value of the other improved lands in the same section of country; at least, the effect would not be perceptible against this view. In the next place, it is contended that the principle of graduation by time—that is, the length of time lands have been in market—is arbitrary and unjust, because lands that have been long in market still find purchasers at the minimum price. This matter is perfectly plain and simple of solution. Lands have an intrinsic and a relative value. A graduation bill by time only applies to the intrinsic value of lands; they are sold by their relative value, by which I mean that the locality, quality of soil, water privileges, timber, and many other qualities, compose the intrinsic value of a piece of land, and for which it receives an early purchaser; while lands wanting any of these qualities would be passed by the settler in the first instance; but, after the country around becomes settled and improved, these lands, thus passed by, become relatively valuable in consequence of their locality, and not their original intrinsic value; and that relative value finds for them purchasers. I have no doubt but that at least one half of the lands that are now called refuse may in a series of years be forced upon purchasers at the minimum price. This is my view of the matter. It looks very plain to me; and yet it has excited a long debate to account for the apparent phenomena, how could it be possible that these lands could be inferior lands, and still find purchasers. There are connected with this part of the argument two important questions: First, is it right for the Government to hold up these lands at a price above their intrinsic value, until they are sold by their relative value, and thereby avail itself of the industry of the purchasers of the surrounding lands to give that relative value? The other is, should the settlement of the country be retarded, and the States prohibited from taking the lands, until that relative value shall have been given to them by the surrounding improvements? I have heretofore thought that both of these questions should be decided in the negative, and have voted accordingly; and, as I have heard no complaint of my vote, I shall in this instance take the same course, though I feel quite easy about it, and would willingly conform to the will of my State by voting either way, or make a reasonable compromise of the whole matter to secure greater benefits in the final adjustment of the land question.

I come now, Mr. President, to the more important question of pre-emption as embraced by the bill before us. As I have already said, laws on this subject have been passed from time to time, differing in some particulars from the bill before us, which I will look into as I progress with the argument.

But, before I give my views upon the question, I desire to say a few words in relation to my vote against an amendment to the original bill, which excluded foreigners from the benefits of pre-emption. It has been urged by Senators that the restriction should have been incorporated in the bill; they contend that persons who have no interest in our Government, and who owe allegiance to a foreign power, ought not to have the benefits of a law which they contend grants exclusive privileges. There is much force in the argument, and were there not countervailing considerations, I should be disposed to go with them; but, sir, let it be remembered that, previous to obtaining the benefit of the law, residence, improvements on and cultivation of the land, are requisite on the part of the pre-emptor; this I considered tantamount to a declaration of a bona fide intention on the part of the settler to become a citizen of the United States; indeed, it is one of the most conclusive evidences of that intention that could well be conceived of. Still, I voted to require the declaration to be made in writing before the pre-emption shall operate. I cannot agree with Senators who think there is great danger of this class of foreign-

ers overturning or injuring the Government, by their votes or otherwise. Sir, let me tell Senators that this is not the class of men from whom danger is to be apprehended. These are honest, hard-working, industrious men, who support themselves and families by the sweat of their brows; men who attend to their own business, and not the concerns of the public; they are not the class of political foreigners who hang around your seaports and the suburbs of your large cities, making politics their trade, preaching agrarian and loco loco doctrines in the daytime, and lighting loco loco matches and rioting at night—the levellers down, because they cannot level up. Men who do not betake themselves to honest callings for a livelihood, and who are the enemies of those who do; these are the men you may watch; but when you see a foreigner take his family into the Western country, settle down on a piece of wild land, commence his little improvement, surrounded and aided by his wife and children, you may rest satisfied that you have nothing to fear from him; he is of the useful class of foreigners that ultimately become our best citizens. The spirit that prompts him to acquire property will induce him to protect and defend it. The other class are not affected by pre-emption laws, for they would not cultivate and improve the new lands if you would give them the privilege free of cost. I have seen many of this class in the West as well as in the East, and I have never seen one of them claiming pre-emption privileges. The other class usually apply for the benefit of our naturalization laws, and become citizens at the earliest period possible; they are good members of society, and I desire to give them all encouragement I can consistently with the provisions of the Constitution.

During the discussion of this question, the argument was pushed further than was called for by the provisions of the bill; and new questions were started, or rather sprung upon us, one of which, being an important one, I am not disposed to let pass without a brief notice. It has been contended that the States have the power to confer the rights of citizens, or, in other words, citizenship, on foreigners, notwithstanding the Constitution of the United States on that subject. Others have contended that this can only be done in the absence of the exercise of the power of passing naturalization laws on the part of Congress. I heard these opinions advanced by distinguished Senators, and I confess I thought at the time that both were wrong—that those who contended for the first of these positions were clearly and wholly mistaken; and that those who admit the power in the States, in the absence of the exercise of the power by the Federal Government, had taken ground that could not be maintained. I supposed the whole power to be exclusive in Congress, and that in no case, under no circumstances, could the States, or either of them, exercise it; and I find, on consulting a high authority, (Story on the Constitution,) that I was right. I will read to the Senate what that learned commentator says on the subject. 3d vol. Commentaries, chap. 16, he says:

"The propriety of confiding the power to establish a uniform rule of naturalization to the National Government seems not to have occasioned any doubt or controversy in the convention. For aught that appears on the journals, it was conceded without objection. Under the confederation, the States possessed the sole authority to exercise the power, and the dissimilarity of the system in different States was generally admitted as a prominent defect, and laid the foundation of many delicate and intricate questions. As the free inhabitants of each State were entitled to all the privileges and immunities of citizens in all the other States, it followed that a single State possessed the power of forcing into every other State, with the enjoyment of every immunity and privilege, any alien whom it might choose to incorporate into its own society, however repugnant such admission might be to their policy, convenience, and even prejudices. In effect, every State possessed the power of naturalizing aliens in every other State—a power as mischievous in its nature as it was indiscreet in its actual exercise. In one State, residence for a short time might and did confer the rights of citizenship; in others, qualifications of greater importance were required. An alien, therefore, incapacitated for the possession of certain rights by the laws of the latter, might, by a previous residence and naturalization in the former, elude at pleasure all their salutary regulations for self-protection; and it has been remarked, with equal truth and justice, that it was owing to mere casualty that the exercise of this power under the Confederation did not involve the Union in the most serious embarrassments. There is great wisdom, therefore, in confiding to the National Government the power to establish a uniform rule of naturalization throughout the United States. It is of the deepest interest to the whole Union to know who are entitled to enjoy the rights of citizens in each State, since they thereby, in effect, become entitled to the rights of citizens in all the States. If aliens might be admitted indiscriminately to enjoy all the rights of

citizens at the will of a single State, the Union itself might be endangered by an influx of foreigners hostile to its institutions, ignorant of its powers, and incapable of a due estimate of its privileges.

"It follows from the very nature of the power that, to be useful, it must be exclusive; for a concurrent power in the States would bring back all the evils and embarrassments which the uniform rule of the Constitution was designed to remedy. And, accordingly, though there was a momentary hesitation, when the Constitution first went into operation, whether the power might not still be exercised by the States, subject only to the control of Congress, so far as the legislation of the latter extended, as the supreme law; yet the power is now firmly established to be exclusive. The Federalists, indeed, introduced this very case as entirely clear, to illustrate the doctrine of an exclusive power by implication, arising from the repugnancy of a similar power in the States. 'This power must necessarily be exclusive,' says the author, 'because if each State had power to prescribe a distinct rule, there could be no uniform rule.'"

The doctrines here laid down by the learned commentator are fully sustained by the conclusive authorities to which he refers, and sustain the two positions for which I contend.

First. That the power over the subject of naturalization is vested in Congress, and is denied to the States, and is consequently exclusive. And, secondly, that no State can create an alien a citizen of such State, as, by that means, such person would in effect become a citizen of every other State.

I have thought proper, Mr. President, to place this matter distinctly before the country that it may be understood, especially as it has been raised in this debate, and different views have been presented by distinguished Senators.

It will be my purpose, for a few moments, to call back the attention of the Senate to the pre-emption bill at the point where we left it. The objections to a pre-emption bill, so far as I can understand them, are, first, that such a bill encourages persons to leave the old States and settle in the new. To this I would say, that surely Senators would not deprive their brethren of the privilege of bettering their condition in life if they think proper to do so. We are all in pursuit of happiness, and if any portion of the citizens of the old States are willing to leave the homes of their fathers and migrate to the West in search of a better home, hard would be that heart that would prevent them; and harder still would be the heart of those who would not receive them with open arms. Ours is a common country, and let us never forget that neither our affections for each other nor our love of country should be separated by geographical boundaries or State lines.

Secondly. It is objected that the principle grants exclusive privileges to a class of men who rush in advance of civilization and seize upon the public property, and it has even been suggested that they might be restrained by the action of the Government. To this I would say, that legislation should always adapt itself to the condition of affairs. We must look at things as they are, and not as they might be supposed to be, or we legislate for a supposed and not a real state of things. That spirit of enterprise and discovery which is characteristic of the Anglo-Saxon race—that spirit that animated the Pilgrims, and the first settlers at Jamestown—that spirit that prompted a Boon, a Clark, and a Kenton, to penetrate the Western wilds and encounter and overcome the perils that surrounded them—that spirit which fired the early settlers of the West, induced them to leave the peaceful homes of their fathers, and brave the savage rifle and tomahawk, to settle a new country—I say that same spirit is impelling our people onward; the tide that commenced rising and flowing west from the shores of the Atlantic is still rolling on, and can only be arrested by the waves of the Pacific. Our people are already settling beyond the Rocky Mountains, and in a few years more there will be a nation of our citizens in that region. You need not talk of arresting this spirit; it forms a noble trait in our character, and it should be provided for. The privileges granted are those of selecting, occupying, cultivating, and paying for at the minimum price, a quarter section of Government land, securing to the settler the fruits of his own industry in exclusion of all others. It is said that these lands, if sold at public auction, would bring a higher price than the minimum. This may be so in many cases; but here again we must look at the matter in its true light. I con-

sider the pre-emption laws merely declaratory of the custom or common law of the settlers. If you make your public sales, and put up lands thus improved, the settler will become the purchaser at the minimum price. No one will bid against him; no honest man would take from a poor man the improvements he had made on a piece of land, and no dishonest man would dare to do it. Previous to a sale all the settlers in the district have a perfect understanding that each is to have the piece of land he lives upon, and they will neither bid against each other, nor will any other person risk the consequences of taking from any one his improvements by purchasing his lot of land. Sir, who could do it? Who would dare to do it? Whose conscience would suffer him to do it? And here let me answer a position assumed by the Senator from North Carolina, [Mr. MANUM:] he spoke of the bowie knife and the rifle settling the question of pre-emption between the settlers themselves. I know the Senator would not make the statement, unless he believed that the consequences he fears would grow out of such conflicts; but let me assure him he is wholly mistaken. One pre-emptor has just as much regard for the pre-emption right of another as he has for the personal property of his neighbor, or as the citizen land holder of the old States has for the real estate of others to which he has no claim or title; or, in other words, the occupancy and cultivation of land by a settler secures to him the right to purchase that land, in exclusion of every other settler, as effectually, by the custom of the settlers, as if pre-emption laws guarded his claim. I may here be asked why pass a pre-emption law then? My answer is the same that would be given to the passage of a declaratory statute; to leave no doubt on the subject in the mind of any, and to provide for a possible case that might occur. When I am on this point, I must say one word as to the general character of these pioneers. I may be pardoned for supposing that I have had some opportunities of judging that some Senators who have spoken have not. More than twenty years of my life have been spent on the frontier. I have seen my State in her infancy, with the fairest and largest portion of her territory in the possession of the Indians. I have seen her pass through the different gradations of improvement, until she has arrived at her present high grade in the comparison with her sisters. I have seen the first rude hut, the first log cabin, erected by the first occupant of the wilds of what is now the most beautiful and highly improved portions of my State. I have seen, heard, and conversed with the early settler, and let me assure Senators he is the last man that would willingly do injustice to his country, and the very first, in times of peril, to bare his manly bosom and nerve his strong arm in her defence; and although he may be as rough and as rude as his own log tenement, his heart beats with patriotic emotions for his country; he is a warm friend, a kind neighbor, ever hospitable to strangers, and, still better, an honest man; his poverty and his enterprise, with the hope of bettering his condition, and providing for his family, stimulate him to leave his old friends, the homes and the graves of those who are dear to him, plunge into the wilderness, and undergo the perils and deprivations incident to the settlement of a new country. Do you ask me where is the evidence of his industry and usefulness? I answer you by pointing to the West. Go there and see for yourself—let the great West answer for the emigrant.

I have, Mr. President, a single remark to make upon a question arising out of a principle of the particular bill before the Senate. The principle of granting prospective pre-emptions has been strenuously opposed, as being a departure from previous laws on the subject; as holding out a bounty in advance, for settlement. As to the first of these positions, I must say that a prospective pre-emption is much more justifiable than a retrospective one. The case stated, in my opinion, settles the question. In the case of a retrospective pre-emption, you justify a trespass actually committed on the public lands, and grant to the trespasser the benefits of the pre-emption law, for you have a law in full force declaring it to be a trespass to enter upon these lands, destroy the timber, take

stone, or commit other acts inconsistent with the rights of the Government. In the other case, you justify no trespass, but by law grant the privilege to the actual settler. The second position assumed I answer by saying that such has been the practice of the Government for a series of years; that the stimulus created by a prospective pre-emption law would not be perceptible. The settler relies with full confidence on the security of his right of pre-emption, either by a retrospective law, such as we have been in the habit of passing for his benefit, or the custom or common law of settlers, of which I have spoken. I dismiss this part of the subject with the single additional remark, that, as pre-emption laws have been passed, as they have not been productive of any visible public injury, and as that portion of our fellow-citizens for whose benefit they are passed confide in their continuance, I see no impropriety in the measure if sufficiently guarded.

Having noticed the graduation and pre-emption principles, I must proceed to the examination of the bill of the Senator from South Carolina, [Mr. CALHOUN,] called the cession bill. It is not my purpose to discuss the whole details of the bill, but to merely state some of the prominent objections to it, at least those objections that have satisfied my mind that it ought not to become a law. I have already stated that I fully concurred with that Senator in the importance and magnitude of the subject, and the propriety of its arrangement, so as to rid Congress of the subject, if possible. In these points the Senator and myself agree; but in the remedy he proposes, we totally disagree. I have already showed that his bill only covers the lands in the nine States, amounting, in the aggregate, to only 160,000,000 acres out of ten hundred millions, the whole quantity; hence the apparent inadequacy of the proposed measure to remove the difficulties of the present system. But I desire to pursue this matter further, and show the gross inequality of the measure as applied to the nine new States. The Senator from South Carolina [Mr. PRESTON] touched this point in his remarks the other day, in his usual able manner, and has relieved me from the necessity of going so much at large into it as I would otherwise have done. I hold in my hand a table prepared for the Committee on Public Lands, and appended by that committee to the report on the bill I am now discussing, without, it seems, even noticing the glaring inequality presented by it. Sir, I present that table to the Senate: it is an important document, essential to a correct understanding of the position I am examining."

By an examination of this table, the great diversity in the condition of the nine new States will appear in a glaring light. I will take the two States which will appear in a glaring light. I will take the two States of Indiana and Arkansas to illustrate the idea. The aggregate of the whole of the public lands that Indiana contained, as estimated by the table, was 20,629,359 acres; of this quantity there have been sold 15,158,702 acres; granted to the State and individuals, for all purposes, 1,074,163 acres; unsold, including lands unsurveyed, 4,396,494 acres; the purchase money received by the General Government into the National Treasury from the sale of the 15,158,702 acres is \$19,326,301. The quantity of land in Arkansas is 31,463,910 acres. Of these there have been sold 2,464,710 acres; granted to the State and individuals for all purposes 976,896 acres; and there remain unsold 28,027,304 acres. The United States have received for the sale of these 2,464,710 acres the sum of \$3,110,897. Indiana contains a population of near 700,000 souls, and Arkansas a population of about 100,000 souls. Thus stand the two States. Now let us see the application of the principles of the bill of the Senator from South Carolina to these two States. Here stands Indiana with her 700,000 souls, having paid into the National Treasury the sum of \$19,326,301 for the lands already sold, receiving under the bill her thirty-five per cent. of the proceeds of the remaining 4,396,494, while Arkansas, with her 100,000 souls, having paid into the National Treasury only \$3,110,897, would receive her thirty-five per cent. of her 28,027,304 acres, subject to like charges. So that Arkansas, containing the smaller population, and having paid the least money into

the National Treasury, would receive greatly the most in the dividend. I might run out the idea, and push the argument on this point; but as my object is brevity, and as I have much yet to say, I will pass to the consideration of another view of the subject, believing that I am understood by the Senate.

In presenting another view of the subject, I may be permitted to contrast the benefits to the new States supposed by the friends of the bill to be conferred by it with those arising from the distribution plan, which is its antagonist measure. And in this point of view, I am prepared to show that even Arkansas, one of the most favored States, would be much the gainer by the distribution bill even in a pecuniary point of view, if she had as much Indian title to extinguish as Michigan, and confining it exclusively in the estimate to the lands lying in Arkansas. If I sustain this position, it follows that there is not a single State in the Union, holding land subject to the extinguishment of Indian title, that could take the measure without a great pecuniary sacrifice as a substitute for the distribution bill. Senators may think I am venturing upon bold ground, and I am very sure the Senator from South Carolina, in my eye, believes that the position cannot be maintained; but let him hear me answer the argument growing out of a statement of the case, for, fortunately for me, the case is not to be made out by argument; the proof lies in the statement of the facts of the case. Arkansas, by the bill of the Senator from South Carolina, would receive thirty-five per cent. upon the sales of her

unsold lands. She will receive, as the law now stands, five per cent. which is taken from her by the bill and included in the thirty-five per cent; this leaves her thirty per cent. The distribution bill gives her twelve and one-half per cent. and leaves her in possession of her five per cent. making seventeen and one-half per cent; and then gives her her proportion, in the ratio of representation, of the other eighty-two and one-half per cent. which would raise the aggregate amount to be received by the State to over twenty-per cent. without any expense of the land system, or the extinguishment of Indian title, leaving, at this stage of the calculation, less than ten per cent. in favor of Mr. CALHOUN'S bill. For this ten per cent. the State would be compelled to pay the expenses of the land system, the surveys, the sales of the land, and the extinguishment of the Indian title; for the provisions in the bill are:

"This cession, together with the portion of the sales to be retained by the States respectively under the provisions of this act, shall be in full of the five per cent. fund, or any part thereof not already accrued to any State; and the said States shall be exclusively liable for all charges that may hereafter arise from the surveys, sales, and management of the public lands and extinguishment of Indian title within the limits of said States respectively."

Now, sir, can any Senator say that the State could do all that is required of her for the ten per cent? or would any State accept of such a proposition in lieu of the distribution bill, if both were presented? It may not be amiss to look a little further into the cost of this matter, or, as in the case of Bumble, the beadle, to examine the spoons, and see if they are the pure stuff. What is included in the extinguishment of Indian title? My eye has been turned a little to that matter, and there may be some items that even some of the Senators from the new States now favoring this bill have not considered. I will name some of them for the consideration of the Senate. The costs or expense of extinguishing Indian title include the expense of holding the treaty, including the support of the Indians in their encampment and in council; the costs of the commission to hold the treaty; the price given for the lands; the removal of the Indians West; the purchase of lands for them for their new homes; their support in their new position for at least a year; the expense of a commission to investigate claims against them; for all these enter into the consideration of modern treaties. Would ten per cent. pay these expenses? Let one of the States try it, and, my word for it, such State will be largely minus in the account. Then, sir, the bill is clearly delusive to the new States, most certainly not so intended by the distinguished mover, for I give him full credit for good faith to those States; but it seems to me he has not done justice to his strong and vigorous mind, by bringing it to bear fully upon the subject, or he would not have presented this bill as just to all, or specially beneficial to any of the new States.

There is, however, another view of the question which should settle the matter beyond controversy. The argument I have introduced has been confined to an examination of the bill with reference to the lands lying in the States. This is a very circumscribed view of the case. I so intended it, as it covers only one hundred and sixty millions of acres out of the ten hundred millions of acres. But still it must not be forgotten that while the bill of the Senator from South Carolina confines itself to the one hundred and sixty millions of acres, the distribution measure covers the whole, and distributes, not only the proceeds of the one hundred and sixty millions, but also of the residue of the ten hundred millions; and while the cession bill establishes the principle that so soon as a State is admitted into the Union the lands must be ceded, the other continues the distribution. Without, therefore, going into the great variety of important questions which have been discussed by others relative to the power and expediency of the amendment of the Senator from South Carolina, I am compelled to arrive at the conclusion that it is my duty to vote against it; and if it should pass and become a law, and the question shall be put to me whether the proposition should be accepted by my State, I should have to answer in the negative.

I have now, Mr. President, arrived at that point

of the argument when it becomes necessary to discuss the main subject before us: I mean the proposed amendment of the Senator from Kentucky, (MR. CRITTENDEN.)

Here Mr. MARRICK asked Mr. SMITH to give way to a motion to adjourn. Mr. S. having spoken over an hour and a half, and it being late in the evening, the Senate adjourned.]

At the moment of the adjournment, Mr. President, on yesterday, I had arrived at what seemed to me to be the main question before the Senate. I had said something about the graduation and pre-emption bills and their kindred subjects. I had attempted to examine some of the provisions of the bill of the Senator from South Carolina. I had admitted the importance of the question before us, and I had urged the great importance and the urgent necessity of placing this whole matter on the basis of a judicious compromise. Commencing, therefore, at the point where my remarks were arrested, (for I shall avoid repetition as much as possible,) I will proceed to give my views upon the question of distribution, in which it will be my purpose to show why it is, in my opinion, entitled to my support, and to answer some of the objections that had been urged against it. The Senator from Arkansas [Mr. SEVIER] alluded to this subject the other day, and I confess I was rather disappointed in his course of remarks: I did expect and I did hope to hear that Senator discuss the merits of the proposition. I was anxious to hear his views, for they are usually marked with a strong vein of common sense and practical illustration. The Senator, however, declined the argument, and contented himself with saying that the measure was dead, and by telling us that the Senator from Missouri [Mr. BENTON] had killed it. Yes, says the Senator from Arkansas, the Senator from Missouri murdered it as soon as it was introduced. I hope the Senator did not mean to charge the malice aforethought, which is a constituent of the crime of technical murder.

[Mr. SEVIER said yes, sir.]

Well, Mr. President, I have only to say that, while malice is essential to constitute a killing murder in the eye of the law, it is not so essential in the composition of a legislator. We should meet the questions that are presented for our consideration with calmness and deliberation. I do not say that the Senator from Missouri did not so discuss this question: I am merely replying to the remark of the Senator from Arkansas.

It so happens that I differ entirely with the Senator from Arkansas in the assumption that he has indulged in, that the proposition of distribution is either killed or murdered. Sir, that proposition is not dead, but liveth; and, let me tell Senators who think that it is dead, that they will find it not only living, but that it is destined to become the law of the land, and that, too, before many more sessions of Congress shall have passed by. It should, in my opinion, long since have been the law. If the bill that was introduced by the Senator from Kentucky, [Mr. CLAY,] and which passed Congress during the administration of General Jackson, had become the law, it would have been a most valuable measure for the whole Union, and especially for my State; and I assure you, sir, while many of the adherents of General Jackson still sustained him, it was for other reasons than his opposition to the distribution bill. The same measure is now before us, and I shall give it my hearty support, and not like my friend from Arkansas. I shall not content myself with a mere expression of opinion. I desire my State to see the distinct grounds of my support; for I have no sentiment to conceal on this or any other measure.

First, I support the bill because it is the only compromise measure upon which all can unite, and which, with proper provisions, will do ample justice to both the old and the new States. The interest of the new States will be amply protected, and the rights of the old States will be maintained in the distribution of the fund. The difficulties spoken of by the Senator from South Carolina, as arising from the present system, will be partially obviated, and the voice of discontent between the new States and the old, growing out of the subject, will be forever hushed. Instead of making

*TABLE A.
Statement of the public lands, exclusive of those situated in the Territories, made up to January 1, 1840.

States.	Sold.	Granted for various purposes.	Unsold, including lands not received for lands sold.	Surveyed.	Unsurveyed.
	Aeres.	Aeres.	Aeres.	Aeres.	Aeres.
Ohio	13,936,820 21	1,642,911 72	1,776,210 69	22,467,036 81	16,555,952 17
Indiana	15,158,792 91	1,074,163 65	4,396,494 08	19,326,301 92	50,227,148 59
Illinois	11,336,631 45	1,537,317 68	19,089,797 55	14,237,046 39	27,611,564 46
Missouri	7,217,167 62	1,212,492 00	31,811,840 35	9,553,583 91	27,861,982 00
Alabama	10,425,489 95	1,363,832 00	19,910,148 05	16,893,453 88	29,889,810 19
Mississippi	9,543,409 87	833,550 00	11,513,826 13	12,923,154 81	20,791,826 32
Louisiana	2,840,361 36	1,738,789 00	16,936,734 52	3,816,963 47	14,067,101 18
Michigan	9,159,898 48	969,759 00	20,988,708 64	11,523,947 44	19,665,557 39
Arkansas	2,464,810 02	976,896 00	28,027,304 98	3,110,897 87	16,172,188 62
Total	81,083,191 97	10,424,645 05	154,437,765 03	113,823,397 20	192,803,490 92
Granted for military bounties	-	5,831,095 00	-	-	-
Special grants	-	258,301 00	-	-	-
Total grants	-	16,514,041 05	-	-	-

*This is exclusive of 8,932,440 acres, not yet ceded to the United States, in Michigan, and about five or six hundred thousand in Ohio and Indiana; making, in all, about nine millions and a half.

the bill expire by its own limitation in a few years, I would make it a part of the permanent land system.

Secondly. I support it as a Western measure. Yes, sir, as a Western measure; and especially as a measure called for by the best interests of my State. He must have been blind to the administration of public affairs for the last few years, who has not seen the tendency of the Government to draw the money from the West, through the land offices and impost duties, and expend it elsewhere. I heard the Senator from Tennessee, [Mr. ANDERSON,] who addressed the Senate the other day upon this point, with great satisfaction. The noble stand he took, and the independence with which he announced his views, command my unqualified approbation. During the last three years, the table and expenditures will show that the expenses of the Administration have been \$59,885,730.

Thus, in 1838,	-	-	-	\$40,427,218
1839,	-	-	-	31,815,000
1840,	-	-	-	26,643,512

Now, how much of this fund has been expended in the West? how much in the Northwest? Let the friends of the Northern harbors answer; let the friends of the Cumberland road and the friends to the improvement of navigation of Western rivers answer. Not a dollar of this vast sum was appropriated to the protection of lake commerce; not a dollar to the improvement of the navigation of the Western rivers. The imposition on the commerce of the Ohio by the obstruction of the navigation, and the consequent high tariff of tolls at the falls, still remains. The Cumberland road, that great Western measure, the construction of which was commenced under the auspices of Mr. Jefferson, and continued through the subsequent Administrations to the present, has been suffered to sink into a state of dilapidation, decay, and ruin. I talked the other day with a contractor for carrying the mail in my State on this road, and he told me he would have to abandon his contract at all hazards. He said it would ruin him to try to go on, for the mail was so very heavy, that he could carry no passengers; and so soon as the frost was out in the spring, it would be impossible for four of the best horses he could get to travel more than two miles an hour upon it; and even then they would swamp or mire down at the worst places, and have to be raised by rails or levers. And yet, sir, out of your expenditure of near one hundred millions of dollars in the last three years, not one dollar could all the entreaties and arguments we could use obtain. I saw the tendency of the doctrines that have left us in our present condition, forcibly exemplified at the last session. After every proposition that had been introduced favorable to the Western objects which I have named had been voted down, and it was declared by a distinguished Senator [Mr. CALHOUN] that our appropriations had been dried up, a proposition was introduced to appropriate \$90,000 to the commencement of a new work at Pensacola, on the Gulf of Mexico: the same Senators that voted against the Cumberland road voted for the Pensacola work, it being on the seaboard; and even at this session, when my friend the Senator from Illinois [Mr. Young] introduced a bill making a small appropriation to the Cumberland road, and proposed to let it remain on the orders without reference, the Senator from Alabama [Mr. CLAY] objected, and wished the committee to inquire into the propriety of borrowing money for this road; and yet I am greatly mistaken if the same Senator did not vote for the Pensacola appropriation when the Government was borrowing money, without ever putting that question to himself. I introduce this, not so much for the purpose of complaining, as to show the tendency of modern doctrines, and the propriety on our part of providing for contingencies. Not that I have any disposition to give up the Cumberland road or the lake harbors; far from it: I expect to urge them upon the consideration of Congress so long as I am honored with a seat in this body. I hope, however, to see the Cumberland road provided for in the final adjustment of the land question at the next session of Congress. It was originally connected with it, and I shall contend for the continuance of the connection. By the distribution, at least a por-

tion of the money that is drawn from us will be returned to our people annually. The vivifying influence of these annual returns will be felt in every part of the Union, but more especially in the West, which is, by the modern doctrines, in effect cut off from a participation in the benefits of a National Treasury, so far as direct appropriations are concerned. I can speak for my own State. I know that her share of the distribution will be most acceptable to her, circumstanced as she is. And as it is her right, I feel it to be my duty, as her representative, to urge the measure by my voice as well as by my vote.

At the moment the Senator from Kentucky introduced his amendment, the Senator from Missouri [Mr. LINN] intimated an intention of moving an amendment to the proposition of distribution, to appropriate the land funds to the Navy and the national defences exclusively. I suppose he meant the defences of the Western frontier, as that subject lies nearest his heart.

[Mr. LINN, from his seat, said, no, sir; the entire national defences.]

The Senator from South Carolina [Mr. CALHOUN] catching at the proposition, but understanding it to be confined to the Navy alone, took the occasion to thank the Senator from Missouri for his magnanimity, and spoke in strains of eulogy and high commendation of the project. This is but carrying out the policy which I have stated has given the Government appropriations a salt-water tendency; but, sir, as a Western Senator, I cannot sustain either of these propositions; and, let me not be misunderstood: there is no one here who would go further to sustain the nation in all necessary appropriations for these objects; but let the funds necessary for the purpose not be taken exclusively from the West; let not the door be closed forever to a return to us of some part of the money that is abstracted from us by the continual drain of the public lands upon the pockets of our citizens. I confess that the two propositions, coming from the quarter they do, are somewhat alarming to those who hope to see a return to the West of a portion of the proceeds of the public lands. The objects named belong to the general charge; they are strictly national, and let the nation cherish them: for, should the time come when our patriotism and devotion to our country shall call upon us in the West to act with our brethren in the defence of our common country, by land or by sea, they have in the past a sufficient guarantee for the future.

Thirdly. I sustain the proposition because a compromise founded upon it will not unsettle the land system, but preserve it in an improved form, while all the different interests represented can harmonize. On the other hand, the effect of the bill of the Senator from South Carolina will be to unsettle the land system, create the relation of debtor and creditor between the General Government and the States, and produce conflicts arising out of our Indian relations.

The distribution bill will also go far to equalize the States who have received public lands for various purposes. The Senator from Michigan [Mr. NORVELL] has repeatedly introduced this subject, claiming, upon equitable principles, that the other new States should be brought up to the standard of Ohio, that has received more of the public land than any other new State. This bill will accomplish that object, if it does not exceed it. The 12½ per cent. on the unsold lands in Michigan, being over 21,000,000 acres, would bring that State more than even with Ohio. Michigan has received 969,759 acres, Ohio has received 1,842,911 acres—difference 873,152 acres; 12½ per cent. or 1-8th of the unsold lands in Michigan would be over 2,500,000 while the 12½ per cent. on the 2,000,000 acres unsold in Ohio would be only 250,000 acres. So that the effect of the bill will be entirely favorable to those of the new States that have not received as much of the public lands as Ohio.

These are, briefly, my reasons for supporting the distribution bill. Let us look at the grounds on which Senators place their objections to its passage. So far as I have been able to understand them, they are these:

First. The measure is unconstitutional.

Secondly. It will retard the settlement of the

States by holding up the lands for prices at which they will not readily sell.

Thirdly. It will stimulate the States to drain the Treasury of all the revenue of the nation, and leave the General Government helpless.

Fourthly. It will corrupt the States, and produce prodigality among their citizens.

Fifthly. It will make it necessary, by abstracting the proceeds of the public lands from the general revenue, to lay additional imposts to meet the deficit.

These, I believe, comprise the principal objections; I have stated them fairly, and I intend, in the progress of the debate, to meet and discuss them in the same spirit in which I have laid them down.

The first question is one of grave import, for if that should be against me, the argument closes, and the bill fails, so far as depends upon my vote. I am apprised of the position that is maintained by those who deny the constitutionality of the proposed measure; they contend that it is unconstitutional to raise money for the purpose of distributing it among the States, and therefore, inasmuch as the abstraction of the land fund from the revenue of the General Government creates a deficit that must be made up by an increase of imposts, it raises the constitutional objection. The view that I entertain of the constitutional question renders it unnecessary for me to examine the position assumed, which I admit to be a question of grave import; but which, upon a full discussion in Congress, was decided in favor of the power upon the question of distributing the surplus revenue; and that decision was approved of by the late President. I feel no disposition to open the argument of the question until the case shall arise making it necessary for me to do so.

I contend that the proposed disposition of the proceeds of the public lands, by distributing them among the States according to population, evidenced by their representation in Congress, is the most constitutional disposition that can be made of them, and that a faithful discharge of the constitutional duties of Congress demands the measure proposed. The land question arose prior to the adoption of the Federal Constitution; it was a Revolutionary measure in its origin; it bears date at a period anterior to that at which the General Government had the power of levying imposts on foreign merchandise; and hence it never was connected with that mode of raising revenue. The different States, during the Revolutionary war, had contracted debts which the Confederation desired to see liquidated. Many of the States owned large tracts of wild land, Virginia being the largest proprietor, her claim covering the most of the Northwest Territory, now Ohio, Indiana, Illinois, Michigan, and Wisconsin. Cessions of these lands were made by the proprietary States to the Confederation. That of Virginia, which may be selected to test the question, after ceding her lands, provided the use to which they should be applied, as follows:

"These lands shall be considered a common fund for the use and benefit of such of the United States as have become, or shall become, members of the Confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for other use or purpose whatever."

The Confederation being a mere league of States acting for the benefit of States, accepted the cession upon the terms, and took upon itself the execution of the trust confided to it. In 1776, after the trust had been accepted by the Confederation upon the terms of the deeds of cession, and while its execution was obligatory upon it, the Federal Constitution was adopted, in which provision was made for this very property, the eye of the Convention evidently being directed to it. The 3d section of the 4th article provides that

"New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress. The Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

Here are ample powers conferred and expressly

delegated to Congress over the entire subject of the public domain, the object of which was clearly to enable the General Government to act directly upon the subject-matter of the public lands, uncontrolled except by the terms of the Constitution, and the previous contracts and engagements of the Confederation. These contracts and engagements were expressly recognised by the first clause of the sixth article of the Constitution, which declares that "all debts, contracts, and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution, as under the Confederation." Thus you see the contracts and engagements of the Confederation of States under the Articles were expressly recognised and provided for by the Federal Constitution. The question then arises—Did the cession of the public lands by the States, and the acceptance of them by the Confederation under the deeds of cession, upon the terms specified, and for the purposes declared, amount in the eye of the law to a "contract," or "engagement," on the part of the Confederation, which was obligatory upon it? Can there be any doubt upon this point? If not, then the article of the Constitution which I have just read provides for the very case, and the obligations of the General Government now are precisely those of the Confederation before the change of Government and the adoption of the Federal Constitution. The question then recurs, What were the obligations of the Confederation? This question must be decided by the deeds of cession, and can be as well answered in the very language used by the parties, to dispose of these lands "for the use and benefit of such of the United States as have become or shall become members of the Confederation or Federal alliance of the States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other purpose whatsoever." I leave the constitutional argument here, having, in my own mind at least, sustained the constitutionality of the disposition proposed of the proceeds of the public lands, by which it would seem to follow that any other disposition, except to make the trust fund more valuable, since the discharge of the Revolutionary debt, for which purpose they were ceded, has been in violation of the declared object of the trust, and consequently an infraction of that section of the Constitution which I have read, securing the inviolability of the "contracts" and "engagements" of the Confederation.

The questions may arise, how do you maintain, under this state of the argument, the grants of lands to the new States, and the distribution of the land fund not covered by the deeds of cession? My answer to the first is, that the clause of the Constitution which I have read expressly gives the power of disposition over the property, and as a trustee Congress has the power to grant or appropriate one part of the fund to enhance the value of the residue. Such has been the character of all the grants made. To the second question I would say that, as the other lands have been paid for by the people of all the States, the same people have an undoubted right to a return of their proceeds upon a fair distribution, should they desire it.

Secondly. Will the bill retard the settlement of the States in which the lands lie, by holding up the price beyond that at which they will readily sell? So it is contended; but it may be answered, that the incorporation of the other principles in the compromise upon it would entirely remove all doubt on the subject. Standing alone, however, it seems to me that the new States have a sufficient guarantee in the fact that the fund is to be distributed, and the disposition of the old States to get possession of their share of the fund will certainly prompt them to accelerate rather than retard the sales. The tendency of the measure, I think, therefore, is the other way, and the new States have no cause for alarm on that ground.

Thirdly. It is contended that it will stimulate the States to drain the Treasury of all the revenue of the nation, and destroy the General Government.

This position presents for our consideration matters of grave and solemn import, and I will endeavor to speak of it as its importance demands. The political relations of the General Government with the State Governments, as well as the relation of Congress to each, are involved in the argument. The assumption is that the States would destroy the General Government, and that we, the Congress of the United States, are called upon to protect the Federal Government against this disposition of the States. Let us begin at the source of power, and see what the position is. It is either that the people of the States are hostile to the people of the Federal Government, being the identical same people, or that the people of the States are hostile to the Federal Government, and would destroy it to build up the State Governments. Neither of these positions, I humbly conceive, can be maintained. If it were so, would not that hostility long since have been carried into effect? Is it a controversial point that the Federal Government only exists at the will of the people of the States? Can they not abolish it without even the necessity of resorting to revolution? Should they think proper to do so, let them refuse or omit to appoint Senators, or to provide for the election of members of Congress, or to elect them, for Congress has no constitutional power even to appoint the time of electing either, or to act upon the subject, nor has the Executive any greater powers over it; or let them omit to provide for the election of a President by appointing electors, which they could do if they pleased. I say, let the States take either of these courses, and what becomes of the Federal Government? The parchment, called the Constitution, would still remain, but for all practical purposes it would be as a blank piece of paper. The Government would stand dissolved, without violence, without bloodshed, by the mere operation of non-user, until the same people shall think proper to set the machinery in motion. So you see, sir, the people of the States are to the complicated machinery of our system of government what the heart is to the human system—its vitality and its power. Let us, sir, pursue the argument, and see what our position is as members of the Senate. Are we not the creatures of the different States, created by their power, and the representatives of their will, within the provisions of the Federal Constitution? Does it become us to charge those who delegated us to take seats on this floor, who clothed us with all the powers we possess as Senators, to turn upon our creators and charge them with a disposition to destroy the Federal Government, and claim for ourselves the high prerogative of acting as the exclusive protectors of the Federal Government against the assaults of the States? Can we maintain the position that we hold powers legitimately at war with the rights and interests of our common constituents, the States? Let Senators who choose to assume these high grounds maintain them. Our duties are of a two-fold character—while we sustain the Federal Government and support the Federal Constitution, we do so as the representatives of the States. Sir, to test this question, how would Senators get along with instructions from the Legislatures of their States on this subject of distribution? Let me suppose that the honorable Senators from Missouri were instructed, would they turn upon the Legislature and charge her with a disposition to destroy the Federal Government, or would they obey? Suppose the Legislature of Alabama should instruct her Senators, would they obey? [Mr. CLAY of Alabama said, No, sir.] Then the Senator would resign, I suppose. [Mr. CLAY. Yes, sir, I would.] Well, sir, then we would get another Senator in your place, who would carry out the will of the State, and the operation would merely exchange one Senator for another—the principle would be carried out, and the State would triumph. I have introduced these remarks for the purpose of showing that, if the States were so disposed, they have it in their power to arrest the further progress of the operation of the General Government without resorting to the supposed course to effect that object. The arguments have been predicated on the supposition that the people of the States are hostile to the General Government; when, in fact, nothing

is less true: the people of the States are devotedly and practically attached to the Federal Government: instead of wishing to destroy or embarrass it, they would come to this rescue in the hour of peril, and lay down their lives in its defence.

Fourthly. It is argued that it will corrupt the States, and lead to prodigality. This is assuming the position that the people of the States are not competent to manage their own concerns, and that we should act as their guardians—a doctrine that has of late years found its way into Congress, and has found supporters among those who profess a reverence next to that for Holy Writ, for Democratic doctrines! This is strange Democracy. Afraid to trust the people with their own money! And pray, sir, what would you do with it? Leave it in the hands of the Federal officers for safe keeping? Ay, that is the safe deposit. They cannot be corrupted, as a matter of course. Is that the doctrine Senators contend for? This is guarding the rights of the people of the States with a vengeance! We have their money, and they demand it; we, their representatives, answer, You cannot have it; you are not capable of taking care of it; you will be come prodigal; let us keep it, we can be trusted; your money will be safely kept or laid out, as we think proper; recollect it is all for your good that we put ourselves to the trouble of taking care that you be not tempted. Would a course like this comport with our duty to the States? Let Senators who approve of it adopt the course; it does not suit me. On the score of prodigality, I know of no State that could compare notes with the general Government for the last four years.

The Senator from Missouri [Mr. BENTON] refers to the deposit of the surplus revenue with the States, and attributes the great rage for speculation and internal improvements to that deposit. Suppose I admit his premises, can he show me that a similar effect would not have been produced by the expenditure of the same sum of money by the General Government? It was the money that had its effect, and not the hand that scattered it. But, sir, I cannot let the remarks of the Senator pass without further notice. I do not concur with him in the cause to which he refers. The removal of the public deposits from the Bank of the United States; the bargain that was made between the Government and the local or State banks, that the banks should pay a per cent. on the public deposits, authorizing the banks to issue upon them; the circular of the Secretary of the Treasury directing them to do so, and the consequent inflation of the currency, produced the effect to which the Senator from Missouri alluded, and not the deposit of the surplus with the States.

Fifthly. It is objected that, by abstracting the land fund for distribution, it will become necessary to provide for the deficit by laying imposts. I presume this position is well founded, provided the present imposts shall not be sufficient for an economical administration of public affairs. That it would fall greatly short of the late expenditures I readily admit; but that is no criterion to judge by, for I trust the expenditures hereafter will be brought within economical limits. I hope in no emergency hereafter, we shall be required to resort to the present policy of Treasury notes. Let us suppose, then, for the sake of argument, that we shall have to lay impost duties to make up the deficit of the land fund. Those duties can be laid upon luxuries, such as wines, brandies, and silks, articles consumed by the rich, and then only by such persons as choose to pay for them. The great laboring class of society would pay very little of the duty, while they would receive their proportion of the distribution. As a general policy, I see no objection to it; and as connected with the obligation of distribution, it would be the true policy in the contingency of which I have spoken. My remarks, Mr. President, will be closed, so far as the land question is concerned, with this declaration: I do not anticipate the possibility of arranging this great subject at the present session; but I hope to see the whole matter finally settled at the next session, upon terms of compromise and mutual concession, to the benefit of the people, the safety of the General Government, and the best interest of the States.

The Constitution of the United States was based upon a compromise of conflicting opinions. The tariff question, that almost threatened the Union, was so settled; and why should not this great land question receive the same blessing?

I would here close my remarks and resume my seat, but the Senate must pardon me for noticing the political topic that has been introduced into the discussion. I did hope, Mr. President, when we assembled here at the present session, that we would, by common consent, exclude from these halls all the political heat that was created in the late political contest. We have all heard enough of it to need repose now it is over. But in this I have been disappointed. The very title of the bill introduces the log cabin as a political reminiscence calculated to lead to political discussion; indeed, it has so led some of the Senators who have addressed you. I did suppose that the charges that have been made in the heated partisan presses, that the late Presidential election was influenced by stock-jobbing considerations in England, would not have found their way into this august body. But here, again, I have been mistaken. And since the charge has been made, I desire to know what State has been so operated upon. Let the charge be located. For my State and her citizens I repel it. I had seen in the columns of the party presses, immediately after the election for President, the charge that the election had been carried by fraud. This we had a right to expect, for it is a principle in our nature to attribute our defeat to any thing else than a defect in ourselves or our conduct; and, so long as the charge had no special location, I thought it but the privilege of the defeated party to excuse themselves, even at the expense of facts and of the feelings of their opponents; but, by my utter astonishment, I saw in the official organ the location of this fraud in my own State. I had been there at the time of the election, had heard and seen much, and I now declare to you that I honestly believe there never was a more fair and honest expression of public opinion in the State than there was at the elections there last summer and autumn. There may have been illegal votes given, and no doubt were, but, if so, I have good reason to believe they were unknown to the judges and inspectors, and were not confined to one side alone.

I am aware that an argument has been based on the fact that there were more votes given in August and November than there were polls assessed in the spring. Admit this to be true, and does it prove that the excess were illegal votes, or that they were all cast on one side? Or may it not rather be attributed to the fact that all the polls were not taken by the assessors in the spring, or that some may have come of age between the time of the assessment and the election? This would be the charitable view of the matter. Add to this the fact that these same assessors accidentally returned "2,235,906 acres of land less than the true amount," and then make the calculation, and you will find that the vote of Indiana does not bear a higher proportion to the population than an average of other States, and it seems to me that even the Official would consent to raise the floor from Indiana, and seek some other point of location. It does not become me to say what was the cause of the defeat of the Administration party at the late election. The Senator from Arkansas and myself said a few words on that subject at the commencement of my remarks. Still I may be permitted to say, without departing from the course of remark I have laid down for myself, that I attribute the result to the fact that those in power lived too far from the people, knew too little of their interest, cared too little for their wishes, pressed upon the country obnoxious measures, attempted to entrench themselves in power by the application of doctrines with which the great body of the people had no sympathy, and treated with disdain, contempt, slander, and abuse, the candidate of their choice. While the warning rebuke has been pronounced in tones of thunder, it has been both solemn and instructive. It has proclaimed to the world the power of the ballot-box, and the perpetuity of our glorious form of Government.

SPEECH OF MR. WHITE,

OF INDIANA.

In Senate, Tuesday, January 19, 1841—On the Prospective Pre-emption bill.

MR. WHITE said: However imperfectly I feel myself able to discuss this subject, I am conscious, nevertheless, that in deciding upon it, I occupy an impartial position. Indiana, in her progressive advances from a wilderness state to the dignity of the fourth or fifth member of the Union, has reached that period in her history, when she may hold with a steady and an equal hand the scales of interest between the old States and the new. While, then, I listen with most respectful consideration to abler counsels than I myself can aspire to give upon a subject whose growing magnitude has inspired veteran Senators with such apprehension as even to justify precipitate and immature legislation, I shall endeavor so to record my vote upon the several propositions before us as to secure to the new States all the equity they claim, and to the old all the right which they challenge, and to all the States an advantage of the most momentous importance, to be gained, as I conceive, from no other source than from the proceeds of our bountiful domain.

In our plan of Government, sir, simple as its objects and as well defined as its purposes are, many difficult and complicated questions are constantly occurring. They are chiefly questions of power. Our confederated and at the same time Republican principle, our relations with the Indian tribes, our partial system of domestic slavery, and our provincial or territorial system, are all full enough of perplexities to put this experiment of Government to its severest trial. Indeed, sir, parties have a tendency to organize themselves not so much upon measures of policy as upon abstract questions of constitutional construction. This tendency of party is greatly injurious, by producing political sophisms and refined theories, which override every practical power for good conferred by our Constitution.

The land question is not properly a question of power, and yet incidentally it involves considerations of that character. Over the public domain which lies within the limits of the organized States, the United States seem to have something more than a simple property jurisdiction, or a mere private ownership. This is proved by their right to make laws for its conveyance and government, and by their power to protect their possessions, and to determine all questions concerning those lands in courts of their own creation. Such powers are appurtenant to a species of territorial sovereignty.

I concur fully with Senators who have ascribed so great importance to the measure now before us. If we regard it merely as a question of finance, it carries a grave and serious import. Not the least among the high functions of Government is its power to raise and expend money. Next to the power to declare war, and to place under the arbitrament of the sword the life and fortune of the citizen, the power to raise revenue is the highest prerogative of sovereignty. Of equal importance is it if we have respect to the question of population or settlement and of social organization. These difficulties are increased by the medium through which Senators choose to regard the subject. While the Senator from Missouri [Mr. BEN- TON] complains that we will not treat the public domain as a fund for revenue, the Senator from Tennessee [Mr. ANDERSON] contends that is by no means to be considered as a question of finance. Concurring fully, as I do, with the honorable Senator who introduced the bill now on your table, in the propriety of a permanent pre-emption law, I protest against the justice of the remarks with which he accompanied its introduction, and to which I shall have occasion hereafter to advert. My purpose now, is merely to express my regret that a measure so interesting, and I may add beneficent, as the final disposition of our public domain, could not be presented to this body by the dominant party, without a conjuration of influences well calculated to disturb the harmony of our legislation—influences which have lately been aroused in the conflict of contending parties, and which had expended themselves in the most conclusive demonstrations at the ballot box.

To one or all of these causes it is owing that our

statute book groans under the weight of enactment in regard to the management of our land system. Since the colonial and agrarian system of Rome, no nation has half such a complication of laws regulating its domain. It may well be conceived that so extensive and fertile a territory would be a prolific subject of legislation. Our entire domain is computed at 1,085,536,252 acres of land, to about 400,000,000 of which the Indian title has been extinguished, and remains unextinguished to near 700,000,000 of acres. Of this vast domain, about seven-ninths lies east, and two-ninths west of the Rocky mountains. As yet we have sold to individuals a little upwards of eighty millions of acres; and if we add to that, grants and reservations to States, individuals, etc there will still remain more than nine hundred millions of acres in which the United States has a proprietary interest.

Nature stamps upon these teeming acres their uses for the abode of man, and for the development not only of the physical but of the moral and intellectual energies of the Caucasian race. Extending to the shores of the Pacific ocean, the retiring savage shall give place to the Anglo-Saxon, to illustrate in the face of the world, and upon the last great drama where it can be seen, the triumphs of civilization, of liberty, and of religion.

Already, upon a considerable part of this domain, have these great purposes begun their accomplishment. Of the territory above mentioned, an area of about two hundred and fifty millions of acres has been organized into Republican States; and nine more stars of virgin lustre shine resplendent in the galaxy of the Union.

The bill and amendments before us contemplate a permanent and conclusive adjustment of the interest of the United States in this domain; and from the general view which we have taken of its uses and of the nature of the trust with which the Government is invested in regard to it, we are prepared to discuss the several principles and details involved in the bill and proposed amendments.

From the beginning of our land policy, settlement and occupancy seem to have been the object of the Government. It is true that largesses have never been proposed, nor bounties awarded, to induce a cultivation of our wild domain. On the other hand the Government has, with all possible expedition, from time to time extinguished the Indian title, and thrown the lands into market. The Indian claim removed, no other obstacle has been left by our laws in the way of settlement, no limits prescribed to the exploration of the adventurous pioneer. The method of settling the Western lands in compact masses, by townships at a time, has been always repudiated. The Government has incurred no expense to protect the settlements. No garrisons or military posts have been established upon our frontier with this express reference. On the contrary, it has been left to the same fearless and hardy spirit of individual resolution which dared to encounter the obstacles of nature and the terrors of the forest, to defend the pioneers against the marauding incursions of their savage neighbors. The rifle and the axe have gone together into the wilderness, borne by the same hand. The mother has left the couch when her infant reposed, to watch over the labors of the backwoodsman while engaged in his daily and toilsome task, and to give the first alarm against the treachery of the Indian; and the hour of midnight repose has been rendered secure only by the guardianship of the hunter sentinel.

In such a way as this, sir, have your great tramontane valleys been settled, until now security has succeeded to danger, and the alarms of a border war are drowned in the noisy tread of commerce and of speculation. The pioneer has borne the dangers of the adventure; shall he not reap its honors and rewards? Unaided, unregarded, uncompensated, he has laid in virtue and in peace the foundations of several of your most powerful States, strengthened the bonds of your Confederacy, added new interests to your commerce, augmented sources to your revenues, security to your liberties and fresh glories to your empire. Will you now withdraw from him your patronage when first it begins to be valuable; or rather, will you not confirm to

him his ancient charter? Is the same wise and liberal policy yet to continue, of covering this continent with Republican States, or is the sordid grips of avarice to arrest this march of civil liberty towards its utmost destination? Is this paternal Government willing to adopt the motto: "*Quærenda pecunia primum est—virtus post nummos*," to postpone the highest political interests of its people to a consideration of revenue?

It is remarkable that in almost every deed of cession from the States, and in both the treaties with France and Spain for the purchase of Louisiana and Florida, guarantees are contained, securing to the people of the acquired territory a Republican form of government, and free and equal admission into the Union. If, then, even in our foreign negotiations this appears to be a fundamental object, let us not thwart, by our domestic policy, the earliest attainment of so great an end. Let revenues be a mere incidental consideration, or in the expressive and simple language of a member of the first Congress, "let us make the best of liberty, our people, and our land."

Senators object to the pre-emption policy mainly upon these grounds:

1. That it injures our exchequer by diminishing the price received for the lands.
2. That, by conferring privileges and bounties upon the people of the new States, it is partial in its operation, and unjust to the people of the old States.
3. That it produces an unnatural and forced drain upon the population of the old States; and
4. That it engenders a spirit of insubordination to the laws, and will lead to mischievous riots and excesses by tolerating a scramble for the public property.

To the first objection I reply that, before the former pre-emption laws had operated to any extent, the gross average at which the lands have been sold since the present minimum price was established, is about one dollar and thirty cents per acre. The inconsiderable loss of five cents per acre does not weigh a feather in the scale against the equity of pre-emption. To appease even the ill-founded complaints of a single State having public lands within its borders, you ought not to hesitate to make so small a sacrifice. You have assessed the value of the lands at \$1.25 per acre. Why should you expose them to sale at auction? Many of those lands are not worth the minimum price, and yet you refuse, and for good reasons, to graduate them downwards. Why should you graduate them upwards? In any department of business there are evils in the auction system, and it ought to be avoided when it is possible to do so. It is the parent frequently of ruinous speculation, arising from an undue competition which such an occasion generally arouses. Upon the commerce of our citizens we lay an equal duty, and do not sell the protection of our navy to the highest bidder. The facilities of the public mail, and the privileges of the Patent Office, are afforded at fixed rates. No part of our revenue except from land is raised in the shambles. Government offers none of its favors, none of its privileges, to the cupidity of wealth save the domicile of the poor man, of which, by conquest or purchase, it has become the lord paramount.

The second objection assumes what I cannot grant, "that the right of pre-emption is a bounty or a privilege." The pre-emptor pays a fair equivalent for his right, of more value in the end to the Government than the higher price which the capitalist might bid at auction. Foregoing now the argument of increased resources and augmented national wealth, produced by conveying the lands to the actual occupant and cultivator, I urge the consideration of enhanced value given to the adjacent lands by improvements in their neighborhood. How much the sale of this class of lands has been hastened by such causes, it is impossible to estimate; but I venture the assertion that your Treasury, enriched as it has been from every source, including the twenty-five millions of Treasury notes, which have been issued, could not stand the shock of yielding up its gains, derived in this very way. Is it more in the nature of bounty to give these lands for a fixed price to the first occupant, to the most

industrious citizen, than to the wealthiest, who may perchance bid more they are worth? But in what respect is this system unjust to the people of the old States? Certainly the lands are not a fund for individual aggrandizement and profit. Whatever relation the Government, as the trustee of the lands, bears to the States, upon the great principles of equity, which I shall by and by discuss, it can be under no obligation to parcel the domain out, *per capita*, among the individual masses of the people. The people of the old States remaining such, cannot complain that a purchase is denied to them for purposes of investment and speculation, (I do not like the word,) which is allowed to him who is willing to join the new community in the wilderness, to lay his hearth-stone, and to build his altar there. If the Government does not hold these lands in trust for individual advantage, then it has a right to fix what principles it pleases for their sale and disposition, and surely no complaint can justly be made when those principles are friendly to the earliest development of the social and political system, and to the increase of population within the limits of the new Territory. Of this I defy refutation.

I am willing to accord a character of plausibility to the third objection to pre-emption above enumerated. Perhaps the tendency of American enterprise is too much to a diffusive population. To every section of the Union the Government owes an equal patronage, and no patriotic citizen of the West would desire to see his own section built up at the expense of the sister States. Especially would no Western statesman commend himself to his constituents by the enactment of partial laws. The chain of dependence is such between the most distant portions of our Confederacy, that one cannot be injuriously affected without sensible loss to the other. It is impossible, however, to restrain the emigrating spirit of our countrymen, and no better rule can be adopted than to leave each one free to follow those impulses which point to his own prosperity and happiness. While the rewards of agriculture in the rich and fertile plains west of the mountains are more tempting to the citizen than the appropriate pursuits to which those are destined who remain in the Atlantic States, it would be wrong to check that virtuous ambition which is emulous to reach them. Let it be remembered that agriculture is almost the universal pursuit of the Western emigrant; and the more this proportion of our population increases, the more our real independence is secured, and the faster our national wealth is augmented. I am not about to adopt the exclusive and exploded doctrine of the Economists, which denied the productive quality to the operations of commerce and to the labors of the artisan. But I do contend that the agricultural employment is best adapted to the genius of our people and to the condition of our country, and that it ought, and ever will, I trust, maintain a proud preponderance. Need I remind you, sir, that this class, in every emergency, will be the prop and stay of our Republic; that here the virtues which shall save our institutions will find their true abiding place, and that sedition and misrule never enter the peaceful domicile of the husbandman? But there is a view of this subject which takes off the edge of the objection we are discussing. It is, that although emigration may be too rapid from the old States to the new, the nature of our pursuits is such that there is a constant circulation of our population. Though in the process of this mighty provincial accretion, which has so astonished us with its growth, the blood may be forced through the arteries in unusual currents to the extremities, yet the self-restoring effort of nature shall return it through a thousand veins to the seat of life. The traveller from the old States, after many days, will return with the spoils of industry, and pour the grateful offering into the maternal lap.

A single word or two, sir, shall suffice in reply to the fourth objection. It is in effect a "begging of the question;" for if you invite the occupant to take possession of your lands, he ceases to be a trespasser. Your act of 1807 forbade trespasses upon the public lands; and yet how little has the moral sense of the community been shocked by the frequent and constantly recurring violations of that

act which we have witnessed. The universal sentiment of the nation has pronounced it a dead letter. Can he who seeks a home, and a domicile for his wife and his children offend against any rule of society? In vain do you set up the artificial authority of any law against so holy a purpose. Restrict your pre-emption law to the actual settler; cut up speculation by the roots, and your statute book will suffer no reproach, nor opprobrium rest upon your authority, from any of the acts which you fear.

That there will be no strife or violent contention among the several beneficiaries of the pre-emption law, the experience of the past sufficiently proves. The northwest corner of Indiana (within my own observation) has been settled by pre-emptors. A more orderly, industrious, or better regulated community, is not to be found.

The argument in favor of pre-emption is so pregnant, that it seems almost superfluous to adduce the authority of other Governments which have uniformly extended the kindest protection toward their infant settlements. From the time when the wandering Scythian roamed from one hunting ground or pasture to another, as his brief annual tenure would expire—from the period of the *folland* and *bookland* of the ancient Saxon, there has been no mercenary legislation upon lands. The far famed agrarian laws of Rome were designed to aid and protect the colonist. The States of our own Confederacy have either surrendered their lands to settlers, or sold them at a nominal price. We are all conversant with that force of public opinion which constrained Massachusetts to pass laws requiring the successful plaintiff in ejectment to pay the occupying claimant for what they termed his "betterments," answering to the "*melioramenta*" of the civil law, or the "improvements" of the Western squatter. A rigorous policy against the settler would be alike in violation of contemporary sentiment, and of all the lights of experience.

But Senators say that the new States, not content with bearing the palm of successful rivalry from their older sisters, have really outstripped themselves, and have asserted the right of majority before they have attained the age of twenty-one. Grant that this is true, sir; we have at least the proud satisfaction of knowing that our greatness has not "been thrust upon us." It is a trophy of our own achieving. We glory in the fact that, in our infancy, in our wilderness State, we have earned the honors of manhood. We boast not strength alone, but wisdom. In the ordinance of 1787, before the birth of your Constitution, we taught you the principles of civil liberty. It is a singular fact that, in an ordinance creating a Government designed to be temporary, those great principles should be laid down as the fundamental basis of our society, and expressed to be forever binding and irrevocable upon people and States thereafter to arise. Like Hannibal, we were consecrated to liberty in our infancy; and now that our noonday sun is culminating upon the continent, we conjure you to apprehend no evil; nor to fear influences, however powerful, which are thus benign! Let Senators remember, when they are disposed to mete out their favors with a sparing hand, under what difficulties, under what discouragements, and under what painful perils, our early settlements were effected. Let them remember how, even in later times, it has cost us all our resources to settle down as owners upon the frowning forest. The State of Indiana has an area of upwards of twenty-two millions of acres; and her citizens have already contributed to the National Treasury, as the price of their demesnes, more than twenty millions of dollars. Indiana has barely passed her minority. How, after such exhaustion, has her industry been taxed to cultivate and stock their farms; and to procure that bountiful subsistence which an American citizen demands!

You have been reminded, sir, by way of checking too gratuitous a spirit towards the new States, of the bounty and munificence, or as the Senator from South Carolina [Mr. Preston] eloquently expresses it, of the justice (for what higher attribute can be claimed in these degenerate ages) of Virginia and the other conceding States in surrender-

ing their rich possessions to the Union. The new States congratulate themselves upon this result. They congratulate the Union. Had the States retained this territory we should not now perhaps have been in the hands of a paternal Government, boasting its redeemed guarantee for our admission into the Union. Wisconsin, Iowa, Florida, would not have held that guarantee yet to be faithfully and speedily performed. The territory Northwest of the Ohio River would have been a mere appendage to the Old Dominion. Louisiana in all probability would not have been acquired, nor the navigation of the Mississippi secured. We should not now have boasted New Orleans, the peerless exporting city of this continent, nor would our great staple growing region of the South have had the valleys of the Upper Mississippi, the Ohio, the Illinois, and Wabash, to pour, free of duty, their abundant and ceaseless supplies into her bosom; thus giving to her annual eighty millions of exports one third of the element of their value.

As a representative of Western interests, I do not complain of partial or unequal laws; but it cannot be forgotten that commerce has its costly defenses, and manufactures a protection springing from your laws. Of necessity, almost, the pecuniary patronage of the Government is limited to the seaboard. In proportion to its numbers, the West is the largest tax-paying section of our country, for the simple reason that not an article of import is produced there. These drains upon our industry we submit to with an uncomplaining temper. But we cannot forget the equity which such considerations raise when you are called to pass laws upon subjects peculiarly affecting our interest. Our staples are the agricultural products which seem to be placed beyond the pale of constitutional protection. Compared with the magnitude of the agricultural interest, all the other products of labor in this country sink into utter insignificance. Commerce has its one hundred millions of exports, and an equal amount of imports, and our manufactures doubtless transcend these sums in amount; but agriculture, towering above all, ascends to two thousand millions per annum. No nation can be perfectly independent which does not raise its own bread-stuffs; and the highest condition of social happiness and prosperity is attained where other interests, to be sure, are flourishing, but when the agricultural interest maintains the ascendant. In every vicissitude of trade, and in every revulsion of government, while famine and distress too often mark their desolating career in other countries, in peace and in war, our teeming soil continues to yield its fruits to the labor of the husbandman, and our barns and granaries to furnish perpetual resources for the life of man. No event in history is associated with such a mass of human happiness, present and prospective, as the settlement of our Western country, by multiplying and cheapening the food upon which man subsists. But I will not press this topic further. The people of the West, exulting in their growing strength, expect from Congress just and considerate laws, not so much from their power to enforce them, as from the enlightened appreciation in which their claims must be held by the entire Union.

It is matter of regret that the dignity of these claims should be disparaged, or suspicion be thrown upon them by the manner in which the present bill was introduced into the Senate. When pre-emption laws become the mere foot-ball of party, or are converted into an engine for political warfare, it is no wonder that they fail to command that general assent to which they are entitled. The honorable member who brought in this bill remarked, upon its introduction, that the Federal party (as he was pleased to term the Whig party) had, in the recent Presidential canvass, shown so devoted a love for log-cabins and their inmates, he was fearful they would anticipate the friends of the Administration in presenting the measure of a permanent pre-emption, and he therefore hastened to submit the proposed measure. Sir, the significant title prefixed to this bill, if it shall not be interpreted as ironical upon its worthy beneficiaries, has at least that aspect in reference to one of the great parties engaged in the recent Presidential struggle. Certainly, sir, either the bill or its title, or some other

associations, have produced, in this debate, not a little rallery against the emblems adopted for good cause by the Whigs in the late contest. The freight with which this pre-emption vessel is laden, is acceptable to my constituents, but they like not the flag under which she sails. In a word, sir, it cannot be concealed that this measure is intended to overreach the action of the coming Administration, and either to force that Administration into an antagonist position, or obnubilate its glories by this forced and sudden interposition of a policy for which the country was as ripe eight years ago as now. It matters not to me, however, whether this consummation be achieved under the star of General Harrison, whether it be the concomitant of that series of conservative and patriotic measures which are to restore the character of the age and to elevate our institutions, or whether, now urged on by influences no longer to be resisted, the measure has been precipitated upon us by the stern virtue which is felt and appreciated, and, I may add, feared in the character of General Harrison, and by that powerful voice of the people which has pronounced his election.

Connected with the subject of a final settlement of the land question, as proposed by the bill, two antagonist measures have been presented to the Senate. That contained in the amendment of the honorable Senator from Kentucky, [Mr. CRITTENDEN] proposes to grant to the actual settler, whose estate shall not exceed the value of \$1000, the right of pre-emption to any quantity of land not exceeding 320 acres, and to distribute the proceeds of the sales of the public lands among the several States of the Union in just and equitable proportions. The other, proposed by the honorable member from South Carolina, [Mr. CALHOUN] contemplates a cession of the public lands to the several States within whose limits they lie, upon conditions, the principal of which are, that the States shall annually pay to the General Government sixty-five per cent. of the gross proceeds, and that the cession "shall be in full of the five per cent. fund or any part thereof not already accrued to any State; and the said States shall be exclusively liable for all charges that may hereafter arise from the surveys, sales, and management of the public lands and extinguishment of Indian title within the limits of said States respectively." It also provides that the States may pass pre-emption and graduation laws. I shall first consider the amendment of the Senator from South Carolina.

I object to this scheme as unsettling the whole land system, approved by the experience of forty years, as destroying that uniformity which has contributed so much not only to the security of titles, but to the value of improvements made upon the newly purchased lands. It transfers the muniments of title from the archives of this Government to the custody of the Executives of the several States, the forms of conveyance of course to be devised by the authorities of those States. It reates new responsibilities unknown to the Constitution, and dangerous to our revenues. Who can believe that the States will meet pecuniary engagements of this kind with promptitude? Your laws cannot enforce their collection, and your only reliance is upon the faith of the States. In original engagements of the several States with the world, their plighted faith will be a sufficient guarantee for the redemption of any pecuniary obligation. But here the case is very different. This proposition creates relations between the States and the Federal Government, not very dissimilar to those which existed under the old articles of Confederation. A principal inducement for abolishing the old Confederacy, was because requisitions for money, (even for so serious a consideration as the payment of the Revolutionary debt,) made by Congress upon the States, were not regarded. The failure of a single debtor State to meet engagements imposed by this measure, would produce dissatisfaction, and justify a like remissness on the part of others. In every aspect of the case, the relation of debtor and creditor between the States and this Government is to be deprecated; but when that relation is relied upon to supply a considerable portion of our current revenue, it can result only in disaster and disappointment, until the

sense of obligation shall ultimately be broken. But one experiment of the kind has been made since the era of our Constitution, and that was in the act of 1836, depositing forty millions of our surplus revenues with the States. From the moment that this act was passed, and in contravention of its very terms, the sense of the nation has pronounced it a distribution, and not a deposit act. That fund (or rather so much of it as was deposited) has ceased to belong to the resources of the Federal Government; and he who would treat it as such, subjects himself to the just animadversion of every practical man.

But if, for any purpose, and particularly for revenue purposes, it is unwise and hazardous to involve the States in a condition of indebtedness to the Union, how is the argument strengthened, and the danger increased, when the consideration of that indebtedness is the price of their own domain! Some of the States have already asserted that the proprietary interest of this Government in these lands, and the authority necessarily assumed in consequence thereof, is in derogation of the rights and sovereignty of the States. Such doctrines have been held, I believe, at least in Alabama and Missouri. They have been advocated by prominent members, both upon this floor and in the other branch of Congress. I can regard this amendment in no other light than as an entering wedge for the surrender of all the public domain to the States where it lies. What, sir, are the principles of the contemplated cession? Not, surely, the employment of the States as agents merely of this Government for the sale of the lands, but a transfer to them in their own right, by virtue of a contract of purchase. It was so treated by the Committee on Public Lands at the last session, who were friendly to the measure. The amendment *ex vi termini* recognises a certain right on the part of the States to control these lands, at least so strong an equity as to render it improper in this Government further to direct their management. How long will it be, after a cession made under such motives and impulses, until the States, habituated to regard these lands in the first instance as their own, shall forget the secondary obligation of yielding sixty-five per cent. of their proceeds to the general Treasury? By this act you weaken, nay, almost destroy, the sanction of the old deeds of cession from the original States, which now cannot be violated without convulsion, and tempt the States to forget a contract which, after the lapse of a little time, shall seem to carry with it no moral obligation. I sum up all, when I say that the success of this measure is the loss of the lands.

I forbear to treat of the objection which other Senators have handled, of the great inequality of this plan among the several States to which the cession is to be made, further than to quote a passage upon that subject from the report of a committee in the Indiana Legislature, made in February last. They say:

"Besides the objections that will be made to this measure by the old States, its gross inequality cannot make it generally acceptable to the new States. The portion allotted to Indiana would be double that of Ohio. Illinois would in like manner quadruple Indiana. Missouri, Arkansas, and Michigan likewise. The result would be, that those States are to have the least benefit who have borne the heat and burden of the day. The settlement of Michigan, Illinois, Missouri, Arkansas, Mississippi, and Louisiana, has been comparatively easy to that of Ohio and Indiana. They have endured no devastating wars, their homes have not been pillaged and destroyed, and their citizens massacred as ours have been; nor have they paid into the national coffers any thing like the sums of money that Ohio and Indiana have done; therefore this measure of Mr. CALHOUN'S, so unequal in all its bearings, cannot be acceptable, especially to Indiana."

To this I will only add, that it is impossible so unequal a system can endure, and in its destruction it is inevitable that the States will stand by the deeds you have given them, stripped of all condition. In such a dilemma, of but little avail will be the defeasance in your deed, or your reversionary interest.

The committee of this body on the public lands of the last session, did not attempt a vindication of this measure upon any ground of economy or right, but base their recommendation upon the equity due to the new States, and upon the impracticability of the subject as a topic of Federal legislation; and, as if doubting the validity of their own argument, they attempt to lessen the importance of the matter

by disparaging the fund deemed to be available out of the public domain. I shall not attempt to follow the committee through the intricate process of reasoning, by which they endeavor to show that the present value of all the unsold lands in the nine States upon which this amendment would operate, (being one hundred and sixty millions of acres,) amounts only to the sum of twenty-six millions, four hundred thousand dollars, or about seventeen cents per acre, although it would be difficult to assent to such an estimate. The committee, to determine the extent of the subject, should have looked at that boundless territory which lies west of the States immediately named in the amendment, and which will claim its benefits the moment they are admitted into the Confederacy. It is idle to suppose that their claim can be resisted; nor do I imagine that the advocates of this plan contemplate any other result. The consequence is that Iowa or any of the Territories coming into the Union with 60,000 inhabitants will claim an immediate cession of their lands. The average area of the Western States is 30,000,000 acres; this, divided among 60,000 inhabitants, would be 500 acres to each person, and to each family of six persons three thousand acres. Thirty-five per cent. of this (their proper interest) would give to each such family ten hundred and fifty acres. What an appeal to the cupidity of our Territorial inhabitants! What clamorous demands will it beget on the part of the Territories for premature admission into the Union! What conflicts with your authority! How will the gift turn to poison in their cup and corrupt the legislation of the infant States! If there can be an appliance to tempt the population from the old States into the Territories, the wit of man could not devise a more effectual one than this.

But, sir, it will give rise to other and unusual difficulties. The Federal Government will be backward to extinguish the Indian title within the Territories, when the benefit is to enure to the people of those Territories, so soon as they are organized into States. The uniform policy of the Government has been to extinguish those titles as fast as practicable; but now that the neighboring settlement have rendered Indian lands more valuable, there will be a constant struggle between the Territories and the Metropolitan Government, which shall avoid the costly sacrifice. It has been the boast of our institutions, that amidst the jarring interests of States, the Government has always preserved the most paternal relation towards its provincial appendages, the Territories. Let the plan of cession succeed, and this relation will be broken up, and in its place will be substituted the most cold and bitter rivalry. One of the States named in the amendment (Michigan) has, remaining within her limits, about eight millions of acres of Indian lands. These lands lie adjacent to Lake Superior, and are of little value. You had not many thanks from Michigan when you gave her these lands in lieu of those valuable possessions on the Maumee bay, and her gratitude will scarcely be increased when you require her to pay out of her own coffers for the extinction of the Indian title.

I cannot omit, before concluding my remarks upon this topic, to inquire what would be the condition of Indiana if this cession were accepted. Evidently one of positive loss. There are remaining within the limits of Indiana, including that part of the Miami Reserve, not yet purchased, unsold lands amounting to 5,706,508 acres. From this, deduct the sixteen-h sections reserved for school purposes, and the canal lands, (in all about 651,000 acres,) and there remain 5,055,508 acres. A large part of this is refuse land, which has been in market from twenty to thirty years. The whole cannot be estimated at more than seventy-five cents per acre, making a sum of 3,791,631 dollars. Thirty-five per cent. on this amount is 1,329,070 dollars, which is the gross sum to be retained by the State. Against this sum we have to set off the following amounts:

Gross amount due the Miamies and Pottawatomies by existing treaties, - - -	\$255,544
Perpetual annuities under those treaties, \$38,070, equal at 5 per cent. to a capital sum of - - -	761,400

Three per cent. fund on nett amount of \$3,602,050, is - - -	108,061
Estimate for extinguishing the residue of the Miami title - - -	550,000
Estimate, (by Commissioner of Indian Affairs,) for expenses of emigration of the Miamies, - - -	55,000
Estimate for their subsistence one year, - - -	36,666
Five per cent. estimated expenses of survey and sale, is - - -	189,581
	<u>\$1,956,252</u>
Estimate by topographical bureau for completing the Cumberland road in Indiana, - - -	3,144,250
Total, - - -	<u>\$5,100,502</u>

So that the State of Indiana, without including the Cumberland road, would be loser by the proposed cession six hundred and twenty-nine thousand one hundred and eighty-two dollars; and, with the loss of the Cumberland road, three millions seven hundred and seventy-three thousand four hundred and thirty-two dollars. The Committee on the Public Lands, in recommending this measure, expressly say that "their report has been drawn up on the supposition that expenditures in the new States by this Government for internal improvements would cease should the bill pass," in which they also include the annual appropriations for improving the navigation of the Ohio and Mississippi rivers. They credit (by the operation of the bill) the Federal Government, and consequently charge the nine States embraced in the bill, among other things, with the withdrawal from those States of the following appropriations:

Grants and donations of land (except the sixteen sections) - - -	\$7,017,540
Improvements on the Mississippi and Ohio rivers and Cumberland road - - -	6,939,274
Five per cent. fund to be surrendered by the States - - -	10,214,263
	<u>\$24,171,076</u>

This loss, it is true, they distribute through a period of eighty years, (the length of time computed to be necessary to dispose of the lands,) but the States interested in those improvements would hardly be willing to forego, at so critical a period of their affairs, almost the only hold which they have upon the pecuniary patronage of the Government. In every aspect in which it can be viewed, this plan of conditional cession is full of objections, not to be overcome.

The amendment of the Senator from Kentucky, [MR. CRITTENDEN,] proposing a distribution of the proceeds of the public lands among the several States of the Union, is a renewal of a measure offered nine years ago by another distinguished Senator from the same State, [MR. CLAY,] which twice passed this body and was concurred in by the popular branch, by large majorities, but did not receive the Executive approval. It was then a measure of benefit and of fruitful hope—it is now remedial. When we contemplate the present pecuniary condition of the States, and contrast it with what it probably would have been, had the distribution bill become a law, and when we review the substituted series of measures which for the last nine years have marked the progress of the Government, and their influence upon the policy of the States, it is impossible to suppress our regret at a loss which many years of wise legislation will now scarcely suffice to restore. When the distribution bill of 1832 was negatived by the President, the States were involved in the most trivial amount of debt. At the present time, the President estimates the annual interest upon their debts to be twelve millions of dollars, which, at six per cent. makes a principal debt of two hundred millions. It is easy to trace this ruinous condition of the States to its primary causes, most prominent among which stands the defeat of the distribution bill. At that time, your Treasury, from an abundant commerce, (the fruit of an antecedent wise administration of the Government,) was redundant, and your revenues outran the necessities of

the Government. Instead of withdrawing this excess from our exchequer (which would have been effected by giving the proceeds of the lands to the States) the whole of our revenues were removed from their accustomed depository, the Bank of the United States, and placed in the local banks. Instructed by the Secretary of the Treasury, these banks immediately increased their discounts to an unparalleled extent, and flooded the country with currency. Suddenly a wild and infuriate spirit of speculation overran the land. Individuals and States were hurried by an irresistible impulse into the most extravagant enterprises, the sequel of which, on the part of the States, is found in the tale of two hundred millions of debt.

Meanwhile our custom houses continued to pour their flood of revenue into the national coffers, until in 1836 a surplus of more than forty millions had accumulated. As a measure of the highest necessity, this surplus was, by an act of that date, directed to be deposited with the States, the true effect of which was a distribution to the States of the amount paid under the act, about twenty-nine millions. Unfortunately, for want of a supposed competency in Congress to do so, no specific application of this fund was directed. Some of the States invested their portion of the fund for various purposes; others divided the principal sum *per capita* among their people; but the general effect of the uncontrolled possession of the money was to induce new undertakings by the States, and an increased accumulation of liability. Their resources being thus squandered and exhausted, it was impossible that either the States or the banks could long sustain themselves in such a career, and the revulsion has come with which we are all too familiar to require a recital of it.

Having looked at this uninviting picture, let us for a moment imagine what would have been our condition if the distribution bill of '32 had passed. Having withdrawn from our current revenues so much as proceeded from the lands, the deposite banks would have held no excess. The daily drafts of the Treasury would have employed all our funds, and the banks could not have enlarged their discounts beyond the ordinary wants of commerce. That rash spirit of individual adventure, which, combined in masses, controlled and directed the legislative councils of the country to the same ends, would not have been aroused. The moneys received by the States from the land, were directed by the bill to specific objects. These were to purposes of internal improvement or the payment of debts contracted therefor; of education, and of the colonization of free blacks. This stimulated by no exciting influences, and thus prudentially checked, what monuments would not the States already have built in aid of commerce, what prouder monuments in aid of science and of intellect, unburdened with debt, and endowed with means and capabilities for progressive achievements in these great objects of patriotism and benevolence through an untold series of years!

By a report from the Secretary of the Treasury, made in 1838, it appears that if the land bill of 1832 had passed, the States would have received, up to the 30th of September of that year, the sum of \$57,227,230. Of this the share of Ohio would have been \$4,557,932; of Indiana, \$2,616,744; of Illinois, \$1,797,554; of Alabama, \$1,965,934; and of New York, \$3,190,102. These would have been the sums of money received by those States, in addition to the two per cent. fund accruing to the new States, and to the expenses incident to the sales of the land. In addition to this, Indiana would have received 115,000 acres of land to make her equal with former grants to Ohio, and the other new States their proper proportions to reach the same equality. If the author of the land bill of 1832 deserves what posterity will award him—perpetual remembrance from his country—what must we say of those administrators of our affairs who have entailed upon us that counter policy to which we have adverted, and the fruits of which are now like waters of bitterness in our mouths!

But gentlemen say that this distribution is unconstitutional and in violation of the deeds of cession from the original States.

In opposition to this view, I shall not not detain

the Senate to recapitulate at any length an argument which has been so ably maintained, and is so familiar to the country. As to that portion of our territory ceded by the old States, it cannot be denied that Congress holds it in trust, in trust for all the States, old and new, and not for the people of the States. In this respect the proceeds of the land are different from ordinary revenues which are collected from the people, and for their benefit, and not for the use of the States. The States are then partners in this great land fund, and Congress the trustee. There is no principle in law or ethics which prevents a trustee from surrendering at pleasure a trust; and into whose hands can he make the surrender but those of the *cestui que trust*, the beneficiary of the trust? And here this argument ends; and conclusively. For if, according to the very terms of the deeds of cession, this be a trust for the use of the States, it must of necessity be in their several and corporate capacity. The contrary idea cannot be found in our system. It was the States who surrendered to the Federal Government all the powers contained in our Constitution—the most of these powers in their exercise operate upon the people of the United States, and the duties of the Government enure to their benefit; but here is an exception in the very terms of the charter. I cannot, under our Constitution, conceive the idea which has been expressed by the learned Senator from South Carolina, [Mr. CALHOUN] of States in their aggregate capacity; I can in their Federal capacity; and if in this capacity they were intended to hold their interest in the lands, the deeds would have expressed the tenure to be for the benefit of the "United States" and not "for the use and benefit of such of the United States as have become, and shall become, members of the Confederation or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions," &c.

Then came the Constitution providing that "the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States," operating without qualification or condition upon territory subsequently acquired; and upon the lands previously acquired, subject to the trusts contained in the deed of cession. No proprietor can be vested with a more absolute mastery over his own estate; and the only limit to the powers of the national Legislature in this respect, is that conscientious obligation which binds it, in the performance of all its duties, to consult the welfare of the people and the States.

Many powers have been exercised by Congress which the Constitution has not delegated in terms. For example, Congress have made investments in State stocks—they have remitted duties to railroad companies and other associations, to supply which other classes must be taxed—they have given five per cent. of the lands to the new States, and grants of land—they have granted pensions and bounties to individuals—they have purchased territory beyond the limits of the treaty of 1783, and formed out of it confederate States; and they have made scientific explorations. Not one of these but is of more equivocal authority than the cession of the proceeds of the lands to all the States.

The Senator from Missouri [Mr. BENTON] is indignant at a proposition which he says is to withdraw four millions of annual revenue to be supplied by additional duties upon imports. If it be such an outrage to divert this four millions, (the annual proceeds of the lands,) from our exchequer, into the treasuries of the several States, how much more severely do we wound the Constitution if we annihilate these proceeds altogether, and dry up this source of revenue? And yet, sir, the late President has made this very recommendation. In his annual message of December, 1832, General Jackson says: "It seems to me to be our true policy that the public lands shall cease as soon as practicable to be a source of revenue," and he proceeds to recommend such a disposition of them as shall barely reimburse expenses. This was the very session after the land bill had been first introduced, and had passed this body; and yet the Senator from Missouri now condemns it as an affirmation of the very principle sustained by General Jackson.

For myself, sir, I subscribe to the doctrine that

the lands ought not to be a source of ordinary Federal revenue. In their management, so many questions of State policy, of jarring interests, and of patriotic accommodation are mingled, that they furnish too uncertain a reliance; and the competency of this Government to realize from imposts all that is necessary for its economical administration, blended with high interests so immediately connected with the system of impost duties, plainly indicate another and a better direction for the land fund.

That direction, sir, is given in the amendment under consideration, and it is demanded by a force and demonstration of authority which the people have rarely exerted upon their legislative functionaries. We cannot, if we would, shut our eyes to the condition of the States. Laboring under mountains of debt, I will not say that the burden of interest will, in a year or two, become insupportable, and that their faith will be dishonored, because I believe they will sustain their honor at any sacrifice. My own State (Indiana) is largely a debtor State, but during the suspension of 1837 she was one of only two States, I believe, in the Union, who met her engagements in specie; and she will continue to do so. But a few days ago I saw a notice from her Fund Commissioner, of his readiness to pay her present January instalment of interest.

[Here Mr. CLAY of Kentucky inquired whether the State of Indiana had resorted to new loans for the payment of interest.]

Mr. WHITE proceeded. Indiana has not piled Pelion upon Ossa. She may, for the time, have appropriated some domestic funds for that purpose, and has been aided by her bank.

But what will be the condition of the States when their vast amount of principal falls due from 1845 to 1865! A worse blight cannot fall upon the prosperity of the States than a large and permanent debt. Our policy in that respect is essentially different from that of England. We could not survive such a debt as the British nation owes to its own subjects. The debt of Great Britain is equivalent, for the purposes of sustaining population, to an enlargement of her empire. Men live upon stocks there as they live upon land here. It is the garnered and the hoarded wealth of ages deposited with the Government, and the income of the owners is guaranteed by the industry of her millions of artificers, whose laboratories are the workshops of the world, and by the taxes which she draws from the commerce of all nations. In this country, capital finds other and better employment in the improvement of the land. While England was an agricultural country, she had no public debt. After the balance of power had been adjusted in Europe, and the commercial era commenced, the British debt was contracted. Expensive wars and the establishment of a colonial system have been necessary to maintain that commerce, and her debt has been rapidly accumulating. So soon as she shall have established her commerce beyond the competition of the world, there will be an end of her debt. Until our territory becomes too thickly populated to sustain the inhabitants, a public debt will prove a national calamity.

Now, sir, it is in the power of this Government, without in the least impoverishing itself or transcending its proper sphere of action, to allot this rich domain of a thousand millions of acres to the States, and thus to relieve our people from interminable and hereditary taxes. Shall we abuse, by vile inaction, this capacity to do good, and incur the execration of our constituents? Is this confederated Government a mere machine to run in an endless circle of inanity? Are we forever to be settling first principles which, like the blighted flowers of early spring, shall yield no fruit? Has the Constitution no vitality, and is our theory of government a mere abstraction? In ordinary times, sir, we may sit here in cold deliberation, holding to the people the doctrine "that they expect too much from the Government," and escape under that generous forbearance which accompanies a state of prosperity; but in such an exigency as the present, other and sterner duties invite us to action. *Salus populi suprema lex*, and let him abide the consequences who will not come to the rescue. What is

our Union, when the States are ruined—our Confederation, when its links are broken? Strike out the stars from our national banner, and it is nothing but a piece of bunting. Sir, the distribution policy will control the next Presidential election. No, I mistake. Before that time, under different counsels, and another Administration, this measure of safety and of beneficence will have passed; the flag of the Union will no longer prove a barren sceptre, and the triumphs of the Constitution will have been proclaimed.

Senators have chosen, in the progress of this debate, to deride the principles upon which that Administration has been brought into power. They mistake the type for the event, and suppose that a phrenzied majority will erect a log cabin upon the ruins of the Capitol. We rejoice, not, sir, that the log cabin has been brought to Washington, but that power has been transferred to the log cabin—that the Capitol has been removed to the country—that the people have exercised that residuary sovereignty which was always their own, and which heretofore has been suffered only to sleep—that, however the "divine right" of rule may instal itself in the Tuilleries, in Buckingham Palace, or in the Kremlin, in this country its appropriate residence is in the thatched cottage of the American citizen. Let gentlemen cavil at the watchwords of freemen! "Tippecanoe" is now another name for liberty, and henceforward, in every struggle for human rights, and every contest between the ruler and the ruled, to the hopes of the patriot deliverance shall come from the wilderness, and the star of the West is the sign by which he shall conquer.

Montesquieu says that "the fine system of British Government was invented in the woods." For the first time in our history, the territory North-west of the Ohio river has given a President to the Union—one connected with all the labors, with all the experience, with all the glories of our mighty provincial settlements. It would be strange if, under his administration, that social and political development which he so happily began in the valley of the Mississippi should not be urged onward until that great region has reached the destiny for which the Almighty designed it—part and parcel with the Atlantic States of one great confederated empire—borrowing from the old "Thirteen" the glories of the Revolutionary era, the last great drama of which was acted West of the mountains, and imparting to the mother States, through every vicissitude of their future history, that vigor and purity which we trust shall forever reside in the peaceful agricultural valleys of the West.

SPEECH OF MR. BENTON,

OF MISSOURI,

In Senate, Thursday, January 22, 1841.—In reply to Mr. WEBSTER's remarks on the Pre-emption bill.

Mr. BENTON said he had listened attentively to the argument of the Senator from Massachusetts [Mr. WEBSTER] in favor of the constitutional power of Congress to pass the land revenue distribution bill, now so unseasonably, and so perseveringly pressed upon the attention of the Senate. He had listened to it attentively; and in hearing all the argument which that Senator had delivered, condensed, and concentrated as it was, he believed he had heard all that could be said on that point. It was the sum and substance of all that he had heard before, either in this chamber, or out of it. And what was it? Nothing more nor less than a reference of our power to the deeds of cession, and a derivation of our whole right to make this distribution, from the terms and conditions of these deeds. He does not pretend to derive a particle of power to pass this bill except from those deeds—he refers to nothing else. Now, sir, what are the deeds, and what is the bill? What does one grant, and the other cover? The deeds are limited to the original boundaries of the United States—the Mississippi on the west, and the parallel of 31 degrees on the south; the bill extends to the Pacific ocean west and to the Gulf of Mexico south! Such is the difference—the wide difference—between them. If the argument of the Senator from Massachusetts was valid as far as it went, (which in fact it is not,) it would not answer his purpose; it would

not cover the subject—it would not cover the bill—no more cover it than an inch square of carpet would cover the ample area of this chamber. The argument reaches no land but the fragments and refuse to be found in a few Western States—the leavings after ten, twenty, thirty, and forty years of sales in Mississippi, Alabama, Ohio, Indiana, Illinois, Michigan. This is all that the argument reaches. The bill, on the contrary, extends to all Florida, as it stood with its ancient limits, extending from the Atlantic to the Mississippi; and it extends to all Louisiana, in its greatest conceivable extent, stretching from the Mississippi to the Pacific ocean. Such is the difference between the argument and the bill—such the immeasurable distance between the argument and the subject. If the argument was good as far as it went—if the deeds of cession actually conferred authority to divide among the States the money received for the lands which they conveyed—still it would be worth nothing; for the bill is not limited to the money so received. It is not limited to the lands mentioned in the cession acts; and if it was, no one would trouble himself about it. The revenue to be received from those lands is too insignificant, too inconsiderable, too contemptible, to be worth the trouble of distribution. It is not to these fragments and leavings that the distribution party look. They look to the rich mine beyond the Mississippi—to the vast and fresh domain of the ancient Louisiana, spreading from the western bank of the Father of Floods to the summit of the Rocky Mountains, and thence to the shore of the Pacific. It is this to which the distribution party look—it is this to which their bill extends; and having no title to this, not a word to say in favor of any right to touch it, the alternative seems to be to say nothing about it! to eschew the argument in toto; to quote the deeds of cession, which have no relation to Florida or Louisiana; and then rely upon those deeds, and our ignorance, to pass an argument which has no foundation! This seems to be the resource of the whole distribution party, both on this floor and elsewhere, and the Senator from Massachusetts has not been able to add an iota to what we have heard before.

Mr. B. said that he intended to bring this argument to a practical test at a proper time—at the time when the details of the distribution bill shall be under consideration. He should then move to limit the distribution to the lands ceded by the States; and if that proposition prevailed, there would be an end of the matter; for there would be nothing to divide, and no one would care to press the matter. In using the word cession, in speaking of the cession acts, and cession deeds, Mr. B. said, that he by no means admitted that any land had been ceded, or conveyed by those acts to the Federal Government. They ceded nothing but a right of purchase from the Indians, and every acre of this land which had come into the possession of the Federal Government, came by purchase from the Indians—came by Indian treaties, and not by State deeds—by paying money for them, and not by gratuitous donation.

Mr. B. said, that another argument, not of constitutionality, or even expediency, but of pity, was brought to bear in favor of this policy. It was the distress of the States! The States were said to be in debt—to be in distress—to need relief; and the Federal Government is called upon to give it. This was new and alarming doctrine to him; it was new and portentous; and wholly foreign to the objects of the Union, and big with fatal results, either to the States themselves, or to the Federal Government. From temporary relief, either the Federal Government must go on to grant permanent supplies, and thus become the master of the States; or the States, from humble petitioners, must become authoritative claimants; must eventually demand as a right what they asked as a favor, and end with mastering the Federal Government by stripping it of all its supplies. Consolidation of the States is on one hand; the dissolution of the Union is on the other. No one can foresee which danger is to prevail; but all can foresee that the equilibrium between the States and the Federal Government is destroyed from the moment that they have a common Treasury—from the moment they look

to the same chest—and either party, no matter which, holds the keys of that chest. From that moment the equilibrium established by our Constitution is destroyed, and one of the parties must become the master of the other.

Mr. President, continued Mr. B. I deprecate this scene—the apparition of the States at the bar of the Federal Government, in the character of distressed petitioners, praying for relief. I regret to see it. I was bred in the political school of Nathaniel Macon, of John Randolph, and of other fathers of the Republic, who were still on the stage of action when I entered upon it twenty years ago; and from them I learnt that if the Federal Government avoided debt, contented itself with light taxes, preserved peace abroad, and kept open the channels of commerce, it was doing its part, and the States and the people would do the rest. This is what I was accustomed to hear from these patriots and sages; and, tried by these principles, how stands the question of misgovernment or misrule between the States and the Federal Government? How stands this question? Certainly more honorable to the Government than ever stood such a question between a Government and a people. In point of debt, there is nothing—nothing in the shape or form of national debt; for a few millions of outstanding Treasury notes, to be paid as due out of current revenue, can form no exception to the proud declaration that we have no national debt. In point of federal taxes, we may be said to be almost free from them. Not a particle of direct, or internal tax, exists by a law of the Federal Government. The duties on imported goods, since the extinction of the late national debt, have gone down to a light and moderate amount. But few articles are now taxed high; the one-half are not taxed at all! Yes, the one-half of the whole of our foreign imports are now free of duty—an advantage which no other nation on earth possesses, and which we only have enjoyed since the glorious administration of General Jackson. As to peace, we have it with all the world. Our temple of Janus is shut; for all the nations of the earth are at peace with our country, and freedom of intercourse existing between them. Commerce was never more safe—was never so extended as it is at present. Not only all the old channels of trade are open, but many new ones have been explored. Our enterprising merchants now go in safety to places whose very names were unknown to their fathers—to the antipodes, and to the poles—and no doubt at this instant, while I stand here speaking, there are American merchants on the opposite side of our world, separated from us by the entire diameter of this globe; and all pursuing their remote trade in safety, freedom, and peace. Thus stands the question of misgovernment and misrule between the Federal Government and the States. It has done its part, and nobly done its part by them—freed them from a national debt—touched them lightly with taxes—preserved peace for them abroad—kept open all the channels of commerce, and given to every citizen, at home and abroad, a clear stage and fair play for the exercise of his talent and the pursuit of his business. This is fulfilling the object of its creation, doing what it was created to do, according to the doctrines of the school in which I was bred. To go beyond this—to become the patron of the States, their treasurer, or their almoner—to undertake to relieve their distresses by doling out money to them from the general coffers—to do this, is to do an act for which the Federal Government was never created, and which cannot be commenced without being continued, and leading to consequences fatal to the independence of one of the parties.

No, sir, the Federal Government has done its part—has done all that it ought to do for the prosperity of the States, except in one particular; and that is in not having subdued the revolt of the political and insolvent part of the banks. In the month of May, 1837—two months after Mr. Van Buren's administration commenced—the banks stopped payment; and, leaving out the large deposit banks which were forced into the measure by the distribution process, and the weaker banks which could not resist a general movement; leaving out these, and the suspension of 1837 was a revolt against the

Democratic Administration, and the result of a conspiracy as regularly contrived as any conspiracy has been since the days of Catiline. This conspiracy was hatched in the Bank of the United States, and headed by its managers and its political confederates. Public opinion, and the conduct of the New York banks, prevented the permanent insurrection which was intended—drove the insurgent institutions into temporary submission to the laws, to be followed in 1839 by another revolt which continued, as the first was designed to continue, until the Presidential election was over. The Federal Government did not put down these revolts; it did not reduce these insurgent corporations to subordination to the laws. In that, and in that only, has it failed in its duty to the States. But where was the failure? Not in the Federal head—not in the representative of the Union—not in the President. Mr. Van Buren discharged his duty—nobly—patriotically—wisely—firmly—courageously, discharged it. He recommended the remedy; the constitutional, the adequate, the prompt remedy: he recommended the application of a bankrupt law to bankrupt banks; and if it had been applied when recommended, the second suspension would not have occurred. The Bank of the United States would have been wound up in 1839; and the distress and derangement of business, so injurious to the country, and so beneficial to the bank party during the election of 1840, would have been prevented. The Federal Executive recommended this only measure which was wanting to the public prosperity; Congress refused to pass it; and thus, the only failure of the Government to do its duty was occasioned by the representatives of the States themselves.

Mr. B. deprecated the temper of the times, and the general disposition which now existed to look to the Federal Government for relief from distress, and for favors and privileges of every kind. This spirit began to be engendered above twenty years ago, when protective tariffs, pension lists, a National Bank, internal improvements, and so many schemes to employ persons, and to expend money, occupied the debates and the legislation of Congress. People were seduced from their proper pursuits, and as good as called upon to come to the Federal Government for office, for money, for special legislation, for contracts, and for jobs and favors which were to enable them to live and enrich themselves without labor or economy. This spirit, begun then under the stimulus and the action of Congressional debate and legislation, has been going on ever since, until it pervades and absorbs the community. First individuals, then classes, now States. Congress is importuned now by more than 10,000 claims on our files, some of them rejected for twenty, thirty, forty years; but still pressed upon us, and expected to be passed by dint of importunity. Forty thousand pensioners still swell our pension list. Armies of men, even young men, boys with down on their chins, come here for office. Petitions for protective duties are coming in. Individuals of all ages and sexes, and classes of all kinds except the laborer and the farmer, come here for special legislation. We have seen all this, and now, portentously rising above all the rest, and with power to command what they ask, appear the States! The indebted States are now appearing at our bar—coming here for relief—for money from the general coffers to pay their individual debts. They have had twenty-seven millions from the Federal Treasury. It was a fatal gift—scarcely touched before it was gone, and the incentive to demand more. They now ask for a limited land distribution bill. They will take it in defiance of the Constitution and across its grave. Soon an unlimited land distribution bill will be demanded; and, if the golden eggs are laid too slowly, then kill the goose! divide all the lands at once; and when they are gone, have recourse to the custom house; when that is emptied, the credit and the security of the Federal Government must come into requisition. There is no rule to go by, nor any barriers to arrest the onward course. The barrier of the Constitution being prostrated in the passage of the first land distribution act, there is an end to further resistance.

Mr. B. inveighed earnestly against the thirst for

office and for spoil, which was spreading and extending in our country, and giving to our party contests a savage and ferocious character. He attributed the bitterness of our election contests, in a great degree, to the personal interest which so many took in them. Office—money—special legislation—privileges and monopolies—were the pursuit of myriads, and the exciting cause of their zeal and fury in elections. The public good required this spirit to be checked; it required the public mind to be turned in a different direction—to self-exertion—to the pursuits of industry, and the practice of economy—and made to find in these resources the true road to independence of mind and character as well as to independence of fortune. Too much had been done by Congress to give the public mind the wrong direction—to bring individuals, classes, and corporations, to the Federal Government for support and relief. Too much of this work has been done already; and if the States are now to be added to the list, and are to come to this same fountain of supply for relief from distress, where is the end of such a perversion of all the objects of the confederation, but in the consolidation of the States, or the dissolution of the Union?

SPEECH OF MR. SHEPARD, OF NORTH CAROLINA.

In the House of Representatives, December, 1840—

On the motion of Mr. GIDDINGS, of Ohio, to reconsider the "Navy Pension Bill."

MR. SPEAKER: I am aware that the task which I have undertaken is an unpopular one; he, who endeavors to lop off patronage, will excite the hostility of those who receive its benefits, and must expect opposition from that party, whose doctrine is to strengthen this Government by creating a dependence of particular classes and interests. But having been placed on the Committee of Naval Affairs, I must do what I consider proper, at the risk of incurring enmity, or I must be faithless to the trust, and inflict a wound on my own conscience. Without the slightest hesitation, the former course will be firmly taken.

The motion to reconsider the bill, which passed this House two days ago, is advocated on several grounds. The member from Massachusetts [Mr. ADAMS] thinks that my amendment, which became the 2d section of the bill, was out of order, and he has been pleased to insinuate that there was something unfair or tricky in the proceeding. You will remember, sir, that I inquired of the Chair if the amendment were in order. I did not seize a sly opportunity to thrust it on the House, when my opponents were absent, and the decision being favorable, I have the protection of your shield in differing from the honorable gentleman. He is doubtless well skilled in the law of Parliament; and when he occupied your seat on a celebrated occasion, we were all charmed with the correctness of his opinions, as well as the dignity of his conduct. But, sir, the 2d section was in order, because it related to the same subject as the 1st; heretofore naval pensions have been paid out of a specific fund, and now when we are asked to make a draft on the Treasury for that purpose, the natural inquiry is what has become of the money, set aside by Congress, forty years ago, to meet the just demands of gallant officers and sailors? The act of 1837 has destroyed that fund, and in a bill intended to supply the deficiency it is certainly proper to remedy the evil, and to kill the insect which has eaten up the substance. If, however, we are wrong, it is too late to make this objection; it is a naked technicality, not favored by the rules of Parliament, and should be taken advantage of at the proper time, whilst a motion to reconsider ought not to prevail except on general merits.

The member from Massachusetts also asserts that the amendment was hastily introduced, and adopted without due consideration. Who else is of this opinion? Another gentleman from Massachusetts, [Mr. REED] And who joins the worthy couple in this complaint? A third member from Massachusetts, [Mr. SALTONSTALL.] If a youthful tyro had asked for time to think, to consult and examine documents, it would not have been sur-

prising, but when "grave and reverend seniors" request delay in order to deliberate, one is tempted to smile. These honorable gentlemen are acquainted with all the laws relating to this subject—with them the pension system is a bantering that attracts peculiar care—and if fifty years were allowed, a hundred more would be asked before they reached what I consider a just conclusion. But to propose the repeal of the act of 1837 is no new thing; if I am not mistaken, Mr. Dickerson and Mr. Paulding agree with me in opinion, and at the last session a bill passed the Senate, embracing a provision of this kind, but was smothered in this House under a mass of business. So that this subject has attracted the attention of Congress for some time.

How was the act of '37 passed? It was not discussed, the yeas and nays were not taken on its passage, no man is bold enough to claim its paternity, and it may be said with truth that it sneaked through this Hall quietly and unnoticed on the last night of the session. Where was the member from Massachusetts [Mr. ADAMS]? He is a sleepless dragon over the Treasury, when a political opponent is to be assailed, and why did he not in '37 cry against the hasty outrage that was about to be perpetrated? Where was the other gentleman from Massachusetts [Mr. REED]? He was a member of the Committee of Naval Affairs, and ought to know something of this extraordinary measure.

The honorable member states that a portion of the fund had been given to Mrs. Decatur by a special act, and therefore it was thought reasonable to invite other widows and orphans to partake of what had been sacredly devoted to a different purpose. This is *admirable logic*, and might have prevailed with Congress, though the gentleman made no speech to this effect, nor did he object to haste on the night of the 31 March, 1837. It is therefore wise and proper to make an irruption into the Treasury, when the sentinel is asleep, or when good humor and kindly feeling have banished suspicion; but when the enormity is discovered, we are asked not to turn out the intruders with precipitation, but to act cautiously, to consult with each other, to debate, lest harm should come to the unfortunate persons, who have exhibited so striking a fondness for other people's property. Sir, this act was passed stealthily, and should be repealed without ceremony.

The member from Massachusetts [Mr. ADAMS] further stated that my amendment was in conflict with the original bill. The first section, quoth the gentleman, provides for the payment of pensions, and the second repeals the law which grants them—so that the bill is made up of inconsistent enactments. If the law of 1837 were the only one that gave pensions, the reasoning would be conclusive; but the honorable member forgot to mention that pensions were due under that of 1800 and perhaps others; should the appropriation of the first section be more than sufficient to carry into effect the old laws of the country, the remainder will be safely kept in the Treasury as an unexpended balance. I hope that the patriotic anxiety of the gentleman will be relieved by this explanation.

The same member proceeded to say that I had misstated the act of 1837, and thereby led honorable gentlemen into an error—he was also charitable enough to proclaim that I had not read a law which I wished to repeal. This is one of those random assertions, for which the distinguished member is remarkable, and to prove its gross injustice, I refer to the *Intelligencer* of this morning which contains my remarks of Monday. That journal reports me to have said that the law of 1837 "provided that these naval pensions were to be paid, not to those who had suffered in the service and defence of the country, but to the widows and children of those who might, at any previous time, have died in the service, whether they had suffered or not. And it also provided that, when pensions were thus paid to invalids, or persons who had incurred disability, the pension should be reckoned back to the date of the disability, as well as forward from the date of the act." This is what I said then and what I now repeat: those who refer to the act as published, will find it substantially, if not literally quoted.

Mr. Speaker, I have been particular with these

matters, in order to avoid the making of irrelevant issues. I wish the House to decide this question according to its real merits, and, having cleared away the dust and smoke, that might have blinded our eyes, I shall endeavor to take a rapid view of the whole ground of controversy.

In the year 1800 an act was passed for the "better government of the navy of the United States," the 8th and 9th sections of which were as follows: "Every officer, seaman, and marine, disabled in the line of his duty, shall be entitled to receive, for life, or during his disability, a pension from the United States, according to the nature and degree of his disability, not exceeding one-half his monthly pay," and "all money accruing, or which has already accrued, to the United States from the sale of prizes, shall be and remain forever a fund for the payment of pensions and half-pay, should the same be hereafter granted, to the officers and seamen who may be entitled to receive the same: and if the said fund shall be insufficient for the purpose, the public faith is hereby pledged to make up the deficiency: but if it should be more than sufficient, the surplus shall be applied for the making of further provision for the comfort of the disabled officers, seamen and marines, and for such as, though not disabled, may merit by their bravery, or long and faithful services, the gratitude of their country." Thus in the pure days of the Government the corner-stone of the pension system was laid, a fund was established to accomplish the benevolent object, and the great principle was declared which should regulate its disposal.

At that time the country was new and thinly settled; it presented to industry the most flattering rewards, and it was difficult to draw our people from the walks of domestic life. Patriotism is a strong feeling, but cannot be relied on except under the pressure of circumstances; love of glory will stimulate the most intellectual, but it has little influence over the great mass of mankind. It was, therefore, wise in the Congress of 1800, to hold out strong inducements to the ambitious and enterprising; they who serve the nation faithfully, should be treated with distinction, and granted every comfort, consistent with our means and their own efficiency. And yet, sir, we may err on this side; the popular mind is apt to be dazzled by military display—if a man goes into an Indian fight he is thought worthy of a seat on this floor, and if he runs away and robs a fellow-soldier of his laurels, he is fit for the Presidency—so that there is no need of legislation to exalt the profession of arms. But this law was equally free from niggardiness and false sentiment; it conferred no sinecures, whilst it encouraged the navy to the gallant performance of its duty. If an "officer, seaman, or marine," be "disabled in the line of his duty," a pension is awarded to him; injury received in the service is the title to public bounty, and if misfortune comes to the brave and zealous, it is in some degree alleviated by the country's gratitude. The whole nation approves of this policy. To turn adrift on the world those who have become unfit for other employment by their devotion to us, would be inexpedient as well as dishonorable; and, without regard to the financial condition of the Government, Congress provided means to cheer and sustain the unfortunate men who might suffer in defence of our flag. The United States gave up all claim to prizes which should be made by vessels of war; half of the money accruing from this source belonged to the captors, and the other half was to "be and remain forever a fund for the payment of pensions," for "the making further provision for the comfort of disabled officers," &c. or "such as, though not disabled, may merit by their bravery," &c. You will observe, sir, that pensions were not promised to every body who came within sight of the ocean, or who might possess a commission from the President, and that our faith was pledged to keep the prize money a sacred deposit for the use of those who were so particularly described. Such was the spirit of the act of 1800; an act that passed before selfishness and injustice predominated in our councils. Let us now examine the laws which have been subsequently passed. In 1813, pensions for five years, payable out of this fund, were granted to "the widows, and, if no widows, to the children

under sixteen years old, of officers who shall be killed, or die by reason of wounds received in the line of duty." This was the first departure from the act of 1800; and, admitting the propriety of giving the public money to widows and children, whether the officer possessed extraordinary merit or not, and without proof that the assistance of Government was needed, there can be no doubt that the promise of Congress was violated by thus using the navy pension fund. In 1814, the provisions of this last act were extended to the "widows and children of seamen and marines"—in 1816, pensions were granted to those who were wounded at Dartmoor prison, or "the widows and children of such as were killed there." Afterwards, at different periods, the acts of 1813 and 1814 were renewed, and in 1834 a law was passed granting pensions to the "widows of officers, seamen, and marines" who may die from "casualties, disease contracted, or injuries received in the line of duty," and directing that the pension "shall commence from the passage of the act" though the husband may still be living, and receiving his regular pay. Thus inroads were gradually made on the fund, and its original object was forgotten; yet the interest was more than sufficient to meet these demands, and the principal amounted to upwards of a million of dollars at the close of the year 1836.

The law of 1837, which my amendment repeals, was then passed, and a new doctrine was slipped into the statute-book; it gave pensions to the widows, and, if no widows, to the children of officers, seamen, and marines, "who have died or may hereafter die in the naval service." However unjust and impolitic previous acts had been, they were not complained of, because the benefit accrued to the relatives of such as "were killed, or died by reason of wounds received in the line of duty"—but now if a sailor should die from an ordinary disease, or the constitution of an officer be broken down by dissipation, their widows and children are entitled to the same pensions as those of the men who fall in battle. Hundreds, therefore, rushed upon the pension fund, and we need not be surprised that it has been nearly consumed; in 1836 the annual charge was \$58,009, in 1838 it reached to \$103,120 33, and in six months—from March to September, 1837—the retrospective operation of the law took \$329,615 from the Treasury.

It is true that something has been lost by the depreciation of State stocks; but in what should the investment have been made? We have heard a great noise about the attack on State credit, and now the Administration is assailed because it showed confidence in the integrity of the States. But this is a small matter; the act of 1837 has done the mischief, and the question is, shall it be repealed, or shall it be permitted to eat up the remainder of the fund, and finally be settled on the general Treasury? I understand that the American army is more liberally paid than that of England, excepting officers of the highest grade. If, however, it can be shown that officers or men receive less than the corresponding classes of civil life, their compensation should be increased. The eagerness of young men to enter the service is strong proof that the country has been generous to its defenders; at an age, when other lads are a burden to their families, the midshipman receives pay, adequate to his wants, is educated at the public expense, visits the most interesting portions of the globe, and the button that he wears confers other advantages of no ordinary kind. Promotion is slow in time of peace; but, if he will observe the many who have failed in the learned professions, or have been wrecked by the whirlwinds of commerce, the naval officer has reason to be content with the snug birth, of which he cannot be deprived. Sir, I am a friend to the navy; honorable gentlemen shall not monopolize its guardianship, and assume that the repeal of this law would be hostile to its interests. This great establishment should occupy a high position—it is destined to be the right arm of our safety—and I repeat that ample pay should be given, the highest reward conferred on skill and bravery, and substantial kindness on suffering and misfortune. But a high minded man scorns to be an alms-taking pensioner,

when nothing has been achieved for the nation, and no injury has been sustained in its service. This act of '37 makes no distinction between merit and worthlessness—the brave man's widow receives no more than the coward's relatives—and the drone or the drunkard is allowed to leave a charge on that country which he has disgraced. A friend informs me of a common trick that is played at the eastward; an old sailor, that is worn out in the merchant service, and feels that he cannot last for a long time, enlists on board of a national ship, and in a few months his widow and children receive a pension from the Government. Such a system will bring the navy into contempt, and the people will distrust its patriotism; but if the public bounty be judiciously administered, not a murmur will be heard, and the nation will bear with pleasure the burden on its gratitude.

The member from Massachusetts [Mr. ADAMS] thinks that the act of '37 made a contract, which we are bound to fulfil. An obligation, sir, implies that something is given or done on both sides, and as the gentleman sometimes quotes Blackstone, it is odd that he overlooked the great lawyer on the present occasion. The law of 1800 was undoubtedly a contract, because it was passed at an early period, and may have induced many to hazard their lives in the service; it also embraced the condition of "wounds," "disability," and extraordinary gallantry, which must be complied with before its advantages could be partaken. But the country is not indebted to these who receive pensions under the act of 1837; the husband or father enlisted voluntarily, was paid well, treated kindly, and there is not the slightest evidence of great suffering or uncommon exertions. Does the gentleman contend that pensioners have a vested interest in our liberality? This doctrine would be scouted in Great Britain, the land of pensions and sinecures; if I do not err, a pension was withdrawn from the poet Coleridge, and though such an instance may be regretted, it strengthens my position.

The other two members from Massachusetts [Messrs. REED and SALTONSTALL] have almost shed tears, when speaking of the disappointment which this bill would bring to the widow and the orphan; I admire the generosity of these honorable gentlemen, and would imitate their example on a proper occasion, but I cannot indulge private feeling at the expense of a great principle. My objection, however, to the law of '37, does not arise from its own intrinsic consequence, for the Government could easily pay this draft on its Treasury; a disposition is gaining ground among certain classes of the people to live out of the public granary, and it must be checked or private morals and just legislation will be entirely subverted. This feeling has existed in all countries, and making alliance with tyrants or mobs, according to circumstances, it has had a powerful influence over the internal affairs of nations. Here, it is in close intimacy with the disinterested wish of a few stockjobbers to control the currency, and the still more honest desire of taxing one man's industry for the benefit of another; and yet, sir, all these things are advocated for great national purposes. The tyrant has a plea for his atrocities, and legislative corruption will always be provided with a decent pretence; the meanest creature that walks the street endeavors to conceal her degradation with gaudy clothing, and it is easy to dignify an abstraction of the public money with the name of charity or national benevolence.

Before I conclude, Mr. Speaker, let me notice an expression which fell from the honorable member from Massachusetts. Yesterday, when speaking on this subject, he used the word "dishonorable." I do not suppose that this term was applied to me, but a friend intimates that he understood the gentleman to refer to the course which I have pursued.

[Here Mr. ADAMS, with great animation, denied that such a reference was made, and hoped that Mr. S. would treat ear-wigs as they deserved.]

Sir, the honorable member need not have been so hasty. I had no intention of retorting. My humble character can be left with safety to those who know me on this floor, and to the country, which will ultimately do justice to all her servants. I have often listened to the honorable member with

the deepest indignation—he has frequently indulged in severe animadversions on the people whom I partly represent, and the institutions under which I was born—yet, sir, I have abstained from using the poisoned arrows which he delights to throw. Were I able to contend with a gentleman of such wit and knowledge, respect for age and services forbids the treatment that his behavior merits. When I compare what the honorable gentleman is to what he might be, it is a source of mortification. Inheriting the blood of a genuine patriot, having passed through all the offices of trust known to the Constitution, and possessing a vigorous intellect, he might become the father and the idol of this House. When younger men, in the ardor of debate, lay aside the courtesies of gentlemen, and rush into the conflict as if we were engaged in a personal warfare, the member from Massachusetts might curb the wild spirit of faction, and save us from many scenes of disgrace. Sir, he might do more. The different States of this great Confederacy sometimes think that they are unjustly dealt with by their sisters—the North taunts the South with slavery, the South writhes under burdens imposed for local purposes, the East accuses the West of taking the lion's share of the national property; the West calls the "Old Thirteen" a cruel stepmother, and so great is the strife that the most sanguine occasionally despair of the Republic. Kind words, conciliatory feeling, and just legislation, would throw oil on the troubled waves of discord, and who could be so fit a mediator as one that, having reached the highest round of human ambition, would now delight to promote the happiness of his country; and, constituting the link between Washington and the present generation, could bring to us the warning words and patriotic exhortations that fell from his almost inspired lips? Did the member pursue such a course, his earlier honors would fade away before a newer and brighter glory; and, what is still dearer to a pure heart, he would enjoy the grateful affection of millions of freemen.

But, sir, I have no right to lecture the honorable gentleman, and I ask pardon of the House for giving vent to my feelings.

SPEECH OF MR. CLAY, OF ALABAMA,

IN SENATE, MONDAY, JANUARY 15, 1840.

THE bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, being the special order of the day, was taken up, the question being on the proposition of Mr. CRITTENDEN to recommend the bill, with instructions to report a bill to distribute the proceeds of the sales of the public lands among the States, which Mr. CALHOUN offered to amend, by substituting a bill to cede the public lands to the States in which they lie, upon certain conditions.

Mr. CLAY addressed the Senate as follows:

Mr. PRESIDENT: It is with unfeigned reluctance that I again throw myself on the indulgence of the Senate, to participate further in this discussion. Had the debate been confined to the bill, as originally introduced, or as it has been amended, I should have been content with the few brief remarks submitted by me in its commencement. But, sir, it has been made to assume a far broader latitude, by the motion for recommitment made by the Senator from Kentucky, and the amendatory motion of the Senator from South Carolina. It now involves, not merely the question, whether we shall grant the right of pre-emption, to the limited extent of 160 acres of land, to the actual settler and cultivator of the soil, but whether we shall distribute among the several States the entire revenue arising from the sales of the public lands, amounting, as I shall hereafter show, to a probable average of some \$5,000,000 annually, and lay taxes, or borrow money, to make up the deficiency, with all the incidental questions of power and policy; or whether we shall sell to the States that portion of the public domain lying within their limits, for an adequate consideration, and on safe conditions, and

thereby settle definitively the multifarious and perplexing questions of controversy concerning them which present themselves, and occupy our time and attention, at each successive session of Congress.

I am aware that the discussion now belongs, more especially, to the two propositions of the Senators from Kentucky and from South Carolina; they have, however, intimate connection with the original bill; and before I proceed further, I must submit a few remarks in reply to some of the objections which have been urged by its opponents.

The quarter from which this opposition comes, Mr. President, may well excite the surprise of some, and is not entirely unworthy of notice. It is from the opponents of this Administration, and the friends of that which is shortly to take its place. Although in my opening remarks, it will be recollected, I extended to those gentlemen the courtesy of supposing they intended to carry out their late professions in practice, I must confess my faith in the sincerity of those professions, as well as in many others made by them in the late canvass, was not very strong. I had too often witnessed here, and in the other House, while a member, their very decided and inflexible opposition to this and all kindred measures, to use no stronger expressions, to justify me in feeling much surprise at the course they have thought proper to pursue on this occasion.

But, sir, what must be the astonishment and disappointment of the numerous, meritorious, plain, and unsophisticated class of citizens, whose interests are sought to be protected and advanced by this measure, when they see the very men who were, but the other day, loudest in their professions of ardent attachment, and devotion to their welfare and interests, now its most uncompromising opponents, and seeking to defeat it wholly, or to so clog and embarrass it with amendments as entirely to destroy its usefulness? I know an attempt somewhat ingenious has been made by one of the gentlemen on the other side [Mr. CRITTENDEN] to explain away this apparent contradiction between present acts and former professions; but, sir, it will not do. Their professions and emblems must, and will, be construed according to ordinary rules of common sense. Did not the Opposition, with one voice, charge the present Administration and its friends with hostility to all the great interests of the country? With having destroyed the currency, and produced the existing scarcity of money? With having reduced the price of property and produce, and the laborers' hire? With having warred against the interests of the farmer, the mechanic, and the workingman, as well as those of the merchants and manufacturers? We all know they did—and amongst the emblems of their feelings, their principles and their policy, were log cabins and their appendages.

Such was their devotion to log cabins, Mr. President, that they were not content with building them in almost every city, village, and hamlet of the country, where they had before been unknown and unused, but they imparted to them an entire new quality—*hat of locomotion*. An electioneering pageant or procession could not be gotten up, nor regarded as complete, unless a log cabin formed a part. Hence we saw them placed on wheels and drawn by triple teams through the streets of our cities, followed by thousands and tens of thousands of shouting, enthusiastic, and devoted friends—according to the Whig chronicles of the times. And, sir, on these occasions, age forgot its decrepitude, and threw aside its accustomed gravity and reserve; and we might have seen grave and reverend Senators falling into those processions of the last summer and autumn, and marching through suffocating clouds of dust, and panting and sweating under the burning heat of an almost vertical sun, responding to the sentiment, and keeping time with the melody, of such delectable ditties as "Tippecanoe and Tyler too," "Jim along Josey," and the like. Was all this apparent enthusiasm devoted to the insensate wood, of which those log cabins were constructed? Or, was it not designed, in connection with the fact that Gen. Harrison had formerly voted for both pre-emption and graduation, (which was urged throughout the new States,) to make the impression on the

humble inhabitants of log cabins, every where, that the candidate of the Opposition and his supporters, were their peculiar friends? To say otherwise, would seem to me to be barefaced mockery—nay, sir, the violent opposition which this bill has encountered, and that which it is now but too obvious the graduation bill and all kindred measures are destined to encounter from those same gentlemen, proves incontestably that all those exhibitions of kind feeling and generous sympathy were but a cruel mockery!

Sir, as I remarked on a former occasion, this bill is free from the objection of partiality which has always been urged against those heretofore passed; it is no longer confined to the citizens of the new States, nor to those already on the land. The pre-emption bill, now before us, opens the door to every individual of the old as well as the new States, and enables him to obtain a freehold and a home. To former pre-emption bills our opponents raised the objection of partiality; to this they raise the objection of its too great universality: it is now too broad, and admits too many to the enjoyment of its privileges.

Do you believe, Mr. President, it would be possible so to frame a bill as to obviate the difficulties of such objections? No, sir, as fast as we remove one ground of objection, another is taken. They complained that former bills were *too narrow*; we extended the provisions of this; and now, forsooth, it is *too wide*! Sir, were I to indulge a conjecture, I should say that no bill, narrow or wide, would suit the palates of these fastidious gentlemen, so long as it contained the pre-emptive feature, extending the protecting shield over the humble cultivator of the soil against the power of the heartless speculator, and parceling out the public domain, in small tracts, to those who will improve and render it productive, instead of selling it in large bodies to the rich monopolist, who will suffer it to lie waste and unprofitable till the necessities of the cultivator compel him to give the desired profit.

Mr. President, the Senator from Kentucky farthest from me [Mr. CLAY] on this occasion, as heretofore, heads and leads on the opposing host. However versatile he may have proved himself on other great questions, of which some prominent instances might be given, he still remains, as he has always heretofore been, the immovable and inflexible opponent of this and all other measures of liberality to the people of the new States. That Senator has thought proper to refer to the incidents of last year, to which I have just alluded; and while, in one breath, he thinks proper to call us, who have uniformly supported former pre-emption and graduation bills, "new converts" to log cabin principles; in the next, he taunts us with having failed, by our friendship, to conciliate and secure the votes of more than four out of the nine new States. He called those measures "land traps to catch votes," and exulted that they had failed to accomplish the desired object. Sir, if they did fail, in the sense intimated by the Senator, they may have had some influence in the Western States, as Abolition had in other quarters in deciding, at Harrisburg, last winter, who should be the standard bearer of the Federal party. And, sir, this same Federal party were ready enough, and did avail themselves of General Harrison's supposed popularity, by representing him as "an older and better soldier" in the cause of the pioneers of the West than the present incumbent. Let not that honorable Senator suppose for a moment—let him not "lay the flattering unction to his soul"—that he will ever live to see the day when the honest, intelligent, and high-souled people of the West, will forget the wrongs they have suffered, in connection with this subject, and reward those with their confidence by whom they have been inflicted. No, sir: if the chivalrous sons of that region are to be conciliated, it must be by honorable atonement, not by continued and persevering hostility.

Mr. President, I cannot pass by, altogether unnoticed, another topic, introduced by the Senator from Kentucky, [Mr. CLAY,] though, to my mind, without any very natural affinity to the subject under consideration. After denouncing the original bill as "a fearful extension of the pre-emption sys-

tem"—as "an untried and most hazardous experiment," he appealed to the Administration Senators not to introduce and pass new and important measures, "just as a dismissed ministry were going out." How magnanimous! and how meekly he wears his blushing honors! But the Senator must have forgotten, at the moment, that Congress passes laws, and not any ministry, which may be going out or coming in. He must have forgotten, too, that his illustrious "military chieftain" holds the doctrine that the Executive is not a branch of the law-making power; and that he has said, in effect, that he would veto no law which might be passed by a majority of Congress, and be desired by a majority of the people.

Sir, the Senator from Kentucky [Mr. CLAY] has followed this up, by furnishing another disclosure of the difference in the conduct of aspirants, before and after elections—another discrepancy between promises and performance. We all recollect the denunciations against the present Administration for its alleged "proscriptions for opinion's sake." The Opposition assumed, as one of its various party cognomens, that of the "anti proscription party"—no man was to be removed from office for a mere difference of political opinion. Yet, sir, what does the Senator—who speaks as one having authority—what does the Senator now tell us on this subject? In allusion to the appointments which have been, or may be made by the present Chief Magistrate, he very clearly intimates, they are not to be much in the way of his successor. He tells us significantly and emphatically, that "General Harrison means to be President on the 4th of March next." He says "General Harrison, when he comes, will look at those whom he finds in office; and, if he finds that they are honest and capable and faithful, that they have not been noisy and forward politicians, nor brought their official influence in conflict with the freedom of elections, if any such there be"—(at the same time making an emphatic pause and shaking his head most incredulously, and satisfying all who heard and saw him that he meant to be understood that he believed there would be none such) "he hopes he will let them stand (though he feared there would be but few) as monuments of the liberality of a Whig Administration, acting on patriotic principles." Such, the Senator tells us, are the chances of Democrats, who may be found in office, to remain as monuments of Whig magnanimity and forbearance! The Senator evidently means to be understood that there will be none such; and I submit the question, whether a single one—whatever may have been his capacity, his purity, his fidelity, or his discretion—will be able to pass the ordeal which awaits him, or run the gauntlet unscathed, amongst the thousands and tens of thousands of hungry expectants and greedy office seekers, who are said to have already visited North Bend in pursuit of the spoils; and who will shortly infest every avenue leading to the Presidential mansion in greatly augmented numbers? Why, sir, before I left my residence, I heard the names of some twelve individuals mentioned, as aspirants to the office of postmaster of a town containing a population of only some 3,000 souls—yet, I never heard the first imputation against the capacity, integrity, or fidelity of the incumbent. And so it is, sir, throughout the country: there is scarcely an office of the most humble grade, held by a Democrat, for which there are not many applicants to be found in the ranks of this office-hating, anti-spoils party. I have seen it stated that but a few days ago, the Legislature of a neighboring State, in which the Whigs have recently obtained the ascendancy, turned out indiscriminately every Democrat, even down to the men who swept the floors of the Capitol. Such, sir, are the evidences of Whig sincerity, and such will be the monuments of Whig magnanimity!

Another topic (said Mr. C.) has been brought into this discussion, and dwelt upon at some length by several Senators, who are opposed to the bill, which has no sort of connection with the subject. I allude, sir, to that of the naturalization of foreigners; and whether a State is competent to extend the right of suffrage to a foreigner, not naturalized. As it is a question not involved in the bills nor in any other proposition under consideration, I

shall neither attempt to discuss nor pass upon it on this occasion. It is true, sir, that a motion was made, so to amend the bill, as to exclude foreigners from the benefits it is intended to confer; and that amendment, with my concurrence, was voted down, as was a similar one, when the pre-emption bill, passed in 1838, was before us. It was an attempt to introduce an entirely new feature into our system. From its foundation to the present day, the law of this Government has indiscriminately authorized sales of the public domain to foreigners, as well as citizens. It is wholly a question between such individuals and the State in which they purchase, as to how far they shall be permitted to hold real estate, or transmit it by inheritance to their children. No gentleman can doubt the power of a State to constitute any description of persons legal owners of such property as they may purchase, and to determine all the incidents of such ownership—it properly belongs to State authority, nor does it conflict at all with the constitutional power of this Government over the subject of naturalization. Sir, there are reminiscences connected with our earlier history, which I cannot and would not willingly forget—when the natives of other climes generously came forward and fought the battles of our independence shoulder to shoulder with our fathers. The time was, when we would not have raised this question, and I am unwilling to raise it now. In other times, it was our proud boast that our country was the refuge and the home of the persecuted stranger, and the asylum of the oppressed of all other nations; and it shall continue to be our boast, so far as my vote is concerned, as long as we have unoccupied space in our wide spread and happy land.

Mr. C. said the Senator from Kentucky [Mr. CLAY] had thought proper to give them the history of the pre-emption policy, commencing with John Cleves Simmes, and the persons holding under him, and going through the various acts which had been passed to protect occupants, in Louisiana and elsewhere. To this he (Mr. CLAY of Alabama) presumed the Senators had turned their attention, and understood it thoroughly. But the Senator had charged that after General Jackson came into power, there was ever attendant on the land system disorder and fraud, and conduct of a most improper character. Yet, where was the proof of it? He (Mr. CLAY) denied that disorder or fraud had increased under the legislation of General Jackson's administration; and he told the Senator if he would look back to the memorials on file, he would find there had been infinitely more riot and disorder before that period, than from that to the present. Why, on those occasions almost an universal combination of capitalists would take place, and they took the land from men of small means, and monopolized the whole at the Government price; and they would hold the land in an uncultivated and unproductive state, until the necessities of the cultivators compelled them to give to the speculators the desired profit. On some occasions the sales were suspended, in consequence of those combinations of the speculators; and appeals were made to the authorities here, to know whether the sales should be proceeded with at all, so great was the annoyance from that cause. But had they heard recently of a sale being broken up by riot or combination? Far from it: on the contrary, so far as he knew, every thing had been peace and quiet; and except in a few isolated cases, there was no evidence of fraud. Where was the inducement to fraud? And if there were inducement, where, under their pre-emption laws, could it be successfully carried out? Could it be done by the individual who sits down on a small tract of 160 acres of land? by the emigrant who went from an old to a new State, with the wish to till the land? Oh! it was said, money was made by the pre-emptive right, by fraud and perjury. If this were so, the parties would be subject to prosecution; but had there been any prosecutions? and where was the evidence that such frauds and perjuries had ever taken place under this law? In the part of the country that he (Mr. CLAY) came from, he knew of no such instance. There every thing under these laws was peace and quiet.

But gentleman told them they were introducing the credit system. Now, as it regarded the fresh

land brought into the market which was subject to the pre-emption law, there was not the color of any ground for the imputation. According to all the pre-emption bills which had hitherto been passed, and such would be the law if the present bill passed, the sales could not be postponed beyond the period appointed by the President's proclamation. If no pre-emption law ever passed, the time of sale would be the same. Could the Senator find, in any law heretofore passed, a provision which denied to the President the power to bring the land into the market at the earliest moment? No. Well, then, how was it with the land which was subject to private entry? It was allowed to them before to enter, and they were privileged to enjoy it during the two years of the operation of the laws, and now they were restricted to a period of twelve months, and if the payments were not then made, any other individual was entitled to pay for it, and the occupant was ousted from it. Was that credit? By no means: the Government forbears merely to sell to any other man, until after the lapse of twelve months from the passage of the law, or the time of settlement. There is no sale to the occupant until he makes payment; and, of course, no credit.

But the Senator went still further, and said that great losses had accrued under these pre-emption laws; and how did he make this appear? He called their attention to the President's message of December, 1837, and pointed to the statement that the average excess, as he alleged, according to that document, was six cents per acre, and they were told by the Senator that this was made out by spreading it out over all the sales by private entry, as well as those at auction. Now he (Mr. CLAY of Alabama) assured the Senator from Kentucky that he was totally mistaken. If the Senator would look at the document sent to the Senate in the beginning of January, 1838, which was in progress of preparation from the month of September of the preceding year, and from which, doubtless, the President made his representation of the land sales, he would see that it did not embrace the lands sold by private entry, but was confined to lands sold at auction, beginning in the year 1830 and coming up with the cash system to 1837, just before that document was communicated to Congress. The average excess spreading over all the land sold at auction, and by private entry, was but 2-4-5 cents per acre. He would, moreover, call the attention of the Senate to another report, which showed that all land sold at auction after the passage of the pre-emption law of June, 1838, up to the last year, was but 4-38-100 cents per acre above the minimum, and the average price of the whole by private entry, and all, was but \$1 26 and a fraction per acre. Independently of all this, had the Senate forgot that, for two years and a half before the first pre-emption law was ever enacted, it was but one cent an acre excess? If Senators would look further back into a document embracing Indiana, Illinois, and Missouri, it would be found that the general average excess in those States for three years, (before the passage of the pre-emption law of 1830,) was only six mills per acre above the minimum price; and this would not cover the expense of sales by auction, in the employment of an auctioneer, the extra compensation to the Registers and Receivers, clerks, &c. The pre-emption bill then, was not a proposition to give away the public lands; nor to reduce the amount of money received for them, materially below that which would be received under the auction system.

[Mr. CLAY of Kentucky here interposed, and said he alluded to this subject to show what the difference was with and without pre-emption laws. He then went into some explanations, as we understood, to sustain his former views, and concluded by reading the following extract from the message of President Van Buren, in December, 1837, to which he had referred:

"Upon a critical examination, it is found that the lands sold at the public sales, since the introduction of cash payments, in 1820, have produced, on an average, the net revenue of only six cents an acre more than the minimum Government price." &c.]

Mr. CLAY of Alabama resumed. He said the extract from the President's message, which had just been read by the Senator from Kentucky,

proved that he had been mistaken in his former statement, and agreed precisely with what he (Mr. CLAY of Alabama) had said. As the extract read by the Senator showed, the President expressly referred to "the public sales, since the introduction of the cash system, in 1820," and did not mention nor embrace the sales by private entry, in fixing the average excess, above the minimum, at six cents an acre. He said, if the Senator from Kentucky would review his remarks, as published in one of the daily papers of this city, he would find that he had been understood by others, as saying that the average excess was reduced to six cents per acre, by being spread over all the sales made—those by private entry, as well as those at auction. This was the error he (Mr. CLAY of Alabama) was endeavoring to correct.

[Mr. CLAY of Kentucky again interposed, and asked if the six cents average above the minimum, was not made out by including the lands sold at private entry.]

Mr. CLAY of Alabama maintained the contrary; and repeated what he said before in substance; that the general average, including private, as well as public sales, from the commencement of the cash system in 1820, to the 30th of September, 1837, only exceeded the minimum 2-4-5 cents per acre. He said this was shown by a report of the Commissioner of the General Land Office, made on the 8th of January, 1838, responsive to a resolution of the Senate, of the 20th September preceding, to which he would invite the attention of Senators. Mr. C. said, aware that the Senator from Kentucky had heretofore maintained that the average alluded to had been made out by embracing private sales in the estimate; and being anxious to satisfy him, that the difference would be inconsiderable, he had twelve months ago called on the the commissioner of the General Land Office, and obtained a statement of the quantity of public land, which had been sold at auction, from the 22d June, 1833, to that time. The result was that, in the sale at auction, exclusive of nearly two millions of acres, the average price had been but \$1 29-38-100 per acre, being a gain of only four cents and a fraction above the minimum, without any deduction for extra expenses; and the general average was but \$1 26-18-100 per acre. Mr. C. remarked that these facts were sufficient to show incontestably that the gain of the Government, by selling at auction, was too insignificant in a pecuniary point of view, to have any material influence on the policy of the Government.

I have felt it my duty, Mr. President, (said Mr. CLAY,) to say this much in reply to the objections which seemed most worthy of notice, urged, by its opponents, against the original bill. I come now to the second branch of the subject under consideration—the motion of the Senator from Kentucky [Mr. CRITTENDEN] to distribute the revenue arising from the sales of the public lands amongst the several States—a proposition, in my opinion, more objectionable than any other. This is a question which I have heretofore had occasion to examine; but I have now re-examined it, with care and attention, and have been confirmed and strengthened in all the objections which I have urged against the measure on former occasions.

The first general reflection that arises irrepressibly to my mind, in approaching the discussion of this proposition, Mr. President, is the time, and the circumstances, under which it is brought forward. If we had a redundant Treasury—a large surplus revenue—as we had a few years ago, although it would not, in my judgment, warrant the exercise of such a power, it would render it more plausible. But, sir, what has been the state of our finances for the last three or four years? and what is their condition now? Four years ago, we had a redundant Treasury—it contained more than \$40,000,000. Under an act of Congress previously passed, near \$30,000,000 of this amount was deposited with the several States, on the 1st of January, the 1st of April and the 1st of July, 1837. In the mean time the commercial revulsion of May, '37, took place—the banks suspended specie payments, and refused, or were unable, to refund the public money deposited with them—thus crippling our ordinary resources, and reducing the Treasury below

the current demands for the support of Government. It became indispensably necessary for the President to convene Congress on the first Monday in September, within six months from the day of his inauguration. We were compelled to anticipate the receipts of the revenue, and to raise money by loans to keep the Government in motion. At each succeeding session down to the present, we have been constrained to adopt similar measures, and, at this moment, there is a bill before the other branch of Congress again to anticipate the receipts from the revenue by the issue of Treasury notes to the amount of five millions of dollars. Indeed, we have been charged on this floor by some of the Senator's political friends, since the commencement of the present session, (how truly, it is not my present purpose to inquire,) with having created a national debt to the amount of near thirty millions of dollars; and we have been urged to increase the tariff on certain articles to supply the ordinary wants of the Government, and supersede the necessity of an extra session of Congress. Yet, sir, under all these circumstances, and with this gloomy picture of our financial condition, presented by the Opposition, a distinguished member of that party comes forward with a proposition to abstract from the Treasury the entire revenue from the public lands, not only for the present year, but for an indefinite period—forever. I have said this would amount to the probable sum of \$5,000,000 annually. My estimate is predicated on the receipts into the Treasury, from the same source, according to a table now before me, for a period of ten years—from 1828 to 1837, both inclusive—during which an average sum of more than seven millions of dollars was annually received from this source of revenue. And taking into view the quantity of fresh lands that will be coming into market in the new States and Territories, it is not probable the average will be reduced below the sum I have supposed, within the next ten years. Well, sir, what must be the inevitable consequence of withdrawing this large annual sum from the ordinary means of meeting the public expenditures? Will it not become absolutely necessary to supply the deficiency, thus created, by taxation to that amount, or by borrowing money? If we take five millions of dollars out of the Treasury, and are compelled to pay it back again, in the form of new taxes, or an increased tariff, what do we gain? Or, rather, is it not obvious that, so far from gaining anything, the expenses of collection and disbursement are a dead loss? On the other hand, if we make up the deficiency by borrowing five millions annually, are we not creating a permanent national debt which, with the accumulating interest, will, in a few years, amount to an hundred millions of dollars?

It seems to me, Mr. President, that there can be no diversity of opinion upon this subject. The proposition of the Senator from Kentucky plainly involves the alternative, to be submitted to the American people, whether they will take from the Treasury of the United States the annual proceeds of the public lands, to be refunded by increased taxation, or by contracting a new national debt, which is to go on augmenting, year after year, indefinitely. Sir, divested of the plausible robes in which it has been clad by the ingenious sophistry of the mover, and its other advocates, it is a naked and graceless proposition to borrow money for the purpose of distribution among the States. Can the people be prepared to sanction such a policy, if that were the only question? Sir, I cannot believe it.

These views, Mr. President, go to the expediency of the proposed measure; but there are other objections of more insuperable character. The Senator from Kentucky [Mr. CRITTENDEN] has said the States have a right to demand a distribution under the compact between the ceding States and the General Government. Now, sir, I hold that the States have no right to demand—nor has the General Government any right to make such a distribution. It is, in my opinion, perfectly demonstrable that such an act would violate the terms of cession, as well as the Constitution of the United States. To sustain the first branch of my proposition, it is only necessary to recur to the history of

the times, and the language employed in the acts of cession themselves.

To form a more satisfactory opinion upon this subject, said Mr. CLAY, it will not be unprofitable to go a little back and examine the proceedings of Congress antecedent to any surrender of territory by the States. It must be recollected that there were two parties to these compacts—Congress, on the one hand, holding out inducements and tendering propositions for an adjustment of territorial difficulties, and the States, on the other, responding to those propositions. An examination of the proposals and negotiations between contracting parties will always facilitate a correct understanding of the contract itself. We all know that, even before the close of the Revolutionary war, there were difficulties amongst the States in regard to the extent of territory claimed by some of them. There was a vast amount of unoccupied and unimproved land claimed by some of the States, while the others maintained that, if the war terminated successfully, and those wild domains were thus conquered and secured, it would be accomplished by the united patriotism, courage, toil, and blood of all the States; and, consequently, they should enure to the common benefit of all. The Congress of the confederation concurred in the view of the question last mentioned, and on the 6th of September, 1780, agreed to the report of a committee, to whom had been referred, for consideration, communications upon the subject from the Legislatures of Maryland, New York, and Virginia, which, amongst other things, contained these views:

"That it appears more advisable to press upon those States which can remove the embarrassments respecting the Western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy; to remind them how indispensably necessary it is to establish the Federal Union on a fixed and permanent basis, and on principles acceptable to all its respective members; how essential to public credit and confidence, to the support of our army, to the vigor of our councils and success of our measures, to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign, and independent people," &c.

Now, sir, said Mr. C. there is not an idea to be found in this report, so adopted by Congress, about separate or distinct interests of the several States. Every motive held out, relates, in the language of that patriotic body, to the safety and "stability of the general confederacy"—to the establishment of "the Federal Union on a fixed and permanent basis"—"to public credit and confidence, to the support of our army"—"to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign, and independent people."

This report, sir, was followed up by the adoption of a resolution on the 10th of October, 1780, which is expressly referred to by the preamble to another resolution upon the same subject, which was adopted in April, 1784, (after the cessions from New York and Virginia had been made,) as "*having fixed the conditions to which the Union should be bound on receiving such cessions.*" The former may, therefore, be justly regarded as the fundamental proposition of the General Government—the very basis of all the cessions which were made by the several States, as they all followed after it, and may be considered as assents or agreements to the proposed "conditions to which the Union should be bound." Consequently, it must have an important influence in determining the proper construction, to be placed on the several acts of cession, and I must beg the indulgence of the Senate till I read it entire. It is in the following words:

"Resolved, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct Republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the other States; that each State which shall be so formed, shall contain a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; that the necessary and reasonable expenses which any particular State shall have incurred since the commencement of the present war, in subduing any British posts, or in maintaining forts or garrisons within and for the defence, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed."

Now, sir, is it possible for any ingenuity or sophistry to put on this resolution a plausible construction, to sustain the idea of separate interests in the proceeds of the lands among the States? On

the contrary, is not the language plain and emphatic, that the lands which may be ceded to the General Government, "shall be disposed of for the common benefit of the United States"—the name by which this Government was called and known under the Articles of Confederation, as well as since—and *and not for the benefit of the several States?* If any thing were wanting to establish more conclusively, that the interest of the States in the proceeds of the lands expected to be acquired under these proposals, was, on all hands, understood to be joint, and not several, it is to be found in the last clause of the resolution, which specially declares "that the necessary and reasonable expenses which any particular State shall have incurred since the commencement of the present war, in subduing any British post, or in maintaining forts and garrisons within and for the defence, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed."

It is a legal maxim, which the gentlemen engaged in this debate on the other side cannot fail to recognise, that "*exceptio unius, exclusio est alterius*;" and it is a principle of reason and common sense, to which all minds must assent, that when a particular reservation or exception follows a general grant, the mere specification of the exception implies that there is no other, and strengthens and confirms the grant to all that is not reserved. Then, sir, I am sustained in the conclusion that, so far as the terms of the proposals to the States, by the General Government, are concerned, we are bound to appropriate the revenue, arising from the sales of the public lands, "for the common benefit of the United States," and not for that of the States severally, with the single exception that "any particular State" was to "be reimbursed" for "necessary and reasonable expenses" which had been "incurred" for the objects specified in the last clause of the resolution.

Having thus seen the obligations proposed to be assumed by the General Government, let us now, Mr. President, proceed to examine the acts of the several States, purporting to cede or relinquish their claims to Western territory. And here it may be well to remind Senators that all the acts of cession, with the exception of those of North Carolina and Georgia, were made before the adoption of the Constitution, and, consequently, had reference to the Articles of Confederation. It is fair to presume that all the States that relinquished territory, were actuated by the same high motives of patriotism and policy, and had a common object in view; but as there is some difference in the phraseology of the several deeds, and some of the gentlemen, who have addressed the Senate, having laid great stress on the particular words employed in some of them, it may facilitate us in making a proper construction to bring into one view those clauses of each, which express the purposes contemplated by the grantors. I shall take the deeds of cession in the order of time that they were executed.

The deed from New York declares that the territory ceded—

"Shall be and enure for the use and benefit of such of the United States as shall become members of the Federal alliance of the said States, and for no other use or purpose whatsoever."

"That from the State of Virginia declares—

"That all the lands within the territory so ceded to the United States, (with certain reservations not necessary to be recited,) shall be considered a common fund for the use and benefit of such of the United States as have become, or shall become members of the Confederation, or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever."

Those from Massachusetts, Connecticut, and South Carolina, adopt the same language, and convey "to the United States of America, for their benefit"—the respective States "inclusive." And the deed from North Carolina corresponds with that from Virginia. The deed from Georgia differs from all the rest in several respects, and shall be hereafter noticed.

Now, Mr. President, the question to be decided is—do these several deeds respond to, and agree with the "conditions" proposed by Congress, "to which the Union should be bound on receiving such cessions"—that is, "for the common be-

neft of the United States?" Do not all the deeds, which I have brought to the notice of the Senate, use the same language in effect? Those from Virginia and North Carolina declare that the lands "ceded to the United States shall be considered a common fund, &c." Do not these words distinctly convey the idea of a joint fund, in contradistinction to one in severalty? Could language have been used more expressive of a full assent to the terms which had been proposed by Congress in their resolution of the 10th of October, 1780? I think not, sir—and the terms employed in the other deeds of cession, though not the same, may be regarded as equippollent. For instance, as I have shown, those of Massachusetts, Connecticut, and South Carolina, conveyed "to the United States of America, for their benefit." Is not this a conveyance for joint benefit, in the absence of any qualifying expressions? It cannot be denied: and, sir, I may remark, that there is not a clause to be found in any one of the deeds of cession, which reserves any separate interest or dividend to the State by which it is made. Can it be reasonably supposed, that the States would have used such language as they did, with the distinct avowal of Congress before them, that the ceded territory should be "disposed of for the common benefit of the United States," if they had intended to secure to themselves any separate or distinct interest? On the contrary, admonished, as they were, of the purpose and intention of the General Government, they would have carefully inserted express reservations of such distributive shares as they intended to secure.

But, sir, there are other clauses in some of the deeds of cession, which have been seized upon by some of the friends of distribution to give color to their construction. In some of them this language is used: "for the use and benefit of such of the United States as have become, or shall become members of the Federal alliance, &c." "according to their usual respective proportions in the general charge and expenditure." It seems to me, sir, that this argument is easily answered. It is only necessary to bear in mind that all the cessions which have been enumerated, except that of North Carolina, were made before the adoption of the Constitution, and hers in the same year; and that the language just quoted had reference to the mode of raising revenue, under the Articles of Confederation. Article 8 is in the following words:

"All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common Treasury, which shall be supplied by the several States, in proportion to the value of all land within each State granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall from time to time direct and appoint."

"The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States, within the time agreed upon by the United States in Congress assembled."

Sir, although Congress then made appropriations "for the common defence" and "general welfare," and paid them "out of a common Treasury," we see they had not the power of taxation. They only had power to lay down the rule for the assessment of taxes, and make requisitions upon the several States, under whose authority alone they were to be levied and paid over. Then, sir, when a "common fund" was placed in the general Treasury "for the use and benefit of such of the United States as had become, or should become, members of the Federal alliance," "according to their usual and respective proportions in the general charge and expenditure," it was merely intended to relieve them, respectively, of the payment of that proportion of the amount of the requisitions which might be made on them by the General Government. In other words, it was equivalent to a credit to be estimated by that rule, to which each State, belonging to the Federal alliance, was to be entitled at the "common treasury;" for the absurdity of paying over this "common fund" to the several States, "according to their usual and respective proportions in the general charge and expenditure," to be immediately returned, or repaid by them into the "common treasury," could never have been perpetrated by the wise men of that day.

Mr. President, there is another point of view, in which the proposition of the Senator from Kentucky for the distribution of the revenue arising from the sales of the public lands, or any other proposition heretofore made, having the same object in view, is imperfect, and, I may add, totally impracticable. If a distribution can, or ought to be made under the deeds of cession, it must be done by the rule of taxation established by the Articles of Confederation; at least the clause on which I have remarked, and on which gentlemen rely, evidently refers to that rule, and indicates no other.

The "usual respective proportion in the general charge and expenditure" was fixed by the 8th article already quoted, according to the value of all "the land within each State, granted or surveyed, and the buildings and improvements thereon." No such rule of taxation, or "charge and expenditure" now exists, nor is the plan of distribution predicated on that principle, or on the provisions of the Constitution, which has been since adopted. Under that instrument Congress may raise revenue by taxation, direct, or indirect. In the second section of the first article it is provided, that "representatives and direct taxes shall be apportioned among the several States, which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons." Now we know that this rule of taxation is altogether different from that established by the Articles of Confederation; and that it is not the criterion referred to by the deeds of cession, for apportioning among the several States "the general charge and expenditure." But, sir, if it were otherwise, we have no "direct taxes," but a system of indirect taxation, by duties and imposts, under which it is impossible to know what each or any particular State pays. Having no criterion whatever, then, by which to ascertain the respective proportions of the several States "in the general charge and expenditure," or in what proportions they contribute to the common Treasury, we consequently have none by which to apportion amongst them the revenue arising from the sales of the public lands.

Again, Mr. President, the history of the times seems to me to furnish a conclusive refutation against every argument I have heard in favor of distribution. We know that, throughout the Revolution, Congress had no power to raise money, even for the common Treasury, except through the intervention of the States. We have already seen that, under the Articles of Confederation, taxes for that purpose were expressly required to "be laid and levied by the authority and direction of the Legislatures of the several States." Until the adoption of the Federal Constitution, the States never surrendered to Congress the power of raising revenue, even for the general purposes for which this Government was instituted; and they were slow and reluctant to part with the power to that limited extent. This being the case, can it be supposed that they ever intended to constitute this Government an agent to raise or collect revenue from any source whatever, to be divided or distributed amongst themselves? No, sir, such an idea is contradicted by the known jealousy with which they ever guarded the exercise of power by the General Government, and the extreme caution and hesitation with which they granted to it the powers deemed indispensable to its efficient action by the most wise and patriotic.

I will now, sir, submit a remark or two on the deed of cession from Georgia. It was executed on the 24th of April, 1802—more than thirteen years after the adoption of the Constitution of the United States—and its language conforms to the change of Government which had taken place. It declares "that all the lands ceded (after satisfying certain claims) be considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of, for that purpose, and for no other use or purpose whatever." Here is no reservation of any thing but a joint and common interest; it is to be "a common fund," and "for the use and benefit of the United States"—that is, the Government of the Union, and not of the

States severally—and to be "faithfully disposed of for that purpose" only. In this deed, we do not find the clause about "the respective and usual proportion (of the States) in the general charge and expenditure," on which gentlemen have predicated most of their arguments in favor of distribution—because the rule and the mode of taxation to which that language referred had been superseded by the provisions of the Constitution. The States no longer laid and levied taxes for the General Government; hence there was no longer need of a rule for apportioning the credits.

In further confirmation of the views I have expressed on this subject, I may remind the Senate, that the idea of distributing the proceeds of the public lands is of modern origin. More than forty years had elapsed after all the cessions, except that of Georgia, and thirty years after that, before any attempt was made to establish the divisibility of those funds. During all this time, the money received for the public domain was paid into the common treasury, like other portions of the revenue; and it was appropriated and paid out in the same manner, indiscriminately, for all the liabilities of the Government. I am not aware that any of the States ever set up a claim to a separate or distributive share of this fund, until after the project was started in 1832, nor do I believe that such a thought was ever entertained when the several compacts were made, either by the States or General Government.

But, Mr. President, if the views I have expressed in reference to that portion of the public domain ceded by the States be erroneous, on what principle can gentlemen claim a distribution of the revenue arising from the sales of the lands in Louisiana and Florida, purchased from France and Spain? In regard to those, none of the States, separately, ever had any claim, or ever made a cession, or a compact with the General Government. They were purchased by the Government of the United States with its own revenue, with the common treasure, created by its own power. Yet those lands have been treated like the balance of the public domain, and the money received from them, like that received from all other sources of revenue, placed in the common treasury. No one denies that the Government can purchase land: does it follow that money expended in this way, when it is brought back into the Treasury by a sale, acquires any new property to change the power of the Government over its destination? If so, it is but necessary for us to convert the revenue, which we are only authorized to collect for specified objects, into land, and then re-convert it into money, to give the Government of the United States a power over it beyond all the restraints of the Constitution. However, this is an absurdity, for which, it is to be hoped, few will be reckless enough to contend.

But, sir, although every proposition for a distribution of the revenue has been broad enough to embrace all the public domain, as well Louisiana, comprising the whole of our territory beyond the Mississippi, as Florida and the whole country south of the thirty-first degree of latitude, I have not yet heard any one bold enough to maintain that the deeds of cession from the States extended to any portion not included within the chartered limits of the original States.

From these views, Mr. President, it follows that a distribution amongst the States, of the revenue arising from the sale of such portions of the public land as were purchased from France and Spain, cannot be sustained on any ground, which has been hitherto assumed in this discussion. I think we have seen, too, that so much as was ceded by Georgia, wants the support of the argument which gentlemen have founded on particular clauses in the other deeds of cession, and must be excepted. As regards the cession of North Carolina, it may be said there is nothing to distribute; for we have more than once passed bills through this branch of Congress, which amount (and very properly too) to an abandonment of all claims to the refuse, unappropriated lands within the State of Tennessee. And, sir, the result is, that the only colorable claim, supported with any plausibility, by the friends of distribution, extends to the remnants which

remain unsold in the Northwestern States—being so far as the plats of survey have been returned, in Ohio less than a million of acres—in Indiana less than five millions—in Illinois something more than fourteen millions—and in Michigan about fourteen millions—amounting in the aggregate to 34,345,871 acres. Yes, sir, even if their deeds of cession sustain their pretensions, they go thus far, and no farther.

But, Mr. President, there is another aspect of this subject which presents a conclusive bar to any claim of distribution which can be set up in behalf of the States. It certainly cannot be pretended, on any fair principle, that we are bound to divide any thing but the net profits of the concern; nor that we are bound to divide those profits before they accrue. The gentlemen on the other side represent the Government as a trustee for the management of the public domain for the benefit of the several States; and that much may be conceded. But it will be recollected that the performance of this trust has been attended with much expenditure of money, as must have been well understood would be the case at the time it was confided. Now, admitting for the sake of argument (and I am sure I could not otherwise make the admission) that a division of the proceeds was contemplated by the parties to those contracts, when they were made, is it reasonable to suppose that it could have been intended, on the one hand, or expected on the other, to divide all the money that might be received for the lands, without first deducting the expenses necessarily incurred in the performance of the trust? If the General Government was bound to return any thing to the States, must it not have been the net proceeds? The Indian titles were to be extinguished to a large portion of those lands; and vast sums of money have been paid to effect that object. We have paid for Louisiana and Florida about thirty millions of dollars. Again, it was necessary for all these lands to be surveyed before they could be brought into market. And then district land offices were to be established and supported; and a General Land Office to exercise a superintending control over the whole business. Ought not these necessary expenses to be deducted from the amount received before any thing is demandable from the Government? If you, sir, were to employ an agent to manage and sell a large real estate, necessarily to be divided into smaller tracts, and unavoidably attended with great expense, would you expect him to hand you over the whole amount of his receipts, or, indeed, any part of them, before he had refunded himself the amount of his expenses? No, sir, you would not, nor would any reasonable or fair man; and the same principle applies in its full force to the claims of the States in their most favorable aspect. Then, how stands the account? Why, sir, according to a statement from the General Land Office, a little more than twelve months ago, the aggregate expenditures of this Government for the public domain amounted to \$134,229,375 20, and the aggregate receipts into the Treasury on account of sales of the public lands amounted to \$116,198,179 15, leaving an excess of expenditures above the receipts into the Treasury to the amount of \$18,031,196 05. This is the state of the case, on the supposition that division was ever contemplated, a balance in our favor in the account current of more than eighteen millions of dollars! And this balance cannot be probably met and cancelled within less than three or four years by the net proceeds of sales.

Then, Mr. President, the public domain not having refunded the General Government the amount of the expenditures actually incurred in its purchase, management, and sale, and the entire revenue from all sources, including this branch, being inadequate, as all admit, to meet the current demands upon the Treasury, the plain question is, have we the power, and is it expedient to lay new taxes and collect revenue, or shall we borrow money to distribute amongst the States? This is the true question, and one which demands, and, I trust will receive the calm and solemn consideration of every intelligent and patriotic citizen.

Sir, said Mr. C. where do we find our power to distribute revenue amongst the States at all, much less to raise it for the purpose of distribution? He

asked, was there any single expression in the Constitution which could be interpreted to justify such a proceeding? When we ask gentlemen on the other side to show us our authority, to what clause of that instrument can they refer us? We may answer triumphantly—to none. The exercise of such a power is against the whole genius of the Government, and would be destructive of the principles on which it is founded. The Constitution declares that "Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States." Yes, sir, for those purposes, and those only, have we the power to tax the people—"to pay the debts" of the United States, and "to provide for the common defence and general welfare of the United States"—not to raise money to pay the debts of the States, nor to raise money to provide for their separate welfare, but in common with the other members of the Union. Gentlemen must admit that no express power is delegated to us to lay and collect taxes for the benefit of the States separately; nor can they show that it is "necessary and proper for carrying into execution" those which are granted. Far from it, Mr. President. As I have already remarked, the taxing power, even for the general purposes of the confederation, for the common benefit of the United States, was the last with which the States parted, and the one which they surrendered, perhaps, more reluctantly than any other.

But, sir, it is unnecessary to pursue this view of the subject any farther. The friends of the proposition now more immediately under consideration have not met the question of constitutional power, nor undertaken to sustain it by any direct argument. They attempt to get round it by reference to the acts of cession, and by placing on them a construction not warranted by their language, their spirit, nor the history of the times, as, I think, has already been sufficiently shown. Yet, sir, I trust the people will understand it, and regard the motion of the Senator from Kentucky as it truly is—as a proposition to divide money amongst the States, which is assuredly to be refunded by a tax on themselves—as a proposition for this Government to become the tax-gatherer for State and local purposes, thereby cutting off and destroying all that salutary responsibility of the taxing power which is now felt by their immediate representatives; and, worse than all, as a proposition to sink the State Governments into insignificance, and make them dependent upon the General Government. No other measure has ever been proposed so well calculated to bring about that centralization and consolidation of all power in the Federal Government, so justly deprecated and cautiously guarded against by our ancestors, as that now under consideration. Once establish the principle that the States may look to this Government as the great money power upon which they may depend for all their local wants, and you will realize the most sanguine hopes and expectations of the Federalists in former times, by building up a splendid Government at the national metropolis, which must, and will, sooner or later, absorb all political power.

I fear, Mr. President, I have already occupied too much time in my remarks on the motion of the Senator from Kentucky; but there is one other point, which I cannot pass by altogether unnoticed. I mean, sir, the effect which the proposed measure would have on the interests and prosperity of the new States. They have already had sufficient cause of complaint against the course of policy which has been pursued towards them by the General Government, as the numerous memorials and remonstrances of the Legislatures and the people of those States, which have been presented session after session, for many years past, and are now on your files, will abundantly testify. Their great, and at the same time well founded cause of complaint, has been the inflexible adherence of this Government to one fixed price for lands of all descriptions, whether rich or poor. They have, again and again, appealed to your sense of justice, and referred you to the terms of your compacts with them, on their admission into the Union, showing, as they believe, that while you retained by their consent the right to the unsold and unappropriated lands within their

limits exempt from taxation, you at the same time undertook to sell them in a reasonable time—but, thus far, they have appealed in vain. What are they to expect when you shall have enlisted the cupidity of all the other States of the Union against a reduction of the price of their inferior lands? Need they expect the representatives of States; that are to receive annual dividends from their proceeds, to an amount sufficient to support the Government of some of them, and exempt their citizens from taxation, to vote for their graduation bills, the passage of which they have so long anxiously desired? No, sir; and I now tell the people of the new States, if their petitions on this subject have heretofore been unavailing, should the proposed measure become a law, they will be utterly hopeless. They may expect, for a half century to come, that millions of acres will remain the property of this Government, nominally, but in fact the domain of the several old States—unsold, unsettled, unimproved and unproductive.

But, Mr. President, I turn with pleasure from the discussion of a measure to which, I think, there are so many insuperable objections—fraught, in my opinion, with so many evil consequences, not only to the new States, but to the whole Union—and will direct your attention to the amendment proposed by the honorable Senator from South Carolina, [Mr. CALHOUN.] Perhaps no measure of its importance, which has ever been brought forward here, has been more misrepresented, and less understood, than the bill of that honorable Senator "to cede the public lands within the limits of the new States, on certain conditions therein mentioned." It has been characterized and denounced as a proposition to "give" the public domain to those States; and such representations have been sent abroad, and have had their effect, unaccompanied by a single condition of the proposed grant. Sir, the bill does not contemplate a donation, and its exanimation is sufficient to repel the imputation. It proposes a sale, not a gift. These are its provisions: The first section cedes the public lands to the States in which they lie, which may remain unsold after the 30th of June, 1842, excepting the usual reservations for public purposes, on condition that the States shall pay to the General Government sixty-five per cent. of the gross proceeds, as the Senator proposes to fill the blank; that the minimum price shall remain, as now fixed by law, until the said 30th of June, 1842, but, after that period, the price may be reduced to \$1 per acre for all lands then remaining unsold, which have theretofore been offered for sale for ten years; that, five years after the day aforesaid, all lands which may then have been offered for a period of fifteen years and remain unsold, may be reduced to seventy-five cents per acre; and thus going on with a reduction of the price in the same ratio, for every additional term of five years it may have been in market, till it comes down to twenty-five cents per acre; after which, if it shall remain unsold five years longer, it shall be ceded absolutely to the respective States in which it is situated; and the system of graduation to commence with all land not now embraced by it, so soon as it shall have been offered and remain unsold ten years. A further condition is, that the lands shall remain subject to the same legal subdivisions which now prevail; those not heretofore offered for sale to be first offered at auction—afterwards to be subject to graduation; and that all laws of the United States on the subject of public lands in force at the passage of the act, to remain so, except so far as modified by its provisions. Another condition is, that the cession is to be in full of the five per cent. fund, not already accrued, which was reserved to the new States by the compacts for their admission into the Union, for the purpose of making roads within, and leading to, those States; and the States to be "exclusively liable for all charges that may hereafter arise from the survey, sale, and management of the public lands." And, finally, any violation of these conditions is to be followed by a forfeiture of all the rights granted by the act; and all grants, or titles thereof made by the State so acting, to be null and void. The second section of the bill authorizes the several States, in which the lands are situated, to grant the right of pre-emption to ever

actual settler for a period of ninety days, at each successive graduation, or reduction of price, after which, if the settler should not avail himself of the privilege, it is to be subject to entry by any other purchaser. The other provisions are not necessary to be noticed on this occasion.

These, sir, are all the material enactments proposed by the bill of the Senator from South Carolina. While they are fresh in our recollections, let us test the accuracy of some of the representations of its characteristics, which have been sent abroad. Is it a gift—a donation of the unsold lands to the States in which they are situated, as has been broadly asserted? So far from the fact, we see, at the first blush, the States are to pay the General Government 65 per cent. of the gross proceeds of the sales, and are to release the United States from the payment of the 5 per cent. of the nett proceeds, reserved for making roads for their benefit—these two items being 70 per cent. of the gross amount received. The States, too, are to be at the entire expense of the management and sale of this domain which constitutes another important item of deduction. What would be its amount, of course cannot be determined with precise accuracy; but I find it stated in the report of the Committee on Public Lands, prepared with much care at the last session, that there were then "spread over the new States fifty-nine land offices; connected with which there were one hundred and eighteen registers and receivers, eight surveyors general, with a host of deputies, clerks, draftsmen, chain carriers, and axemen, at an aggregate annual expense of upwards of \$334,000, on an average of the last two years" preceding. Then suppose the aggregate amount of sales, in all the States, to be equal to three millions of dollars—and, without the territories, it would not probably exceed that sum—the expenses, at the rate just stated, may be estimated at nearly 12½ per cent. which brings up the credits to 82½ per cent. Then, sir, add 12½ per cent. more, the amount proposed to be given to the new States above an equal dividend with the old States, by the former distribution bill of the Senator from Kentucky, and which I suppose to be again contemplated, and we have accounted for 95 per cent. of the gross amount which may be paid to the States receiving the cessions. And, sir, it is just as fair, and not more liberal, to make the allowance of the last named item to the new States, under the bill proposed by the Senator from South Carolina, as under that of the Senator from Kentucky; for the citizens of those States, in the one case as well as the other, almost exclusively pay this large amount of money into the general treasury, and may be expected to go on increasing in population, more rapidly than their elder sisters, at least for some time to come.

[Mr. CLAY of Kentucky desired to give a more full and fair explanation of one point. It would be recollected that he introduced a bill for the distribution of the public lands in 1833, near the beginning of a period, at the end of which, the population of the United States would be greatly increased. His leading motive then, in proposing 12½ per cent. over and above, was that the new States had, at that time, and would continue to have up to the time for taking the next census, a vast amount of population more than by the rule proposed would be estimated, and great injustice therefore would be done if they were to receive by the census of 1830. That was the main motive. It was from a disposition to effect a satisfactory adjustment that it was done; for the new States, for the reason he had given, were entitled to something more than the old—but whether it should be 10 or 12½ per cent. would be a subject for consideration.]

Mr. CLAY of Alabama said he perfectly understood the Senator's motive in the matter alluded to, he knew it was, at least in part, on account of the more rapid increase of population in the new than the old States, that he proposed to allow them more than was granted by the compacts for their admission into the Union. He was also satisfied that the same inducement for the discrimination still existed, and he hoped the new States would still go on increasing in population in the same ratio they had done since the census of 1830. Mr. C. by no

means objected to the discrimination in their favor—it was just and fair not only on the ground stated by the Senator from Kentucky, but also on the other ground which he (Mr. CLAY of Alabama) had alluded to. What he meant to say was, that the additional twelve and a half per cent. could as properly be allowed to the new States under the bill of the Senator from South Carolina, as under that of the Senator from Kentucky. Under the latter the deduction of twelve and a half per cent. was first made in behalf of the States in which the lands were situated, and then a distribution made of the remainder amongst all the States, on terms of equality. So, he contended, under the bill ceding the lands, it was no less just that the new States should be allowed the additional twelve and a half per centum; for under its provisions, too, the inhabitants of those States would pay all the money for the lands, which went into the general Treasury, as well as increase more rapidly in population than the old States; and although it was not divided amongst the several States, they all shared in it as equally, for it ensured to their common benefit, by exempting them proportionately from that amount of taxation. What, then, Mr. C. asked, will be left to the new States, above the payment and deductions stated? Probably not more than five per cent. Then, sir, this is the amount of the sacrifice, if any, that is proposed by the bill of the Senator from South Carolina; and it must be apparent that, so far from being a donation, as heretofore alleged, it is a sale, and for an adequate consideration.

I am aware, Mr. President, that great loss has been apprehended in another respect. It is assumed, in the first place, that the entire one hundred and sixty millions of acres intended to be ceded are worth, and will ultimately command the present minimum price; and, in the next place, that, under the power of graduation, the States would sell them greatly below their value. A remark or two will be sufficient to show that both these assumptions are erroneous. It is altogether unfair to suppose that the entire quantity of this land would ever be sold for any price; and it is still more improbable that it would all bring \$1 25 per acre, if ever sold. We know from the official documents that a large portion of it has been in market without finding a purchaser for periods of fifteen and twenty years, and some of it thirty and forty years. We know, too, that a great deal of it consists of mountains, swamps, and pine barrens, that would never command ten cents an acre: indeed, it is certain that some of it would never be received as a donation, as it might impose on the donee the responsibility of paying taxes. Very little would be sold annually; and I am safe in saying that all would not be sold in a century. It is obvious that such land, as I have truly described much of it to be, would never be purchased at the minimum, when we have such a boundless extent of rich, fresh soil, that can be bought at the same price.

Another consideration, worthy of notice, is the large annual expense of keeping up our land system—a deduction which should manifestly be made to determine the nett value of this property. The committee which had the subject under consideration at the last session, taking all these things into view, estimated the present cash value of the whole at \$26,400,000. They also went on the supposition that the land might all be sold in a period of eighty years, which, as I have already intimated, was going too far. The sum of twenty-six millions four hundred thousand dollars, at six per cent. interest, would produce \$1,584,000 annually, which in eighty years would amount to \$126,720,000 in interest alone; added to the principal it would make the aggregate \$153,120,000. Thus we see that this apparently small sum, at low interest, would almost amount to the average of one dollar an acre within the time stated. An average of seventy-five cents an acre, which is above all reasonable expectation, would make the aggregate sum received amount to \$120,000,000—being \$6,720,000 below the interest alone on the sum estimated by the committee. It is then manifest that the opponents of the bill have greatly magnified and overestimated the value of the property in question. It would be better to receive the sum

estimated by the committee now, than to obtain any probable price after the lapse of so many years. As to the apprehension that the States would reduce the price too rapidly, it is equally unfounded. It would be against their interest to do so, more especially if the lands were as valuable as gentlemen supposed; and they would be restrained from such a course by the restrictions of the bill on their power of graduation. The land must have been in market unsold ten years before it can be reduced to \$1 an acre; it must then remain unsold, at that price, five years longer, before it can be reduced to seventy-five cents; and the reduction of price continues in that ratio every additional five years. There is no danger of less in this respect; the objection would be more plausible, that the reduction of price is too slow, and postpones too long the receipt of its real value.

Sir, another objection against the proposed cession is the want of power. Mr. C. asked, can this difficulty be seriously entertained by those who have examined the subject? Does not the Constitution provide that "Congress shall have power to dispose of and make all needful rules and regulations, respecting the territory or other property of the United States?" Regarding the cession as a sale, there can certainly be no doubt, whether it be for cash, or on credit; for we have given our sanction to both modes in practice. Nor can it be denied, that we have as much power to sell to States as to individuals. The Constitution does not prescribe to whom, nor in what manner, we may "dispose of" "the territory, or other property of the United States," but gives us a broad discretion to "make all needful rules and regulations" respecting it; and we have exercised it in almost every possible manner by sales and donations. We certainly have power, too, to employ whatever agent we may think proper in the disposition of the public property—a State, as well as an individual—and it must be admitted there is more safety in the former, than the latter kind of agency—by the one we have lost nothing, by the other we have lost millions.

Again, said Mr. C. it has been urged against this bill that it would establish the relation of creditor and debtor between the General Government and the new States; and the most frightful consequences have been shadowed forth by the imaginations of gentlemen as likely to result from it. They have told us that, although the bill did not make a donation in terms, that owing to the course which the States would pursue, and their failure to comply with the conditions of their compacts, it would become so in effect. Heart-burnings, discontent, and even the danger of disunion, had been alluded to as likely to flow from this measure. Mr. C. said, he appealed to every gentleman to say, whether the new States had not hitherto observed their compacts with the General Government? He appealed to every honorable Senator, whether they had done any thing to warrant the insinuations that had been uttered against their good faith in the course of this debate? He asked on what terms the new States had been admitted into the Union? Go to the acts providing for their admission, and you will find they were required to pass an ordinance, irrevocable without the consent of Congress, disclaiming all right and title to the waste and unappropriated lands lying within their limits; that no tax shall be imposed on lands the property of the United States; that every tract of land afterwards sold by the Government shall remain free from taxation, for any purpose whatever, for the term of five years from and after the respective days of the sale thereof; and that land belonging to non-residents shall never be taxed higher than those of resident citizens, besides other conditions, which need not be recited. These, sir, were some of the conditions extorted from them as the price of their admission into the Union, notwithstanding they were promised admission on a footing of perfect equality, in all the rights of sovereignty, freedom, and independence. The General Government retained the power to sell the unappropriated land within the States, and, of course, virtually undertook to perform that duty. When was this to be done?—never? Was it not the spirit of the compact, that it was to be done in a reasonable time, and for its fair value? This certainly

cannot be controverted; for it cannot be supposed that one Government would willingly agree for its domain to be held exempt from taxation and improvement interminably by another. Well, sir, what is the fair value of property? Is it the price it may possibly command a quarter or half century hence? or is it not, as the Senator from South Carolina [Mr. CALHOUN] justly remarked, the other day, the price it will command in cash at the present? This is the true test of value, by the common consent of all business men. And has the General Government performed the conditions of this compact according to its spirit. On the contrary, in despite of the memorials which have been sent here annually for the last twelve or fifteen years, by the Legislatures and the people of the new States, appealing to your justice, and calling on you to fulfil your agreements, have not millions of acres of the most inferior qualities been held up from sale—some twenty, some thirty years, and some still longer—because it would not command the same price you receive for your richest alluvial soils? Yes, sir, it is undeniable: and, during all this time, those lands have remained unsettled, unimproved, unproductive, and exempt from taxation. Yet every new State has observed good faith in the performance of the conditions imposed on her. I am not aware of a single violation on the part of any one of them. Is not this a sufficient test of fidelity to satisfy the most incredulous and skeptical? And does it not afford an unquestionable guaranty that the same Governments will faithfully perform whatever they undertake? Sir, sustained by such facts, I feel warranted—nay I feel called upon, to repel the unjustifiable insinuations which have been made against them. However, to obviate conclusively any objection on this ground, it has been suggested by a friend of the bill, [Mr. SEVIER,] that the 65 per cent. payable to the United States, shall at once be paid by the purchaser to an officer of this Government. If gentlemen think it safer to trust individual agents, when they have so often swindled us, rather than the States which never have, (and, I may add, never will,) be it so—the friends of the measure will cheerfully acquiesce in the modification.

But, sir, the bill itself contains the best answer to this objection, and a sufficient guarantee of good faith. It provides, "that on a failure to comply with any of the above conditions, (those before enumerated,) or a violation of the same," &c. the cession made to the State failing to comply, &c. "shall thereby be rendered null and void." In this provision there is an ample remedy, even in the event any one of the States should tarnish her escutcheon by a breach of good faith. By the same clause it is further declared, that "all grants or titles thereafter made" by such State, shall be "null and void, and of no effect whatever." Hence, should such a remote contingency happen, as that which seems to be apprehended, the Judiciary would have jurisdiction; and could peacefully and effectually settle the question.

Gentlemen have objected to the inequality with which the benefits of this measure would be distributed amongst the different States; and have dwelt, more especially, upon the small quantities of the public domain, remaining unsold in the States of Ohio and Indiana, and the large quantities in Missouri and Arkansas: thence, they argue that the latter would be vastly benefited while the former would be very little. Now, sir, this view of the subject is evidently founded on the idea that the bill proposes donations and not sales to the States. Enough has already been said upon the subject to satisfy the Senate that, if the States gain any thing above what has been proposed in other schemes, it would be but a paltry difference. If gentlemen wish to expend their complaints and animadversions on inequalities amongst the States, I would turn their attention to a more striking class—to those under which the younger members of the confederacy now labor. Behold them, sir, not only without the power to sell the unappropriated domain, but cut off from the ordinary sources of revenue, without the power to tax, in some instances, half the lands within their limits. Let them bear in mind, too, that this state of things exists under the solemn declaration by

Congress that they shall be, and that they have all been admitted upon an equal footing with the original States in all respects whatever. How long it will continue to exist, Heaven only knows—but perhaps interminably, unless the price shall be graduated according to the quality of the soil. Yet, gentlemen on the other side consider the General Government as having been wondrous kind to the new States; and one of them has illustrated his views by comparing the former to a kind guardian, and the latter as its wards. Let us test the conduct of the General Government by the principles applicable to such a case. Suppose a guardian, having possession of his ward's estate, were to require him to surrender a portion on his arrival at full age, as a condition precedent to his enjoyment of the balance; would it not be regarded *prima facie* as a fraud? Who, as a judge or juror, would look with any forbearance on such a transaction? And is there not a strong analogy between such a case and the course pursued by this Government as their political guardian toward the new States, upon their admission into the Union—when they are required to surrender a portion of their sovereignty, that they may enjoy the remainder.

Sir, said Mr. C. one of the best features in the measure proposed by the Senator from South Carolina, is that it goes further than any other hitherto offered to remove speedily the just complaint of inequality, to which I have referred, and to place the new States, in truth and fact, somewhat on an equal footing with the older members of the Union. It is the theory of our system that the States should be equal in sovereignty. Under the Articles of Confederation they had the same weight in Congress—each of them having one vote. And under the existing Constitution the principle has been so far preserved that they all stand upon a footing of perfect equality in the Senate. It is certainly not less just that they should have equal rights of sovereignty within their own limits. If they cannot be placed on that footing at once, they have a right to claim the adoption of some measure which will put an end to their present inequality within a reasonable time.

This measure should be acceptable to all parties, more especially to the opponents of the present Administration, on another ground: it will go far to diminish Executive patronage, against which we have heard such repeated denunciations for many years past. It will take from the Executive the appointment of about one hundred and twenty registers and receivers, and six surveyors general, with their numerous deputies and subalterns, now dispersed throughout the new States, at an annual expense of more than three hundred thousand dollars. It has been maintained that very extensive and dangerous influence has been exercised through the instrumentality of so many dependents; and that such might be the case, may be readily imagined. I hope the enemies of Executive patronage will avail themselves of this occasion to evince their sincerity, and vote for a proposition which will, to a considerable extent, remedy the evil of which they complain.

The proposition of the Senator from South Carolina also challenges the support of the friends of retrenchment. Independently of the large amount of expenditure, which I have already noticed as incident to the district land offices, and the other machinery at present required by the system, we should take into the estimate the time which is occupied at every session of Congress in the consideration of the numerous memorials, claims, and other applications connected with the public lands. The committee which had this subject before them at the last session, supposed that the passage of the bill "would probably diminish the business of Congress a third, or a fourth, and shorten the sessions in the same proportion;" and, it seems to me, the experience and observation of every gentleman who has been here for the last ten or twelve years, will fully sustain that opinion. And, if we take the lowest estimate of the committee, is it not apparent that it would save the expenditure of several hundred thousand dollars annually? Then, sir, it is a retrenchment measure, and we have a right to expect the support of all the friends of economy and reform.

Sir, said Mr. C. I have no hesitancy in givin

my preference to the bill of the Senator from South Carolina over any other that has yet been submitted to the Senate. The people of the States, including the public land, desire the privilege of pre-emption to be extended to the enterprising settler, who goes into the wilderness, gives it the impress of civilization, and renders it productive: this bill embraces that principle. The same people desire the graduation and reduction of the price of inferior lands which have been in market, and remained unsold, ten, twenty, thirty, and, in some instances, forty years, that they may find purchasers who will improve and cultivate them, and augment the resources of their States: that principle, too, is embraced by this bill.

They are unwilling that this Government should continue to be their perpetual landlord, holding vast domains within their limits exempt from taxation, and yielding nothing for their benefit or that of the Union. They wish to be assured of some probable termination to their present state of colonial dependence. This measure responds to those sentiments. If it should become a law, it will settle definitively the numerous, intricate, and perplexing questions, which are almost incessantly agitating the councils of the nation, and producing collision and controversy between the old and the new States. I submit the question to this enlightened body, whether such results be not desirable. The harmony of the Union was one of the principal grounds on which the States were pressed, and upon which they ultimately agreed to surrender portions of their territorial claims. It is a subject no less worthy of consideration now; and must ever be, so long as "the stability of the general Confederacy" remains desirable.

Sir, I will detain the Senate with but one single further remark. Whatever may be the ultimate purpose of gentlemen, in regard to the bill offered by the Senator from South Carolina, I trust they will, at least, prefer it to that of the Senator from Kentucky, than which, in my opinion, no other measure has ever been brought forward here more prejudicial to the interests of the new States, or more dangerous to the welfare of the Union itself.

SPEECH OF MR. REYNOLDS,

OF ILLINOIS.

In the House of Representatives, December 24, 1840—

On the following instructions which he presented to the House: "That the Committee on the Public Lands report a bill to grant *prospective* pre-emptions to actual settlers, and to reduce the price to settlers according to the value of the land."

Mr. REYNOLDS having the floor, said:

MR. SPEAKER: I consider it my duty to my "constituents" to present this subject to the House, and to the people. There is no subject that is so interesting to the people of Illinois, and particularly to the district in that State which I have the honor to represent, as that of the proper disposition of the public domain. All other subjects dwindle into insignificance in comparison with this; and as I am well acquainted with the feelings, wants, and wishes, of the people I represent, on this subject, I would be derelict in my duty to them, and be unworthy of the high trust which they have reposed in me, were I to remain inactive on this subject at this or any other session of Congress. I am well aware that this subject, with many members in this House, is extremely unpopular. Many persons residing in the old States, and perhaps some members in this House, consider the public lands belonging to them, as much so as their own plantations on which they reside. To such people as these, I would be pleased to speak. Reason and facts would convince them that they are in an error. They are laboring under a misapprehension of the subject. These lands were ceded to the General Government at a time when the nation was embarrassed with a public debt, occasioned by the war of the Revolution. They were acquired principally to relieve the country from this embarrassment, and to settle and improve them, as other sections of the Union. That these lands were acquired principally to secure the payment of the great national debt existing at that time against the Government, is established by the following resolu-

tion, or act of the old Congress, which passed April, 1784:

"Resolved, That the same subject (the cession of the public lands) be again presented to the attention of the said States—that they be urged to consider that the war is now brought to a happy termination, by the personal services of our soldiers, the supplies of property by our citizens, and loans of money from them, as well as foreigners. These several creditors have a right to expect that funds shall be provided on which they may rely for indemnification; that Congress still think that vacant territory is an important resource, and that therefore, the said States be earnestly pressed, by immediate and liberal cessions, to forward these necessary ends, and to promote the harmony of the Union."

This public domain was never designed by the original contracting parties, or by the acts of cession, to become the private property of individuals or individual States. They were acquired for two great objects; first, to secure the national debt, and in the next place to improve and settle them by the American people. One great object of their acquisition being accomplished—the payment of the national debt—they are now in the power of Congress to dispose of them as they may deem just and proper to advance the best interests of the country.

[Mr. EVERETT having called Mr. REYNOLDS to order, the SPEAKER observed that he was not out of order, and that he was at liberty to proceed.]

Mr. R. said: I know well that the gentleman from Vermont desires every thing to be in strict order and form. I complain not of this. This exact adherence of technical order and form is born with some individuals. On those principles for which the gentleman professes so much attachment, I hope to be able to convince him that I am right, and that he will, in the end, support my proposition.

Mr. Speaker, I consider I am in duty bound to say to the Committee on the Public Lands and to this House, that I mean no disrespect to the committee by moving and advocating these instructions. Such instructions are not uncommon. It frequently becomes necessary to move and adopt them. I deem it necessary and proper on this occasion. The Committee on Public Lands have had, to my knowledge, on former occasions, and no doubt have now, numberless memorials and resolutions submitted to them on the subject of the public lands, and the same permitted to remain with them without action. I pretend not to say this will be the case at this session; yet, at any rate, as this is an interesting subject, I deem it my duty to present it to the House in this manner, and at this early period of the session. I have been laboring with assiduity to obtain an opportunity to present to the House a bill with the following title, to wit: "A bill to grant prospective pre-emptions to settlers, and to reduce the price of the public lands to settlers according to the value of the lands;" but cannot succeed as yet. I was prevented once by the gentleman from New York, [Mr. BARNARD.] This he had a right to do, and of which I complain not. He wishes to debate a proposition, and he can, as I know well, make an excellent written speech.

These are the reasons which induced me to move these instructions, and which will be satisfactory, I hope, to the House and the committee.

There are two propositions contained in these instructions—one for prospective pre-emptions, and the other to reduce the price of the public lands to settlers according to the value of the land. The various modes and manner of carrying out these propositions are left to the judgment and discretion of the committee. The principles of these measures I wish to see settled at once by the House.

It is not strange or unreasonable that my constituents and myself feel such a deep interest and extreme anxiety on this subject. Suppose the old States were prevented from taxing the soil within their limits, and were even compelled to ask of the Congress of the United States permission to locate a road within their limits on the public lands. What would their people and members say on the occasion? Would not their members laboring under this oppression raise a clamor in this House, that could not, and ought

not to be resisted? Suppose, by some act, I will not say, wise or unwise, the Bay State, for example, had bartered off her sovereign power to tax her soil, and nevertheless the laws and Constitution of the country had guaranteed to her at the same time that she should remain in the Union, "having the same rights of sovereignty, freedom, and independence as the other States." Under these circumstances, would her citizens or representatives in Congress remain silent and satisfied spectators of their own dependence and vassalage? I pretend not to say they would violate their honor and honesty in nullifying the act that caused their degradation; but I do say they would try all honorable means to relieve their country from this condition, and place themselves, as the God of nature had done, on an equal footing with the rest of the American people, and the American States.

This equality of condition and standing with the original States, is all I ask for my constituents, and I ask it to be granted to them on honorable and honest principles. Their rights on this subject are based on the fair and honest construction of the original cession acts, and the equitable and common sense understanding of the pledges of the General Government, given in various acts of Congress.

In the cession act of Virginia is contained this provision: "That the States so formed shall be distinct Republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence, as the other States."

The following is the provision contained in the act or "resolve" of Congress of March, 1784, to wit: "Which States shall hereafter become members of the Federal Union, and have the same rights of sovereignty, freedom, and independence, as the original States."

This extraordinary provision is contained in the act of Congress of 18th April, 1818, authorizing the Territory of Illinois to form a State Government, to wit: "And the said State, when formed, shall be admitted into the Union, on the same footing with the original States, in all respects whatever."

Giving the cession act, and the several acts of Congress on this subject, a fair and equitable construction, what will be the conclusion? Will any candid man believe that the State of Virginia—a State that has been so signally characterized for her liberality and enlightened policy—had the least intention, at the time she made this liberal and generous cession of the Northwestern Territory to the General Government, that the States formed in this territory should be on a dependent and different footing with "the original States." If the policy of Virginia had been as oppressive as that practised by the General Government on the new States, Kentucky would not yet have finished paying for her lands. If this were the policy, the people of Kentucky would have been compelled to pay for their lands, as those States north of the Ohio river have to do at this time.

It cannot admit of a doubt, because the expression is clear and explicit to the contrary, and the fair and honest construction of the acts of Congress will also compel us to come to the same conclusion.

It is a fundamental principle laid down by the most enlightened and intelligent statesmen and law writers, that a sovereign State or Government has no power to deprive itself of any of its essential attributes of sovereignty. Any alienation of the sovereignty of a Government which would deprive that Government of its ordinary action for the good of the people, would be null and void. The rights of eminent domain must be preserved in a State, or else it would cease to be a Government of such sovereign power as would enable it to act for the good of the people.

The taxing power in all Governments is an essential attribute of sovereignty, and falls most manifestly within the above rule. The conclusion cannot be resisted, that any act by which a sovereign State is deprived of the taxing power, is null and void.

If the State of Illinois were to levy a tax on all the lands within the limits of the State, the subject

of the sovereignty of the State would thereby be presented to this nation in an attitude, which, in my humble judgment, would secure success to the State. The reasonable and common sense construction of the doctrine of State rights, would also furnish an argument in favor of the State, that would be unanswerable and irresistible. This appendage to the General Government, of our stupendous land system, weighs like a mill stone around the neck of the States. It is giving the General Government a patronage which the framers of our Constitution never intended; and the sooner the Government can be released from it, on equitable principles, the better for the whole nation.

Yet, notwithstanding the above, I have no idea that the State of Illinois will adopt any policy in relation to this subject that will be harsh or unconstitutional. They have confidence in the honesty and integrity of the American people, and will wait for the ordinary action of the Government to do them justice. The people of Illinois regard the peace and harmony of the Union above all earthly considerations, and will, under the influence of this reason, retain themselves within the bounds of moderation, and a proper regard for self-government. Nevertheless, under these circumstances, and having, as they believe, justice and the laws of the land on the side of the people, is it strange or unreasonable, Mr. Speaker, that they should feel a great anxiety on this subject, and should desire the subject to be urged on the consideration of Congress at all suitable and proper times and occasions.

Were the people of the new States to take fire for their rights, as the Southerners do when an Abolition petition is seen within the walls of this Capitol, this land subject would have been settled long since. Were a convention of all the new States assembled, and make it a common cause among themselves as the gentleman [Mr. PROFFER of Indiana] suggested the other day, the subject would by these means be quieted down, and justice done us. This mode of assembling together is proper and constitutional; and if justice be not done the new States, I hesitate not to say it will be resorted to. Yet, in Illinois, it will be satisfactory to the people at the present time, as far as I am advised, to have the lands reduced in price according to their value, and sold under the prospective pre-emption system.

There can be nothing more just and equitable for both the General and State Governments than the permanent establishment of prospective pre-emptions. In the first place, they are to be confined to a limited and small quantity of the public domain, to wit: one quarter section. This quantity will afford a man in moderate circumstances a small farm on which to settle himself and to raise his family. In the next place, it is confined to the actual settler and to none others. This is also just and proper; as the country is then settled and improved, and the public lands not squandered off to non-residents and speculators. And, in the third place, the revenue of the Government is not injured, but improved.

The following exhibit from the General Land Office shows the amount of sales from 1st July, 1838, to 30th November, and the average price per acre. So it will be seen that the lands sold at a very small fraction more than the minimum pre-emption price:

Land Districts in Illinois.	Amount of acres and purchase money from 1st July, 1838, to 30th Nov. 1840.	Average price per acre.
Shawneetown,	163,048.85	\$207,600 54
Edwardsville,	99,745.85	124,692 48
Kaskaskia,	242,034.53	302,619 11
Palestine,	261,323.63	326,673 61
Springfield,	96,453.07	121,170 56
Vandalia,	301,275.12	377,854 65
Danville,	60,269.88	96,692 45
Quincy,	214,349.00	268,202 14
Chicago,	333,677.49	517,726 74
Galena, (now Dixon),	270,763.02	338,494 16
Aggregate,	2,101,945.49	\$2,671,746 76
Average price per acre each period,		\$1 27 10

The additional settlement and improvement of the country by means of these pre-emptions, would increase the sales of the public lands with much more advantage to the revenue than the small loss of a fraction of a few cents per acre would injure it.

Pre-emptions have been found just and equitable. The Government has so considered it, as we see, Mr. Speaker, that that policy has prevailed until it has ripened into a system. Yet, what is strange, the trouble and expense of granting temporary pre-emptions have been continued in Congress to the present time. The *prospective* system which I have proposed in the instructions, is much better than the other, in every respect. It will be, amongst other things, a great saving to the Government to cease legislating on the subject, and at the same time it will secure certainty and stability to the actual settler. The time can be allowed for one or two years from and after the time the improvements and settlements are made, so that the pre-emptor can remain secure and in peace on his improvement until the time expires. In that time, the cultivator will be enabled to procure the necessary amount of money to purchase his farm. This will increase the settlement of the country, and at the same time increase also the revenue arising from the sales of the public lands.

Mr. Speaker, I am astonished to find so many individuals in the old States, who are utterly opposed to the growth and prosperity of their younger sisters in the Confederacy. The whole Union is composed of the same common people, and each ought to be proud of the growth and prosperity of the others. This is the case of many of the liberal and enlightened citizens of the Union: but the cold and benighted policy of some is to retard and prevent the increase of wealth and population of the new States. They say, the new States drain the wealth and population from the parent stock, and thereby become, in a short time, mighty empires. Moreover, the strange and unfounded assertion is made, that it is by the liberal and enlightened policy of the General Government, that new States grow and prosper in such an unparalleled manner. "Mark now, how plain a tale shall put these assertions down."

In the first place, it is true, that no country on the globe has prospered, and increased in wealth and population in such extraordinary manner, as the State of Illinois has done within a few years past. The great increase of the popular vote given at the Presidential election in November last, was astonishing to the people of the State, as well as to those out of it. It amounted to ninety-three thousand and thirteen votes. The reason of all this is not what Congress has done for the State; but is to the action of an infinitely higher power that we ascribe the cause of our prosperity and happiness. It is the natural fertility of the soil, the great number of navigable streams surrounding and intersecting the State in all directions, and the congenial and salubrious climate of the country, that have all conspired to render this State the most desirable residence for the masses of mankind of any other country on earth. I may add further, that our State has not only these advantages, but is located on the shore of one of the great inland seas, and has, with these facilities, the means of carrying her products to either the Southern or Northern markets in a few days. One more fact, and then the whole foundation of our growth and prosperity is exhibited to the world; and that is that "no involuntary servitude" does exist in our State.

It must also be recollected that the whole valley of the Mississippi presents one of the largest and most fertile regions of country on the globe. It is almost three thousand miles in diameter in every direction, and its fertility unequalled. This whole region is fast filling up with population and wealth, and no earthly power can arrest it. The die is cast; the old States must surrender at the discretion of justice in a few years. When the old States are filled up to overflowing with their hardy working population, and their workshops and factories are crowded so as to injure and oppress the inmates, then we will give them a hearty welcome in the West, and place them in prosperity on the patrimonial estate of the nation.

Let us turn our attention to the subject, and see what Congress has done for Illinois. It is true that Congress has been graciously pleased to permit us to remain in the Union; and this is about all the blessings we have received, as far as my recollection serves me, from that quarter. We have had granted to us some of our own soil, which was appropriated either for national objects, or to enhance the value of the rest of the public lands, and to expedite the sales of the same. And in return, what have we done? The people in the West found the country a wilderness, inhabited and surrounded by savages. With labor and hardship, persevering through, and overcoming all perils and dangers, they improved the country, and reclaimed it from its original wild state. This was no easy matter to accomplish. Many of the best men, and the most choice spirits, perished in the progress of the work. Sickness, and the danger of the Indian enemy, were frequently visited on the pioneers of the West; and, on many occasions, death was the result. While the people of the West were experiencing all these hardships and privations in settling and improving the country, the other class of citizens in the old States was enjoying the blessings and luxuries of a civilized life, surrounded with all the comforts and enjoyments of which man is susceptible. With our enterprise and labor we have made roads, public and private improvements throughout the country; so that by our work, hardships, peril, and toil, we have given to the public lands almost all the value they possess. What has been the consequence? Lands being thus made valuable, were purchased with rapidity; almost all the money in circulation in the State was paid into the land offices, and scarcely one dollar of it ever returned. Very rarely has there been any disbursements of the public money on national works or otherwise in the State. Heavy drains of money out of the country, and no return, is the policy under which we have been laboring in Illinois for many years. It is the great natural advantages of the country that has sustained us under these circumstances, and not the liberality or generosity we have experienced from the General Government.

The following exhibit from the General Land Office will show the amount of moneys received from the State of Illinois for the sales of the public lands within her limits:

Payments into the Treasury from sales in Illinois from the commencement of the sales to		
31 Dec. 1834	-	\$3,519,268 78
1835	-	2,461,125 03
1836	-	3,705,013 93
1837	-	1,075,239 73
1838	-	818,923 32
1839	-	1,460,525 65
30 Sep. 1840	-	528,883 01
		\$13,568,979 45

The above large amount of money was paid by the citizens of Illinois to sustain the Treasury of the United States, where, at the same time, the citizens of the old States paid not one cent into the Treasury under a similar system of taxation. We consider it unjust to be taxed for our lands when the citizens of the old States had their lands for little or nothing. Nevertheless, I am not disposed to array in hostile attitude one section of the Union against another. Justice will be done us. We have the utmost confidence in the honesty and intelligence of the American people. Time and investigation will do justice on the occasion, and that is, in fact, all that we in the least desire on this or any other subject.

The pre-emption laws are for the peculiar benefit of the poor man; and I hope, Mr. Speaker, that the party all over the Union, who have figured so conspicuously and with such success, in the recent campaign of log cabins and coon skins, will now come to the relief of the tenants of log cabins, and carry out in practice their professions. In the heart of the city of New Orleans is a log cabin, decorated in the usual style, with coon skins and a canoe on top; one in Mobile, and one in this city. These cabins, with a thousand others over the Union, stand as so many monuments of professed

friendship and attachment for the poor man. These demonstrations cannot be denied, and the poor man will expect the party who have promised so much in this manner, to redeem their pledges. A failure to perform now, in granting the pre-emption rights, will be considered by the *real log cabin tenants* as abusing their confidence.

It is so manifestly just and right in all respects to grant *prospective* pre-emptions, that I will submit the subject to the House, and examine in a very brief manner the other proposition—the reduction of the price of the public lands according to their value.

This proposition appears so self-evident to the comprehension of all mankind, and is so intimately connected with the plain principles of common sense, which are recognised by the whole mass of the people, that it seems to me it needs no elucidation whatever. All I wish is for the land to be sold according to its value; and that, too, to *actual* settlers in limited parcels.

It is frequently stated that the whole country West is fertile, and that the *minimum* price is cheap for the worst quality of these lands. This is a misapprehension of facts. Although there are great quantities of good land in the West, yet in many of the new States and Territories there is also much of an inferior quality, which is almost entirely valueless. In some of these States and Territories there are barren mountains, and in others swamps and inundated lands near the great rivers. These are not common; but when they do exist it is just and right that this inferior quality of land should be sold as well as the other, so that settlements may be formed throughout the whole country. To settle and improve the country was one of the stipulations of the Government, when it acquired this territory, and to carry out this policy is the honest performance of the contract.

The transactions of the Government in relation to the public soil must be regulated by the common sense course observed amongst mankind. There can be no mystery or miracle practised by the Government so as to sell the public lands different, or adverse to the common sense of the people. Let us test the subject before us with the notions and actions of business men. Suppose an individual has articles to sell—land if you please—and he is in truth and in fact desirous to make sales, having need for the money, and not at all wanting the article which he has for sale, as it is with the case of the United States. After offering the article, or land, for a reasonable time, at public auction, and at private sale, and finds no purchasers, what does he do? It requires no book education to say what to do. He reduces the price, and reduces until a sale is effected. It is not the seller alone that regulates prices, it is the general sense of mankind in relation to money, which is the standard that fixes the prices of all things. Therefore the Government alone has no power to fix an arbitrary price on the public lands higher than public opinion will justify, and that too under the agreement entered into at the time these lands were ceded to the United States.

It will be seen, by the following table from the General Land Office, the time the public lands have been in market in Illinois:

Lands remaining unsold in Illinois on the 30th of June, 1840, that were brought into market, or offered at public sale, during the following periods, viz:			Acres.
From 30th June, 1805, to 30th June, 1810,	-	-	70,837
" 30th June, 1815, to 30th June, 1820,	-	-	4,210,460
" 30th June, 1825, to 30th June, 1830,	-	-	3,409,661
" 30th June, 1835, to 30th June, 1840,	-	-	1,034,994
" 30th June, 1830, to 30th June, 1835,	-	-	1,913,981
" 30th June, 1835, to 30th June, 1840,	-	-	3,357,549
			13,997,682

It appears from the above official statement, that a considerable quantity of land has remained in market, in Illinois, for thirty-five years. These lands have remained in market for sale for more than half the period of our national existence, and are yet "unsold in Illinois on the 30th of June, 1840!" Is this complying with the fair and equitable understanding of the contract made at the time these lands were acquired? These lands remain in the hands of the Government unsettled and unimproved, to the great injury of the country.

I may further add, that the Government stands

in need of the proceeds of the sales of these lands. By a fair and reasonable reduction of the price these lands would sell; and thereby the Treasury of the United States be improved and benefited.

In every possible bearing of this subject, and every consequence considered, it seems to be just and right to reduce the price of the public lands to actual settlers, according to their quality and value.

I pretend not, Mr. Speaker, to dictate to the committee, or to this House, the mode and manner of ascertaining the real value of these lands. There may be various modes adopted; but that which seems to me the most reasonable and practical, is to judge the quality and value according to the time the lands have been in market. I do not expect or solicit the indiscriminate reduction of the price of all the public lands before they are offered in market. Nor do I expect them reduced until they are offered for sale during a reasonable time under the present system.

I am not alone in these sentiments. President Jackson, in his fourth annual message, delivered Dec. 4, 1832, presses this subject, in a very forcible manner, on the attention of Congress and the nation. The same recommendations were heartily followed up by Mr. Van Buren, the present Chief Magistrate, and urged on Congress.

I will present to the House an extract from the above message of General Jackson, which will exhibit his sentiments on this subject in a very energetic manner, to wit:

"It seems to me to be our true policy that the public lands shall cease, as soon as practicable, to be a source of revenue, and that they be sold to settlers in limited parcels, at a price barely sufficient to reimburse to the United States the expense of the present system, and the cost arising under our Indian compacts. The advantages of accurate surveys and undoubted titles, now secured to purchasers, seem to forbid the abolition of the present system, because none can be substituted which will more perfectly accomplish these important ends. It is desirable, however, that in convenient time this machinery be withdrawn from the States, and that the right of soil and the future disposition of it, be surrendered to the States, respectively, in which it lies.

"The adventurous and hardy population of the West, besides contributing their equal share of taxation under our impost system, have, in the progress of our Government, for the lands they occupy, paid into the Treasury a large portion of forty millions of dollars; and of the revenue received therefrom, but a small part has been expended among them. When, to the disadvantage of their situation in this respect, we add the consideration that it is their labor alone which gives real value to the lands, and that the proceeds arising from their sale are distributed chiefly among States which had not originally any claim to them, and which have enjoyed the undivided emolument arising from the sale of their own lands, it cannot be expected that the new States will remain longer contented with the present policy after the payment of the public debt. To avert the consequences which may be apprehended from this cause, to put an end forever to all partial and interested legislation on this subject, and to afford to every American citizen of enterprise, the opportunity of securing an independent freehold, it seems to me, therefore, best to abandon the idea of raising a future revenue out of the public lands."

I will also bring to the consideration of this House, the views of Mr. Van Buren on the subject of the graduation of the price of the public lands. They are contained in his message of the 2d December, 1839, to wit:

"The passage of the graduation law, with the guards before recommended, would also, I am persuaded, add considerably to the revenue for several years, and prove, in other respects, just and beneficial.

"Your early consideration of the subject is, therefore, once more earnestly requested."

These sentiments, both emanating from such authority, must have great influence in the adjustment of this question. The exalted station which they both occupied at different periods, gave them

the opportunity to contemplate the subject with calm disinterestedness, and to give such judgement therein as will have much weight and influence with their countrymen.

Mr. Speaker, I believe it cannot be found in the history of any nation, save that of the United States, where the public domain has been sold to the people at so high rates, as in our own country. Good grounds may have existed for this policy when we were emerging from a most severe contest in the Revolution, and when we were weak in numbers and wealth at the time we commenced our national existence. These times and circumstances have all passed away. This nation, in population and in wealth, at this time, bears no comparison to itself in former days. It needs no revenue from the public lands, but should derive its resources from an improved and wealthy country. The real wealth and prosperity of the nation is not found in the acres of the public lands held by a doubtful title; but its real wealth and resources are based on an improved and cultivated country, inhabited by an honest and industrious population. This is the wealth and prosperity which the nation will experience, by extending to the West a wise and liberal policy in the adjustment, and in the proper disposition of the public lands. So soon as these measures are accomplished, and the whole country in the West is occupied by farmers, residing on their own freeholds, there will exist a political millennium. After this subject is settled, no common cause of dissatisfaction can exist, nor any other general question can arise that can agitate the whole country, as the present subject of the public lands does.

I sincerely hope these times may soon be experienced in our country; and for their advancement, and their happy consummation, I depend on the good sense and honesty of the American people.

A decisive vote of this House approving of these instructions, would be a considerable step towards the proper and equitable adjustment of this question, and be hailed in my district in Illinois, as the harbinger of good times and good feelings.

SPEECH OF MR. TURNEY, OF TENNESSEE,

In the House of Representatives, January 15, 1841—

In Committee of the Whole, on a bill for the relief of Nathaniel Goddard, Thomas H. Perkins, and others.

MR. CHAIRMAN: The gentleman from Massachusetts [Mr. SALTINSTALL] the other day, when I inquired of him respecting one of the petitioners, Thomas H. Perkins, seemed to deny my right to do so, and doubted the propriety of answering my inquiry, on the ground that it was irrelevant to the case, and improper in itself, and that his answer could not and ought not to have any influence upon the question. In order that the House may judge of the relevancy and propriety of my question, I will read from the Intelligencer the question I propounded, and his answer, as they are reported in that paper:

"Mr. TURNEY rose, and said he wished Mr. SALTINSTALL to inform him whether the Thomas H. Perkins, who appears to be one of the parties interested in this bill, was the same Thos. H. Perkins who was one of a committee sent by the Hartford Convention to Washington, in 1814, to ask Mr. Madison to resign the Presidency of the United States.

"Mr. SALTINSTALL said he did not recognise the right of the gentleman to put such a question; nor was he certain that he ought to answer it; it was irrelevant to the case, and improper in itself, and the answer to it could not properly have, and ought not to have, any influence on the question before the House. This House, the country, and the gentleman himself, knew very well who Thomas H. Perkins was. The Thomas H. Perkins who is a party in the present claim is, probably, the Thomas H. Perkins alluded to by the gentleman; but he was as pure, as virtuous, as honorable, as high-minded, and as patriotic a man as the country contained."

Now, I submit to the House whether this inquiry was not relevant and proper, and whether the answer of the gentleman does not elucidate the merits of the question before the House. What is the question? It is, as I understand it, that, notwithstanding the ship *Ariadne* had violated the laws of the United States in having on board a British license, and was therefore legally and rightfully condemned, yet the petitioners claim that the amount of the forfeiture accruing to the Govern-

ment for the vessel and her cargo ought to be refunded to them, because the petitioners were ignorant of the law, and acted in good faith to the Government. If this were true, there would be some equity in the claim. To establish these facts, the gentleman from Pennsylvania [Mr. SERGEANT] and the chairman of the Committee of Claims [Mr. RUSSELL] and, also, the gentleman from Massachusetts [Mr. SALTINSTALL] all directed the whole force of their arguments. Whether they succeeded in convincing the House, I am unable to tell; but I can say, that they did not satisfy me. How are we to ascertain whether the petitioners had a knowledge of the laws? And how are we to arrive at their intentions in violating those laws? The fact is not only proven, but admitted by the petitioners themselves, that the ship and cargo had been forfeited by its owners, and legally and properly condemned. Further, the fact that Cadiz, the Spanish port to which the ship was bound, was known to be in possession of the British, has not, and, I presume, will not be denied. That this cargo of flour was used by the British forces, at a time when there was a war between England and the United States. If this flour was furnished to the British with a full knowledge of the existence of the war, and with an intention to aid and assist the enemy, it was treason against our Government, for which the petitioners, instead of being relieved by the passage of this bill, deserved to be hung until they were dead. Then, sir, the intention with which the petitioners carried on this illegal trade with a hostile nation, becomes a most important inquiry in the consideration of this bill. The acts of men serve as an index to their secret thoughts and designs. If the petitioners were shown to be patriotic friends of their country in the prosecution of the war of 1812, it would go far to prove the absence of a criminal intent in prosecuting their commercial transactions. But if, on the contrary, it should be shown that they were in the constant habit of affording to the enemy all the aid and assistance in their power, it would, in my judgment, be conclusive evidence of treason. The object of my inquiry was to ascertain whether Perkins (one of the petitioners) supported his Government during the war, or whether he was in any wise connected or identified with the Hartford Convention.

It having an important bearing on the merits of the question now before the House, I wished to know whether he sanctioned or approved the treasonable designs and proceedings of this ever memorable convention. If so, and I expect to prove it before I take my seat, instead of regarding him "as pure, as virtuous, as honorable and as high-minded, and as patriotic a man as the country contained," I shall not hesitate to denounce him as a traitor to American liberty, and not entitled to sympathy or relief from freemen.

Mr. Chairman, the gentleman from Massachusetts [Mr. SALTINSTALL] admits that one of the petitioners is the identical Thomas H. Perkins who was of the committee sent to this city in 1814 by the Hartford Convention, to ask Mr. Madison to resign the office of President of the United States. Now, sir, before I inquire into the merits of that famous convention of which Mr. Perkins was the advocate, and afterwards one of its missionaries to Washington, I propose to examine the part he took in the earlier stages of the war. I think I shall be able to show that he was virtually engaged in a conspiracy against his Government from the beginning of the war to the time that the news reached him of the treaty of peace, and the no doubt still more unwelcome news to him, the overthrow of his British friends at New Orleans. Here let me remark that this news reached him, while acting as minister plenipotentiary of the Hartford Convention. I now hold in my hand a document, the title of which is "WHIGERY IS FEDERALISM," prepared with great care and accuracy by two highly respectable gentlemen of Massachusetts, for which they are entitled to the thanks and gratitude of their countrymen, and I now sincerely tender mine; they are Charles G. Greene and B. F. Hallett, esqs. From this document, I hope to establish, to the satisfaction of this House, that Mr. Perkins is one of the last men in the Union who should ask

or expect to receive any favors at the hands of his country. I will call your attention, sir, to the following paragraph:

"In the Massachusetts Senate, October 8th, 1814, Harrison Gray Otis reported the bill for the Hartford Convention, which was carried, 22 to 12. Its principal advocates were Messrs. Otis, Quincy, and White, all now Whigs. Of those who voted for it, there are now living Josiah Quincy, President of Harvard University, Harrison Gray Otis, THOMAS H. PERKINS, and Daniel Sergeant, of Boston."

Here, sir, we find Mr. Perkins, in the Senate of the State of Massachusetts, voting for the Hartford Convention. The objects and design of that convention I will show before I shall resume my seat; for the present, I will proceed with Mr. Perkins. We next find him voting for a resolution which declared, that in a war like the present, (1812,) waged without justifiable cause, it was not becoming a moral and religious people to express any approbation of military exploits. Sir, he did not stop at this: he went further, and voted for a report of a committee, which is as follows:

"The resolve of the 13th of June is in itself highly correct and expedient to form the grounds of constitutional opposition and patriotic discouragement to the prosecution of the war."

"This passed, 20 to 8; and the survivors who voted for it were Josiah Quincy, Thomas H. Perkins, Samuel Putnam, Silas Holman, Daniel A. White, S. C. Allen, Solomon Strong, Nahum Mitchell, and James Richardson, of Dedham—all but Mr. Allen prominent Harrison men, and all now holding Whig State offices, three of them being judges in the land."

The sentiment expressed in this report is, that it is constitutional to oppose, and patriotic to discourage, the prosecution of the war—a high-toned Federal sentiment—it is even more—it is the sentiment of a Tory. This is Federal patriotism for you, and I am free to admit that Mr. Perkins has as much of that kind of patriotism as any man in the whole country. Yes, sir, to oppose the prosecution of the war was considered constitutional and patriotic—it was so established by the Federal party in their legislative enactments of the State of Massachusetts—and it is no doubt the kind of patriotism to which the gentleman from Massachusetts alludes in his eulogium on the character of Mr. Perkins; if so, I think it well bestowed. Even after the war was over, so late as 1824, when there was scarcely a division of opinion in regard to the war, Mr. Perkins's patriotism remained the same as it was when he sailed his vessel under a British license. It was in that year that the Democratic party elected a majority of the members of the Legislature of Massachusetts, and an attempt was made to relieve the journal of those disgraceful resolves which had been placed upon it eleven years before. A few lines read from this valuable document, will show the part Mr. Perkins acted:

January 17, 1824, "That the resolve of the 15th of June, 1813 and the preamble thereof, be, and the same are hereby EX-PUNGED from the journals of the Senate."

The survivors who voted against the expunging, are Thomas H. Perkins and Peter C. Brooks of Boston.

Here, sir, we see that Mr. Perkins acted in accordance with his old Federal feelings and principles. In opposition to the Democratic party in the effort to expunge the disgraceful resolution that it was unbecoming a moral and religious people to rejoice at their country's victories, he, true to the Federal party, and uncompromising in his hostility to the Republican measures of the Government, reiterated one of the most odious sentiments that ever received the sanction of legislative enactment in this country. Yes, sir, in the whole of his career, so far as the history of the times brings it to my view, he has been uniform and consistent in opposing the best interests of his country. He was at first kind and liberal in supplying the British with provisions in direct violation of the laws of the United States; and in the next place aided and abetted the treasonable assemblages at Hartford, in their unholy efforts to destroy the Government. Yet we are told by the gentleman from Massachusetts, [Mr. SALTONSTALL] that Mr. Perkins is as patriotic as any man in the country! The gentleman must mean in the whole country of Massachusetts, and with particular reference to the Federal party in that State; for I am certain that his remark would not apply to Tennessee. Nor do I imagine that any person in the State of Massachusetts would endorse the eulogy which has been pronounced upon Mr. Perkins on this floor, unless it be by those whose opinions corresponded with those who

voted for the resolutions which declared it constitutional to oppose, and patriotic to discourage, the prosecution of the war. In this kind of patriotism I am free to admit that Mr. Perkins has few rivals of equal pretensions.

I will prove to the House that it was not only held to be patriotic to supply the enemy with money and provisions, and every other aid and assistance which could be afforded, but it was regarded by the patriots of the Federal school as disgraceful and infamous to afford aid to the Government in prosecuting the war. I will read the proof of this.

[Here Mr. TURNER read from the Olive Branch as follows:]

"At this awful moment the disorganizing, the Jacobinical idea was not unfrequently advanced in our coffee houses and in our streets, that the war having been begun by the Democrats, they must carry it on; that they had no right to call on the Federalists for assistance, which the latter ought not to afford; that if the Democrats compromised the honor and interest of their country by dishonorable peace, the Federalists should take the power out of their hands, and then contend for the violated honor and dignity of the country; that the British could not, nor consistently with a regard to their honor, ought they to treat with Mr. Madison, who should be compelled to resign; with a vast variety of the same patriotic doctrines, which were publicly promulgated in some of our newspapers. At the same time a few desperate men were preparing to add to the general distress and difficulty by a dissolution of the Union."

Sir, this needs no elaborate comment from me. It was asserted to be a war commenced by the Democrats, that the Democrats should carry it on, and that they had no right to call on the Federalists for assistance, and that none ought to be afforded by the latter. Thus, according to the Federal creed, it was not a national, but a Democratic war; and pursuing the same mode of reasoning, it was patriotic in the Federalists to refuse lending money to Government, and to discourage enlistments of men to prosecute the war. Perhaps, under patriotism of this kind, a justification could be found for supplying the enemy with provisions. Sir, there is another idea expressed in this extract, which strikes my mind with great force; it is what the "British could not, nor consistently with a regard to their honor, ought they to treat with Mr. Madison, who should be compelled to resign." Why could they not consistently with their honor, treat with Mr. Madison? and why should he be compelled to resign? Was it because they had entered into treaty, alliance, or engagement with the Federal party of the United States, wherein they had promised or agreed not to treat with Mr. Madison? or had they promised or agreed to assist the British in forcing him to resign, and which the Hartford Convention attempted to execute by sending a committee, of which Mr. Perkins was one, to demand the resignation of the President? Was it the object and intentions of the high contracting parties in forcing Mr. Madison to resign, to place the Federal party in power in order that they might so change and remodel our form of Government so as to make it meet the views of the Federalists and the British? How was Mr. Madison to be forced to resign? Was it to be done by the British bayonet, sustained and supported by the Federal party of the United States? If this was not the understanding between the contracting parties, the gentleman from Massachusetts [Mr. SALTONSTALL] or some other Federalist can inform us what it was. I will not dwell longer on this passage; the evidence is stronger and more conclusive than any argument I can adduce. I will now read another extract from the same book, page 312:

"Men in the 'moral and religious' town of Boston are obliged to lend their money to their own Government by stealth. But in the face of day, within the knowledge of a whole community, they send specie to the common enemy; can human nature sink lower? They are 'too moral and too religious' to rejoice at the victories of their fellow-citizens; but they are neither 'too moral, nor too religious' to aid the enemy to victory. An age of penitence in sackcloth and ashes would not efface this foul blot from the escutcheon of Boston."

This, sir, is a sample of the Federal patriotism—constitutional and patriotic, agreeable to legislative enactments of the State of Massachusetts to which I have referred. I will not consume more of your time in reading from this volume to prove the opposition of the Federalists to the war, and having shown that during that gloomy period they were engaged in supplying the enemy with money and provisions, I shall turn my attention to Mr. Perkins and the Hartford Convention; the part he took in getting up that Convention, and his endeavors to enforce its resolves. It remains to show the objects and designs of its authors.

[Here Mr. T. was interrupted by Mr. WINTHROP of Massachusetts, who called him to order, alleging that it was out of order to discuss the merits of the Hartford Convention on this bill; but the CHAIR decided that Mr. TURNER was in order. Mr. TURNER then proceeded, when he was again called to order for the same cause. The CHAIR adhered to its former decision, from which an appeal was taken; when a number of Whig members alleged that it was out of order to discuss the merits of the Hartford Convention on this bill. Mr. CALHOUN of Massachusetts then rose and requested his colleague to withdraw his appeal, remarking that the discussion was out of order, but he hoped that the appeal would be withdrawn, and Mr. TURNER permitted to conclude his speech; and he expressed the further hope that none of his colleagues would reply to it. The appeal was then withdrawn, and Mr. TURNER proceeded.]

Mr. Chairman, is it not remarkable that I am so often interrupted by gentlemen in calling me to order? and is it not more remarkable still, that in every instance it is done by the Whig members of this House. Why is this? Have I attempted to discuss party politics? Have I not confined my remarks to the merits of this bill? Why are the Whig members so exceedingly sensitive whenever the subject of the Hartford Convention is mentioned? Why shrink from this investigation? Is it because they shudder at the conduct of their own party, or is it because they are apprehensive that the identity will be shown and expressed of the modern Whigs with the old Federal party, as it easily can be, and often has been done? Where were the old Federalists in the late Presidential election? Were they not all good and true Harrison Whigs! Mr. Perkins voted for Harrison; the old Hartford Convention Federalists voted for Harrison, and they are now the leaders of the Whig party coming into power. They do not desire that the people should know this, and hence their great uneasiness, whenever the subject is mentioned. On the contrary, it is a part of their system to conceal their real designs, just as they did during the war; for exposure is certain defeat to their party. Sir, the gentleman from Massachusetts [Mr. CALHOUN] hopes that my speech will not be replied to; no doubt of it; because he knows that my facts cannot be controverted, and that the conduct of his party is indefensible. An attempt to reply would confirm my facts and give strength to my arguments; he is therefore right in requesting his colleagues to be silent. Now, sir, I will proceed to show the objects and designs of the Hartford Convention; in doing which I will not ask the House to take my statements, but will rely upon the proof of others. I will now read a letter of Mr. Aaron Wallis, who is vouched for as a gentleman of high respectability, and a worthy member of the church.

Here Mr. TURNER read as follows:

"Sir: After perusing Mr. Parmenter's speech, in relation to the Hartford Convention, I find a very important part omitted viz: the view the British took of their assembling together."

"Being at that time at Halifax, a prisoner of war, at work, with John Shatswell, of Salem, and Alexander Black, of New York, in the King's Store, on the north side of the Parade, at Melville Island, in the winter of 1814, one Major Nickholde, or Nichols, of the 90th or 92d regiment, (I think the 92d,) acting, as was said, as assistant quartermaster general of his majesty's forces at Halifax, came on to the island about 2 o'clock, p. m. After transacting some business with the royal artilleryman, with relation to the telegraphic flags, &c. he came into the store, where Shatswell and myself were making a chest of drawers, and Black a sleigh, all for Captain Cuttchett, of the royal navy, the transport agent for prisoners, and said, 'Well, boys, what are you at?' 'At work for the agent, sir.' After inquiring as to our fare, treatment, &c. he said, 'Well, boys, where do you belong?' Shatswell and myself hailed from Salem, and Black from New York. 'How long have you been here?' We answered according to time; when he immediately said to Shatswell and myself, that we should be sent home in a few days, as the Nantucket men had been. We inquired the cause; and he immediately stated, that 'a convention of delegates from the New England States meet this day at Hartford, for the purpose of withdrawing from the Union, and declaring their neutrality, when all the New England men will be sent home, as the Nantucket men have been, immediately.'

"We made inquiry how this was to be brought about; and he replied, 'The whole has been arranged. The fleet in Boston Bay will watch a favorable wind, and appear off the light, when the troops at South Boston will take up their line of march through Boston for Charlestown, ostensibly for the protection of the navy yard, but in fact to prevent Commodore Bainbridge from shedding blood. The fleet will sail up past the Castle, without firing a gun; and the troops at Charlestown will immediately march into the navy yard; and the choice officers, already selected, will surround Commodore Bainbridge, and say to him, Sir, do yourself no harm; you must not burn powder this day; and no one will hurt you. The fleet will anchor off Long Wharf, and

all will be quiet immediately, as the naval commander has his orders to place Harrison Gray Otis at the head of affairs, until the pleasure of the Prince Regent is known. All this has been arranged among the leading men, but will not be made public until the fleet anchors off Long Wharf?

"Black inquired, 'what will you do with me?' 'As you belong to New York, you must ride it out; we shall not go to New York—only to the New England States.' 'By God,' said Black, 'you had better not go there; you will find old Tompkins at home!'

"So sanguine was Major 'Nickhols of the success of the whole plot, that he declared his belief that the five-striped flag would fly at the State-house in less than one fortnight. He further stated that we should know all about in a few days, as a gun-brig or sloop-of-war, (I think a gun-brig,) had sailed for Castine, a week ago, to fetch down the news, and would be back shortly, when we should know all about it.

"Sir, when you were at Ipswich, last fall, I stated to you that I supposed I was in possession of some facts in relation to the Hartford Convention that I was desirous of making known, but dared not, for fear of the consequences to my family. The above are the facts alluded to at that time. They are now at your disposal, provided you work them into the history of our country, where they belong.

"Your obedient servant,

"AARON WALLIS.

"To B. F. HALLETT, ESQ.

"Ipswich, June 24, 1840."

Sir, does not this letter prove a settled purpose and systematic plan of the Federal party to dissolve the Union, and trample under foot the fairest fabric of human liberty ever conceived by man? Can any one doubt it? It may be said by some sceptic, who is either unwilling to believe, or is fearful that the people will see into the unhallowed objects of the Federal party, that this is only the statement of Mr. Wallis, and that they will not, and ought not, to condemn the whole party on the testimony of a single witness. Sir, this would be enough; but I will go further, and sweep from under them even this flimsy defence. I have abundance of testimony yet to submit, which corroborates the statements of Mr. Wallis, and testimony, too, which I do not suppose that any will dare to question. I will now read an extract from the British United Service Journal of May, 1840:

"Among the many dangers to which the American Republic must always be exposed in a war with Great Britain, not the least is that of a split among themselves, and consequent break up of their Federal Union. The slave question is a wedge strong enough to effect this at any time; but we could employ another nearly as powerful."

After stating that the Western States were in favor of the war, the British writer adds:

"Not so with the New Englanders: they, on the contrary, began to cast about to see how they could best extricate themselves from the strait to which the mad policy of Mr. Madison and the General Government had driven them. The inhabitants of the island of Nantucket made an overture to our commander-in-chief to remain perfectly neutral during the war, excluding the armed vessels of both belligerents from their harbors; whilst in another quarter, a far more extensive scheme of 'nullification' was seriously set on foot, and began to make a rapid progress amongst some of the most respectable and influential inhabitants of New England."

"Which thus originated the Hartford Convention; and the object of that body, the British writer says:

"Was to separate the Northern and Eastern from the Southern and Western States, to establish a limited monarchy in the first named States, placing one of our princes of the blood on the throne, and strengthening the new transatlantic kingdom by an alliance offensive and defensive with England. The treaty at Ghent put a stop to the correspondence, which was in active progress on this subject; but that correspondence is still in existence, and however improbable it may appear to Yankee pride, were a war to break out again between us, something similar would occur before the 'United States' were two years older. The destruction of the public buildings at the nominal seat of the Federal Government, it was conceived would indirectly, if not directly, forward the views of the New England separatists."—*United Service Journal of May, 1840.*

Sir, I will not offer one word of comment on this proof, which is so conclusive in itself that any comment of mine would only tend to mystify that which is of itself clear and certain. I will only add that this proof corroborates and sustains the statement of Mr. Wallis; and now I will proceed with my proofs. The next thing is the instructions of Governor Craig to the celebrated John Henry, and Mr. Henry's letter to the Governor, and which are as follows:

"Governor Craig's instructions to Henry, dated

QUEBEC, February, 1809.

"I request you to proceed with the earliest conveyance to Boston—to obtain accurate information. The wealth of Massachusetts—the number of its inhabitants—the known intelligence and ability of several of its leading men, must give it a considerable influence over the other Eastern States, and will probably lead them in the part they are to take. Your judgment and connections there will guide you."

"I use general terms in describing the object in view. It has been supposed, that if the Federalists of the Eastern States should be successful, and obtain the decided influence which may enable them to direct the public opinion, it is not improbable that, rather than submit, they will exert that influence to bring about a separation from the general Union. How far, in such an attempt, will they look to England for assistance, or be disposed to enter into a connection with us?"

"You are not to appear as an avowed agent—continue to obtain an intimacy with the leaders, and cautiously advise them,

that if they wish to enter into any communication with this Government, you will transmit it to me."

Henry, in his letter to his employer, thus described, in 1809, what actually was begun, and, but for the peace, would have been consummated in 1816.

"Boston, March 6, 1809.

"I have already given a decided opinion that a declaration of war is not to be expected; but, contrary to all reasonable calculation, should Congress possess spirit and independence enough to place their popularity in jeopardy by so strong a measure, THE LEGISLATURE OF MASSACHUSETTS WILL GIVE THE TONE TO THE NEIGHBORING STATES: WILL DECLARE ITSELF PERMANENT UNTIL A NEW ELECTION OF MEMBERS: INVITE A CONGRESS, TO BE COMPOSED OF DELEGATES FROM THE FEDERAL STATES, AND ERECT A SEPARATE GOVERNMENT FOR THEIR COMMON INTEREST. A. B."

Thus it seems that the reasonable plans of the Federal party had been so far matured, that the British Government had a secret agent in the United States as early as 1809, aiding and assisting the Federal party in devising and executing the plan of not only the dissolution of the Union, but the establishment upon its ruins of a monarchial form of Government. This is not all the evidence I shall submit. I have reserved for the last, what no Whig in this House will dare to call in question; I allude to a letter written by the honorable gentleman from Massachusetts [Mr. ADAMS.] It is dated in 1828:

Extract from Mr. Adams's letter.

"It was in those letters of 1808 and 1809, that I mentioned the design of certain leaders of the Federal party, and the establishment of a Northern confederacy, &c."

"This plan was so far matured, that the proposal had been made to an individual, at the proper time, to be placed at the head of the military movement which, it was foreseen, would be necessary for carrying it into execution."

"The interposition of a kind Providence averted the most deplorable of catastrophes, and turning over to the receptacle of things lost upon earth, the adjourned convention from Hartford to Boston, extinguished (by the mercy of Heaven, may it be forever!) the projected New England confederacy."

Now, sir, you have the object and designs of the Hartford Convention portrayed in language not to be misunderstood, and from the highest sources of authority. After producing as much of such evidence as that which I have read to the House, it can scarcely be deemed necessary for me to repeat that the design of the projectors of the Hartford Convention, and of those who participated in it, was the destruction of our present form of Government and the substitution of a monarchy. Sir, I would ask where are the surviving friends of the Hartford Convention? They are to be found in the ranks of the modern Whigs. Ask Harrison Gray Otis, Thomas H. Perkins, or any of their associates during the last war, who they supported in the late Presidential contest? My word for it, they will tell you that they voted the Whig ticket. Such men as those I have just mentioned, compose the leaders of the modern Whig party—they put General Harrison into nomination, and by means which I shall not stop to discuss, have elevated him to power; and by virtue of his elevation, we need not be surprised if the Hartford Conventionists, under the next Administration, should be the most conspicuous persons and leaders. It is upon such men the gentleman from Massachusetts [Mr. SALTENSTALL] passes such high wrought eulogiums. But to the bill. Did Mr. Perkins know that this cargo of flour was intended to feed the British forces? What did the public prints of that day say on the subject? To show you, I will read a paragraph from Niles's Register, published in 1812:

"In twelve months, the United States sent to Spain and Portugal to supply the British and allied armies, &c. 7,000,000 bbls. of flour. The editor of a British paper makes the supply hereafter a matter for 'serious consideration,' having heard of our embargo. This 'serious consideration' will become much more serious when the news of war reaches England, unless, indeed, the British Ministry should pursue the kind policy that some of their friends in the United States have already proposed to adopt, which is of granting licenses to American vessels to carry provisions to those countries; provided always, nevertheless, the Government and people of the United States shall generously agree to nourish their enemies, and prolong the war, for the more pleasure of fighting."

Was it the object of the owners of the *Ariadne* to supply the British forces with provisions? If a doubt remains of this being the object of the petitioners, I think it will be dissipated on reading the British license which was found on board at the time the ship was captured. I will read it to the House; it forms a part of the report of the committee upon this claim:

"To the commanders of any of his Majesty's ships of war or private armed vessels belonging to subjects of his Majesty."

"Whereas, from a consideration of the great importance of continuing a regular supply of flour and other dry provisions to

the ports of Spain and Portugal, it has been deemed expedient by his Majesty's Government, that, notwithstanding the hostilities now existing between Great Britain and the United States of America, every protection and encouragement should be given to American vessels laden with flour and other dry provisions, and bound to the ports of Spain and Portugal; and, whereas, in furtherance of these views of his Majesty's Government, and for other purposes, Herbert Sawyer, esq. vice admiral and commander-in-chief of his Majesty's squadron on the Halifax station, has directed to me a letter, under date of the 5th of August, 1812, (a copy whereof is herewith annexed,) and wherein I am instructed to furnish a copy of his letter, under my consular seal, to every American vessel so laden and bound, either to any Portuguese or Spanish ports, and which is designated as a safeguard and protection to such vessel, in the prosecution of such voyage: now, therefore, in pursuance of these instructions, I have granted unto the American ship *Ariadne*, Bartlett Holmes, master, burthen three hundred and eighty-two and two ninths fifths of a ton, now lying in the harbor of Alexandria, laden with flour, and bound to Cadiz or Lisbon, the annexed document to avail only for a direct voyage to Cadiz or Lisbon, and back to the United States of America. Requesting all officers commanding his Majesty's ships of war, or private armed vessels belonging to subjects of his Majesty, not only to suffer the said ship *Ariadne* to pass without any molestation, but also to extend to her all due assistance and protection in the prosecution of her voyage to Cadiz or Lisbon, and on her return thence, laden with such other merchandise to the nett amount of her outward cargo, or in ballast only.

Given under my hand and seal of office, at Boston, this fifth [i. e.] day of September, A. D. eighteen hundred and twelve.

ANDREW ALLEN, Jr.

His Majesty's Consul."

Now, sir, I have submitted to the House all the facts and circumstances in this case, upon which it seems to me that there scarcely can be a doubt as to the character of the traffic and intercourse which the British license itself informs us that it was the great importance of obtaining supplies of provisions which induced the British Government to grant such a safeguard to American vessels. Of what then were the delinquent ignorant? Was it of the fact that the law prohibited it? Did they not know it was wrong in itself to supply the enemy of their country with provisions? Whether the law prohibited it or not, they knew that it was aiding an enemy to defeat their own countrymen. Surely they were not so ignorant as all this. No, sir, they were acting upon the principle or their party—that it was right and praiseworthy to aid and assist the enemy and infamous to support their own Government.

Mr. Chairman, I am much astonished that any committee of this House could be induced to report and recommend the passage of this bill, while those who really fought for their country are denied payment for their horses lost in the public service. Yet, with this denial of justice staring us in the face, we are called upon to reward not only traitors in feeling, but those who availed themselves of a British protection to aid and assist an enemy in time of war! I am the more astonished at this when I reflect upon the difficulties existing at this moment—we are now threatened with another war with England; and judging from the past, we might again expect to see these same patriotic men, and all who would be influenced by their example, engaging in the old trade of supplying the enemy with money and provisions; and if you succeed in detecting their treasonable practices, they will again ask you to remit the penalty, quoting this case as a precedent. For one, I will never give my assent to the passage of this bill. No, sir; never.

To prove that the Federal party, which is coming into power by the election of Gen. Harrison under the revered but delusive name of Whig, and to show that the change of name from Federalist to that of Whig, was a mere device to resuscitate the old Federal party, and bring it into power, I have thought it advisable to publish the annexed extracts as an appendix to my speech:

"In 1812, at a Federal convention held in Brentwood, Mr. Webster reported resolutions justifying the public enemy, and condemning his own Government."

While in Congress, he opposed the war at every step. Among volumes of speeches, denouncing the war and the Administration, he said:

"Utterly astonished at the declaration of war, I have been surprised at nothing since. I saw how it would be prosecuted when I saw how it was begun. There is an unchangeable relation between rash councils and feeble execution."

"They (the Federalists) know the limit of constitutional opposition. Up to that limit they will walk, and walk fearlessly."

He thus exulted at the defeat of our arms and the murderous inroads of the savages:

"This is not the entertainment to which we were invited. We are told that these disappointments are owing to the opposition, which the war encounters. This is no new strain. It is the constant tone of every weak or wicked Administration!"

Let the recorded votes of Mr. Webster in Congress show where he was and ever has been.

July 1, 1813, Daniel Webster voted against a bill for assessing and collecting taxes to sustain the war; July 9th, against a bill for duties on refined sugars and sales at auction.

January 7, 1814, he voted against a bill to fill the ranks of the army; January 10, against a bill to detect and punish traitors and spies; January 22, against a bill to enlist troops during the war, in a minority of seven; January 25, against enforcing the non-importation laws; February 8, against raising five regiments; March 29, against calling out the militia to execute the laws and repel invasion; December 1, against providing revenue for maintaining the public credit; December 10, against calling on the States for their quotas of militia to defend the frontiers, on the 19th, against a bill to provide for the expenses of the war, and against a bill to provide for rebuilding the Capitol and public offices which had been burnt by the enemy!

In the same spirit, in 1836, when we were threatened with a French war, and it was proposed to put means in the hands of Andrew Jackson to defend the country, Daniel Webster exclaimed in the United States Senate, "I would not vote for this bill if the enemy were battering down the walls of the Capitol."

A very natural sentiment from the man who voted against rebuilding the Capitol after the enemy had burnt it down.

So much for the army. What did Mr. Webster do for the navy? He now pretends that was his favorite in the war, and the Federalists lately gave him a cane made from wood of Perry's flag ship. What did he do for the navy?

The 7th of January, 1841, Mr. Webster voted against an appropriation of one million for defraying the expenses of the navy! This was less than four months after the victory of Perry on the lakes, so that had the country depended on Daniel Webster, the gallant Perry's flag ship could not have been kept afloat.

The catalogue is not full, but it is sufficient.

And who are Daniel Webster's associates in Massachusetts, and who have made William Harrison the bearer of their standard? We will identify some of the leaders.

WHO WERE THE HARTFORD CONVENTION LEADERS? AND WHERE ARE THEY NOW?

At his speech at Alexandria, June 11, 1840, Daniel Webster, who appointed General Harrison his "standard bearer," exclaimed:

"Fellow citizens, we must not stop or falter in our opposition to the Administration, till our lost prosperity is restored!"

When the Federal Massachusetts Legislature assembled to oppose the war, preliminary to the Hartford Convention, Benjamin Russell exclaimed in his Centinel:

"All the branches contain majorities of the friends of peace; and whatever can be done to restore their country to its lost prosperity, will be attempted."—*Boston Centinel*, May 26.

The Federal measure to restore lost prosperity in 1814, was the Hartford Convention. The Whig measure to do the same in 1840, is to restore the lost influence of the Hartford Convention men, by means of the Harrisburg Convention, under Harrison and hard cider!

LIST OF SURVIVORS WHO VOTED FOR THE HARTFORD CONVENTION.

In the Massachusetts Senate, October 8, 1841, Harrison Gray Otis reported the bill for the Hartford Convention, which was carried, 22 to 12. Its principal advocates were Messrs. Otis, Quincy, and White, all now Whigs. Of those who voted for it, there are now living:

Josiah Quincy, president of Harvard College, Harrison Gray Otis, Thos. H. Perkins, and Daniel Sergeant, of Boston.

Essex.—Samuel Putnam, a Judge of the Supreme Court, appointed by Governor Strong; Daniel A. White, of Salem, Judge of Probate and president of a Bank panic meeting, and also of the great Whig dinner given to Daniel Webster in 1834, when the decapitated figure-head of the frigate Constitution was exhibited by Parker H. Pierce, then chairman of the Boston Whig Committee of Safety, and subsequently the fugitive president of the Whig Commercial Bank; Caleb Fote, the famous Whig Editor of the Salem Gazette, and an ex-member of Governor Everett's Council, is Judge White's son-in-law.

Worcester.—Silas Holman, of Bolton, holds a State office from a Whig Governor.

Hamilton and Franklin.—Samuel Labrop, Samuel C. A. Linn.

Bristol.—Samuel Crocker, of Taunton, member of a great Whig corporation, and an office holder.

Plymouth.—Wilkes Wood, Judge of Probate, and now nominated for Harrison Elector for Plymouth District, by the Whig Convention held at Worcester the 17th of June last—voted for and to approve the Hartford Convention, and to send ambassadors to Washington.

Judge Wood headed the hard cider procession, with canoes and cabins, that marched from Middleborough to Bridgewater, the 4th of July last, to hear Robert C. Winthrop, esq. the Whig Speaker of the Massachusetts Houses of Representatives. Wilkes Wood was chosen a Federal Senator from Plymouth, in 1814, over Nathan Willis, then of Rochester, who was a Republican Senator for that county in 1813, with Seth Sprague, and voted with him for his resolve to build a 71 gun ship, for the use of the United States, to carry on the war, and against Josiah Quincy's resolution not to rejoice at our naval victories. He was chairman of the committee that reported that Marcus Morton was chosen clerk of the Senate in 1813. Mr. Willis, now of Berkshire, is the Democratic candidate for Lieutenant Governor, while Mr. Wood is a candidate for Harrison elector!

Of the above 11 survivors, out of the 22 who voted for the Hartford Convention in the Senate, all but one are Whigs and Harrison men. Mr. Allen, of Franklin, is a decided Democrat. He was one of those whom Mr. Otis described as not exactly Federalists, but "the flying squad." In 1818, in a letter, Mr. Otis speaks of "the Federalists," (or persons composing the majority), for, he adds, there were a few among them a few of the "flying squad" in both Houses, in the session of 1814, when the Convention was formed. Mr. Allen declined voting on the first motion for the Hartford Convention.

Neither can we positively speak as to Mr. Labrop, who has taken no part in politics for some time. All the rest are earnest supporters of Harrison. They are "where they have been and ever mean to be."

SURVIVING MEMBERS OF THE HOUSE.

It is a difficult task to obtain a full list from so numerous a body. In what we have got, we have taken great pains, and carefully studied accuracy. If there is any error, it is inadvertent, and we beg it may be pointed out.

In the House, the years were 260, years 90; for Maine, 41 years, 21 days; for Massachusetts proper, 219 years, 69 days. Those

belonging to Massachusetts, who voted for the convention, and are ascertained to be now living, are as follows, as accurately as we can learn. We attach the Whig offices they now hold:

Boston.—Jonathan Hunnewell, (an ex-Whig Senator;) Stephen Codman, (of the Quorum;) Benjamin Russell, (a Justice, ex-Editor of the Boston Centinel, master of Harrison the last 4th of July, ex-member of Gov. Everett's council, &c. &c.); Benjamin Whitman, (ex-Judge of Police under Govrs Lincoln and Davis, of the Quorum;) William H. Sumner, (now of Roxbury, ex-Adjutant General, and Justice of the Quorum;) Benjamin Weld, (now of Maine;) Oliver Keating, of Chelsea; Daniel Messinger, and William Harris, (who were on the committee that gave a pretended mechanics' dinner to Daniel Webster, Prentiss, of Mississippi, and Menifee, of Kentucky, in Faneuil Hall, July, 1833; both have been members of the House;) Geo. G. Lee, (formerly of the Essex Junto;) Lynde Walter, (Justice Peace;) Lemuel Shaw, (Chief Justice of Supreme Court, appointed by Governor Lincoln;) Thomas Barry; Richard Sullivan, (holds a State office;) Benjamin Gorham, (ex-Whig member of Congress;) William Sturgis, (recently of the Senate and House, made a speech in the 10 cent rebellion in Faneuil Hall, May, 1837, said to the enraged assembly that Amos Kendall would be eaten up if he was present.)

ESSEX COUNTY.

Salem.—Dudley L. Pickman, (member of the House in 1834, voted to denounce Jackson for veto of the bank,) Benjamin Hawkes; Elisha Mack, (Judge of Police Court;) John Glen King, (of the Quorum;) and Leverett Saltonstall, (Whig member of Congress, of the Harrison Executive Committee, defender of the (Hartford Convention) faith in Congress, restorer of patriot Presidents, described by John Quincy Adams as "just such a monarchist as Jonathan Jackson, one of Essex Junto, was!" delegate to the "Rebel Convention," with Timothy Pickering, in 1812, master of ceremonies to receive John Roll, when he laid Tennessee at the feet of Webster, in 1837, &c. &c.)

[Mr. Saltonstall must still be a Federalist, or a very bad man; for he says: "A Federalist turned Democrat is the worst of all politicians!"]

Robert Emery, another Salem member, is now of Springfield. E. H. Derby is also living.

Danvers.—Nathan Felton, Sylvester Osborn.

Ipswich.—Joseph Farley, (Justice of Peace.)

Beverly.—Robert Rantoul; Nathaniel Goodwin, (Cashier of Plymouth Bank.)

Gloucester.—James Appleton; Jonathan Kimball, (now of Salem.)

Rowley.—Thomas Gage, jr. (now senior, Whig member of the House in 1833, a Justice.)

Newbury.—Josiah Little.

Newburyport.—Jonathan Gage, (Justice of the Peace;) Isaac Adams, (now of Methuen;) Samuel Newman, (now of Andover.)

Boxford.—Parker Spofford.

Andover.—Timothy Osgood.

Haverhill.—David Howe, (Justice.)

MILKES COUNTY.

Charlestown.—Joseph Hurd, (now of Stoneham;) John Soley, (of the Quorum.)

Cambridge.—William Hilliard, (member of the House in 1833, recently deceased;) Royal Makepeace, (Stock Agent of the Canton Company at Baltimore.)

Medford.—Dudley Hall, (of the Quorum.)

Weston.—Isaac Fiske, (Register of Probate.)

Frammingham.—Abner Wheeler, (of the Quorum, county Commissioner, and a Whig candidate for Senator.)

Reading.—Timothy Wakfield, (Justice of the Peace.)

Groton.—Luther Lawrence, (very recently deceased, Whig Mayor of Lowell.)

NORFOLK COUNTY.

Quincy.—Thomas Greenleaf, (Secretary of the Federal Convention that nominated John Brooks for Governor, in 1822, and now a Justice for the Commonwealth. He is the only survivor of the seven out of all Republican Norfolk, who voted for the Hartford Convention.)

PLYMOUTH COUNTY.

Plymouth.—Barabas Hedge, (just deceased, a Justice;) Benjamin Bramhall, (now of Quincy;) Nathaniel M. Davis, (now a Whig counsellor, elected by a Whig Legislature to advise Governor Morton, member of the Harrisburg Convention.)

BRISTOL COUNTY.

Taunton.—Jonathan Ingalls.

Raynham.—John Gilmore, (Justice peace.)

Norton.—Isaac Hodges.

Somerset.—David Anthony, (Justice.)

Berkley.—Apollon Toby, (now of New Bedford, a Justice of the quorum.)

Troy, (now Fall River.)—Joseph E. Reed, (a big Whig, member of Bristol county Whig convention.)

Westport.—Abner Brownell, (of the quorum.)

New Bedford.—Jireh Swift, (then jun.) J. Williams.

BARNSTABLE COUNTY.

Yarmouth.—James Crowell, (Justice and commissioner.)

Wellfleet.—Josiah Whitman (Justice and ex-postmaster, a Whig)

[Nantucket and Dukes county sent no member.]

WORCESTER COUNTY.

Spencer.—James Draper.

Uxbridge.—Daniel Carpenter; Samuel Read, (of the Legislature in 1837.)

Grafton.—Jonathan Wheeler.

Tenaster.—William Cleveland.

Bolton.—Stephen P. Gardner, (of the quorum.)

Stirling.—Samuel Sawyer, Thomas H. Blood.

Paxton.—David Davis, (then jr.)

New Braintree.—Joseph Bowman, (then jr. member of John Davis's Council in 1834, Justice.)

HAMPSHIRE COUNTY.

Southampton.—Asahel Birge, (Justice.)

Middlefield.—John Dixon, (Justice.)

Granby.—David Smith, (Justice.)

Ansonia.—Simon Strong, (Justice;) Noah Webster, (of dictionary fame, an ardent Whig, in Connecticut.) [Not one NAY in all Hampshire.]

HAMPDEN COUNTY.

Longmeadow.—Calvin Buttrick.

Palmer.—Alpheus Converse.

Blanford.—Alanson Knox.

Chester.—Asahel Wright.

FRANKLIN COUNTY.

Shelburn.—William Wells, (Justice.)

Hawley.—Thomas Longley, (before described.)

Ashfield.—Enos Smith, (now of Granby.)

BENKESIRE COUNTY.

Lanesborough.—Henry Hubbard, (Counsellor of Governor Lincoln in 1833, Whig member of the House, 1836, and of the Quorum.)

Eighty-five members of the House, who voted for the Hartford Convention, now living, [except three just deceased,] and of these all but two are known members of the present Whig party, and supporters of Harrison!

Adding the eleven surviving Senators and the six surviving members of the Hartford Convention, who were not of the Legislature in 1814, and of this aggregate of ninety-nine survivors, all but three are modern Whigs and Harrisonites!

Of the sixty-nine Massachusetts members who voted against the Hartford Convention, but twelve survive. Of these, eight are still Democrats, one unknown, and but three are Harrison Whigs, viz: Lincoln, of Worcester, Gurney, of Boston, and Fish, of Falmouth.

SURVIVING MEMBERS OF THE HARTFORD CONVENTION.

The Massachusetts Legislature chose these delegates to the convention, in convention, October 18, 1814. The Federalists cast 215 votes—the Republicans all refusing to act in this treasonable proceeding.

The survivors of the Massachusetts delegates are: Hon. S. S. Wilde, (Judge of the supreme court;) Harrison Gray Otis, (a member of Congress in 1800, and voted for Aaron Burr against Jefferson;) William Prescott, (an ex judge and justice for the Commonwealth;) Holiiah Baylis, (Judge of probate till 1834;) Daniel Waldo, (Justice of the quorum;) Stephen Longfellow, of Portland; Joseph Lyman, (sheriff of Hampshire, and commissioner to qualify officers;) and Thomas H. Perkins, (one of the commissioners to treat with the President, signed the Whig handbill in 1832, that Pennsylvania had gone against Jackson.)

Of Governor Strong's Council, who advised the Hartford Convention, two only survive, and both are Whigs, viz: Nahum Mitchell, member of the House, and Benjamin Pickman, the son of a distinguished Tory of the Revolution, member of the Essex Junto, and one of the committee to celebrate, in Boston, the restoration of the Bourbons.

The only known survivors of that convention, out of Massachusetts, are correctly ascertained to be, Calvin Goddard, and Roger M. Sherman of Connecticut; Benjamin Hazard, of Rhode Island; and Josiah Dunham, a supernumerary from Vermont, now in Lexington, Kentucky. They are all Harrison Whigs.

Here are one hundred and five of the direct original Hartford Convention school, now prominent Whigs, and Democrats, (?) as is pretended of the Jefferson school! Add to these other survivors who supported legislative measures to get up or approve that convention, seventeen in number, and the prominent men in the primary conventions, still living, eighteen in number; and ligives an aggregate of one hundred and forty-seven men of that school, nearly all in Massachusetts, who are principal advisers and actors in the efforts to restore the days of the black cockade, and, in the language of their expounder, Mr. Webster "have made William H. Harrison the bearer of their standard!"

Who can doubt the character of that flag, when these are the men who rally under it? Who can deny the aptness of the motto on "the significant banner!"

"We are where we ever have been and ever mean to be!"

Trace it still farther. Mr. Otis, in his defence of that convention, (which Mr. Saltonstall, as one of the Harrison Executive Committee declares was a patriotic body,) remarks that the actors in that convention have continued to receive in Massachusetts ample testimonials of public confidence.

This is true. In fact, the principal offices in the State are now held by them; and of those whose names are given in this list, ninety two now hold offices of Whig appointment.

To these men, the prominent Whig counsellors in Massachusetts, General Wilson says, in owing the nomination of General Harrison! Massachusetts did it, and if the Whig party of Massachusetts directed the movement, who doubts that it is what Judge Hopkins of Pennsylvania described, viz: the old Federal party striving again to get into power?

THE HARRISON ELECTORS AND HARTFORD CONVENTION.

Of the fourteen candidates now in nomination for Harrison electors in Massachusetts, all but two apostates are old Federalists, viz:

Isaac C. Bates, secretary of the Hampshire, Hampden, and Franklin Rebellion Convention to resist the war, July, 1812, and orator of the Washington Benevolent Society, and one of the Federal Committee of Safety to oppose the Government during the war, &c. [Mr. Bates continues his warlike propensities against his own Government. At a recent Whig gathering at Greenfield, he advised the Whigs, if they could obtain redress in no other manner, to take down their muskets, and pick their flints!] John B. Thomas, another Harrison elector, is a Federal son of Joshua Thomas, a member of the Hartford Convention.

Robert G. Shaw, another, was a member of the Washington Benevolent Society in 1813, 14, organized as Federal clubs to oppose the war. [See Stebbins's Directory of 1813.] George Grinnell, another elector, was a member of the same Federal conspiracy, and one of the Committee of Safety! appointed in 1812, by the Hampshire and Franklin Federal Convention, to oppose the war.

Wilkes Wood, another elector, voted for the Hartford Convention measures in the Massachusetts Senate; voted to approve the acts of that convention; voted against a vote of thanks to Andrew Jackson for the battle of New Orleans; voted against admitting Louisiana into the Union; voted not to provide for the United States' direct tax to sustain the war of 1814, &c.

EXPORT OF GOLD.—From the *Boston Patriot*.—It is a notorious fact, that there is at this moment a traffic carried on between the United States and Canada, more destruction to our national interest than an evasion of the embargo, or even partially supplying the enemy with provisions, as its effect are so much more extensive. We mean the taking from this country an immense quantity of GOLD to Canada; and receiving therefor British Government bills. It is well known that thousands of pounds sterling are daily offered on the exchange; and such is the demand for gold, that it will bring upwards of four per cent. advance, for the purpose of the above mentioned traffic. Would it not be well for our Government to take it into serious consideration, and would the British find in difficult to furnish supplies, and to pay their troops, was it not for this intercourse!—*Niles's Weekly Register*, March 19, 1841.

DISHONORABLE COMPLIMENT.—A late *Salem*, (Massachusetts) paper, after mentioning a number of small vessels burnt by the enemy on the neighboring coast, says: "That they boarded one with intent to burn her, but discovering she was called the 'Federalist,' observed, they would not destroy her 'for her name's sake,' and she was not destroyed."
[*Niles's Weekly Register*, June 25, 1814.]

SPEECH OF MR. RHETT,

OF SOUTH CAROLINA,

In the House of Representatives, January 21, 1841—
On the Treasury note bill.

Mr. Chairman: There are three propositions submitted to the House for supplying the necessities of the Treasury. The first is that submitted by the Committee of Ways and Means—an issue of five millions of Treasury notes—based upon the supposition that the deficiency in the Treasury is but temporary, and that the greater part, if not the whole of the emission, will be redeemed during the fiscal year. The next is the proposition of the gentleman from New York, [Mr. BARNARD,] a permanent loan of ten millions of dollars. The last, auxiliary to both of these, submitted by the gentleman from North Carolina, [Mr. STANLY,] is taxation upon silks, wines, and linens. The Committee on Manufactures have anticipated one of these expedients of taxation by proposing a bill laying a duty, almost prohibitory, of twenty per cent. on silks only. All of the expedients proposed, excepting that of the Committee of Ways and Means, assume the fact that there is a permanent deficiency in the Treasury, which must be supplied by permanent means, a funded debt, and increased taxation. I propose, sir, to show that no such fact exists, and that the five millions of Treasury notes proposed by the bill immediately under consideration, will be sufficient to relieve the Treasury for the ensuing year.

The permanent deficiency in the Treasury, supposed by gentlemen, has been estimated variously. The gentleman from Maine (Mr. EVANS) puts it at \$7,000,000 to \$10,000,000; the gentleman from Tennessee [Mr. BELL] at \$16,000,000; my colleague [Mr. THOMPSON] at \$15,000,000; and the gentleman from New York [Mr. BARNARD] at \$40,000,000. The gentleman from Maine, who commenced all this prodigious cyphering, began his table by taking up the current expenditures of the last year; and then, calling upon those who proposed retrenchment to show in what particulars they could be reduced. The Secretary of the Treasury proposed to reduce them from \$22,000,000 in 1840, to \$19,000,000 for 1841. Show in what particulars this can be done. The call is a fair one, and ought to be fairly and fully met.

The chief sources for retrenchment, pointed out by the Secretary of the Treasury, are, the public buildings, pensions, the fulfilment of treaties, and removal of Indians. The gentleman from Maine conceded the reduced expenditure of the public buildings of \$200,000; but he strenuously combated the two other items of reduction. He showed, from the returns in the Pension Office, that the deaths of the pensioners last year did not, on an average, reach four per cent; but, in his generosity, he allowed ten per cent; and as to the removal of the Indians, there had been appropriated for that purpose, the last year, but \$300,000. All the saving from these sources would not reach \$1,000,000.

The fallacy of taking the returns of deaths to the Pension Office as the criterion of expenditures in that Department, should have occurred to a far less acute mind than that of the gentleman from Maine. Hundreds of pensioners may die, and yet no statement of the fact be conveyed to the Pension Office. The pension will only not be called for; and after remaining in the hands of the pension officer, the time allowed by law, the money appropriated will be returned to the Treasury. An inference may be drawn that the pensioner is dead; but it cannot be stated to be so officially; and if not dead, he can claim his arrears of pension. And should it not have occurred to the gentleman, that even his ten per cent. might be too small an estimate for the deaths of men between eighty and one hundred years old? Nothing but fraud and perjury could keep up the pension-roll at such a rate of extinguishment; and, if he chooses to assume, in his computation, the deficiency of all

moral principle among the Revolutionary pensioners, who chiefly come from his portion of the Union, I shall not take this for granted in my legislation. I take the estimate made, not by the Secretary of the Treasury, but by the Commissioner of Pensions (a man of undoubted capacity and integrity) and the pension bill reported by a committee to the House; and they show an expenditure of \$858,455, in 1841, less than was required in 1840.

And now, sir, to the other branch of diminished expenditure—the removal of Indians, and payments incident to their removal. It is true, that all which was appropriated the last year for the removal of Indians was but \$300,000. But does not the gentleman know that, for years past, there have always been expenditures from old appropriations falling due, from year to year, which make the appropriations under this head, for any one year, no criterion at all of what may be expended? The table of expenditures, in the report of the Secretary of the Treasury, shows a large number of these expenditures; and it is computed that about one-half million more of these old outstanding appropriations was expended the last year than will be needed for the year 1841. There is also a half million now in the hands of the agents of the Government, in the far West, to be paid to the Cherokees. It is not yet known whether this amount is expended. It is charged to the expenditures of 1840; but if not made until 1841, the money will be with the charge to meet it. Here, then, sir, is \$1,000,000 more expended in 1840 than will be needed in 1841.

There are two other items, amongst others, of reduced expenditure, not mentioned by the Secretary of the Treasury, which gentlemen on the opposite side, I am sure, will not dispute. This is the short session of Congress; and we will continue assembled nearly five months less time than in 1840. This will produce a saving of not less than \$300,000. And, in looking over the expenditures of the last year, I find that as large a sum was expended under old appropriations upon rivers, roads, harbors, and creeks. These appropriations, most happily, are all exhausted; and unless Congress authorizes, at the present session, new expenditures on these objects, none can be made. Here, then, is \$600,000 that should also be deducted from last year's expenditure. We will now carry out and foot the bill, and see whether the estimate of the Secretary of the Treasury, that the expenditures of 1841 may be reduced some \$3,000,000, is very extravagant:

Current expenditures of 1840	\$22,439,319
Deduct, for 1841	
Public buildings	\$201,000
Pensions	858,455
Removal of Indians, &c.	1,000,000
Short session of Congress,	300,000
Roads, harbors, &c.	300,000
	2,659,455
	\$19,830,894

But to all this the answer is ready at hand. Admitting that there are items of expenditure which can be saved from the expenditures of the last year, there are new charges upon the Treasury in 1841 not taken into computation in the project submitted for its expenditures. Let us look, then, on the other side of the account, and estimate the extent of these charges:

Mr. EVANS—	Navy pension fund	\$150,000
	Maine claims	220,000
	Florida war	1,500,000
	Census	500,000
Mr. BELL—	Postponed appropriations for building fortifications	1,500,000
Mr. THOMPSON—	Outstanding appropriations,	10,000,000
	Post office deficiency	1,500,000

Such are the items, with the \$4,500,000 Treasury notes unredeemed, which make up the calculation of indebtedness these gentlemen submit against the Government.

I might dispute the expense for the navy pension fund, because it is as yet a bill. I might dispute the Maine claim, because it is but a claim. But, as I think that appropriations ought to be made for these objects, I will yield these items. The Florida war is the only formidable charge; not so much on account of any inherent difficulty in the case, as from the vast sums which have been already engulphed in its prosecution. However clear may be our information, there will be a lingering appre-

hension that we may not comprehend or truly state the demands this war may require upon the Treasury. The Territorial authorities, acting in combination with the authorities of the Government, tend also to increase our confusion as to our eventual liabilities. We must allow for our doubts, as well as our information.

There has been a demand made by the War Department, of but \$250,000, to pay the militia for past services during the last year. This we will admit. There must be a considerable sum due, on the same account, since the close of the last quarter in September, when the financial reports were made up to be submitted to Congress. We will double the amount required to pay past services, and put it at \$500,000. But it is said that, some time since, the Secretary of War proposed to the Committee of Ways and Means an appropriation of \$2,500,000 to carry on the ordinary operations in Florida; and it is on this ground that the gentleman from Maine estimates an expenditure of \$1,500,000. If he had any reliance on this proposal of the Secretary, he ought to have gone the whole \$2,500,000 at once. But I think the gentleman has misapprehended the Secretary. This appropriation is required by this department, to support volunteers, (1,500 mounted men, and 500 foot,) to be armed, mounted and equipped, according to the provisions of a bill which passed the Senate, and was reported to this House last session by the Military Committee. It is not asked to support militia, but volunteers, to be enlisted, according to the suggestion of General Jesup, and the provisions of this bill, for twelve months or during the war, as permanent adjuncts to the regular army. Unless, therefore, you legislate the authority, no such large expenditure can be made. But admitting that the appropriation is asked to pay the militia force which may be employed during the ensuing year, in prosecuting the war, does it follow necessarily that the expense will be incurred? The militia can be called out into service but three months; and are gentlemen sure that, if now in service, they will be in service on the 4th of March next? and if then in service, will they be called out by the succeeding President, and be continued in service during the year? The Indians, since the proposed appropriation by the Secretary of War, have been broken up in their strongholds, and are daily coming in; whilst the summer heats are rapidly approaching, when military operations must be suspended. Although there are 4,500 of our regular troops in Florida, I do not say that two millions, or twice two millions, may not be expended during the year, in the prosecution of this war. That will depend upon the succeeding Administration. But I do say, that according to our present information and our future prospects, \$750,000 will be a fair estimate for all its necessary expenditures.

The expense of taking the census, \$500,000, and the postponed appropriations for fortifications, of \$1,500,000 more, are easily disposed of. They constitute a part of the next item, of \$10,000,000 of outstanding appropriations, charged by the gentleman from Tennessee, [Mr. BELL] as gentlemen will see by looking over the list in the report of the Secretary of the Treasury. We come then at once to this great item of \$10,000,000. It constitutes the chief argument—almost the only argument, (for without it no argument would have been pretended,) of indebtedness in the Government, and a deficiency in the Treasury for the wants of the ensuing year. I think I will show that, to represent these outstanding appropriations as liabilities upon the Treasury, for which additional means are to be provided beyond the new appropriations, is a gross fallacy.

Great confusion with respect to this item, resulting in some degree from the imperfect heading of the accounts in the reports of the Secretary of the Treasury, has been repeatedly exhibited in Congress. Last year the gentleman from Georgia, [Mr. DAWSON,] and many others, insisted that this item was so much money in the Treasury. Now it is insisted that it is a debt, to discharge which, during the year, means must be provided. It is neither the one nor the other. It is seen in all our annual reports, ranging from ten to twenty millions. Last

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Treasury Note Bill—Mr. Rhett.

H. of Reps.

year it was thirteen millions; this year, ten. It consists of liabilities on the Treasury on account of past appropriations, to complete which the money has not been called for; and when the money is called for during any one year, there will usually be as much money undrawn from the Treasury remaining on hand from the new appropriations. Thus the money taken on account of the old appropriations will be balanced by the money remaining in the Treasury from the new appropriations. The whole of an appropriation can seldom or never be expended immediately; because the application of labor is necessarily gradual and limited. Public works are not completed in a day; and whatever amount is drawn for such purposes by virtue of old appropriations, is counterbalanced on the Treasury books by the new, for which money is not required. The account thus runs on from year to year; the outstanding appropriations at any one time being pretty much the same. It is therefore an affair of paper, not of debt, for which money must be supplied. Is it not astonishing, sir, that men old in legislation on this floor should alarm themselves, and endeavor to alarm the country, by such egregious mistakes? And yet, this single item constitutes the main ground for the declamation we have heard about a bankrupt Treasury and profligate Administration; whilst an extra session of Congress is gravely urged, to stop up the enormous gap it has made in the Treasury.

The last charge is on account of the Post Office, made by my colleague, [Mr. THOMPSON,] of \$1,500,000. I turn to the Postmaster General's report, and I find that he puts the indebtedness of his Department at but \$219,845. Nor will even this small amount be any charge upon the year 1841, for which extraordinary means, by taxation or permanent loans, need be provided. The Postmaster General says, in his report: "But the present apparently unfavorable financial condition of the Department need occasion no anxiety. It can be sustained upon its own resources, and soon placed in a safe and prosperous condition." * * * "With a reasonable expectation of a reduction in the expenses of the transportation, and nearly a certainty of a considerable increase in its revenues, the future prospects of the Department are highly satisfactory."

It should be borne in mind that the contracts for transporting the mail are made for four years; consequently a large portion of the contracts fulfilled within the last two years were made when prices were very high, and have therefore been extravagant for the times. This department has been indebted repeatedly beyond this amount; but it has been left to itself, and has always worked out its own extrication, and doubtless now need no assistance from any resources but its own. This item therefore may be wiped out.

Let us now review the account, and see how it stands:

Navy pension fund	-	-	\$150,000
Maine claims	-	-	220,000
Florida war	-	-	750,000
Census	-	-	-
Postponed appropriations for fortifications	-	-	-
Outstanding appropriations	-	-	-
Post Office deficiency	-	-	-
			\$1,120,000

So much for the enormous bill of particulars, under which the Treasury was to sink. Add this \$1,120,000 to the appropriations for the year 1841, contained in the bills reported to the House, and now lying on our table, in conformity to the recommendations of the Treasury Department, and then let us compare them with our resources for the year:

New appropriations proposed for 1841	\$16,621,000
Permanent	1,013,200
Charges admitted above	1,120,000
Treasury notes outstanding	4,500,000

23,254,200

Resources of the Treasury, with the

issue of \$5,000,000 Treasury notes proposed by the bill:

Customs	-	\$19,000,000
Lands	-	3,500,000
Miscellaneous	-	80,000
Balance in the Treasury in		
January last	-	1,530,855
From banks	-	220,000
Treasury notes which may be issued by the last act	-	342,618

24,723,473

Add new issue of Treasury notes proposed by the bill, 5,000,000

6,479,273

Redeem the \$5,000,000 Treasury notes, 5,000,000

1,479,273

Thus, sir, the Government will be enabled, not only to redeem the \$4,500,000 of Treasury notes now outstanding, but also the \$5,000,000 of Treasury notes authorized to be issued by the bill under consideration, (should it be found expedient to issue them,) and have, at the end of the year, a million and a half of dollars in the Treasury. In my estimate of our revenue from the customs, I have put it at what the gentleman from Maine conceived to be reasonable, and I believe every representative from our great commercial emporiums will approve. The other items of our resources have been undisputed, and I believe to be indisputable. Where now is your necessity for a ten million loan, or increased taxation? Neither expedient can be necessary, according to the scale of expenditure we propose to give; nor, if they are increased several millions, will the Government be embarrassed. But will our scale of expenditure satisfy you? Certainly not. The gentleman from Maine, and the gentleman from New York, have both proved this present Administration to be one of the meanest and most parsimonious that has ever afflicted the country; although never, since the first days of the confederacy, have our foreign relations, constituting as they do the chief object of its creation, been conducted with more skill and dignity, nor our national character stood higher abroad, than within the last four years. But yesterday, it rioted in extravagance, and wanted in its profligate expenditures of the people's money. But now, it has neglected its duty to the country, in the unprincipled attempt to spend only what is absolutely necessary, instead of aiming at that position of dignity and efficiency which a larger and more liberal expenditure would secure. The times, sir, have changed. A new Administration is about to run its course. In the accusation of parsimony and meanness now, no more than in the imputation of extravagance formerly, was justice regarded towards the present Administration. But the purpose now is to prepare us for the glorious advent of that enlarged economy which will take every harbor, creek, road, and river, and the whole body of claims on your files, within its capacious folds. Then will the debt of forty millions of dollars, so strenuously contended for by the gentleman from New York, come into brilliant existence. But, as yet, we have the majority; and intend, whilst taking care that no more money shall be expended than an economical administration of the Government requires, at the same time to place ample means within the control of the succeeding Administration, to maintain the faith of the Government in every obligation imposed upon it by our appropriations. Our views of duty will not allow us to do more—it will not allow us to do less.

Seeing the repeated and resolute efforts, on the part of gentlemen, in spite of facts, to make out, by figures, the necessity of additional means for the use of Government, I was at a loss to understand the purpose. If an extra session of Congress was wanted, to keep up the chase whilst the blood was warm, there was the Independent Treasury bill to be repealed, and the establishment of a United States Bank, to justify the measure, at least to those

who had placed them in power. But the mystery was solved, yesterday, in the Senate, by the frank declarations of a distinguished Senator, about to occupy, if rumor be true, the highest seat in the councils of the ensuing Administration. He declared that his purpose was to abstract from the Treasury the four millions annually accruing from the public lands by giving them to the States, and to supply the vacuum by taxation through the customs—chiefly on silks. The charge of indebtedness in the Government is thus virtually given up; and the proposed scheme of taxation on silk, and other productions of France, is distinctly united with the project of distribution. I understand this: it is sensible and manly; although, I think, unwarranted by the Constitution, and will be fatal, by its corrupting influences, to our whole frame of Government.

Mr. Chairman, I am not opposed to a tax on luxuries. On the contrary, I shall be prepared, when the time arrives, if any discrimination is admitted in our duties, to go as far as any one in the policy of relieving the necessities of life from taxation, and raising all the revenue we may require by imposts on luxuries. But I am not prepared to tax any thing to replace money which may be taken from the Treasury to be given to the States. A giving Government is essentially a tyranny. Free Governments are fiduciary, not absolute, in their character, and have no right to expend money but for the purposes they were organized to fulfil. Largesses to the people have ever proved to be the price of their liberties, or the instrument by which they have been overthrown. Under no circumstances, therefore, will I aid a policy which all history proves to be so fatal to liberty. But if I were prepared to adopt it, I should not supply the vacuum in the Treasury it would occasion by a tax on particular luxuries, imported chiefly by the productions of the South, and leave those free of duty which are imported by the productions of other portions of the Union. Tax all luxuries or tax none. The trade between France and this country, which it is proposed to burden, is carried on almost exclusively by the cotton, rice, and tobacco of the South. I hold in my hand a table carefully compiled, showing the exports and imports between France and the United States, from the year 1835 to 1839, inclusive.

Exports to France.

	1835.	1836.	1837.	1838.	1839.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
Exports	20,075,066	21,411,200	19,750,253	15,822,405	18,356,554
Cotton	17,460,415	17,519,787	15,205,079	12,360,073	13,323,142
Tobacco	937,129	954,846	723,842	1,232,410	810,063
Rice	245,517	413,515	274,025	139,525	320,911

Thus the whole direct export trade is carried on almost entirely by our staples; and, undoubtedly, they contribute also largely to the indirect trade by which the importations from France are effected, consisting of an average of from three to ten millions of dollars.

Imports from France.

	1835.	1836.	1837.	1838.	1839.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
Imports	23,362,534	27,036,235	22,083,514	18,771,797	32,531,321
Silks	12,097,356	15,611,135	9,673,815	5,670,525	15,099,478
Wines	1,591,442	1,945,180	1,713,203	889,463	1,379,976

Of worsted and worsted-stuff goods, we also imported a million and a half average; of linen, about half a million; and of specie, about a million. Whilst of manufactured cotton goods, we imported scarcely one million a year. Thus showing that this lucrative trade, whilst it is beneficial to the South, does not come into competition with the cotton manufactures of the North. Its bearing on the navigation interests—that great interest, which, unless crippled or crushed by our unwise legislation, is destined to be the bulwark of our national independence—is also most remarkable. Nearly the whole trade is carried on by our own shipping, as will be seen by the following table:

	1835.	1836.	1837.	1838.	1839.
Imports - Dollars.	23,362,584	37,036,235	22,038,514	18,771,797	32,531,321
In Amer. vessels.	22,391,111	31,155,822	20,265,909	16,374,708	30,411,037
Exports - Dollars.	20,075,066	21,441,200	19,750,253	15,824,406	18,336,854
In Amer. vessels.	17,545,865	18,361,370	15,260,391	13,246,198	13,724,034

This is the trade it is proposed to cut up by a duty, almost prohibitory, of 20 per cent. on silks, and the other productions of France in proportion. It would seem to be manifest that, if a heavy duty is laid on the imports of any commodity, it must affect the value of the production with which the imports are affected. If we do not take the productions of France, how can she take ours? And, if you burden them with taxes, must she not take less cotton and tobacco, or take them at a less price? This would seem too clear for argument. But my colleague (Mr. Thompson) has found an argument in advocating this scheme of taxation, which proves, to his entire satisfaction, that our staples cannot be affected by any duties we may impose. It is this: Taxation on luxuries does never diminish the consumption of them. Pat wine, he says, at six dollars a bottle, and it will sell as freely as at one. This is a bold assumption, and may be true sometimes with a profligate coxcomb; but certainly conflicts with all the preconceived notions of political economy. It can only be true upon the supposition that our means for purchasing and consuming are unlimited; a fact we would all be glad to know and feel. If they are limited—then, however diminished, whether by taxation, conflagration, or any other cause, our consumption must be diminished with them. The gentleman's doctrine, if true, will also lead to the comfortable conclusion that taxation can never affect consumption, and will be no burden at all. If it cannot diminish the consumption of superfluities and luxuries, how can it diminish that of necessities? Necessities, from the force of the term, imply things which must be consumed, because implicated with existence itself; and if luxuries will also be equally consumed, whether taxed or free—then the consumption of a people will always be the same, under any form of taxation. It has hitherto been supposed that taxation, being a deprivation of the means of consumption, would diminish consumption, especially on those articles which men could do without—the luxuries or superfluities of life.

But my colleague goes farther. He contends that the South will absolutely be benefited by cutting off our silk trade with France. It will induce, or rather compel, the women of America to wear cotton instead of silk gowns, and thus increase the demand for our raw cotton.

Throwing out of consideration the fact, that if we consume cotton fabrics instead of silk, the supply will not be from France, as her small exportation of cotton goods to this country clearly shows, the gentleman, to make his position good, would have to prove that the value of silk and cotton fabrics is the same. If silk lace or a silk gown is worth ten times more than similar commodities of cotton, it is clear that consuming the same quantities of each will not equalize the trade. To compensate the cotton planter for excluding a silk gown, purchased and imported by his cotton, the girls must wear out ten gowns in its stead. This would require an unusual activity of motion, and a wardrobe far outnumbering that of the Dutch girls, with their woollen petticoats, so ludicrously described by Washington Irving in his Knickerbocker. If British cotton goods, equal in quantity, are substituted in our markets for the silks of France, it will cut off the demand for our cotton exactly in the proportion that silk is more valuable than cotton.

Nor can we see any thing in excluding French silks from our markets which will increase the consumption of raw cotton in France. The twenty millions of raw cotton purchased by her silks and other manufactures is worked up into some eighty or a hundred millions of the manufactured article, which is consumed almost entirely in France. This is the consumption resulting from our cotton im-

ported into France. Now, if the gentleman destroys our trade with France, and she is forced to supply herself with cotton elsewhere, in consequence of our refusing to receive her manufactures in return, it is obvious that, to repay the Southern planters for the diminished consumption of twenty millions of their raw cotton, he must produce a market for eight or a hundred millions for the manufactured material. Do gentlemen suppose their invention and prowess in legislation, equal to such a task?

Mr. Chairman, it does appear to me that it is only necessary for Southern enterprise and industry to find a profitable market for our staples, and it is immediately struck at by this Government. Your tariff, before 1833, burdened our commerce and depressed our staples in all the markets of the world. In 1833—not from a regard to our interests, but contrary to our interests, to subserve the purposes of our manufacturers, who did not manufacture silk or make wines—you left silks and wines free of duty. The treaty with France in 1831 reduced the duties on our long cottons, and left our cotton with a nominal duty* merely upon them, whilst it reduced the duty on wines. We accommodated ourselves to our situation. A lucrative and harmless trade has grown up between ourselves and our first great ally; and now, the first modification of the tariff proposed, is to cripple, and perhaps destroy this trade entirely. If the spirit of retaliation is awakened, do gentlemen suppose that they will have it all on one side?

If I heard with regret the advocacy of my colleague of this proposal, unnecessarily to burden a trade peculiarly beneficial to the South, it was with still greater regret I heard him introduce the subject of a general adjustment of the tariff. He stated, and stated truly, it is his position as to the indebtedness of the Government was correct, that a tax on silks and wines did not interfere with the provisions of the compromise act of 1833. Why, then, did he go further than the case required, and not only maintain the expediency of taxing within the limits of that act, but discuss the subject of a protective tariff generally, and broadly maintain that the act of 1833 was permanent and perpetual in its provisions, and the discriminations it contains in favor of the manufacturers ought to be continued after the year 1842? Honor and honesty, he contended, required this at our hands. If these positions be true, a protective tariff is fastened on the country forever.

I maintain, sir, that the act of 1833 is not perpetual in its terms, but expires on the 30th day of June, 1842; and that the principle guaranteed in that bill, so far from justifying the continuance of the protective policy in our system of taxation, is directly the reverse, and looks distinctly to its entire abandonment.

I recollect well when this act first passed, taking my opinions rather from what others said, than an inspection of the act, I had an impression that this act did not expire in 1842: but the duty of acting upon it, lately brought me to an examination of its provisions, and I saw immediately that my impressions were erroneous.

The third section of the act provides:

"That, until the thirtieth day of June, one thousand eight hundred and forty-two, the duties imposed by existing laws, as modified by this act, shall remain and continue to be collected. And from and after the day last aforesaid, all duties upon imports shall be collected in ready money, and all credits now allowed by law shall be, and hereby are, abolished; and such duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the Government."

Now here, sir, "the duties imposed by existing laws, as modified by this act," are to "remain and continue to be collected" only until the 30th June, 1842; "and from and after the day last aforesaid," "such duties shall be laid for the purpose of raising such revenue as may be necessary to an economi-

"The duty on cottons imported into France, in American or French bottoms, is twenty francs on one hundred kilogrammes. The duty is the same on cottons coming from South America. A discrimination is made on cottons imported in French bottoms from Egypt, the duty being but fifteen francs. When imported in any other bottoms, it is twenty francs. The importation of cotton from the United States into France in 1815, was 7,659,400 kilogrammes; in 1833, it was 43,780,000 kilogrammes; whilst the importation from Egypt in 1825 was 7,655,000 kilogrammes; in 1833, it was only 2,363,178 kilogrammes. This shows the progress of the trade.

cal administration of the Government." Is it not plain that the duties continue only until 30th June, 1842? and is it not also plain that, after that period, the protective principle was to be abandoned? We should call to mind the point of contest. The South, or rather South Carolina, contended that Congress, in laying duties on imports, had no constitutional right to discriminate between any articles, excepting on the ground of revenue. It has no constitutional right to lay its taxes with the view of fostering the interests of the manufacturers, or in any manner promoting the interests of one class of producers rather than another; all being equally entitled to any immediate or incidental benefit which may arise from the duties belonging to all, and laid for all. This act continues the discriminations in favor of the manufacturers until 30th June, 1842, and says that then they shall be laid for revenue. What was the compromise effected by this act? It was this, or it was nothing: We submitted to discriminations in the duties for the benefit of the manufacturers for nine years, on condition that then, and forever, the protective principle was to be abandoned; and no discriminations were to be imposed, excepting those which a single eye to the revenue only would require. It was a great contest about constitutional principles, and it was settled by tolerating an unconstitutional rate of things for nine years, that the Constitution might then be restored.

It, by the third section, the duties are laid only until the 30th June, 1842, the fifth section of this act shows distinctly what shall be done after that period: "and all imports on which the first section (containing the protected articles) of this act may operate, and all articles now admitted to entry free from duty, or paying a less rate of duty than twenty per centum ad valorem, before the said 30th day of June, 1842, from and after that day may be admitted to entry, subject to such duty, not exceeding twenty per centum ad valorem, as shall be provided for by law."

There is here a guarantee that the protected, as well as the unprotected articles—those which bore a discriminating duty for the benefit of manufacturers, and those free—should, all of them, be at least as low in the duty as twenty per cent. ad valorem; but not a word is said as to any discrimination between them. They are to be then such "as shall be provided for by law;" and an equal ad valorem duty is pointed to as the scale of their adjustment. I hesitate not to say, should you omit legislation on the subject, before the 30th June, 1842, not a dollar after that day can be collected through the customs. No tariff will be in existence.

Is it not, then, Mr. Chairman, an extraordinary construction of this act, that it is perpetual in its provisions; and that we are bound—although it will be dead by its own limitation in 1842, and contains, on its face, a renunciation of the protective principle—that, in honesty and honor, we are bound to give it life again, and perpetuate those unjust and unconstitutional discriminations, to disburden ourselves of which, we have borne their weight for nine years? The price is paid. We have endured excessive taxation, far beyond the wants of our Government, with all the disasters of a surplus revenue, in its influence upon the currency; and we have before us, under the baneful influence of the deposit act, flowing from its terms, the still greater disaster, if carried into effect, of a distribution of a portion of our revenue to the States of the Confederacy. All these evils, past and prospective, we have encountered, that the manufacturers might have the full benefit of the privileges this act conferred upon them. And now, when their portion of the compromise is to be performed, what do we hear? Any stirring appeals to the Northern States to stand to their engagements—to fulfil their faith by every consideration which individual or national honor can inspire, and abandon forever the principle of protection? No, sir! no; the appeal is made to us—to us, who, for thirty years, have borne discriminating duties for their benefit. We must bear more; and bear it forever—yield up the principle of protection, and once more lie at the mercy of a majority in Congress, the prosperity of whose constituents, in their opinion,

rises exactly in proportion to our opposition. And all this we must do in the sacred name of honesty and honor. Why, even supposing my colleague's construction to be correct, and that there was a distinct clause in the act of 1833, declaring that the protected articles should have a discriminating duty in their favor of 20 per cent. forever—what moral principle would bind us to its observance? We have declared, that in our opinion, all discriminations made in our tariff, for the benefit of manufacturers, are unconstitutional. Admitting that former statesmen, filling the seats we now occupy, had made legislative arrangements with respect to this subject, which come in direct conflict with our views of the Constitution; could we dare observe them? The Constitution was over them, as it is over us; and we are sworn here "to maintain, protect, and defend" it. The oath is our own, and so must be its responsibilities. No plea of the abandonment of others of their constitutional duty, if they have done so, can absolve us from our oaths, or exempt us from performing ours. I assume no authority over the consciences of others, nor will I usurp the high prerogative of judging them; but, for myself, I say, if I ever vote for the imposition of discriminating duties for the benefit of manufacturers, under the present Constitution, I shall deem myself guilty of moral perjury.

Mr. Chairman, I am not singular in my construction of the act of 1833. Several of the States of the South have taken the approaching adjustment of the tariff into consideration, and have passed resolutions showing that, according to their construction of this act, the protective principle is to be abandoned after 1842. During this winter, Georgia and Alabama have passed resolutions, (I believe unanimously,) declaring a tariff recognizing the principle of protection, is unconstitutional. South Carolina has also spoken upon this subject; and, as one of her Representatives, I have attempted (although feebly) to give utterance here to her opinions. On the 18th of December last, she passed the following resolutions:

"Resolved, That the power given to Congress to lay and collect taxes, duties, and imposts, does not authorize Congress to collect money excepting for revenue; and that a tariff to protect the industry of one portion of the community, at the expense of the other, is a violation of the spirit and letter of the Constitution of the United States; and, when such a case occurs, the several States will decide for themselves the mode and measure of redress.

"Resolved, That the people of this State have cause to congratulate themselves that the party feuds which lately weakened the vigor of its councils, have happily ceased; and that South Carolina now presents to the enemies of her policy and peace an undivided front; and is prepared, as she is resolved, to repel by proper means every aggression upon her rights, as a sovereign Republic, the instant that aggression is attempted."

Sir, there is no misunderstanding these resolutions, although they may be disregarded; but be assured of one thing: word for word—in spirit and in form—will they be redeemed and enforced by that free and gallant people. It is not for me to anticipate their course, in an emergency which endangers their liberties, or appeals to their honor. They will be true to both; neither dismayed by the frowns of power, nor duped by the faithlessness of unprincipled cupidity.

SPEECH OF MR. YOUNG, OF ILLINOIS.

IN SENATE, Monday, February 1, 1841.

MR. YOUNG addressed the Senate as follows: I rise, Mr. President, for the purpose of proposing to amend the motion of the Senator from Kentucky, [Mr. CRITTENDEN,] to recommend the bill of the Senator from Missouri, [Mr. BROWN,] by striking out all after the word *report*, in the second line after the word *resolved*, and substituting the proposition of the Senator from South Carolina, [Mr. CALHOUN,] with two or three slight alterations, and an additional section, which were adopted with his concurrence, as a measure just and equitable to the old States, and by far more acceptable to the new than that of the Senator from

Kentucky, and against which neither, in my judgment, can have any reasonable cause for complaint. I have waited, sir, in the hope that the Senator himself [Mr. CALHOUN] would, as on a former occasion, have brought it forward as the antagonist proposition to that of the Senator from Kentucky, [Mr. CRITTENDEN,] upon which the probability now is we shall soon be called to vote. I trust, however, that he will continue to regard himself as its legitimate author, and, in case of necessity, come forward to the rescue, and defend its principles, as he has heretofore done with such distinguished ability, against all assaults, from whatever quarter they may come.

I feel myself impelled, Mr. President, as matter of duty to the State which I in part represent, in consequence of resolutions of instruction adopted by the General Assembly on this subject some year or two ago, and which have not been repealed to my knowledge, to bring this measure forward as the one most desired by that State, and to urge its adoption in the best manner I can, in preference to any proposition whatever, which has for its object distribution simply; and which does not carry along with it a just regard for the future settlement, population, and advancing prosperity of the country embraced within the limits of the new States. Sir, in many respects, which I will endeavor to point out before I sit down, I regard the consequences involved in the proposition of the Senator from Kentucky [Mr. CRITTENDEN,] as decidedly hostile to the best interests of Illinois, at least, and that her rateable proportion of the proceeds of the sales of the public lands would but poorly compensate for the injuries that would in the end be inflicted under the operation of such a system. But I will commence with the proposition of the Senator from South Carolina—and what, Mr. President, does it, when analyzed, propose?

1st. To dispose of the lands to the new States in which they are situated, reserving, in their future sales by those States, sixty-five per cent. of the gross proceeds to the United States, the States being thereafter chargeable with the expense of completing the surveys, extinguishing Indian titles, and for selling and otherwise managing the same.

2d. To secure to principle of graduation in the price, pre-emption to the settlers, and a final cession after a limited period, of the refuse or unsaleable lands to the States in which they are respectively situated.

3d. To provide for the transfer of the evidences of title from the seat of the Federal Government to the seats of government of the new States to which they properly belong.

4th. To provide for the settlement of the country without restriction, as well as the sale of the lands, as a source of revenue to the United States.

5th. To remove the prohibition which restricts the right of the purchaser to two quarter-quarter sections, or forty acre tracts only, and to permit the entry of such tracts, in future, in like manner as other legal subdivisions of the public lands.

6th. To annul the restriction imposed upon the new States by compact, by which they are prohibited from taxing the public lands for five years after the date of the purchase from the United States.

7th. To cede to the State of Tennessee all the unappropriated lands belonging to the United States within the limits thereof, for the reason that they are unsaleable, and of little or no value to the community at large.

And 8th and lastly. To set apart the sixty-five per cent. secured to be paid to the United States, for the exclusive purpose of increasing the navy, and erecting fortifications for the common defence of the country.

These, Mr. President, are the leading features of the measure originated by the Senator from South Carolina several years ago, and again presented by him for our consideration at the present session. Is it one with which the old States ought to be satisfied as a financial measure?

The proposition comprehends within its entire scope, the disposition of 154,497,765 acres of the public domain. Of this quantity, 1,776,210 acres are situated in Ohio; 4,396,494 acres in Indiana; 19,959,797 acres in Illinois; 31,811,840 acres in

Missouri; 19,910,140 acres in Alabama; 11,543,826 acres in Mississippi; 16,983,408 acres in Louisiana; 29,988,734 acres in Michigan; and 28,027,304 acres in Arkansas. In all, nine States; and a grand total of 154,497,765 acres, as before stated, up to January 1st, 1840. This, sir, is the quantity, no more nor less, according to the last report of the Commissioner of the General Land Office on that subject. The lands in the Territories, and those in the wide expanse of the West, extending from the western borders of Missouri and Arkansas, across the Rocky Mountains to the Pacific ocean, and to latitude 49 deg. north of the Territories of Iowa and Wisconsin, encircling within their range by far the greater part of the public domain; and by the estimate of which, the *billions* of acres mentioned by the Senator from Kentucky [Mr. CLAY] are produced; still left subject to the existing arrangement—to the old, well tried, and well approved system of operation which has afforded the occasion for so much eulogium here of late, and from a departure from which so much mischief seems to be apprehended. Of every hundred thousand dollars arising from these sales, within the limits of any one State, sixty-five thousand dollars, free from all charge, is to be paid into the public Treasury, and the remaining thirty-five thousand, after paying for the completing of surveys, extinguishing Indian titles, salaries of officers, land office charges, and incidental expenses, is to be paid into the State Treasury. What these expenses would amount to I have not the means of ascertaining; they would of course differ according to the different condition of things in the several States; but I presume that no Senator will undertake to say that the residue, whatever it might be, would be an unreasonable compensation to the State for the service proposed to be performed. But it has been urged as an objection, that the States might, and would, perhaps, refuse, upon settlement, to pay over to the United States this sixty-five per cent. of the proceeds of the sales, as provided for; and the deposit act of 1836, by which about \$28,000,000 was distributed among the States, although in form a deposit, has been cited in illustration of the argument.

To obviate all difficulty arising out of such a supposition, whether ill or well founded, it is proposed, instead of an annual adjustment of the account, as was provided in the original bill of the Senator from South Carolina, [Mr. CALHOUN] to make monthly payments as the sales progress, at the most convenient points, where the moneys of the United States may be receivable. There is no occasion, nor is it intended, that the sixty-five per cent. shall go into the State Treasury at all. The payments will continue to be made in all respects as at present, by the receivers of the land offices, and there will be the end of it, without further difficulty or adjustment. For example, suppose there is a land office in Quincy, Illinois, the town of my residence, and a Sub-Treasury, or a branch of a United States Bank in St. Louis, Missouri. Now, sir, all the receiver at Quincy has to do, is to make his deposits monthly, at St. Louis; take receipts for the amount paid to the Sub-Treasurer or Cashier, and the whole matter as to the Government interest is in this simple but prompt manner accomplished, without the necessity of any settlement whatever; except that it may be proper for the register and receiver of the land office, in addition to the reports which may be required by the State, to forward duplicates of the same, to the Treasury Department of the United States, or in such other manner as may be stipulated as most convenient and proper, by the parties concerned. So much, sir, as to the matter of revenue, and so much as to the security for its payment.

Now, Mr. President, for the advantages which are supposed to result to the new States, from the adoption of this amendment, as contrasted with the amendment of the Senator from Kentucky [Mr. CRITTENDEN] Besides the thirty-five per cent. on the gross amount of sales, the whole of the lands within the limits of the new States, would immediately become subject to their sole and exclusive jurisdiction, in regard to occupancy, settlement, and cultivation; the conflict of jurisdiction between the United States and the new

States avoided; the principle of graduation in the price, and pre-emption to settlers secured; and a final cession of such lands as shall have been in the market, and remain unsold for thirty years to the States. It is true, sir, that the Senator's [Mr. CRITTENDEN'S] proposition embraces the principle of pre-emption, but with what limitation, and with what restrictions, we know not; except as inferences may be drawn from his own argument and the arguments of gentlemen who have followed his lead on this occasion. His honorable colleague [Mr. CLAY] said some days ago in reference to, and in opposition to pre-emption; and attempted to prove by documentary testimony, that much had been lost to the Treasury in consequence of a departure from the old system of selling all the lands in the first place at public auction, and that he had been informed that many of the pre-emptioners had, by rushing out and seizing upon the best lands, been permitted to purchase lands worth ten, twenty, and thirty dollars per acre, at the minimum price of one dollar and twenty-five cents an acre. Well, suppose this statement to be true; and, if so, it must have been in a very limited extent, in the original settlement of a new country, and what does it demonstrate? Nothing more than that the lands were, in a great degree, made thus valuable by the very settlement and cultivation of which the Senator [Mr. CLAY] complains. It is by the pre-emption policy that we secure these occupants, who have incorporated their labor with the soil, in their possessions, against the more wealthy who buy on speculation; and against whom they could not be expected successfully to compete, at public auction; and place the lands in the proper hands of those whose occupation is to cultivate them.

But the honorable Senator from Kentucky [Mr. CLAY] says, will you break up and destroy by such measures, this old, well tried, and well approved land system, hitherto unchanged; that the flourishing States of Ohio and Indiana have grown up under its benign influence; that Illinois has doubled her population in the last six years, and now has near half a million of inhabitants under its fostering care also; and concludes by asking emphatically, are you not satisfied with your prosperity? It is true, Mr. President, that these States have grown up, as well, in population, as in agricultural improvement, and morals, with an unexampled degree of rapidity and prosperity. It was in consequence of this prosperity, Mr. President, that Illinois, with her free white population, and liberal principles towards foreigners, gave more votes at the late election for President than either Virginia or Kentucky; not that she had more population, as was erroneously stated in the sketch of the debates, published a few days ago. But, sir, her march is onward; and if her legislative guardians at home shall promptly discharge their duty in the preservation of her credit and her honor at home and abroad, who cannot foretell that her destiny is no less than that of an empire State.

But has the Senator [Mr. CLAY] forgotten that this system of pre-emption for which we contend commenced as far back as 1813; and that it has been continued with but slight interruption ever since, until it has almost become a part of the system of which he speaks with so much commendation? and does he not know, that another important change was made in this old and well approved system, by the act of the 24th April, 1820, from a credit to a cash system; and by a reduction in the price of the land from two dollars to one dollar and twenty-five cents per acre? And is it not a fact, that this unexampled prosperity to which he alludes is in a great degree attributable to these very changes, the pre-emption feature of which he now, at this late day, so much deprecates? Sir, what said the honorable Senator from Massachusetts [Mr. WEBSTER] in reply to the Senator from Kentucky, [Mr. CLAY] in the debate of 1838 on this same subject of pre-emption? Mr. WEBSTER said:

"The difference between the member from Kentucky [Mr. CLAY] and myself on this occasion is plain and distinct. It is precisely this;

"He is altogether against the pre-emptive right. He is for carrying into operation the law, as it stands, and for giving it effect over the lands on which these settlers live, in the same way as over other public lands. He is for putting all these lands up to open auction, and selling them to the highest bidder, letting

the settler take the consequence. He says there should be an auction, and a free auction; and he argues, with that consistency and cohesion of ideas which belongs to him, that if there is to be a public auction, as he insists there ought to be, then there must be, and ought to be, a perfectly free competition. That it should be as open to one man to bid as another; that no man, or men, ought to be privileged or favored; that it is ridiculous to talk of an auction, at which one man may bid, and another may not; or an auction, at which some bidders are told that others must have preference. He, therefore, is for a free sale, open to every body, and to be conducted in that manner which shall ensure the receipt of the greatest sum of money into the Treasury. Now I say at once, plainly and distinctly, that this is not my object. I have other views. I wish, in the first place, to preserve the peace of the frontier; and I wish, also, to preserve and protect the reasonable rights of the settlers; because I think they have rights which deserve to be protected. These are my objects. Sir, if we could order an auction here, in this city, or elsewhere, out of all possible control of the settlers, and far from all fear of any influence of theirs, and could there sell the lands they live on, and their improvements, for their utmost value, and put the proceeds of the whole into the Treasury, it would be the very last thing I should ever do. God forbid that I should make gain and profit out of the labors of these settlers, and carry that gain into the Treasury. I did not suppose any man would desire that. I did not suppose there was any one who would consent that the increased value of these lands, caused by the labor, the toil, and the sweat of the settlers, should be turned to the advantage of the National Treasury. Certainly, certainly, sir, I shall oppose all proceedings leading to such a result. Yet, the member from Kentucky has nothing to propose, but to sell the lands at auction for the most they will bring, at a sale which he says ought to be perfectly free and open to every body, and to carry the proceeds into the Treasury. Let the sales go on: that is his doctrine. Let the laws take their course, he says, since we live under a Government of laws. Have a sale, make it free and open, and make the most of it. Let the Government take care that every body, who wishes to bid, be as free to do so as any other; and that no combination, no privilege, no pre-emption, be suffered to exist.

"Now, sir, in my opinion, all this is what we cannot do, if we would; and what we ought not to do, if we could. I do not believe we can have an auction, under existing circumstances, such as the gentleman insists upon. The known condition of things renders it impossible. The honorable member thinks otherwise. He will not agree, he says, that the President, with the militia and the army, cannot protect the authorities in maintaining a fair and open sale. Sir, is it discreet, is it prudent, to refer to such a recourse as that? Is it not greatly wiser, and greatly better, to remove the occasion, which may be done without injury to the Government, and in perfect consistency with the rights of others, rather than to think of such measures as have been suggested? For one, I disclaim all such policy."

But the Senator from Kentucky [Mr. CRITTENDEN] proposes to grant pre-emption exclusively to those worth less than \$1,000, for the sole purpose of accommodating the needy honest settlers and cultivators of the soil. Well, sir, what is to become of the poor and needy (to say nothing about honesty) speculator under this arrangement? Mr. President, if the Senator had known the situation of many of these poor, needy, and I may add, miserable speculators, I feel satisfied, from his goodness of feeling, that he could not have found it in his heart to have proposed their exclusion from the benefits of his system; of which charity would seem to have been the moving consideration. Why, sir, of all the unfortunate beings in the community, none commend themselves more to our sympathy and charity as a class, under existing circumstances, than these same proscribed speculators in the public lands. I believe, however, on reflection, that they will most likely find their relief under another proposition submitted by the Senator from Kentucky [Mr. CRITTENDEN] (the bankrupt bill) which is pressing hard upon the bill under consideration, rather than under any system of pre-emption which could be devised by the ingenuity of gentlemen, and especially if the cash principle should be retained, as I assure the Senator that most of them are very tender footed on this subject of cash payments just at the present time.

But, Mr. President, is there no reason to fear that the Senator, in the fulness of his sympathy for these poor needy tillers of the soil, will, if his proposition succeeds, do more mischief to that class of individuals, than to any other, by his thousand dollar restriction? Suppose, for instance, a man of fifty years, with a large family of children, and an unhealthy wife, should emigrate from Kentucky to Illinois, for the purpose of making some provision for his children, in a new country, which, from his scanty means, he could not do in Kentucky, and he should unfortunately happen to be worth \$1,050; would you exclude him from the benefits of your system? Yes, sir, he is worth fifty dollars too much; and if he desires to procure good land, must buy second hand, at five, ten, and fifteen dollars per acre, and yet there are among the emigrants to the West thousands of just such persons and families. I never will, Mr. President, give my consent to any such pre-emp-

tion law. I desire that all such laws may be free and equal; that the rich and the poor, and those of middle degree, may all fare alike, provided they will settle down upon the land, and cultivate it.

Sir, I have lived through a period, although not yet as gray as my old friend from Missouri [Mr. LINN] and in reference to whom I use the word friend as no common-place term, in which we have had many ups and downs, in the way of hard times and measures of relief; and my experience has been, with but few exceptions, that the "poor people," as they are called, and for whose benefit these measures of relief are ostensibly proposed to be enacted, are, for the most part, the very persons who suffer most by them, and have the least occasion for their enactment. And such is the case with your border people, who are represented here as being "poor squatters," or rather "poor intruders," upon the public lands. Sir, all they desire by your legislation here is, that you shall do equal justice to the rich and to the poor—by selling your land at one dollar and twenty-five cents per acre to all who are willing to go upon and cultivate them. At this price, the poor can compete with those who are really rich, when they could not at the sales by auction, and only desire that those who go first upon the land shall have the preference in the purchase of it. Mr. President, these squatters are the men who are *semper parati*, always ready, at the day, to pay their \$200 for their 160 acres of land; while the land dealer, or speculator, in most cases, can purchase, or not purchase, as the banks, for the time being, happen to extend their accommodations in that way or not. How is it with the bankrupt bill, which is pressing so closely upon our heels, as a great measure of relief? Is this intended for the unfortunate poor man, or is it for a more favored class of individuals? In this I believe, Mr. President, the thousand dollar principle works the other way.

But, Mr. President, if this scheme for distribution succeeds, are we not in danger in the new States, from the cupidity that may be excited in the old States, to make it exclusively a money measure, with an eye single to the dividends, of having the price raised upon us? But more than this: have we not just cause to fear that an attempt will be made to limit the settlements to such lands only as shall be subject to private entry, and that our borderers are hereafter to be considered, watched, and dealt with, as a band of lawless depredators and trespassers? What, sir, said the Senator from North Carolina [Mr. MANGUM] on this subject but a few short days ago? He said, if I remember, "that he had been informed that great depredations had been committed upon the public lands in the West; that these trespasses were considered not only excusable, but honorable, by those who committed them, and concluded by warning the old States to watch this interest with increased vigilance, and to adopt measures to prevent such spoliations in future."

Thus, Mr. President, I suppose we are to have, under this new guardianship, a cordon of spies, or common informers, upon our frontier—perhaps one from each of the old States—the settlers are to be driven off, *volens volens*, by a military force, if necessary—their cabins burnt down—their crops cut up and destroyed, and themselves subjected to fine and imprisonment, or other pains and penalties, if they should happen to cross over the border, and cut a few logs for a cabin, make a few rails to fence a truck patch, or even cut down a board or a bee tree, although it may be considered "honorable" among backwoodsmen, in accordance with the public sentiment generally, and in conformity with the immemorial usage of the country. Sir, let me tell that Senator that such a system of espionage upon the citizens of the new States, hitherto unprecedented, or any other system of that character, will never be submitted to.

Mr. President, as the honorable Senator from North Carolina [Mr. MANGUM] seems to think but little of the morals of our pioneer population, on account of their honorable trespasses upon the public lands, as he is pleased to term them, I beg leave to set him right, and to quiet his apprehensions on that subject, by referring to the honorable testimony of the Senator from Massachusetts, voluntarily

accorded, in behalf of the settlers in the West, shortly after he had made a visit to that country, and when their character, on a like occasion to the present, had been called in question here. Mr. WEBSTER said:

"Much has been said of the general character of the settlers. I have no extensive information, sir, on that point, and had not intended to say any thing upon it. But it has so happened that I have recently been in the Northwest, and have met, for a short time, with many of these settlers; and, since they have been spoken of here with so much harshness, I feel bound to say that, so far as my knowledge of them goes, they do not deserve it. Undoubtedly, sir, they are trespassers in the contemplation of law. They know that very well. They are on the public lands without title; but then they say that the course of the Government heretofore has been such as to induce and encourage them to go where they are; and that they are ready and willing to do all that Government has required from others in similar circumstances; that is, to pay for the lands at the common price. They have the general character of frontiersmen: they are hardy, adventurous, and enterprising. They have come from far, to establish themselves and families in new abodes in the West. They appeared to me to be industrious and laborious; and I saw nothing in their character or conduct that should justly draw upon them expressions of contumely and reproach."

But, Mr. President, this plan of restricting the sales, and of consequence the settlements, to such lands only as shall, for the time being, be subject to private entry, is no new doctrine. As far back as December, 1829, now eleven years ago, Mr. Foot, of Connecticut, then a Senator on this floor, introduced a resolution instructing the Committee on Public Lands to inquire into the expediency of limiting the sales of the public lands for a certain period to such only as had been before that time offered for sale, and subject to private entry at the minimum price; and also whether the office of Surveyor General might not be abolished without detriment to the public interest. This, sir, was a distinct proposition, coming from a distinguished Senator from an old State, not only to restrict the sales to the lands subject to private entry, but to stop the surveys, and even to abolish the office of Surveyor General, so that no more could be made in future. Here, then, we have an exemplification of the record of what we of the new States may expect, if the old should once fairly get their clutches upon these public lands. Yes, Mr. President, here was a proposition which, if it had been adopted, would have put an end to all the inducements to emigration. The operatives (as they are called) would have remained in the manufactories, or as tenants and dependants in some form to their more wealthy neighbors, in the old States, and all the facilities for the extension of our settlements and improvement of the country broken up and utterly destroyed. And not only so; for we shall soon have claims set up, under a variety of pretences, to certain rateable proportions of this great trust fund, (as it has been called,) in the way of back rations, with a *just view, doubtless, of equalization*, in respect to the lands which have been granted to the new States for internal improvements and the purposes of education; and for this, also, we are not without precedent. As far back as January, 1831, Mr. Lloyd, of Massachusetts, then a member of this body, submitted for consideration a resolution instructing the Committee on Public Lands to inquire into the expediency of granting land for the purpose of education within the limits of the old States, corresponding with the appropriations which had been made for the same object within the limits of the new States. Had that Senator forgotten that these lands for school purposes were granted by virtue of compacts, and in consequence of a valuable consideration, on the part of the new States, and were not mere donations? And what was that consideration? Take the State of Illinois for example. Congress agrees, on the part of the United States, that section No. 16, in every township, shall be reserved for the use of schools; to grant to the State all salt springs, and the lands reserved for the use of the same; five per cent. of the net proceeds of the sales of the public lands within the State; two-fifths to be disbursed by Congress in making roads to the State, and three-fifths by the State Legislature for the encouragement of learning; and an entire township of land for a university. For which favors, Illinois agrees, on her part, that she will exempt from taxation all lands sold after the 1st of January, 1819, for five years; all lands granted for military bounties for three years from the date of the patents; and that she would

not tax the lands of non-residents higher than those of residents. This was the consideration, and what does it amount to? According to the report of the Commissioner of the General Land Office, the amount of money received on account of sales of the public lands, in that State, into the national Treasury, is stated at \$14,207,046; the number of acres sold at \$1.25 per acre, would be 11,365,636.

These lands, if subject to taxation from the day of sale, at two cents per acre per annum, which corresponds with the rate of taxation in that State, including the road tax, would, in five years produce to the State the sum of \$1,136,560. The quantity of land appropriated for military bounties is stated at about 3,500,000 acres. This, at the same rate of taxation for three years, would amount to \$210,000; making together the sum of \$1,346,560; and this system of exemption from taxes is still going on *pari passu* with the sale of the lands, and is applicable to the nineteen millions of acres still unsold in that State. And what amount of lands has been granted to Illinois, for various purposes, internal improvement, education and all, in consideration of this exemption? Why, sir, according to the Commissioner's report, from which I have quoted, 1,537,317 acres up to January 1st, 1840; and I believe, if we may judge from the "signs of the times" here, that we have received but precious little since, with a very gloomy prospect for the hereafter. These facts, I trust, Mr. President, will put to rest this question of *equalization*, at least as it regards the State of Illinois, as I think that all unprejudiced men will agree, to use a Wall street expression, that we have granted a pretty broad margin to Uncle Sam for all the favors and privileges he has conferred; to say nothing of our refraining to tax all the lands for an indefinite period of time, during the continuance of their ownership by the United States.

The operation of the proposition of the Senator from South Carolina [Mr. CALHOUN] will be, to avoid all occasion for conflict of jurisdiction between the United States authorities and those of the new States. And this, Mr. President, is, in theory if not in practice, and a theory which may be practised upon, a most important consideration. The act of Congress of March 3d, 1807, authorizing the President to cause the settlers on the public lands to be removed, is still unrepealed. That act provides, "that the President of the United States may direct the marshal, and employ the military force to remove persons (squatters of course) unlawfully taking possession of the public lands until thereunto authorized by law," &c. And the Senator from Kentucky [Mr. CLAY] insists that it should be enforced at least as to the unsurveyed lands, if not as it regards all lands until they are first brought into market, and offered at public auction, in such manner as to secure a fair competition at the sales. And he predicts in such an event, that many of them, which are now sold to the squatters under our pre-emption laws, at \$1.25 per acre, would sell for 10, 20, and even as high as \$30 per acre. Now, Mr. President, there are in the State of Illinois 4,322,171 acres of land as yet unsurveyed—a very considerable amount of that which is surveyed has not as yet been brought into market. These lands are situated in the Northern part of the State—embracing much, if not the whole, of what is called the Rock river country—and most of them that are desirable are settled upon by these same "squatters." Well, sir, the State proceeds in virtue of her sovereignty, as she has done, to district the entire State into counties; to establish seats of justice for these counties; directs courts of justice to be held in them; provides for the appointment of sheriffs and constables; and for the organization of the militia; and whatever else is necessary to put the machinery of the body politic in motion. Now, sir, take one of these counties in which the public lands are unsurveyed, or, if surveyed, have not been brought into market, but which, nevertheless, is settled and giving its thousand votes at our elections; and suppose that, under this law of 1807, to which I have alluded, or any other law that Congress, in its wisdom, may see fit to pass upon the subject of preventing trespasses, the President should direct the marshal of the State to remove these persons as trespassers, and to use a military force,

if necessary, in their expulsion; and suppose still further, that the circuit court of the county should happen to be in session when the marshal, with his military posse, went to execute the mandate, and the marshal should, in obedience to his orders, say to the sheriff, or to the judge upon the bench, Gentlemen squatters, in the name of the United States, I arrest you as trespassers upon the public lands!! Sir, the thing is impracticable. You cannot, and you ought not to be permitted, if you had the power, to execute any such law. I know that I have put a strong case, but it is, nevertheless, one which might arise, if Congress should, at any time, attempt to enforce such laws within the jurisdictional limits of an organized sovereign State of this Union. The Senator from South Carolina [Mr. CALHOUN] proposes to avoid any such conflict of jurisdiction, by placing the lands at once under the superintendency of the States, to which they respectively appertain, where of right it should belong. With the right of pre-emption, the Senator from South Carolina proposes *graduation and reduction* in the price, and a final cession of the refuse lands to the States. His proposition is:

"That the minimum price, as now fixed by law, shall remain unchanged until the thirtieth day of June aforesaid; but, after that period, the price may be reduced by the States respectively, according to the following scale; all lands theretofore offered at public sale, and then remaining unsold ten years or upward, preceding the thirtieth day of June aforesaid, may be reduced by said States to a price not less than one dollar per acre; and all lands that may have been offered at public sale, and remaining unsold fifteen years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than seventy-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may then be reduced by said States to a price not less than fifty cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty-five years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than twenty-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold thirty years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, shall be ceded immediately to the States in which said lands are situated: *Provided*, That all lands which shall remain unsold after having been offered at public sale for ten years, and which do not come under the above provisions, shall be subject to the provisions of pre-emption, graduation, and disposition aforesaid, at the respective periods of ten, fifteen, twenty, twenty-five, and thirty years, after said sale, commencing from the expiration of ten years after the same had been offered at public sale."

In reference to this subject he [Mr. CALHOUN] says:

"That the occupants of the public lands partake of the feeling that the same price ought not to be exacted for the inferior as for the good lands. They are unwilling to give for the inferior lands, which for the most part they occupy, \$1.25, when a small part only of the best lands offered for sale would command that price; and feel that they have something like justice on their side in not giving so high a price for their possessions."

"This feeling must be met; and it is proposed to meet it by the provisions for graduation and pre-emption which I have just stated; a policy so liberal towards a large, though a poor class, not less honest and patriotic than the rest of the community, could not fail to have a happy effect, not only in reference to them, but in a more enlarged point of view. One of the most important would be the great increase of the number of small freeholders, which, in the hour of danger, would prove of vast importance, especially in the weaker portion of the Union—in the Southwestern States—where the provision would have the greatest effect. It would be the class that would furnish the hardest and best soldiers, with the advantage of being inured to the climate. Combined and modified as they would be, they cannot but have a powerful weight in inducing the occupant to purchase. It will work a revolution in his character. He will regard himself, on his little domain, more a freeholder than a squatter, and as the price in the descending scale of graduation approaches the price that lands, such as he occupies would sell for, his industry and economy will be exerted to be prepared with the requisite means to make the purchase. The liberal character of the policy would impress him with deep feelings of respect for the justice and care of the Government; and the security it would afford would put an end to the *esprit de corps*, which otherwise would be so strong, and all, combined with the influence of the States on the side of the Government, would, I feel confident, guard effectually against the danger of losing the lands, as far as the occupants are concerned, in the only way that would be practicable."

I understand, Mr. President, that the lands in your State (Kentucky) belonging to the State, south of the Tennessee river, have been gradually reduced from fifty cents down to twelve and a half cents, or as they call it in that State, nine pence, to the acre. Now, will the Senator from Kentucky [Mr. CRITTENDEN] require more from us of the new States than is exacted from the people of his own State. And will not the same rule which will apply to the inferior lands in Kentucky, apply with equal force to lands of the same quality in Illinois, separated as they are by the Ohio river only, and inhabited by the same kind of people? Sir, it is a bad rule which will not work both ways.

It is also proper as a financial measure. The desirable lands, in the course of a few years, are sold at one dollar and twenty-five cents per acre—after which the sales become limited, and will not much more than pay expenses; the price is then reduced to one dollar per acre. This stimulates the settlers and others to make a further examination, and the next best portion is culled and purchased, and considerable addition is made to the revenue. The sales again relax, and a further reduction is made in the price with similar results; except, that less and less quantities are purchased at each subsequent reduction, until the sales of those which are left will not pay for selling. This period is limited, by the Senator from South Carolina, at thirty years; as the time when the quantity remaining unsold, after being culled and reculled, again and again, should be ceded as refuse lands to the States. Take the State of Ohio for example. According to the report of the Commissioner of the General Land Office, the sales in that State for the first three quarters of the past year (1840) amount to \$27,146 only, and the expenses of selling, &c. are stated at \$7,596—leaving a balance of \$19,550. Yes, sir, less than twenty thousand dollars. During the same period, the sales at the land office at Zanesville amounted to \$1,099, and the expense of selling \$811—leaving a balance from that land district of \$288. In the Cincinnati land district the sales are stated at \$803, and the expenses of selling at \$759—exhibiting a balance of \$44; in the Wooster district the sales amounted to only \$50, there having been within all that time but a single forty acre tract sold, for \$50, while the expenses of selling it amounted within the same period to \$720; and in the Steubenville district there were no sales at all, where the amount of incidental expenses is stated at \$774. I will not refer to any of the other States, although I believe that the account from the State of my friend from Mississippi, [Mr. WALKER,] if looked into, would be found to be in a very lean condition. Now, sir, does not this statement of facts, about which there can be no dispute, demonstrate, beyond controversy, to all who are unprejudiced, that the time has arrived when these lands, no longer profitable as a source of revenue to the United States, should be ceded to Ohio? And for what, sir? That the State may apply such portions to the purpose of internal improvement and education as can be made available, and donate the residue in small quantities to the poor, who may not have the means of purchasing even at the most reduced prices. In the consummation of this plan, also, the entire country will become settled; the lands will all become taxable, and contribute their due proportion of revenue to the State, instead of being held up by the United States for an interminable period, tax free, and not subject to settlement and improvement. How long are these unsaleable refuse lands to be held up under the present system for a market? Connected with this subject, is the proposition to sell hereafter in quarter-section sections, or forty acre tracts, without restriction—the sales at present in forty acre tracts being limited to two entries only, to the same individual—for what reason I never knew, or could understand. This privilege is to be continued with the graduation of the price, so that the poorest man in the country may, if he chooses, become a freeholder, and possessed of a home which he can call his own. The lands belonging to the United States, in the State of Tennessee, having long since ceased to be regarded as a source of revenue, should, in like manner, as in the case of Ohio, but for still stronger reasons, be ceded to that State without further delay.

The Senator from South Carolina also proposes to provide for the transfer of the evidences of title from the seat of the Federal Government to the seat of Government of the new States, to which they properly appertain. This, sir, is also an important provision; for nothing can be more desirable than to have the titles to real estate—that property which, above all other, constitutes the permanent wealth of a State, from its immovable character and natural tendency to advance in value—within the reach of every man, who may be interested in them, so that he can refer to them with convenience, and procure duplicates in case

of loss or accident, at a comparatively small expense.

It is also proposed by the amendment which I have offered, to annul the restriction imposed upon the new States by compact, by which they are prohibited from taxing the lands for five years after the date of the purchase from the United States. I have shown, sir, in the progress of my remarks, that the State of Illinois has already lost, in the way of revenue upon the lands sold within her limits, \$1,136,560 by this restriction, and without any advantage whatever to the United States, and what she will lose by its continuance, upon those that are unsold, which are stated at more than nineteen millions of acres.

Suffice it to say, Mr. President, that in our present indebted condition, a repeal of this restriction upon the taxing power of the States, is imperiously demanded, and ought not longer to be withheld. I believe, sir, that I have stated and gone through with the leading features of the proposition of the Senator from South Carolina, and have endeavored, in my plain way, to illustrate, by facts and argument, the advantages which will, in my judgment, result from its adoption to the community at large, the old States as well as the new.

But, sir, I have said that if the distribution scheme succeeds, are we not also in danger of having the price of the lands raised upon us? Was not such a proposition made by an honorable Senator here, [Mr. PRENTISS,] who never moves except upon due consideration, at the session of 1837 '38? And what said the honorable Senator from Massachusetts, [Mr. WEBSTER,] who stood nobly by us on that occasion, as he has done on many other occasions, when it was made? Mr. WEBSTER said:

"It has been proposed also so to amend the bill, (the pre-emption bill of 1835) as to require that the settler, in addition to the dollar and a quarter per acre, should pay one-half of the actual value of the land above that sum; this value to be ascertained by appraisers appointed by the register of the land office. I could not agree to this amendment; because, in the first place, we have never adopted the principle of selling lands on appraisement. But secondly, and mainly because if these settlers have had any ground or reason to expect a pre-emption right from Congress, (which is the substantial foundation of the bill,) they have had, and now have, reason to expect it, on the same terms on which it has been granted to others."

What more, sir, could have been said upon the subject, except to ask the Senator who moved the proposition, if they were more valuable than \$1.25 per acre, who made them so? I have introduced it to show that fears in this respect are not entirely without foundation.

But again, sir, if Congress should pass a law to distribute the proceeds of the sales of the lands among the States; is it not virtually the same thing as parceling out the land itself among the States? It ceases to be regarded as a source of revenue, and the States alone are interested in making the most of it. Would not such an arrangement in fact, abrogate the compacts by which the new States have agreed not to tax the lands during their ownership by the United States, and for five years after they shall have been sold? Has it not been contended here, not by one, two, or three; but many Senators on the opposite side of the chamber, that the object for which these lands were originally granted by Virginia and other States, having been fulfilled, they revert to the grantors or to the States at large, and are now held by the United States in their aggregate capacity as a trust estate, and to be disposed of accordingly? Sir, the whole matter of ownership, according to their arguments, has become radically and entirely changed. The lands have become a trust estate, Congress the trustee, and the States, old and new inclusive, the *cestui que trust*. They are no longer the property of the United States. Now, sir, if this be the case, I contend, that from the moment such a bill passes, these compacts will cease to operate, and that the new States will have the right to impose a tax upon all the lands within their respective limits. Suppose, Mr. President, instead of distributing the proceeds of the sales; the lands themselves, (which is the same thing in principle,) should be parcelled out among the States; and we should have a North Carolina reserve, a Connecticut reserve, a Vermont reserve, a Kentucky reserve; and since my friend from Pennsylvania,

who sits near me on the right [Mr. STRAZON] has received his distribution instructions, which were introduced this morning, I suppose we must also have a Pennsylvania reserve; and so on with reserves for each of the twenty-six States composing the entire Union; what, sir, would be the effect of such a partition? Would not the whole of these lands become immediately subject to taxation by the new States respectively in which they are situated? And where is the difference in principle, whether you distribute the land or the money arising from the sale of the land? Is this semblance of ownership by the United States to be kept up as a pretext to avoid such taxation? And are the new States to be frightened by this shadow of ownership when the substance has departed? I hold, therefore, Mr. President, that if a distribution of the proceeds of the sales of the public lands should be made as proposed by the honorable Senator from Kentucky, [Mr. CRITTENDEN] that no arrangement will be just and equitable to the new States, which does not make a proper allowance for the amount of taxes which would accrue from time to time on all the lands thereafter sold within their limits, for the purpose of distribution; and which, independent of the restrictions I have mentioned, would be subject to taxation as other lands.

It is nevertheless true, sir, that the pre-emption principle is engrafted on the amendment of the Senator from Kentucky, [Mr. CRITTENDEN] and I have no doubt of his sincerity and willingness to grant pre-emptions in some form, provided they go hand in hand with distribution; but not otherwise, if we may judge from his former opinions as expressed upon that subject. Although there is a restriction imposed upon the right of the pre-emptor, by limiting the privilege to a particular class, not worth exceeding a thousand dollars, and the quantity of land stated at three hundred and twenty acres; still it has not assumed the form and features of a bill, and may not be all it would seem to be, when it comes to be run out into the details. For instance, are aliens and foreigners, not naturalized, to be included within its scope or not? Will it be prospective in its operation, and will the settlers be permitted, as heretofore, to settle upon the unsurveyed lands, and such as have been surveyed and not brought into market, or not? And if so, will they thereby become entitled to the right of pre-emption or not? These, sir, and many other such considerations, ought not to be overlooked in a measure of such consequence to the people of the new States and the Territories who reside there, and to all such as desire to go there for the purpose of procuring homes for themselves and families. They have not been overlooked in the bill introduced by the Senator from Missouri, [Mr. BENTON,] which is fair in features and full in all its proportions. Will the Senator from Kentucky [Mr. CRITTENDEN] consent to such a pre-emption law as this?

But, Mr. President, I desire to say something on the subject of aliens—of such foreigners as have emigrated to and become inhabitants of the new States, and who are so unfortunate as not to be naturalized according to the laws of the United States. Are these aliens to be admitted or not to the benefits intended to be conferred by your [Mr. CRITTENDEN's] proposition? It would seem not, if the vote taken a few days ago on the amendment proposed by the Senator from North Carolina, [Mr. MANGUM,] is to be regarded as an indication of what may be expected from the advocates of distribution. Mr. MANGUM moved to amend the bill, [Mr. BENTON's,] by excepting aliens from its provisions, when the vote stood as follows:

YEAS—Messrs. Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Huntingdon, Knight, Mangum, Merrick, Prentiss, Preston, and Ruggles—12.

NAYS—Messrs. Allen, Anderson, Benton, Clay of Alabama, Fulton, Henderson, Hubbard, King, Linn, Lumpkin, Mouton, Nicholas, Norvell, Pierce, Porter, Roane, Robinson, Sevier, Smith of Connecticut, Smith of Indiana, Sturgeon, Tallmadge, Tappan, Walker, Wall, Williams, Wright, and Young—30.

Sir, what did the honorable Senator from Massa-

chusetts [Mr. WEBSTER] say on this subject, when a similar proposition was made to exclude foreigners, in 1838, by the honorable Senator from Maryland, [Mr. MERRICK] if my memory serves me. And here I beg leave again to read from the speech of the honorable Senator on that occasion. Mr. WEBSTER said:

"It has been proposed to amend this bill, [the pre-emption bill of 1838,] so as to limit its benefits to native or naturalized citizens of the United States. Although I have been heretofore disposed to favor such a proposition, yet, on the whole, I think it ought not to pass, because such a limitation has been altogether unknown in our general system of land sales; and to introduce it here, where we are acting on rights already acquired, would be both invidious and unjust."

And in reply to his honorable colleague, [Mr. DAVIS], he further remarked:

"My colleague complains, also, that the bill holds out great inducements to foreigners to come among us and settle on the public lands. He says it is an invitation to the nations of Europe to open their work-houses, and send hither all their paupers. Now, sir, in all candor, is this the just character of the bill? Does it propose any change in our law in respect to foreigners? Certainly it does not. Always a foreigner could come here; always he could buy land at the minimum price; always he stood on an exact footing of equality, in this particular, with our own citizens. And would my worthy colleague now make a difference by this bill? If two settlers are found on the frontier, each on his own quarter section, each with a family, and each living under a roof erected by his own hands, and on the produce of fields tilled by his own labor, the one a citizen, and the other a foreigner not yet naturalized, would my colleague make a difference, and confirm the settlement of one, and break up that of the other? No, I am sure, sir, he would do no such thing. His sense of justice and his good feeling would revolt from such a course of action as quick as those of any living human being."

And what better reasons could be given than that it would be a limitation altogether unknown in our general system of land sales, and that such a distinction would be invidious and unjust—and especially in the State of Illinois, where they are expressly permitted by statute to purchase, hold, and transmit real estate in all respects as citizens.

But, Mr. President, my principal object in again introducing foreigners not naturalized, at this late period in the debate, is to reply more fully to the remarks of the Senator from Kentucky [Mr. CLAY] and the Senator from North Carolina [Mr. GRAHAM] in respect to the constitutional power of a State, and particularly of the State of Illinois, to prescribe the qualifications of such persons as shall be admitted to the right of suffrage in the election of members to the most numerous branch of the State Legislature, and consequently in the elections to be held for members of the House of Representatives in Congress; who, by the Constitution of the United States, (article 1, section 2,) are required to possess the same qualifications. I understood both Senators to say, that a State had no power to admit an alien to vote, unless he had been previously naturalized according to the Constitution and laws of the United States; and the Senator from Kentucky [Mr. CLAY] went farther, and said, that he had been informed that the foreign vote in Illinois, that is, of persons not naturalized, which he declared to be illegal, had given the preponderance to Mr. Van Buren in the late election for President in that State. Now, sir, if the result of the election in Illinois is to be attributed to this foreign vote, all I have to say is, that the Senator's informant knows much more about the matter than I do. In the county in which I reside, there are many Germans, emigrants from foreign lands, who, I am informed, are not naturalized. Their vote was divided at the late election, but in what proportions I am unable to say. I also understood that there were many foreigners, not naturalized, among the Mormons, who voted, and who voted as they had a right to do, almost without exception, for General Harrison. A large majority of the foreigners on the line of the canal, I suppose, (but of this I am entirely uninformed,) voted the Democratic ticket. How they voted in other parts of the State, I know not. With such a state of things, where, from their nature, it must be exceedingly difficult, if not impracticable, for any one to know who was naturalized, and who not; what number voted, and what not; on what side the vote of this one and that one, individually, was cast, how can any one undertake to say, with any degree of certainty, that the result was produced by that or other causes? Sir, there are certain men in this world who always have a cause when defeat overtakes them, (as I will presently undertake to prove in regard to the defeat of Mr. Van Buren, and with him, the

Democratic party,) who would assign very different reasons if the victory had declared in their own favor, and against the enemy.

But I come back to the question as to the right of a State to qualify aliens to vote, without previous naturalization according to the acts of Congress.

The Constitution of the United States, art. 1, sec. 2, provides "that the House of Representatives (in Congress) shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures."

That "no person shall be a representative (in Congress, who shall not have attained to the age of twenty-one years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen."

It is provided by the same article, section 4: "That the times, places, and manner of holding elections for Senators and Representatives (to Congress) shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators."

In section 5, of the same article, it is further provided that "each House shall be the judge of elections, returns, and qualifications of its own members." And in section 8, of the same article, it is provided that "the Congress shall have power to establish a uniform rule of naturalization throughout the United States."

These, Mr. President, are all the provisions in that instrument which have any relation to this subject. Thus it will be seen that the qualification of persons who may be elected to the House of Representatives in Congress, is prescribed, fixed, and limited by the Constitution of the United States, while the power is reserved to the States to prescribe the qualifications of the electors, by whom they are to be chosen; under the 10th article of the amendments to the Constitution, if there be a doubt, which declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." And this has been uniformly the practice since the commencement of the Government, under its present form of Administration.

Mr. President, I have, in reference to this question of State right, examined all the Constitutions of the States, Rhode Island excepted, which seems to be still working under the old charter granted by his Royal Majesty King Charles the Second, of England; and I find that, in every instance, the qualification of electors for members to the State Legislatures, has been prescribed exclusively by the States; and that many of them do not require citizenship as essential, or at all necessary in constituting the elective franchise. In fifteen of the States, to wit: Maine, New York, Pennsylvania, Delaware, Virginia, South Carolina, Georgia, Kentucky, Ohio, Indiana, Louisiana, Mississippi, Missouri, Alabama, and Arkansas, the word "citizen" is employed as a necessary qualification. In four of the States, to wit: Massachusetts, Vermont, Maryland, and North Carolina, the word "free-men" is used, and "citizen" omitted. In New Jersey, "all inhabitants" of full age, worth £50, proclamation money, with twelve months' residence, are entitled to vote—under which description of all inhabitants, I understand the ladies in that State formerly claimed and exercised the privilege of voting; and had great influence in controlling the result of the elections. In Connecticut, all "free-men," at the adoption of their Constitution, and such as become "citizens" afterwards. In Tennessee, every free white man, being a "citizen" of the United States, with six months' residence, with a proviso that no person shall be disqualified from voting on account of color, who is by the laws of the State a competent witness in a court of justice against a white man. Under this proviso, I understand that certain persons of color are permitted to vote in that State. The Senator from Tennessee [Mr. ANDERSON] says, that persons of color are excluded by the new Constitution of that State. They were permitted by the old, and it was to that

I had reference, not having seen the new one. In New Hampshire, the expression made "inhabitants," excepting paupers, is employed.

In the State of Michigan it is provided that—

"In all elections every white male citizen above twenty-one years of age, having resided in the State six months next preceding any election, shall be entitled to vote at such election; and every white male inhabitant of the age aforesaid, who may be a resident of the State at the time of the signing of this Constitution, shall have the right of voting as aforesaid."

And in the State of Illinois, it is provided that—

"In all elections, all white male inhabitants above the age of twenty-one years, having resided in the State six months next preceding the election, shall enjoy the right of an elector; but no person shall be permitted to vote, except in the county or district in which he shall actually reside at the time of the election."

And in the schedule of the Constitution of that State, it is further provided that—

"All white male inhabitants above the age of twenty-one years, who shall be actual residents of this State at the signing of this Constitution, shall have a right to vote at the election to be held on the third Thursday, and the two following days of September next."

Which corresponds with a similar provision in the Constitution of the State of Michigan. Besides the State of Tennessee formerly; New York, Maine, and perhaps several other of the States, have, in like manner, conferred the right of suffrage on persons of color, with certain property qualifications; and I saw, in a recent publication by one of the Northern members of the other House, that he attributed his defeat in the last election to this same colored vote. The States also differ in many other respects; some requiring property qualification, some more or less time as to residence, and others that they should have paid taxes, etc. In regard to Michigan, it is evident beyond controversy, that the words "citizen" and "inhabitant," were intended to be used in a very different sense, and to apply to a very different description of persons. It is certain that the word "inhabitant" was intended to include all persons, natives, aliens, and all, whether naturalized, or not, who were residents of the State at the signing of the Constitution; while it is equally certain that a limitation was implied in the word citizen upon those to come afterwards. And this Constitution was ratified by Congress as being in conformity with the requirements of the Constitution of the United States. But I understood the Senator from North Carolina [Mr. GRAHAM] to say that there might be a sort of special naturalization in this constitutional way, while the general power was withheld from the States. Sir, the language of the Constitution of the United States is, that "Congress shall have the power to establish a uniform rule of naturalization" only; so that a special naturalization, as supposed, would be without authority. And I hold further, that if this power of prescribing qualifications of electors belongs not to the States, and that naturalization is a necessary prerequisite, that it can no more be conferred by the adoption of a State Constitution containing such an exception, from the uniform rule, than in any other way. It follows of course, from the practice of Congress, and universal usage in all the States, that the construction always has been that the power resided in the States. This, sir, has been the construction of the Constitution of Illinois; and foreigners, although not naturalized, but who have become inhabitants of the State for six months previous to an election, have always been allowed to vote. The question with us has been, not as to the right of the State to prescribe the qualifications of her electors, but whether, in the employment of the word "inhabitants," in our Constitution, it was intended that foreigners, not naturalized, should be entitled to vote. But, sir, we went farther than this, as I mentioned in the course of a few remarks I made on this subject some days ago. In respect to the qualification of Governor, it was provided in the body of the Constitution, that he should be at least thirty years of age, have been a citizen of the United States thirty years, and two years a resident in the State; and the Lieutenant Governor was required to possess the same qualifications. Now, sir, in order to qualify a particular individual for this second office, who stood prominent as a man of integrity and benevolence, but who was a native of Canada, (Col. Pierre Menard of Kaskaskia,) it was provided in the schedule of the Constitution, that any person of thirty years of age, who

is a citizen of the United States, and has resided two years within the limits of the State next preceding the election, shall be eligible to the office of Lieutenant Governor, any thing in this Constitution contained notwithstanding. Well, sir, he was put upon the ticket with Col. Bond, who was nominated for Governor, although they were of opposite politics, and continued to be so, as long as Gov. Bond lived, and both were elected by the unanimous vote of the people, without opposition, and both made excellent officers. To give you an instance of his plain but honest bluntness, I will mention an occurrence which happened during a time when he was, by virtue of his office of Lieutenant Governor, presiding as Speaker of the Senate. In 1820, we made a State bank upon a capital of credit and confidence, (specie being rather a scarce article at the time,) as a measure of relief to the people, it being a time of great pecuniary embarrassment; and to make its issues the more acceptable as a circulating medium, a resolution was offered requesting the Secretary of the Treasury to make it land office money. Colonel Menard had been very much opposed to the creation of this bank without a specie capital. So, when the resolution came up for adoption in the Senate, he rose, evidently out of humor, and said, in his broken English—'Gentlemen, as it your wish, and it is my duty, I will put de question—but I bet any man fifty dollar he no made land office money.' And the Colonel was right; it was not made land office money, and depreciated as low at one time as four for one.

But the Senator from North Carolina [Mr. GRAHAM] objects to the right of a State to permit aliens to vote, for the reason that it will give an undue proportion of representation in the general apportionment of political power among the States, and especially in the States where they are not admitted to the right of suffrage. This, sir, is an objection easily answered, by reference to article 1, section 2, of the Constitution of the United States, which provides, that "representatives and direct taxes shall be apportioned among the several States which may be included in this Union according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons."

It is the number of persons of all descriptions, then, according to the enumeration which shall be made at stated periods, and not the number of voters, which is to regulate the relative distribution of power among the States.

Mr. President, this word "citizen" seems after all to have a very indefinite meaning. In its original acceptation, according to the French Dictionaries, it signified an "an inhabitant or freeman of a city." The natives of a city as contradistinguished from foreigners. According to Mr. Webster's large quarto, it means technically in the *United States*, "a person native or naturalized, who has the privilege of exercising the elective franchise;" or the qualifications which enable him to vote for rulers, and to purchase and hold real estate. To "citizenize," is to make a "citizen," to admit to the rights and privileges of a citizen, and he gives as an example, that "Talleyrand was citizenized in Pennsylvania, when there in the form of an emigrant."

So that it seems that the State of Pennsylvania, at least in this instance, if it be correct, undertook for herself, and did citizenize, but for what purpose is not stated, a foreign emigrant, without the concurrent authority of the United States.

From this circumstance, it appears, that there may be citizens of a State, who are not citizens of the United States.

I come now, Mr. President, to consider of the causes which, in my judgment, more than any other, led to the late defeat of Mr. Van Buren, and with him the overthrow, for a time, of the Democratic party. Our troubles, sir, commenced with the celebrated year of 1836; a year long to be remembered by those who have been attentive to the political events of the times, as being fraught with more mischief, and bringing in its train more evils, moral and pecuniary, than any which had preceded it, and it is to be hoped, any which has, or may come after it. It

was during this year more than any other, that States, corporations and individuals, alike heedless of the future, rushed headlong and madly into the broad vortex of speculation, and many have been swamped and left miring in the quicksands. Yes, sir, wide spread, desolating ruin has been the consequence. It was during this year, that the imports of merchandise from foreign countries ran up to the extraordinary sum of 189,980,035 dollars; 40 millions of dollars more than any preceding year, and nearly 28 millions of dollars more than any year succeeding. While the exports from the United States to foreign countries, for that year, were only 127,663,040 dollars—showing a balance of trade against us, for that year alone, of the enormous amount of 62,316,995 of dollars. The sales of the public lands, also, suddenly run up during that year to the sum of 25,167,833 dollars—being 9,168,029 dollars more than any year preceding, and 18,160,310 dollars more than the sales of any subsequent year.

The sales, Mr. President, for this memorable year of 1836, exceeded four millions of dollars in the State of Illinois alone. And so it was with every thing. The delusive phantom of speculation seemed to have taken complete possession of the human mind, and our extravagance and folly not only astonished and alarmed the sober minded and reflecting of our own country, but all Europe for a time stood still, and looked upon our rapid movements towards wealth and fortune with wonder and amazement. Why, sir, during this period, the speculators in the public lands, in many instances, in their haste to become rich, looked only to the maps in the land offices to see what was vacant, and swept it all, good, bad, and indifferent, (or I would be more correct if I should say, the bad, worse, and still more indifferent, as the good had, for the most part, been taken before) that was subject to private entry, far and wide; swamp, sand ridges and all, and where are they now? No wonder, then, that the Senator from Kentucky [Mr. CLAY] can show by figures and by facts, that many of the lands which were some years before that time reported by the land officers as being of little value, have since been sold at one dollar and twenty-five cents per acre. To give you an example of this system of speculation, and of its ruinous consequences, I need only to refer to the case of the New York and Boston Illinois Land Company. This, sir, is perhaps the most wealthy company of the kind in the United States. It is composed, for the most part, of gentlemen of fortune, who are still wealthy, notwithstanding their losses upon their investments in this stock. Their purchases, I believe, exceeded a million of acres, and their lands are of average good quality; many of them are considered as among the very best lands in the State; and what has been the result of their operations? Why, sir, with most of their lands on hand, still unsold, with a large amount of taxes annually to pay upon them, their stock is down to thirty cents in the dollar, notwithstanding it is backed by some of the most substantial wealth in the country. Such being the facts in regard to this wealthy land company, what must they be with that inferior class of individuals who speculated exclusively on money borrowed from the banks, and whose purchases were in the general limited to lands of inferior quality? Sir, comment is unnecessary.

And now, Mr. President, for the application. Universal pecuniary embarrassment had seized upon many parts of the country; broken speculators and debtors of every class and degree, and belonging to every party, had in many instances become desperate, and cried out for a change! Yes, sir, this magic word change! change!! was rung from the mountain tops, and echoed through the valleys, and this it was that, in my judgment, led to our defeat, and not the machinations of the bankers in Threadneedle or Lombard streets in London, or in Wall street, in New York. No, sir, many were in debt, and hopelessly in debt, without some great and extraordinary change, which could not be anticipated in ordinary good times, when men are expected not only to support their families, but also to pay their debts, by a prudent and economical arrangement of their business, and an in-

dustrious application to their occupation, whether it be that of merchant, lawyer, doctor, farmer, or mechanic. To all such—I speak in the general—this change became desirable, as a measure of relief, for the reason, as was stated, that they could not be worsted; and that peradventure something might, in the course of coming events, turn up for the better. Sir, I will give you an instance of this feeling in a case which, I am informed, occurred in my own county. An individual who, on many accounts, had been regarded as a prominent member of the Democratic party, and who still professed to belong to it, said to one of his neighbors that he had not voted for either of the candidates for the Presidency. Upon his neighbor expressing some astonishment, and asking the reason why he had not voted, he replied by way of excuse, "that in common with many of his neighbors, he had been imprudent and was in debt; and, although it was still in accordance with his principles that Mr. Van Buren should be elected, that he believed it would be to his interest that General Harrison should be elected; and that between principle and interest he had stood still, and had not voted." And thus it was with thousands and tens of thousands, who not only "stood still," but voted for the enemy. I use the word enemy with no invidious or reproachful meaning. Well, Mr. President, our opponents have succeeded in bringing this change about as a great relief measure, and by unprecedented majorities, as is generally the case with such measures; and let them take heed that it does not, like most other measures of relief, be found upon experiment not to answer the public expectation, and like them doomed, in case of disappointment, to very short duration. Who, Mr. President, of the West, has forgotten the history of my native State, of your own State, (Kentucky) and in your own times, in regard to these same measures of relief; and who does not recollect the rapidity with which they successively passed away. In 1816 or 1817, the Legislature of that State chartered the celebrated *lifter* of banks, forty-two in number, as a measure of relief, and what became of them? Gore, sir, to the tomb of the Capulets. They exploded one by one; and in the space of a few short years, not one of all was left to tell the story of their misfortunes. And yet, sir, this measure was popular in its day. Then followed the *stay* and *replevy* laws; the old and new court questions; and the disasters which befel them, had, for a time, well nigh demolished the entire judiciary system of the State. How was it, sir, in Illinois, the State of my adoption? In 1820, our old State bank (long since exploded and now almost forgotten) was established as a measure of relief; it had no other capital than *credit and confidence*, for we had no money, and its notes were payable in ten years. It was, nevertheless, a measure called for by the popular voice. Mr. President, its story is soon told: its notes very soon depreciated as low as *four for one*—the Supreme Court of the State declared it unconstitutional, and the State lost one hundred thousand dollars by the experiment; and had, in the end, to borrow that amount to make good the deficit. In my judgment, Mr. President, all relief laws which interfere between debtor and creditor, in respect to their contracts, are productive of mischief. They destroy punctuality in dealing, corrupt the morals, and make men seek for advantages which they would not think of, and of which they would be ashamed, under other circumstances, by affording this sort of legal encouragement, under the seductive form of measures of relief. Whether this change of rulers, and with it a change in the administration of the Government, as a great measure of relief to the country, will or will not prove to be an exception to the rule, remains yet to be tried. But I can tell the gentlemen who are opposed to us, in the language of the Senator from Arkansas, [Mr. SEVIER,] with whom I perfectly agree on this subject, that much will be expected; that money must be made so plentiful as scarcely to be worth the asking for it; that every man must have his pockets filled and to give away if he chooses; that the banks are to throw open their vaults, that each may borrow what he pleases, without having to work for it, and without being under any particular obligation to repay it. Let

all these things, and many more in the way of relief, be not done, and who can tell what may come of disappointment?

But it has been said that Gen. Jackson was the author of much of this distress, by advising the banks, several years ago, to discount liberally. Sir, this is no excuse for the banks having extended their accommodations, if they did so, beyond the limits of reason and propriety. It was the duty of presidents and directors, in respect to the trust confided to them by the stockholders; it was their duty as officers and as men, whoever may have advised, not to have exceeded the bounds of prudence and the reasonable wants of the country. Sir, this almost universal disposition, when calamity overtakes us, to impute the cause to any thing rather than our own mismanagement, reminds me forcibly of the propriety of our attending more closely than we are in the habit of doing, to the moral of a text from which our worthy and talented chaplain [Mr. Cookman] preached sometime ago, which is as well applicable in politics as in matters of religion. The text was, "Take heed unto thyself." Yes, sir, if any man will but take the trouble to examine himself in these matters of running in debt, of overtrading and overliving, and the consequent embarrassment and pecuniary distress, he will very seldom have to travel beyond his own door to ascertain the cause. Sir, I blame no man for any of my improvident acts. I act upon my own judgment, as all men who have arrived at years of maturity should do, and if I am deceived, I endeavor to repair the loss, and profit by the experience. But, Mr. President, this change of fortune in money matters, which has come upon us, did not come unexpected. The old farmers of the country frequently spoke of it, and said it was inevitable. They said that property was too high, that the people had become extravagant, and that the price of produce and of labor had run up to fictitious rates, which could not be sustained, and which were not, in fact, desirable for the general welfare of the country; that uniform reasonable prices would be much better. All predicted it; the prudent prepared for it, and those that were overtaken in their difficulties, excused themselves by saying that it had come sooner than they expected, or, as was most frequently the case with the Whigs, put all the blame upon the Government.

I have now only a word to say, Mr. President, in reply to the Senator from New York, [Mr. Wright], on the subject of State stocks and State indebtedness, and will bring my remarks, already spun out much longer than I intended, to a close. I understood the Senator to say that the present indebtedness of the States, according to the information he had received, was about two hundred millions of dollars; and that about half that amount, or one hundred millions, in stocks, had been hypothecated upon an average of about fifty cents to the dollar; that the time had arrived for the payment of the advances; that these pledged stocks, in consequence of a failure by the States to comply with the terms upon which they were hypothecated, were in a condition to be forfeited, and might now be sold in the market at a sacrifice, for the benefit of the bankers with whom they had been pledged; and to argue from these premises, that any measure which might be adopted here, by which the value of these stocks would be enhanced in the hands of the bankers, would ensure a benefit to their benefit, and not to the States by whom they had been pledged. Now, sir, I cannot say to what extent the Senator's [Mr. Wright's] information may or may not be correct, but I know that in relation to the stocks of Illinois, the facts are far otherwise. When I was in London as an agent of that State, something more than a year ago, I understood the practice to be with most of the States, when there was not an absolute sale, simply to establish an agency for the sale of their bonds upon such terms as might be agreed upon; say, for instance, at £91 to the £100, as in my own case, allowing to the banker the excess above that sum by way of commission for selling, &c. upon which contract he agreed to make certain advances to the State by instalments, to be reimbursed out of the first sales of bonds, but with the

express provision in the agreement, that the bonds shall not at any time be sold for less than £91 to the £100. There is also, in the general, a provision that the dividends accruing upon the stock sold, shall be payable at the house where sold, for which it is usual to charge one per cent. commission. This, sir, is my limited experience on the subject. As long, therefore, Mr. President, as these stocks continue the property of the States; whether subject to forfeiture or not, any increase in the price would surely tend to their benefit, and not to the bankers by whom they are held—who can only rightfully claim to the extent of their advances with such additional interest as may have been agreed upon.

But, sir, I care not whether these bonds are in the hands of bankers or not; whether, if bankers, they reside in Threadneedle or Lombard streets, abroad, or in Wall or Chestnut streets, at home; or whether disposed of providently or improvidently, that it is our duty as States to pay them.

And here permit me to read an extract from the late message of my excellent friend, Governor Carlin, to the Legislature of Illinois, now in session, on this important subject:

"These embarrassments (says the Governor, alluding to the debt of that State) have grown out of our system of internal improvements, adopted by improvident legislation, at a time when the delusive phantom of speculation seemed to have taken possession of the human mind, and led the world into extravagance and error; and however deeply we may regret the evil which this system has entailed upon us, it would be unwise and unpatriotic to shrink from the responsibility of applying your best efforts to the pecuniary redemption of the State, and the preservation of her honor. The vast debt she has already incurred must be paid; and this can only be done by a strict and rigid maintenance of her credit abroad, and the wisdom with which her measures are directed at home."

These sentiments, Mr. President, do credit to the head and the heart of the man who uttered them; and I trust will meet with a response from every member of our Legislature, whatever may be his politics, as well as from every man in the State, who has the feelings of a patriot, and a proper respect for the credit and honor of the country which he has selected for the home of himself, and his children who are to succeed him. Sir, we have struggled thus far successfully. I hope that we shall continue to struggle as with the united efforts of one man, and that under the influence of a benign Providence, our efforts may, in the end, be crowned with complete success.

What! Illinois, the fairest portion of this Union, dishonored? No, sir, her patriotic yeomanry, I trust, will never submit to so humiliating a condition, as that their beautiful State shall become a bye-word of reproach for having been the first to violate her most solemn engagements.

At the conclusion of the debate, and just before the vote was taken on his proposition to dispose of the public lands to the new States in which they are situated, upon certain conditions, Mr. CALHOUN rose in his place, and read from Gales and Seaton's Register of Debates, in support of his position, the following extract from the speech of Mr. John Randolph of Virginia, in the Senate of the United States, in March, 1826, in reply to General Harrison, of Ohio; the subject of the Cumberland Road being under consideration:

"Mr. Randolph again rose, and said, the gentleman is mistaken if he supposes that I begrudge the people from Ohio the lands within the body of Ohio. I wish that every new State had all the lands within the State, that in the shape of receiverships and other ways, these States might not be brought under the influence of this terrible square. In other words, I wish that all the patronage of the land office was in the hands of the individual States, and not in the hands of the General Government. I am the friend of State rights, and will cut down the patronage of this General Government, which has increased, is increasing, and must be diminished, or we the States shall be not only 'shorn of our beams,' sir, but 'abolished quite.'"

Mr. BENTON then rose, and read the following extract from a speech of Mr. Van Buren on the same subject, delivered in the Senate on the 18th of May, 1826

Mr. Van Buren said:

"The subject of the public lands was becoming daily more and more interesting, and would occupy much time in legislation. It extended the patronage of the Government over these States to a great extent; it subjected the States in which those lands were situated, to an unwise and unprofitable dependence on the Federal Government. Mr. V. B. said he should vote for every call on that subject, to enable them at some future day to act understandingly on it. No man could render the country a greater service than he who should devise some plan by which the United States might be relieved from the ownership of this property, by some equitable mode. He would vote for a proposi-

tion to vest the lands in the States in which they stood, on some just and equitable terms, as related to the other States of the Confederacy. He hoped that, after having full information on the subject, they would be able to effect that great object. He believed that if those lands were disposed of at once to the several States, it would be satisfactory to all."

Mr. BENTON also read from the Senate journal of May 20, 1826, the following motion, as having been submitted by Mr. TAZEWELL of Virginia, to the effect as stated:

"Mr. TAZEWELL submitted the following motion: 'Resolved, That it is expedient for the United States to cede and surrender to the several States, within whose limits the same may be situated, all the right, title, and interest of the United States, to any lands lying and being within the boundaries of such States, respectively, upon such terms and conditions as may be consistent with the due observance of the public faith, and with the general interest of the United States.'"

On the subject of graduating the price of the public lands, Mr. TAZEWELL said, in 1828, in his place in the Senate:

"That he was pleased with the plan of the gentleman from Missouri, [Mr. Benton], but he thought it ought to extend farther. He would wish to have the arrangement something like this: while the lands are at the highest minimum, one dollar, allow the actual settlers to have the pre-emption right at seventy-five cents; when they are at seventy-five cents, allow actual settlers to enter them at fifty cents; and so on down to the lowest. This, he thought, would be productive of a good effect, as it would be a continued encouragement to actual settlers, and give them an advantage over other purchasers."

Mr. MACON of North Carolina said:

"That he wished to make a motion in relation to the bill. It was one of great importance. He was in favor of the first section, as he thought the graduation experiment ought to be tried and would, if it was in order, move to strike out all but that section."

After the reading of these extracts, the vote was taken on Mr. CALHOUN's proposition as submitted by Mr. YOUNG, and resulted as follows:

YEAS—Messrs. Allen and Tappan of Ohio, Anderson and Nicholson of Tennessee, Benton and Linn of Missouri, Calhoun of South Carolina, Clay and King of Alabama, Fulton and Sevier of Arkansas, Lumpkin of Georgia, Mouten and Nicholas of Louisiana, Norvell of Michigan, Pierce of New Hampshire, Roane of Virginia, Robinson and Young of Illinois, and Walker of Mississippi—20.

NAYS—Messrs. Bates and Webster of Massachusetts, Bayard and Clayton of Delaware, Buchanan and Sturgeon of Pennsylvania, Clay and Crittenden of Kentucky, Dixon and Knight of Rhode Island, Graham and Mangum of North Carolina, Henderson of Mississippi, Hubbard of New Hampshire, Huntington and Smith of Connecticut, Ker and Merrick of Maryland, Phelps and Prentiss of Vermont, Porter of Michigan, Preston of South Carolina, Rives of Virginia, Rugles and Williams of Maine, Smith and White of Indiana, Souhard and Wall of New Jersey, and Tallmadge and Wright of New York—31.

Of the 18 Senators from the nine new States, 14 voted for the amendment; and 4, Messrs. SMITH and WHITE of Indiana, Mr. HENDERSON of Mississippi, and Mr. PORTER of Michigan, voted against it.

IN SENATE OF THE UNITED STATES.

26th CONGRESS AND 2d SESSION, JANUARY 30, 1841.

Submitted by Mr. YOUNG, of Illinois, and ordered to be printed.

Mr. CALHOUN's Land Bill, to dispose of the public lands to the new States in which they are situated.

Proposed by Mr. YOUNG as an amendment submitted by Mr. CRITTENDEN, to recommit, with certain instructions, the bill (S. 28) "to establish a permanent prospective pre-emption system in favor of settlers on the public lands who shall inhabit and cultivate the same, and raise a log cabin thereon," viz: Strike out all after the word "report," in the second line, and insert the following as an amendment to the original bill:

A provision to dispose of the public lands within the limits of the new States, to the following effect:

That all the public lands within the States of Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, and Michigan, with the exceptions of the sites of fortifications, navy and dock yards, arsenals, magazines, and all other public buildings, shall, after the thirtieth day of June, eighteen hundred and forty-two, be disposed of to the States within the limits of which they are respectively situated, they having previously complied with the following conditions:

First. That the said States shall severally pass acts, to be irrevocable, that they will monthly, as the sales of the said lands shall progress, pay into the Treasury of the United States, at the most convenient places of deposit, and to such officer as may be appointed to receive the same, sixty-five per cent. on the gross amount of the sales of such lands, including, under sales, grants, and donations by the States, estimating the lands at the

selling price at the time of the grant or donation, on or before the first day of February of each succeeding year.

Secondly. That the minimum price, as now fixed by law, shall remain unchanged until the thirtieth day of June aforesaid; but, after that period, the price may be reduced by the States respectively, according to the following scale: all lands theretofore offered at public sale, and then remaining unsold ten years or upward, preceding the thirtieth day of June aforesaid, may be reduced by said States to a price not less than one dollar per acre; and all lands that may have been offered at public sale, and remaining unsold fifteen years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than seventy-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may then be reduced by said States to a price not less than fifty cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty-five years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than twenty-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold thirty years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, shall be ceded immediately to the States in which said lands are situated: *Provided*, That all lands which shall remain unsold after having been offered at public sale for ten years, and which do not come under the above provisions, shall be subject to the provisions of pre-emption, graduation, and disposition aforesaid, at the respective periods of ten, fifteen, twenty, twenty-five, and thirty years, after said sale, commencing from the expiration of ten years after the same had been offered at public sale.

Thirdly. That the lands shall be subject to the same legal subdivisions in the sale and surveys as is now provided by law, reserving for each township and fractional township the sixteenth section, or the substitute, for the use of schools, as heretofore provided by law; and the land not yet offered for sale, shall be first offered by the State at public auction, except in cases of pre-emption, and be sold for cash only, in the manner now provided by law. And any land now or hereafter remaining unsold after the same shall have been offered at sale at public auction, shall be subject to entry for cash only, according to the graduation which may be fixed by the States respectively, under the provisions of this act; and that the acts of Congress which may be in force at the time of assenting to this act shall remain unchanged, except as modified by this act, unless with the assent of Congress: *Provided*, That any of said lands may, after they shall have become subject to private entry, be sold at the option of the purchaser, in quarter quarter sections, without any limitation whatever.

Fourth. This disposition of the public lands, together with the portion of the sales to be retained by the States respectively, under the provisions of this act, shall be in full of the five per cent. fund, or any part thereof, not already accrued to any State; and the said State shall be exclusively liable for all charges that may hereafter arise from the surveys, sales, and management of the public lands, and extinguishment of Indian title within the limits of said States, respectively.

Fifth. That, on a failure to comply with any of the above conditions, or a violation of the same, on the part of any of the said States, the cession herein made to the State failing to comply with or violating said conditions, shall be thereby rendered null and void; and all grants or titles thereafter made by said State, for any portion of the public lands within the limits of the same, ceded by this act, shall be, and are hereby declared to be, null and void, and of no effect whatever.

Sec. 2. *And be it further enacted*, That, upon every reduction in the prices of said lands, which shall take place by the graduating process of this bill, the Legislatures of the several States in which the lands are situated shall, at their discretion, have power to grant to the respective occupants or settlers upon any of said lands, rights of pre-emption at such graduated or reduced prices: which rights shall extend to a period of ninety days from and after the date at which the respective graduations shall take place; and any lands not taken up by the respective occupants or settlers within that period, shall be liable to be entered or purchased by any other person, until the next graduation or reduction in price shall take place, when it shall, if not previously purchased, be again subject to the right of pre-emption for ninety days, as before; and so on, from time to time, as said reductions shall take place.

Sec. 3. *And be it further enacted*, That whenever the President of the United States shall be officially notified that any of the States aforesaid has passed an act in compliance with the above conditions, it shall be his duty, after the thirtieth day of June aforesaid, or forthwith after the passage of said act, if passed subsequent to that period, to adopt such measures as he shall think proper to close the land offices, including the surveying department, within the limits of said State; and that the commissions of all officers connected therewith shall expire on a day to be fixed by him, but which day shall not be beyond six months after the thirtieth day of June aforesaid, or, if subsequent thereto, from the day he received the official notification of the passage of said act.

Sec. 4. *And be it further enacted*, That on such notification being made, the said State shall be relieved from all compacts, acts, or ordinances, imposing restrictions on the right of said State to tax any lands by her authority subsequent to the sale thereof, ceded by this act; and all maps, titles, records, books, documents, and papers, in the General Land Office at Washington, relative to said lands, or duplicates thereof, where the originals cannot properly be transferred, shall be subject to the order and disposition of the Executive of said State, in such manner as the Legislature of said States may respectively appoint.

Sec. 5. *And be it further enacted*, That all lands of the United States within the limits of the State of Tennessee, with the exceptions enumerated in the first section of this act, shall be, and the same are hereby, ceded to said State.

Sec. 6. *And be it further enacted*, That the sixty-five per cent. of the proceeds of the sales, hereby secured to be paid to the United States, shall be set apart and exclusively applied to the gradual increase of the navy, and the erection of such fortifications for the general defence of the country, as Congress may by law hereafter order and direct.

REMARKS OF MR. LINN,

OF MISSOURI.

In Senate, January 8, 1841—On asking leave, in pursuance to previous notice, to introduce a bill to authorize the adoption of measures for the occupation and settlement of the Territory of Oregon, and for extending certain portions of the laws of the United States over the same.

Mr. LINN said, that when this bill was before the Senate for discussion during the last and preceding session of Congress, his political friends, as well as opposers, earnestly pressed him to forbear urging the subject to a final vote, as it might prove embarrassing at that time in the settlement of the long pending and important question of the Northeast boundary. This was not at the time satisfactory, nor was he convinced of the necessity of delay, but he had reluctantly yielded to the advice and opinions of gentlemen of undoubted patriotism, and of great experience in public affairs. His own opinion then was, and is now, that it is better for the people of this country to have all the causes of dispute between us and Great Britain brought into a small compass, present them for settlement at one and the same time, and have them promptly decided, one way or the other. Past experience, he thought, had most conclusively proved that the United States could gain nothing by delay. Our opponents will strengthen their claims by indecision and apathy on our part. But he never expected to see these boundary questions amicably arranged. The past history of the English Government afforded to him conclusive evidence on this subject. He believed sincerely that every member of the Senate then present would be numbered with the dead before Great Britain would consent to let go her hold upon a portion of the State of Maine by an amicable arrangement, unless she finally decided upon surrendering her Canadian possessions. If his memory served him correctly, England, pending the negotiations at Ghent, was willing and anxious to purchase the country now in dispute. He did not mean to say there had been a formal offer made, but finding that such an offer would have been indignantly repelled, they had, step by step, made territorial encroachments until she now presented to the world a claim of great importance, much strengthened by time, where at first she had nothing more than the mere shadow of a claim. Yes, sir, less than a shadow. The history of the past in this matter will be the history of the future. Under cover of the incorporated Hudson Bay Company, the English had extended their possessions, step by step, from the confines of their Canadian provinces, to the borders of Upper California. Under pretext of any early discovery of the Northwest coast by Sir Francis Drake in the years 1578 and '80, and of the discovery of the extreme northern branch of the Colombia river in 1806, and many other pretended discoveries, not necessary now to mention, they laid claim to the Territory of Oregon.

He said he recently received a letter from that quarter, in which it was stated that the Hudson Bay Company was introducing emigrants from England, by the way of Cape Horn, and establishing them on farms; that they had erected saw mills, and carried on a brisk trade in lumber with the Sandwich and other islands; that they had erected seven forts under the name of "trading posts," and were rapidly extending their trade and influence over the Indians, almost to the exclusion of the American citizens and traders on both sides of the Rocky Mountains.

By the treaties of 1818 and 1827, the title to the Territory of Oregon was to be considered in abeyance, and joint occupations agreed upon. This delay has been like the Maine boundary. They have profited by our supineness, and they will continue to do so unless we arouse from the lethargy into which we have sunk. By an act of Parliament, passed in the year 1820 or '21, a portion of the criminal law of England had been extended over the Territory of Oregon, and over the vast regions east of the Rocky Mountains, up to the very confines of the States of Missouri and Arkansas. Now, Mr. President, if we have a just title to the country in dispute, it should not be

abandoned to any power upon earth, nor ought we to sleep any longer upon our claims. He thought we should at least move *pari passu* with our adversaries. He said he was prepared to go into the discussion of the whole question involved, at the proper time. He had been censured in letters received from gentlemen residing in all part of the Union, for not having pressed his bill to a final decision, which delay was caused by the opinion of others that it might be considered as a new element of discord pending the settlement of the Northeastern boundary. He said that justice to the country at large, and to his own constituents, would not permit him any longer to postpone some definitive action in regard to this subject. He would not occupy the time further of the Senate at present, but should the Senate grant leave for the introduction of the bill, he would embrace the opportunity when it came up for consideration to submit his views at large.

Leave being granted, the bill was introduced, read a first and second time, and referred to a select committee of Messrs. LINN, WALKER, PIERCE, PRESTON, and SEVIER.

The following is the bill reported by them:

A BILL to authorize the adoption of measures for the occupation and settlement of the Territory of Oregon, and for extending certain portions of the laws of the United States over the same.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the title of the United States to the Territory of Oregon is certain, and will not be abandoned.

That the President of the United States be, and he is hereby, authorized to take immediate measures to have the boundaries of the United States on the Pacific frontier ascertained and fixed, and in the meantime he take such measures as may be necessary to protect the persons and property of our citizens residing or trading in the Territory of Oregon.

That the President of the United States is hereby authorized and required to cause to be erected at suitable places and distances, a line of military posts from Fort Leavenworth to the Rocky Mountains, for the better protection and encouragement of the Indian trade, and for the preservation of peace between the whites and Indians.

That as soon as the boundaries of the Oregon Territory are indisputably determined, one thousand acres of land shall be granted to every white male inhabitant of said Territory, of the age of eighteen years and upwards, who shall cultivate and use the same for five consecutive years, or to his heirs or heirs at law, if such there be.

That the President is hereby authorized and required to appoint an additional Indian agent, with a salary of fifteen hundred dollars, whose duty it shall be (under his direction and control) to superintend the interests of the United States with any or every Indian tribe west of any agency now established by law.

That the sum of _____ dollars be appropriated out of any money in the Treasury not otherwise appropriated, to carry into effect the provisions of this act.

Sec. 2. *And be it further enacted*, That if any citizen of the United States shall, within the territory or district of country lying west of the Rocky mountains, south of fifty-four degrees and forty minutes of north latitude, and north of the forty-second degree of north latitude, commit any crime, offence or misdemeanor, which, if committed elsewhere, would be punished by the laws of the United States, or if any person shall, within such part of the territory or district of country as belongs to the United States, west of the Rocky Mountains, commit any such crime, offence or misdemeanor, upon the property or person of any citizen of the United States, every offender, on being thereof convicted, shall suffer the like punishment as is provided by the laws of the United States for the like offences, if committed within any place or district of country under the sole and exclusive jurisdiction of the United States. The trial of all offences against this act shall be in the district where the offender is apprehended, or into which he may first be brought; and the supreme courts in each of the Territorial

districts, and the circuit courts, and other courts of the United States, of similar jurisdiction in criminal causes, in each district of the United States, in which any offender against this act shall be first apprehended, or brought for trial, shall have, and hereby are invested with, full power and authority to hear, try, and punish, all crimes, offences, and misdemeanors, against this act; such courts proceeding in the same manner as if such crimes, offences, and misdemeanors had been committed within the bounds of their respective districts.

SPEECH OF MR. BUCHANAN,

OF PENNSYLVANIA,

In Senate, Friday, January 22, 1841—In defence of the administration of Mr. Van Buren against the charge of extravagance in expending the public money.

Mr. BUCHANAN rose to answer each of the four specific charges of extravagance which had been made by the Senator from Kentucky [Mr. CRITTENDEN] against the present Administration. That Senator had called upon him personally to make this answer; and he undertook the task with pleasure, not believing it to be one of much difficulty. Before, however, he should apply himself directly to this work, he would take the liberty of making some preliminary observations.

And in the first place, said Mr. B. permit me to observe, that I, at least, have never introduced into this Senate, as topics of debate, "log cabins, hard cider, and coon skins;" nor have I ever made an observation here which could be tortured into a reflection upon either the integrity or intelligence of the people of the United States for having elected General Harrison their President. The Senator from Kentucky has promptly and frankly disclaimed any intention of imputing to me such a charge; and with this I am entirely satisfied. The people are the only legitimate sovereigns of this country, and however much I may regret their recent decision of the Presidential question, I shall never, either here or elsewhere, indulge myself in the use of reproachful language against them for this or any other cause.

If I know myself, said Mr. B. I came to Congress in December last with the desire and with the expectation that this would prove to be a business session. It was my sincere wish that the political excitement which has recently agitated the people and has extended to every portion of the land, might, for the present, be suffered to subside, and that we might bring up the arrears of business with which we are now encumbered. I had not the most distant idea that this chamber would again so soon be converted into a mere political arena. Acting under a sense of duty, I have abstained from political conflicts since the commencement of the present session, except when compelled to enter the lists in the necessary defence of myself or of my party. I have made no assaults, and have generally been a mere listener.

I had another reason for refraining from any participation in the debate now before the Senate. I knew that the question of the distribution of the proceeds of the public lands was before the Legislature of my own State, and that I might be instructed on the subject; and, as I shall ever entertain and express the utmost deference and respect for that Legislature, whatever political party may be in the majority, I thought that a proper sense of delicacy required me to abstain from discussing this question. I have not, therefore, said,

nor do I now intend to say, a single word upon that subject; and I shall either give my vote according to these instructions, should they pass, or resign my seat. I am not the man who, after having enjoyed the sunshine of political favor, will shrink from the storm. I long since, from the deepest conviction, adopted the principle that the representative was bound by the instructions of his constituents. I consider it essential to the wholesome action of a free, Democratic Republican form of Government; and having publicly avowed this doctrine at a period when there appeared to be but little probability that it could ever reach myself, I shall not disavow it in the day of apparent gloom and adversity. I am willing to abide the fate of war.

For a similar reason, I might even have refrained from advocating the passage of the pre-emption bill, dear as it now is, and ever has been to me, had I then known that the instructions before the Legislature of Pennsylvania embraced this subject, as well as that of the distribution of the proceeds of the public lands. I am glad, however, now to find, that even the Senator from Kentucky himself [Mr. CRITTENDEN] is in favor of the principle of pre-emption, and has actually incorporated it with that of distribution in his motion now before the Senate. This renders it certain, that if ever a distribution bill should pass—and from the signs of the times I consider such a result probable—the poor man, who has expended his toil in erecting an humble dwelling, and cultivating the soil, shall not be driven from his home on the public lands of the far West; provided he is willing to pay the Government price for the quarter section which he has selected and improved.

For one, it was both my design and my desire, so far as I was concerned, to devote this session to the necessary business of the country, and to wait patiently until General Harrison should get into power. I shall then judge the tree by its fruits, without any predetermination to oppose his measures. I am bound, notwithstanding, in candor, to declare, that if he entertains the opinion of his friend from Kentucky, [Mr. CRITTENDEN], in regard to a National Bank, he [General Harrison] believes that to be a great good, which I consider one of the greatest evils which can befall the country. Without, at present, alluding to its fatal political consequences, I believe that in a mere financial point of view, it would prove destructive to our prosperity. In order to obtain a specie capital for such an institution, you must either ruin or essentially cripple our State banks; or you must adopt the alternative of borrowing specie abroad, and creating a national debt for this purpose. One or other of these alternatives is inevitable; and the country is not in a condition to resort to either, without great injury to the people. But enough of this for the present. I return to the subject with which I commenced.

I shall now proceed to show that the charge of extravagance which has been so often made and reiterated against the present Administration by both the Senators from Kentucky, [Messrs. CRITTENDEN and CLAY,] is without foundation. It will be for the Senate and the country to decide whether I shall have succeeded.

It will be recollected that in the month of May last, a report was made by the Secretary of the Treasury in obedience to a resolution of the Senate on the subject of the annual expenditures of the

Federal Government during the fifteen preceding years. From that report it appears, that the ordinary expenses of this Government, which in 1824 amounted to a little more than seven millions one hundred thousand dollars, had been gradually increasing until the year 1839, when they a little exceeded thirteen millions and a quarter. I mean by "ordinary expenses," the money annually disbursed in maintaining the permanent civil, military, and naval establishments of the country, and embracing every expenditure necessary to conduct the Government prosperously in time of peace. Now, in regard to this class of expenditures, I have never heard any Senator on either side of the House complain of their amount, or that they had risen from seven to thirteen millions of dollars between 1824 and 1839. During this period, a number of new States have been admitted into the Union, and several new Territories created—the army and navy have both been considerably increased, and the expenses of Congress have of late years become enormous, requiring reform more than any other branch of the Government. Our expenditures must necessarily increase with the growth of the country; but it ought to be our care that this increase shall be as slow as possible, and never proceed beyond what is absolutely necessary for the public service. We might with as much reason expect that the little garment which was sufficient to cover the child of eight or ten years of age, would prove sufficient to protect him from the wind and the storm after he had grown to be a giant, as argue that the "ordinary expenses" of the Government should not have increased with the rapid, nay the unexampled growth of the nation during the last fifteen years. Nothing has been said against these expenses, either in the aggregate or in detail, since they were brought to the attention of gentlemen by the Secretary's report. It is, then, fair to presume that nothing can be urged against a single item of them. On this triumphant result, I am most happy to have it in my power to congratulate the friends of the present Administration.

The Secretary of the Treasury in the same report to which I have referred, also, presented an annual statement of the expenses "of an extraordinary or temporary character," from 1824 to 1839, both years inclusive, arranged under different heads. When this report came into the Senate in the month of May last, both the Senator from Missouri [Mr. BENTON] and myself called upon the gentlemen on the opposite side to point out a single item of extravagance amongst all these expenditures of the Government, whether ordinary or extraordinary. Not one of them was then bold enough even to make the attempt. Our challenge was not met. And now I would ask the Senator from Kentucky [Mr. CRITTENDEN] on whom ought the burden of the proof of extravagance to rest? Would he require the friends of the Administration to go over, item by item, all the ten thousand items of expenditure which have been submitted in a distinct form to Congress, and show that in each particular instance there was no extravagance? This would, as that honorable Senator well knows, be reversing all the rules of common law, as well as of common sense. We present to the Senators in opposition a clear and distinct account in detail of the expenses of the Government; and it is manifestly their duty, if they believe there has been extravagance in any item, to lay their hand upon it and show

wherein the extravagance consists. This they cannot do, or they would long since have accepted our challenge. They are, therefore, driven to condemn in the aggregate, although they can find no fault with any of the details of which this aggregate is composed. They exclaim that the Administration has been extravagant, because it has expended one hundred and thirty millions of dollars in four years, whilst they do not point out in what manner it would have been possible to have reduced this expenditure. It is true that at this late day the Senator from Kentucky [Mr. CRITTENDEN] has denounced four particular items of the account as extravagant; but I think I shall prove, before I sit down, that he has been less wise and wary than his colleague, [Mr. CLAY,] in descending from generals to particulars.

I do not deny but that the "extraordinary expenses" of the Government have been very large during the last four years. But whether these expenditures were great or small, is not the question. Were they inevitable? Could they have been avoided by any human prudence or foresight on the part of the Executive or his friends in Congress? Was not each of the treaties and acts of Congress under which these expenditures were necessarily incurred, sanctioned and sustained by the very Senators who now condemn them in the aggregate? These are the true questions.

These "extraordinary expenses" must, from the nature of things, vary with the ever varying condition of the country. Our circumstances are changing with every changing year. Some years ago, the nation was gliding along on the smooth current of prosperity, and requiring but little above the ordinary expenditure necessary to keep the Government in regular motion. Not so, since the present President came into power. It has been his misfortune, that, during the period of his administration, heavy expenses, of an extraordinary character, which he could not have avoided, were rendered absolutely necessary, whilst the revenue of the Government has been greatly reduced, by causes equally beyond his control. Is it not, then, the most crying injustice—is it not the strangest accusation in the world, to charge the man who happened to take the helm of State when the country was involved in such difficulties, with extravagance, merely because he was compelled to execute treaties and laws which had received the sanction of all political parties in Congress?

Under such circumstances, ought he to be denounced because the necessary expenses of Government happened to exceed, under his Administration, those which were incurred under his predecessors? True economy in a Government does not consist in hoarding money like the miser, and doing no good with it; but in applying it, with a provident hand, to the accomplishment of such objects as are necessary to the defence and prosperity of the country. After these objects of expenditure have been designated by Congress, Executive economy consists in accomplishing them at the cheapest rate possible. This is the only economy which can be practised by the President; and if he has neglected this duty in any particular instance he would be liable to censure; but not otherwise.

In order to swell the expenditures of the last four years to one hundred and thirty millions, Senators have included items not only of the

most unjust, but of the most ridiculous character. I shall enumerate a few of them.

One large item in this amount was for money expended upon the public buildings. Is there a single member of the Senate who either raised his voice, or gave his vote against the appropriations for this purpose? The money expended on these buildings alone during the period of the present Administration, amounts to between four and five millions. I have not added up the sum; but it is certainly not less than four millions. And yet these appropriations made by Congress, without distinction of party, are converted into an item of extravagance against Mr. Van Buren!

Then there was the money expended in the payment of pensions, amounting to upwards of ten millions of dollars. Had the Administration any control over this expenditure? These pensions were granted by a grateful country to those who had defended it in the perilous times which tried men's souls, and who are now the feeble and broken relics of a past age, dependent on the public bounty for their support. Congress has also granted pensions to such widows of old soldiers, as in the days of the Revolution remained at home, and attended to their families whilst their husbands went forth to the battle field. Be this right, or be it wrong, had the present Administration any agency in granting these pensions? Did not Congress pass these laws; and did not the Senator from Kentucky vote for them? I do not know the fact, because it is not my practice to examine the journals for the purpose of ascertaining how individual members may have voted; but I do know, from the nature of the man, that he [Mr. CRITTENDEN] is one of the last members of the Senate who would vote against such pensions. And yet, strange to say, the payment of these very pensions to old soldiers and their widows, by the Treasury, is one of the items of extravagant expenditure charged against Mr. Van Buren's administration; and the aggregate of \$130,000,000 composed of such items as these has been spread over the whole country, in order to alarm the fears of the people.

Again. There was the expense of extinguishing the Indian title within the States and Territories of the Union, and of removing the Indians west of the Mississippi, which amounted to more than ten millions of dollars. Are the present Administration to blame for this expenditure? Could the President have avoided it, after the Senate had ratified the treaties under which it was incurred? No Senator on this floor will say that he could. He had no discretion whatever on the subject; but was obliged to execute these treaties and the laws made in pursuance of them. How unjust is it, then, to put down this item in the aggregate of one hundred and thirty millions of dollars expended by the present Administration!

I might, if I pleased, pass in review all the other heads of extraordinary expenditure detailed by the Secretary of the Treasury in his report, and show that it was impossible for the President to avoid any one of them. He can exercise no dispensing power. He must obey the acts of Congress and treaties; and these laws and treaties were of such pressing necessity as even to have disarmed opposition, and to have received the votes of the political enemies, as well as of the friends of the Administration. I may well spare myself this trouble; as not one of these items of expenditure has ever

been questioned by any Senator upon this floor. It is true, they exclaim, you have spent one hundred and thirty millions of dollars, and this is enormous; but they make no attempt to show how it was possible for the President to have reduced this amount.

There are two or three items embraced within this aggregate, of a character so extraordinary as to deserve more than a mere passing notice. In the Secretary's report, the indemnities amount to between six and seven millions of dollars. What are these indemnities? General Jackson, during his prosperous Administration, succeeded in obtaining satisfaction for all the old claims which our citizens had against foreign Governments. He got nearly five millions from France; and I do not recollect precisely how much from Denmark, and other nations. At all events, he left us a clear score, and the enjoyment of peace with all foreign nations. Now, according to the terms of the treaties, these indemnities, obtained from foreign Governments for our own citizens, were paid into the Treasury for their use, and were of course paid out of the Treasury to them, as soon as it was ascertained how much each one was entitled to receive; and yet, strange as it may seem, these very payments from the Treasury constitute a large item of the aggregate of one hundred and thirty millions, about which we have heard so much. This sacred trust fund, which was acquired for our citizens by the most efficient and persevering exertions—this very fund, which was fairly distributed amongst those entitled to receive it, has thus been converted into a charge of extravagance to its full amount against Mr. Van Buren, simply because it was paid out of the Treasury during his administration. This item shows conclusively why the Senator from Kentucky [Mr. CLAY] goes for footings, and not for particulars. Is this fair towards the present Administration? If it were, then had General Jackson succeeded in obtaining twenty millions more from foreign nations, Mr. Van Buren, who disbursed the money, would have been twenty millions more extravagant; and the gentleman might have exclaimed, "you have expended one hundred and fifty millions of dollars, instead of one hundred and thirty." In making out these debtor and creditor accounts of extravagance, will any man say that it was either just or proper to charge such an item as this against the retiring Administration?

I should have been rejoiced if the subject of the expenditures of the present Administration had not again been introduced until after the accession of General Harrison, because then, as the Senator [Mr. CLAY] says, the books and papers will be in the possession of his friends. They will then be enabled to search these books and papers to their hearts' content; and, for one, I now give them fair notice, that should I be permitted to remain in the Senate, I shall call upon them, when they have all the official documents in their power, to make good the charge of wasteful extravagance against Mr. Van Buren's administration. This is due to themselves, as well as to that portion of the American people who have been deluded into the belief that the present Administration has been guilty of a prodigal and wasteful expenditure of the public money.

Another most extraordinary charge against Mr. Van Buren, embraced within the aggregate of one hundred and thirty millions, is that of more than

twenty millions paid out of the Treasury in discharge of the national debt. Now, sir, observe the gross injustice of this charge. The Administration are first charged with all the expenditures which rendered it necessary to create a debt by the issue of Treasury notes, and afterwards, as this debt was discharged, they are again charged the second time with the amount paid to the public creditors. According to this mode of stating the account, an Administration is first charged with, I shall say, twenty millions of dollars for public expenditures. Their necessities require them to borrow these twenty millions. They then pay the borrowed money, and this discharge of the debt is twenty millions more expended, and swells the total to forty millions instead of twenty, although this last sum is palpably the whole amount expended. As a further illustration, let me suppose a case. The Senator from Kentucky employs an agent to build him a house which shall cost ten thousand dollars, and directs him to borrow the money on his (the Senator's) credit. The agent borrows the money and builds the house, and afterwards discharges the debt from the proceeds of the Senator's estate. What would be thought of his justice, if the Senator were to brand this agent with extravagance, and say, you have expended twenty thousand dollars of my money when I authorized you to expend but ten? You have first paid out ten thousand dollars in the erection of my house; and, shameful extravagance! you have squandered ten thousand dollars more in discharging the debt which I authorized you to contract. And yet this is the measure of justice which the Senator would apply to the present President of the United States as the agent of the people.

Now, fortunately for this country, neither the present nor any future President of the United States can be justly charged with extravagant expenditures, except in few cases, should Congress do their duty. Under the Constitution, not one dollar of public money can ever be drawn from the Treasury, "but in consequence of appropriations made by law." In most instances, Congress appropriates the precise sum which, under existing laws, is required for each special purpose; and the Secretary of the Treasury merely pays out these sums as their agent. Neither he nor the President can make these payments either greater or less. Since the origin of the Government, the public Treasury has been protected by this constitutional guard.

But the present Administration have done more than all their predecessors to secure the public money in the hands of our receiving and disbursing agents. Hitherto, whilst the poor wretch, who stole five dollars to gratify the cravings of hunger, was doomed to the penitentiary; the public officer who squandered the public money entrusted to his care, or fled with it to a foreign country, was held to have committed a mere breach of trust, and escaped without any punishment whatever. The much-abused Independent Treasury law, which is now about to be repealed, was the first act of legislation which ever inflicted any punishment upon public officers for plundering the public money. Under its provisions, such a crime is made felony; and the culprit is consigned to the four walls of the penitentiary, instead of being sent on a mission to London or Paris, to revel in luxury there on the spoils of the public, and to enjoy the pleasures of

"good society." But the decree has gone forth, and this law is to be repealed by the new Administration.

The President of the United States can only be guilty of extravagance by recommending and by influencing his friends in Congress to adopt useless and extravagant projects not necessary for the public good; or where, from the nature of the case, a general appropriation must be made to accomplish a particular purpose, by not applying this money, necessarily subjected to his discretion, with a wise and proper economy.

Gentlemen may test the expenditures of the present Administration by any reasonable rule which they please, and ascertain whether any of them could have been avoided. There they are, spread upon the record of the American Senate in the report of the Secretary of the Treasury, and there they have been ever since May last, subject to the inspection and scrutiny of each American Senator; and what has been the result? At this late period, after the Presidential election has been decided, the Senator from Kentucky now, for the first time, makes four specific charges of extravagance. If we were even to admit that these specifications are all well founded, happy indeed would be the country where, in the expenditure of so many millions, the research and ingenuity of gentlemen could discover but four small and comparatively inconsiderable items to which they can object. There is no other nation on the face of the earth which could present such a spectacle in the administration of its finances, and even with these blemishes, if they existed, it would be the glory of our country to be able to present such an account. It would be conclusive evidence of the regard for law and the morality which prevails amongst us.

After this report had been thus subjected to the ordeal of these gentlemen for the greater part of a year, the Senator now confines himself to a specification of only four particulars, in which he alleges the Government have been guilty of extravagance. If I can demonstrate, as I believe I can, that he has been mistaken in each of these particulars, then the friends of the present Administration will indeed have cause for congratulation and triumph.

The Senator's first specification is, that the Administration had brought mounted volunteers all the way from Missouri to the Florida war, when men in abundance might have been obtained from the neighboring States at a much less expense; and that instead of transporting these volunteers from Missouri to Florida by water, a useless expense was incurred in sending them over land. Three hundred was the whole number of these Missouri volunteers, as I have been informed by the highest official authority at the proper Department. And to what, then, does this whole charge of extravagance against the Administration amount? To the excess of what it would cost to transport three hundred men from Missouri to Florida above the cost of transporting the same number of men from Georgia, Alabama, or Kentucky. This difference of price is the whole sum and substance of the Senator's first charge of extravagance. I have been also informed from the same authority, that these men did not march over land through Kentucky, as the Senator supposes; but were unfortunately transported by water from St. Louis to Florida. The consequence was, that they encountered a storm in the Gulf of Mexico, and many of their

horses were lost. Happy, indeed, therefore, would it have been for them if this portion of the Senator's charge had been well founded, and if they had marched over land.

But why did the Secretary of War resort to Missouri for these volunteers? Was it because he had not entire confidence in the patriotism and courage of the men of Georgia, Alabama, and Kentucky? No, sir, not at all. But it was suggested to the Secretary, that the frontier men of Missouri—the hunters and trappers of the far West, who had been accustomed to Indian war, were better acquainted with the character and habits of our savage foe, and would, for this reason, be more efficient than equally brave soldiers who had not the same experience. It was believed that these frontier men would be skilful in penetrating the Everglades of Florida, and discovering the Indians in their hiding places.

In the days of the Indian wars of Kentucky, the Kentuckians were probably the best Indian fighters in the world. But these days have fortunately long since passed away; and you must now go further West for men of experience in this peculiar mode of warfare. Considering how our army had been baffled by the Florida Indians, it might have been wise, and I believe it was wise, to accept the services of these Missourians; and the conduct of this brave band, with the lamented Colonel Gentry at their head, proved that the Secretary was not mistaken either in their skill or courage. Some forty or fifty of them lost their lives in battle; and yet the charge is, that their transportation from St. Louis to Florida had cost the Government more than it would have done to transport the same number of men from Lexington or Nashville. This is truly a grave and serious accusation!

I can inform the Senator in what manner I presume his mistake originated in regard to the marching of the Missouri volunteers through Kentucky. Although they did not march through Kentucky, yet the second regiment of dragoons did; and he must have mistaken the one for the other. And why was this regiment marched to Florida over land, and not transported by water? It was not done to expend, but to save money. They thus transported themselves, and therefore, the Government saved the cost of their transportation. Besides, in addition to all this, they were trained and disciplined every day upon the road as cavalry ought to be trained and disciplined. The consequence was, that the moment they arrived in Florida, they were prepared for active and efficient service. On the other hand, had they been transported by water, their horses might probably have been lost, as were those of the Missouri volunteers, and they could not have improved in discipline on the way. In regard to the expenditure, I have been informed at the Department that it was a clear saving to the Government to march this regiment to Florida by land, instead of transporting it by water. So much for the Senator's first charge.

The second charge made by the Senator consists in this; that the Administration had collected five hundred thousand dollars' worth of provisions in the Cherokee country, for the use of the army; and that these provisions, not being wanted, were afterwards sold at auction for a sum but little exceeding fifty thousand dollars. To this and to all the other charges of the Senator, I felt myself prepared to reply last evening; but concluded that it was best to wait an

re-assure myself of the precise character of the facts. I can now assure the Senator that there is great exaggeration in this statement. The whole supply of provisions was not sold at auction; but the comparatively small surplus only, which remained after subsisting the troops, and this because the articles were perishable, and would not bear the cost of transportation. I admit that there was a considerable loss on the sale of this surplus, chiefly in the articles of bacon and hard bread; and I shall tell the gentleman how it occurred, and then ask him to say whether the Administration is fairly chargeable with it.

We all know that the Cherokees, at the first, refused to execute their treaty and remove to the West of the Mississippi. Indeed, an incipient war already existed. From the representations of their chief, and from other causes which I need not detail, they were induced to believe that the Government would never remove them by force. They were upon the soil of Georgia, Tennessee and North Carolina, who insisted upon their removal; and it thus became the imperative duty of the Government to enforce the execution of the treaty. Policy, humanity, economy, and the example of the Florida war, all required that a sufficient force should be sent into the Cherokee country to overawe the Indians, and thus effect their removal without bloodshed. One of the most eminent men of our country, the hero of Lundy's Lane, (General Scott) was selected to command these forces, and ample discretionary power was conferred upon him to carry the treaty into effect. This hero may, in future time, become a still more distinguished character, for the race of military chieftains is, probably, not yet extinct. Under these circumstances, it became necessary for the subsistence department to collect within the Cherokee country a sufficient quantity of provisions for the supply of the army. That this was their imperative duty no one can deny.

General Scott executed the high trust confided to him with distinguished fidelity and ability. With the example of the Florida war before him, he deemed it necessary to act with the utmost energy and vigor, and to concentrate such a force as would overawe all opposition. I ask, then, would not the Administration have been greatly to blame, had they not collected sufficient provisions for the whole force which General Scott deemed it expedient to call into service?

In this crisis, John Ross, the head chief of the Cherokees, concluded an arrangement with General Scott, under the sanction of the Secretary of War, and engaged himself to remove his people. It was thus rendered unnecessary to employ our troops in removing them by force; and a large portion of these troops was immediately discharged. A sufficient number, therefore, did not continue in the service to consume all the remainder of the provisions which had been collected.

Were these provisions improperly collected? Was it not necessary that the Department should have them at the point where the army assembled? But a large portion of this army was soon disbanded, and in this unforeseen contingency what was to be done with the remainder of the provisions? There they were in the midst of the Indian country, where no demand existed for them; and necessity compelled the officer in command to direct them to be sold at auction, whatever price they might bring. It is true the bacon and hard bread

were sold at a sacrifice; but what else could be done? The expense of transporting them to any place where they might have sold for their value, would have been greater than the difference between that value and what the Government actually received.

But whether the loss were great or small, the Administration had nothing directly to do with the sale, and are not, therefore, liable to censure for this cause. The provisions were collected by the proper department for the subsistence of the army under the Commanding General, and he acted in strict conformity with his duty in directing the sale of such of them as he could not use. The Administration knew nothing of the matter until after they had been sold, and the accounts of the sale were rendered. Thus ends the second item of extravagance alleged by the Senator against the Administration.

The third specification of extravagance mainly rests upon the strange order of Brigadier General Read of the Florida militia. Of all the persons I have ever known, the Senator from Kentucky can the most effectually turn into ridicule, even that which is not ridiculous in itself. What a rare occasion, then, does this order present for his powers of satire! He must esteem it as a precious relic, and therefore I shall most certainly comply with his request, and return it to him as soon as I shall have read it to the Senate.

Here Mr. BUCHANAN read the order as follows:

HEADQUARTERS, FLORIDA BRIGADE,
Newnansville, December 4, 1840.

"The troops of the Sedentary infantry service, of which Captain Broer's company is an integral portion, shall not at any time be ordered on active duty; nor will it ever occur during their term of service, that they shall be ordered to march a greater distance than twenty miles beyond the headquarters of their respective companies. They will be directed to remain at their usual places of abode, and expected to engage sedulously in the pursuit of their usual occupations."

(Signed,) LEIGH READ,
Brigadier General, Florida Brigade.

Captain BROER, Mandarin.

If the Administration could be held responsible for the bad taste in which this order was conceived, I should pronounce them guilty at once. But this is a question not of taste, but of extravagant expenditure, and regarded in that view, the Senator would find that it did not at all establish his proposition.

I shall then first explain to the honorable gentleman why Brigadier General Read, who by the by is an excellent officer, told these men to remain at home, and attend to their own business. Although it might have been in better taste not to have embraced such a command in a general military order, at least without further explanation, yet the Senator would himself soon perceive the propriety of this injunction.

It will be recollected that at the last session, the Secretary of War had called upon Congress to raise a thousand mounted men for the Florida war, to remain in service during its continuance, and to receive a bounty in land, with the same pay and emoluments as the cavalry of the United States. The Senate passed a bill for that purpose, increasing the force to fifteen hundred men. This bill went to the House of Representatives, where the Committee on Military Affairs, approving of the policy, recommended a still further increase from 1,500 to 2,000 men; but the House never reached the measure, and no troops were raised for the prosecution of the Florida war. But did Congress, by this neglect, intend that Florida should not be defended? Was it the design of Congress that the Florida militia should not be called into service for this purpose? Certainly not. If any thing could be inferred from the neglect of Congress to pass the bill, it was that Florida should be defended by the militia under the existing militia laws; for no Senator can suppose that we intended to give up the wives and the children of its inhabitants to the scalping knife of the savage.

Whilst this bill was pending before Congress, the Governor of Florida, in pursuance of an act of the Territorial Legislature, called out into actual service a number of mounted men for the defence of that Territory, nominally at its own expense, but which we all know, from past experience, must eventually be paid by the United States. After the adjournment of Congress without having passed the bill to which I have referred, the Secretary of War interposed, and ordered out twelve hundred mounted men, embracing those thus already in service from Florida, to serve in every part of the Territory, and to pursue the Indians wherever they might be found, and five hundred infantry militia. And for what purpose were these five hundred militia to be employed? They were intended for mere neighborhood defence, and, like the minute-men of the Revolution, were to be ready to repel invasion at a moment's warning. They are divided into companies of seventy men; and these men cultivate the soil, and are spread over the border which divides the savages from the peaceful inhabitants. They are neither required nor permitted to pursue the enemy more than twenty miles from the headquarters of their respective companies; because, if they were, it would destroy the very purpose of neighborhood defence for which they were called into service, and leave the settlements unprotected. It is their duty to resist sudden incursions of the savages into these settlements; and I understand that the most happy consequences have followed the creation of this force.

Now, in regard to the expense, which is the main point of this argument, let me assure the Senator that these men cost the Government but one-sixth of the cost of the same number of cavalry. They merely receive the pay of infantry, without bounty, rations, or clothing. They are bound to raise corn and provisions on the public lands on which they are settled, and at the same time be ever ready to repel the incursions of the Indians. When this duty has been performed, they return to their peaceful agricultural pursuits. What have been the consequences of this policy? Since this system was first adopted by the Secretary of War, the Government has been able to purchase provisions at a greatly reduced price. These men raise not only what is sufficient to supply their own wants, but a considerable surplus for sale. They are settled in the very heart of Florida, where provisions are most wanted for the use of the army; and the Government thus saves much in the cost of transportation. This whole arrangement, instead of affording any foundation for a charge of extravagance against the Government, is one eminently economical.

I am sorry to inform the Senator that the Secretary has not yet been able to raise more than one-third of these five hundred militia infantry.

I trust he will now be able to perceive why Gen. Read directed these "sedentary infantry" to remain at home, and not to pursue the enemy a greater distance than twenty miles from their head quarters. They were never intended for general service, but were destined to be a rampart against the stealthy attacks of the Indians—to be a body-guard on the frontier for the women and children behind them, and to be a barrier for their protection, over which the savages could not pass. If these men could be withdrawn from the positions which they occupy, and sent all over Florida, the result might be disastrous.

The fourth and last charge of extravagance against Mr. Van Buren was, the establishment of the branch mints; and yet these mints were established by act of Congress in 1835, two years before he came into power. Now I myself happen to be one of those Senators who was decidedly opposed to the establishment of these mints. With the exception of the one at New Orleans, they have never done much good, nor do I expect that they ever will hereafter. There is one of them in Georgia, at a place called Dahlonega, and another at Charlotte, in North Carolina. At these places I believe the gold has given out. Now, as these two mints were established, not by Mr. Van Buren, but by an act of Congress, passed without distinction of party, is it not most extraordinary to charge him with

the expense which has been thus incurred? He is not to blame if the gold has given out and cannot be found in such quantities as to keep them in employment. The only mode of getting clear of them is, that suggested by the Senator from North Carolina, [Mr. MANUMGUS] and I pledge myself to support any reasonable bill for that purpose which he may introduce. In the event of its passage, for one, I should feel myself indebted to the gentlemen on the opposite side of the House, if they shall be able to find a purchaser for them.

[Mr. LUMPKIN of Georgia here said he wished to state that the honorable Senator from Pennsylvania was mistaken in saying that the gold had given out in Georgia. On the contrary, new discoveries are constantly being made.]

Mr. BUCHANAN resumed. I am glad to learn that the gold has not given out in Georgia, and that there is still some prospect that the Mint at Dahlonega may yet be employed. In one thing, however, I cannot be mistaken, and that is, that if gold has been found, very little of it has been brought to the mint to be coined, within the last few years. I have no right to doubt the statement of the gentleman, and I should rejoice if gold would descend in showers from above upon Georgia, as it formerly did upon Danau. It makes no difference, however, for my present purpose, whether this mint be necessary or not. It is certain, at least, that Mr. Van Buren was not even President when it was established, nor is his administration responsible for what appears to me to be the useless expense which has been thus incurred.

If this were the proper occasion, I might adduce many arguments to prove that not more than one mint ought to exist in this country; although I acknowledge that strong reasons may be urged in favor of a branch at New Orleans. Whatever gold may be found in the vicinity of Dahlonega and Charlotte, might be disposed of as profitably to the finders as if they carried it to these mints for coinage. The other Senator from Kentucky [Mr. CLAY] will bear me witness that I steadily followed the lead of himself and my friend Governor HILL of New Hampshire, from first to last, in opposition to the establishment of these branch mints.

I have thus gone over the four specifications of my friend from Kentucky, and happy indeed am I to find that these are the only specific charges of extravagance which have been made against the present Administration. This very fact is, in itself, their most triumphant vindication. Indeed, I am almost sorry, for the sake of the gentleman, that he could not have discovered some charges a little more plausible than any of these, on which he might have rested an argument.

If Congress, then, have determined that the exigencies of the country absolutely demanded the expenditure of one hundred and thirty millions within the last four years, and if the Senator and his friends have concurred in this necessity, and have united with us in making appropriations to that amount, with what justice can they now blame the President for this expenditure? It cannot be pretended either that he created this necessity for a large expenditure, or that he squandered the public money in accomplishing any of the objects designated by Congress. Away, then, with such charges of extravagance! If any debt has been created, in consequence of these large expenditures directed by Congress, whose fault is it? Certainly not his. He had no control over the matter.

I undertake to predict, that should the Secretary of the Treasury prove to be as correct in all other respects as he is in his estimate of revenue to be derived from customs during the present year, we shall, at the end of it, be entirely clear of debt. I have no doubt but that the revenue from this source will, at the very least, amount to from eighteen to twenty millions of dollars. Should this be the case, then the Secretary is of opinion that the revenue of the country, during the year, will be sufficient to meet its expenditures, provided Congress shall not exceed his estimates in their appropriations; and will, in addition, discharge the amount of the outstanding Treasury notes. But we are willing, nevertheless, to pro-

vide five millions more to meet any unforeseen contingencies which may arise at the commencement of a new Administration.

I have now answered the remarks of the Senator from Kentucky. The facts which I have stated in regard to his four specifications of extravagance, have of course been communicated to me by the proper Department. None of them are within my own knowledge; but I have no doubt they are all substantially correct.

Mr. CRITTENDEN replied at some length to Mr. BUCHANAN. His remarks will be given hereafter.

Mr. BUCHANAN again rose, in reply to Mr. CRITTENDEN, and said that he considered this a proud day for the retiring Administration. It presented a moral spectacle on which the world might gaze with wonder. In an expenditure of one hundred and thirty millions of dollars, during the period of four years, the Senator from Kentucky had only been able to enumerate four items of extravagance, and each one of these had been fully explained. Had the world ever beheld a nation in which such a spectacle could be presented? Look over the kingdoms of Europe; look over the vast continent of America; examine the abuses under every other form of Government; and where, except in this Republic of ours, can you find such an example? One hundred and thirty millions had been expended, and the only complaints of extravagance were, that three hundred troops from Missouri had been employed in the Florida war; that five hundred thousand dollars' worth of provisions had been collected to subsist our army in the Cherokee country, all of which was fortunately not required for that purpose; that two hundred Florida militia had been called into service on a kind of duty which did not meet the approbation of the Senator; and that three branch mints had been unnecessarily established, two years before the present Administration came into power! And this was the sum total—these were the entire charges—which the honorable Senator could urge against the Administration. This was, then, the only foundation for the statements which had been made in every portion of the country, swelling the extravagance of this Administration to hundreds of millions. The vindication of the old Administration was now triumphant against the charges which had every where been urged and reiterated by the friends of the new Administration. He and his friend from Missouri [Mr. BENSON] had challenged the gentlemen of the Opposition in May last, to point out the items of that extravagance of which they complained in the aggregate. This challenge had not then been accepted. They remained silent. The Senator from Kentucky had now come forth with his specifications, and what was their character? They afforded ample testimony that the working of our Republican Administration had been admirable. Indeed, no Administration in this country could squander the people's money without detection, because the people always keep a vigilant eye over their public servants. A Republican Administration would not if it could, as it could not if it would, be guilty of extravagance. Their own high principles would condemn and forbid the act. There was no possibility, under the Constitution of our Republic, that any Administration could be guilty of expending money on useless and extravagant objects, without the previous authority of Congress. And here he was about to say, that the honorable Senator had treated a portion of his argument unfairly; but he would not apply such a term, as he had never met with unfairness from that source. The Senator had stated that he (Mr. B.) had maintained that the President could not be held responsible for the extravagance of officers acting under his authority. Heaven forbid! that he (Mr. B.) should ever have entertained such an idea. Far, very far from it. The President's task was an arduous one. Whilst it was the most honorable, it was also the most responsible station on earth. He had the selection of his own agents, and their improper acts must always attach odium to him. If his station were high, his responsibility was and ought to be great.

Now, for what had he (Mr. B.) contended? He had taken up the triumphant report of the Secre-

tary of the Treasury—a report which could not be met—and had presented from it the expenditures of the Administration under their appropriate heads, and demanded whether any man could complain of them as furnishing evidence of Executive extravagance. What was the nature of Executive estimates? Did the Executive ever send estimates of expenditures to Congress which were not demanded by pre-existing laws? It was his duty to go through the statute book and furnish estimates of the amount required to execute existing acts of Congress; and whilst he confined himself to the performance of this duty, he was under no responsibility whatever. Congress, and not the President, were then responsible. That was the point. The President stood upon the laws of the land, and had confined his estimates strictly to what they enjoined. He could not repeal any law. On the contrary, he was bound to carry every law into execution.

There was, he had expressly admitted, a class of cases in which a President ought to be held responsible for extravagance; and this was when he recommended unwise and unnecessary objects of expense to Congress. He would also be responsible, in a great degree, for the expenditures voted by his party in Congress even without his express recommendation, because it was fair to presume that he and they acted in harmony on all great public measures.

Again: He had declared that the Executive might be justly held responsible for the economical expenditure of public money whenever gross sums were appropriated towards the accomplishment of particular objects, and the employment of the money was thus necessarily subjected to his discretion. In such a case, it was his duty to see that the object should be accomplished in the cheapest and best manner; and if he failed to do so, he was justly censurable. Responsibility! Yes, the Executive was, and, on principle, ought ever to be, held responsible for the economical expenditure of the public money, in obedience to the laws of Congress.

Under all these admissions, said Mr. B. I ask the Senator to take up the report of the Secretary of the Treasury, and point out a single head of expenditure with which the country could have dispensed. He [Mr. CRITTENDEN] said, yesterday, that he did not complain of any of those objects of expenditure. No, he did not—he could not; for, from the first to the last, there was nothing in that list which could have been avoided, with a proper regard to the interests of the country. He might add, that he believed there was nothing in that list which had not received the support of the Opposition, as well as the Administration party on this floor.

He had but a few words more to say in reference to the four items to which the Senator had specially referred. He deemed it unnecessary to follow him at length, because he had already furnished what he believed to be the facts; and they constituted the best refutation of his [Mr. CRITTENDEN's] arguments.

In regard to the three hundred men taken from Missouri, the Secretary of War might have judged unwisely. He might possibly, with equal advantage to the service, have taken a like number of men from Alabama, Georgia, Tennessee, or Kentucky. The people of these States were all equally brave with those of Missouri. There was no question about that. But if the Secretary had thought proper to employ three hundred Western hunters and trappers from Missouri, who were believed to possess more experience in the mode of attacking Indians, and driving them out of their Everglades, could the difference of expense in transporting these men from Missouri to Florida, above that of transporting a like number from Kentucky, be made a matter of grave accusation against the Executive? The Secretary may have judged unwisely, and the President may be responsible; but it was as light a responsibility as ever President bore. Unfortunately, a number of the horses belonging to these men were lost, and the Government had to pay for them; but this could not have been foreseen. All this might have been an error in judgment, though he (Mr. B.) believed it was not; still it could never be converted into a subject of serious charge against the President, or prove that he had been guilty of extravagance. In attempting to magnify into im-

portance so small a matter, the Senator from Kentucky had unconsciously bestowed one of the highest compliments which he could pay to the economy of the Administration.

In regard to the provisions conveyed to the Cherokee country:—we know there was not only danger of a war with this powerful tribe of Indians, but that an incipient war then already existed. Blood had then been shed, according to his best recollection. The whole neighboring country was in commotion, and the people of the surrounding States were terrified and alarmed. Under such circumstances, was it not the duty of the Administration to collect troops for the defence of the country and the removal of the Indians? And he asked the honorable Senator if these troubles had not ended in peace; if war had been the result, and an army had been collected there without provisions, might not the Administration, with great justice, have been attacked for their improvidence? In such an event, they would have been guilty of a criminal dereliction of duty, not only against the army and the people of the States where the Indians were located, but against the whole people of the United States. And yet the burden of the Senator's charge against the Administration, is for doing an act, which, if they had not done, might have resulted in disastrous consequences to the whole country, in case the threatened war had not been avoided. It became, therefore, absolutely indispensable to collect these provisions for the subsistence of the army; and it was only because, through the mercy of a wise and over-ruling Providence, another Indian war had been averted from the people of Georgia and the surrounding States, that this transaction could possibly have been converted into a charge of extravagance against the Administration. Who then can be justly blamed? There were the provisions and we ought to be thankful that they were not all rendered necessary. We had peace instead of war; and by the early dismissal of the troops, all of these provisions could not be consumed. Now he, Mr. B. shrunk from no responsibility on this occasion. He admitted that the Administration were responsible for the conduct of General Scott, a gentleman for whom he entertained the highest regard and esteem. That General had done but his duty as commander of the forces, in ordering these provisions, which he could not use, to be sold. Indeed he could not have acted otherwise.

But the Senator had intimated that this sale was not fairly made; and that gold and silver being required in payment, the purchasers were Government agents, who bought in the provisions at a low rate, with Government money, for their own private emolument. If this were true, every one of these officers ought to be instantly dismissed. It was a heavy charge, and the Senator did not pretend to know any thing about it, except from newspaper rumors, which were certainly not the most authentic source of information. He, Mr. B. had heard that some of these provisions were damaged, and he had learned from the most authentic source that Ross would not purchase provisions from the contractors at any price, though he might have used them advantageously in removing the Indians. It is much more probable that the distance of these provisions from any point where they could have been sold for their value, and the consequent cost of transportation to such a place, together with the perishable nature of some of them, were the reasons why they did not command a greater price, than that the disbursing officers of the Government had been guilty of any fraudulent conduct. This, then, was among the sins of extravagance charged against Mr. Van Buren, although he knew nothing about it until long after it took place. Happy, indeed, would be the fate of the succeeding Administration, if no heavier charge could be made against them at the end of their term of service.

A few words more in regard to the Florida war. When Congress omitted to provide regular troops for the defence of Florida, what was the only alternative left? Did not this omission necessarily devolve upon the President the duty of calling out the militia for that purpose, under the Constitution and existing laws? The neglect of Congress to raise the force required by the Secretary of War, did not prohibit him from availing himself of the

militia; but, on the contrary, rendered a resort to them imperatively necessary. The militia law still remained in full force; and to that, and that alone, could he recur for the defence of Florida.

[Mr. CRITTENDEN here inquired whether Brigadier General Read was not an officer of the United States Army.]

Mr. BUCHANAN said certainly not. In his famous order, to which the Senator had himself referred, he had styled himself Brigadier General of the Florida Brigade. He was not an officer of the United States Army; but of the Florida militia; and he (Mr. B.) understood they had been called into service under the authority of our existing militia laws. And what else could the Secretary have done under the circumstances? What else would the Senator from Kentucky himself have done had he been Secretary of War? Would he have abandoned Florida whilst Florida was bleeding at every pore? Would he have said, "I demanded a mounted regiment of regular troops and Congress refused to grant it, and because they refused, I shall not order the militia into service, notwithstanding the existing law renders this my duty. Let the blood shed in Florida be upon the head of Congress, I am innocent!" No, there was not a man in America who would not have recoiled from such reasoning, and none sooner or more repulsively than the honorable Senator himself.

And yet, with all his eloquence and ingenuity, to what had he finally been driven? To read an extract from some newspaper, the name of which he had not thought proper to give us, for the purpose of exciting a laugh and a sneer in the Senate of the United States. All this was "at the expense of Uncle Sam;" but, from information derived from the Department itself, he could assure the gentleman that these militia infantry did not, as the paper alleged, receive \$18, but merely \$7 per month—the pay of United States infantry soldiers; and that, too, without either bounty, clothing, or rations. Now, Heaven forbid that the time may ever arrive, in this country, when Senators should seriously attempt to criminate any Administration on this floor by bringing here the title-tattle of a newspaper, whilst they could obtain the information desired in an authentic and official form from the proper Department. How unnecessary as well as unjust, was it to attempt to prove a high officer of the Government guilty of misconduct by newspaper statements, when, upon the motion of any member, the power of the Senate would at any time be exerted to prove him guilty, if guilty he were, by official documents authenticated under his own hand? And yet this was the course which the honorable Senator had thought proper to pursue.

But, says the Senator, how could these two hundred militia infantry have raised a crop of corn between the last adjournment of Congress in July and the present time? But had he not informed the Senator that while the question was depending before Congress, whether mounted men should be raised for the defence of Florida, the Governor of that Territory, knowing that the expense would eventually fall upon the Government of the United States, had called these men into service before our adjournment, and under the Secretary's advice he had adopted the policy previously pursued to encourage the raising of provisions for the army? If the gentleman thought proper, at any time, to call for authentic information on this subject, it would be furnished him most cheerfully by the Department.

These, then, are the items of extravagance with which the retiring Administration were charged, and this was the indictment preferred against them. The branch mints are still continued; and the President is condemned because, forsooth, he does not abolish them! Now could the President repeal the law which created them? Could he undertake to say he would not execute the will of Congress declared by an act of Congress? If he had closed these mints by his own authority, he would have been guilty of the highest crime against the Constitution of his country. He would, by usurping the prerogative of annulling acts of Congress, have placed himself above the Legislative power. He might then, with justice, have been denounced and condemned as a tyrant. And yet

it has been made a grave accusation against the President, that he had not shut up these branch mints, because they were too expensive—that he had not done an act, for doing which he ought to have been impeached and deprived of his high office. The Senator from North Carolina [Mr. MANCUM] took a more correct view of this subject. He thought, with him (Mr. B.) that Congress was the proper source of power in such cases. Let us move on in the ancient constitutional manner; and although there might be some "prospects" of gold around Dahlonega and Charlotte, he would vote at any moment for the repeal of the law which had established these branch mints. He believed them to be unnecessary; but how the present Administration could be held responsible for their expenses, he was utterly at a loss to determine. Nothing but the ingenuity of the honorable Senator could ever have led to the suggestion. He could draw upon the abundant fountain of his wit, and turn the most serious subjects into ridicule, when it suited his purpose; but he would never succeed in blotting out from the minds of the people of this country the gratitude which they would yet feel towards an Administration against which no charges of extravagance could be made, except such as he had enumerated.

THE BANKRUPT BILL.

REMARKS OF MR. NORVELL,

OF MICHIGAN,

In Senate, Thursday, February 4, 1841—On the Bankrupt bill.

Mr. NORVELL said: The amendment submitted by the Senator from Missouri [Mr. BENSON] to the bankrupt bill, now under consideration, required the consent of two-thirds of the creditors, in value and number, before the debtor could receive a certificate securing him the benefit of the act. He hoped that the amendment would not be adopted by the Senate. Its effect would be to subject debtors to the tender mercy of their creditors. It was a remnant of the old spirit, the pound of flesh spirit, which prevailed in the age of Shylock. He would rather see no bill pass, than one with such a provision in it. It would only harass and annoy the unfortunate, and expose him to an ordeal at once grating and cruel. The Senator said that his amendment was sanctioned by that provision in the Constitution, which prohibited us from impairing the obligation of contracts. No such provision was to be found in the Constitution. A clause in that instrument, forbidding the States from passing any law impairing the obligation of contracts. The power, given to Congress exclusively, to enact uniform laws on the subject of bankruptcies, in his judgment, implied and comprehended the necessary authority to change the character of contracts, so far as to release the debtor upon the surrender of all the property, and to protect the future acquisitions which he might make. On this point he entertained no doubt. No bankrupt law would be of much service, unless it embraced such a principle. But if Congress could pass no law impairing the obligation of contracts, how could they pass an act, with the consent of two-thirds of the creditors, impairing the obligation of the contract of a debtor with the other third of his creditors? If the argument of the honorable Senator amounted to any thing, a debtor could not receive a certificate of release as long as a single creditor refused his consent to the granting of the certificate. But there was nothing in the argument. The power of Congress was ample on the subject. And if they would not perform their duty—if they still refused to exercise a power beneficent in its tendency towards a large portion of the American people—let them return it to the States, from which they had received it. He was sorry to say, that the course of Senators lagged behind the spirit of the age. They did not keep up with the sentiments and feelings of the people. The great mass of the people were in favor of the passage of such a bill as was now before the Senate, whether memorials had been presented from this or that State on the subject. A disregard of the advances made by the great body of the people, in principles of this kind, might well

account for some of the great political changes which we had all witnessed within the last year or two. He trusted that a bill, demanded by all the considerations of humanity, mercy, and the public good, would pass, without any such amendments as was now proposed to it.

SPEECH OF MR. SHEPARD,

OF NORTH CAROLINA,

In the House of Representatives, February 4, 1841—

In Committee of the Whole on the state of the Union, on the Treasury Note bill.

Mr. BARNARD of New York proposed to make a loan of \$10,000,000.

Mr. STANLY of North Carolina offered an amendment to lay a duty of 10 per cent. ad valorem on silks, 20 per cent. on wines, and 20 per cent. on linens.

Mr. SHEPARD addressed the committee as follows:

Mr. CHAIRMAN: I am reluctant to continue this discussion, but honorable gentlemen have advanced doctrines which I consider of a dangerous tendency, and I cannot forbear to express my own opinions. Since the commercial revulsion of 1837, the income of this Government has not been equal to its expenditure. In the years of plenty, the surplus revenue was divided among the States, and now, in the day of comparative famine, no willingness is manifested to curtail expenses, but a proposition is made to increase the burdens of the people. The member from Maine [Mr. EVANS] has asked, "in what branch of the public service can reduction be made?" I shall not set up for a political puritan, but I point to the unnecessary length of our sessions, to the disgraceful amount of contingencies, the enormous increase in the cost of collecting the revenue, and I believe that a faithful examination would unfold much more, that requires the knife and the caustic. Economy, however, should not approach stinginess, for this would ultimately prove the grossest extravagance; let worth and talent be well rewarded, and if sinecures be abolished, salaries reduced in proportion to the service rendered, and no expenses incurred for the special benefit of individuals or sections, I indulge the hope that, after the revival of trade, the revenue will be amply sufficient for all the wants of Government. Gentlemen have poured forth cataracts of eloquence on the subject of corruption, but they err in laying the whole blame on either of the great parties: it is immaterial who is the President, or what faction has the ascendancy; if much money be placed under the control of politicians, there is reason to fear that it will be used to advance the schemes of party, and to promote the interest of cunning leaders. It is wise, therefore, to save our rulers from temptation; it is just to let the people hold their own property, and to take the smallest portion of their earnings, that the public service will admit.

I am opposed to the levy of new taxes, until an honest effort be made to economize, and I will not consent that three articles shall be selected at the present time for the partial legislation of Congress. A new President will shortly be in office; those, who have assumed all the wisdom and virtue of the land, will have the reins of Government, and they should bear its responsibilities. At the next session the whole system of taxation must be revised, and there is no necessity for anticipating the deliberations of our successors: let timely warning be given to all the great interests of the country; let the public mind be drawn to this important subject in all its relations, and I hope that the question will be settled on a basis, satisfactory to all, and oppressive to none.

A tax on imports is easy of collection, and borne without murmur by the mass, because its subtle operation is not perceived, though it is not the less powerful in its effect, or less liable to abuse, and should be watched with jealousy. The consumer pays the duty, and, if the article be limited in quantity or of indispensable necessity, this would be the end of the matter, and one man would not have more right to complain than another. But where the consumption depends on the price, the impost has a much wider bearing. If cloth and molasses be cheap, more of these comforts will be used than

when dear; a duty of 30 per cent. ad valorem on the former, and of 5 cents on the latter, must diminish importation, or keep out of the country much that would otherwise enter. The foreigner is not the only person who would be injured by this result. His merchandise comes here in exchange for our productions—the trader of the city is a mere agent of the industrious classes, he buys the corn, cotton, the tobacco, the naval stores, the manufactures of domestic labor, and gives them for the products of other climes and other people. All commerce is resolvable into the great principle of exchange; if the country sells nothing, it can buy nothing; if it exports nothing it can import nothing; and that which comes here in the shape of foreign goods, is only another form of our own property, and is as much American industry, as the grass of our fields, or the cloth of our factories. Any distinction between them is fallacious and unjust.

If a tax, therefore, on foreign merchandise diminish its consumption, domestic produce, which is exchanged for that merchandise, is indirectly affected. If we buy less of the foreigner, he is compelled to buy less of us; if we cease to take that which he can give, the market for the products of our own labor is lessened in like proportion. The exact degree to which the produce is injured by the customs, cannot be estimated with certainty, for trade, when driven from one path, will generally find another; but as the natural course of things is the most profitable, any law, which obstructs the free interchange of commodities, and aims at the establishment of an artificial system, must be burdensome to those classes, on whose industry the experiment is made.

But, sir, let us leave theory, and take a more practical view of the subject. In 1839 the exports of the United States were valued at \$103,533,891—of which \$63,430,845 went to England, and \$16,553,667 to France; in that year cotton was shipped to the amount of \$61,238,982, of which \$46,137,365 went to Great Britain, and \$13,323,142 to France—\$9,832,943 of tobacco was exported, of which \$5,362,331 went to England, and \$901,950 to France—\$2,460,198 of rice was shipped—\$688,800 of naval stores, of which \$501,584 went to England. It thus appears that cotton, tobacco, rice, and naval stores, constitute more than two-thirds of the exports of the country, (\$74,220,923,) and that England and France are the great markets, to which these productions are carried. Indian corn and timber would swell this sum considerably; they are left out of the calculation, because they are not exclusively the product of the six or seven States, which raise the great amount above mentioned. The imports of the same year amounted to \$162,092,132, of which \$71,600,351 came from England, and \$33,284,119 from France, consisting principally of the manufactures of wool, cotton, iron, linen, silk, &c. These facts prove that an immense trade exists between the countries, founded on the mutual wants of the people, and the variety of their industry—a trade that would keep pace with the increase of population, and the growing demands of civilized life, if not disturbed by political quackery. England requires the raw material, but her climate forbids the culture. America needs the produce of British workmanship, but she cannot struggle with matured skill, vast capital, and low wages. Such ties bind together the nations of the earth. The gifts of Providence are widely distributed, perhaps, to show man that his real interest and substantial comfort are promoted by peace and harmony.

If, for any purpose, a tax is laid on iron and woollen, so that the foreign manufacture is driven out of the market, or its consumption diminished, the foreigner will take less of cotton, tobacco, naval stores, or other domestic articles, which were exchanged for his own. The revenue of this country is principally derived from duties on the manufactures of Great Britain: her cotton goods, her woollen cloth, her iron, her glass, and her sugar, have been the great objects of attack—they have sustained the burden of the Federal Government, though this very England consumes nearly two-thirds of our domestic productions. In aiming a blow at the foreigner, you strike one of your own citizens; the tax collected is paid by the consumer,

but the effect reaches the producer, and all interested in his prosperity. This producer is the agriculturist of the Southern States—the cotton grower, the tobacco planter, and the getter of naval stores: the raiser of Indian corn is also concerned, for his market is among the planters, devoted to other products, and every citizen of those States, whatever may be his occupation, is benefited by maintaining the value of the staples, which give strength and wealth to the Southern community.

If this reasoning be sound, the Federal Government indirectly taxes the industry of a few States. This will bring to complaint from me, whilst the burden is reasonable, and the money is used for wise and constitutional purposes. But taxation should be equal. All receive protection from the Government, and all enjoy its inestimable blessings; a tax is levied on the agriculturist, though his property requires no more vigilance than that of other citizens, and why should the domestic manufacturer escape? Is he a better man, or a braver soldier? Does he contribute more to the wealth of the country? Is he more liberal in his means or policy? And yet he is the favorite of the Government, living without taxation, possessing the home market by warring against foreign articles, and, as I will proceed to show, having the advantage of free trade with foreign States.

By the "Compromise act" of 1833, silks and linens were admitted free of duty. This was done, contrary to the wishes of the planter, for the benefit of the manufacturer: he did not produce silk and linen goods, and insisted that the whole tax should be laid on iron, cotton, woollens, and other necessities of life, because, in these things, he was a rival to the foreigner. The consequence is, that the trade between France and the United States has greatly increased; in 1830 the silks imported were valued at \$5,774,010; in 1835 they went up to \$16,247,782; in 1839 to \$21,350,669. The whole exportation of cotton to France has also increased, amounting in 1832 to little more than \$7,500,000, and now to \$13,323,142. Here is a powerful argument in favor of free trade; restriction is the malaria of commerce, its fetid breath deadens enterprise, and when it passes away, every thing springs into life and activity. What was intended to be a gratuity to the manufacturer, has become useful to the cotton planter. France consumes nearly a fourth of the crop; she is steadily improving in skill and means, and may become a rival market to England for the great staple. But if a duty be imposed on linens and silks, this fair prospect may be seriously darkened; wise rulers will hesitate before they take a step of such importance without urgent necessity.

Glance your eye, sir, over the list of importations. You will find that heavy duties are imposed on nearly all the articles which come here in exchange for cotton, tobacco, &c. except worsteds, wines, and these two, which are now selected for taxation. This is the only redeeming feature in the system of injustice; and yet gentlemen seem anxious to complete their work, and make it utterly hideous. If more revenue be absolutely necessary, it is at least decent that Southern agriculture should not bear the whole burden; and I will direct the attention of honorable members to a few objects that have escaped notice.

Shoes and leather are taxed, for the special comfort of the tanners and boot-makers of Lynn, in Massachusetts; but raw hides and skins come in free, to the amount of \$3,158,027: they are imported from Mexico and South America, in exchange for those manufactures, which the Government has so bountifully protected from European competition. Dyes to the amount of \$586,450, mahogany \$504,826, barilla \$150,637, also are admitted free of duty: they are used by the manufacturer; they come principally from South America, in exchange for the work of the favorite. Coffee, valued at \$9,744,103, is free: it comes from Brazil and Cuba; the former is a great market for the products of Northern labor, and the only productions of the latter which are taxed heavily in this country are sugar, which the creole of Louisiana wishes to furnish at a high price, and spirits, which our rulers fear might entice the people from a de-

licious beverage called "Yankee rum." Teas, amounting to \$2,424,594, are also free: they come from China, in exchange for specie, and cotton manufactures. In 1839, there was exported \$850,533 of fish to Cuba, Hayti, and South America; \$600,455 of oil to the same and the Hanse towns; \$2,975,301 of cotton goods to South America, principally; \$178,142 of spermaceti candles to the same region; \$361,840 of furniture to Cuba, &c.; \$453,471 of soap and candles to South America; \$134,588 of iron and nails to Cuba, &c.; \$748,862 of manufactures of iron to South America and Cuba, &c. &c.; and \$197,162 of gunpowder to Mexico and South America. Nutmegs, pepper, cocoa, to a considerable amount, come in free from Holland and South America. Without going farther into detail, it will be seen that many other articles, besides wine, silk, and linens, are admitted free of duty; but they are essential to the factories, or come in return for the products of manufacturing labor, and this may be a good reason to continue the bounty. More than two-thirds of the imports from England are taxed, and one-third of those from France, whilst the merchandise from other countries is admitted on more favorable terms or entirely free; the commerce, in which the agricultural States of the South are most deeply interested, is shackled and embarrassed, whilst that which is carried on by the industry of other sections, is placed on the most liberal footing. And this is done by a Government established for the whole Union. Sir, I will not ask the gentleman from Pennsylvania [Mr. BRECKENRIDGE] to tell his constituents that good policy and fair dealing forbid such legislation; it might be considered rude, as they doubtless think it just to tax the whole world for their own benefit. But I was grieved and astounded to hear the honorable member from South Carolina [Mr. THOMPSON] he has volunteered to lay a burden on those whom he represents, and he will be spattered with praise for his magnanimity—but, sir, it is a virtue that he has no right to practise, until he is prepared to defray the whole cost.

The excuse for taxing wines, silks, and linens, is that they are luxuries. The gentleman from Georgia [Mr. NISBET] talked of the rich man, riding in his carriage and flaunting in silk. Such language gave me pain; it may blind the people of Georgia, but it cannot exalt the reputation of the gentleman. A tax on the rich will not benefit the poor; the fine lady will use silk, though its price be increased, but a heavy duty will debar the less wealthy from such apparel. But this cry proceeds from a source, that honest men will distrust—it comes from those who established and fastened on the country the restrictive system. Mr. CLAY was the author of the act of 1824, and Mr. WEBSTER was the champion of the law of 1828; by the former a tax of 33½ per cent. *ad valorem* was placed on woollens, 34 cents per square yard on cotton bagging, 3 cents per pound on cables and other iron, 5 cents per pound on nails, 30 per cent. *ad valorem* on scythes, spades, knives, shovels—by the latter the duty on woollens was increased to 45 per cent. *ad valorem*, an additional tax of 10 per cent. *ad valorem* was put on axes, drawing knives, adzes, 10 cents per gallon on molasses, and by this or the act of 1832, 10 cents per bushel on salt, and 2½ cents on brown sugar. These things were done to benefit the manufacturers of Lowell, the iron monger of Pittsburgh, the grower of hemp in Kentucky, and the sugar planter of Louisiana: the poor were taxed for their blankets, for the ordinary comforts of life, for the utensils which gain their livelihood, and the rights of all were trampled under foot to gratify ambition and cupidity. The bare memory of such acts must fill every sound heart with indignation; the authors will find it difficult to assume the guardianship of the poor, for professions will not save them from suspicion. But, sir, I am willing to lay the greatest burden on luxuries, and, to test the sincerity of gentlemen, I ask them to lower the tax on necessaries; let the rich pay well for silks, linens, and wines, and permit coarse woollens, salt, molasses, and iron to come in without any duty. Will our opponents agree to this proposition? Will they do any thing that is really beneficial to the poorer classes? No, sir, no; the cry about luxuries is a mere plea for

getting money, to squander on electioneering projects. If, however, gentlemen prefer another principle, let an *ad valorem* duty of 10 per cent. be laid on all importations, whether necessities or luxuries; a common feature should pervade our system of taxation; we ought not to legislate against a luxury to-day, and make war to-morrow on the common necessities of life, or the Government should recognise no distinction, and put all on the same footing. If I am not mistaken, the northern capitalist is beginning to manufacture silk goods; the day is past when he can boldly ask for protection, but if a duty could be laid, under any pretence whatever, the infant factories would swell into great establishments, and the whole people would contribute to his wealth. This may be one of the secret springs of the hypocritical movement for the relief of the poor.

Mr. Chairman, an attempt has been made to divide the friends of free trade, by appealing to the selfishness of the tobacco planter. We are told that a duty of 75 cents per pound is levied on tobacco in England, and that France prohibits the article, except a certain quantity for the King, who derives a large revenue from its sale; these facts are considered sound reasons for taxing wines, silks, and linens, in order to force England and France to admit tobacco on more liberal terms. If there was the slightest probability of opening the market, I should not hesitate to impose countervailing duties; but I ask the gentleman from Maryland to mention a single instance where they have succeeded. These nations themselves have been waging a commercial warfare for centuries; their statute books are full of the most absurd regulations, injurious to both parties, and now, when the error is seen, they cannot be touched, because great interests are dependent on the permanency of the laws. England and France are enormously indebted, and they must impose heavy taxes to pay the interest. Does the member from Maryland expect tobacco to be favored, when almost every thing that is eaten, drunken, or used in those countries, is grievously burdened? Perhaps England considers tobacco a "luxury," and thinks it right that her aristocracy should pay for the enjoyment; or she views it as a poison, whose use is destructive to health and cleanliness, and should be discouraged. The climate of Great Britain is good for tobacco, but its culture was forbidden more than one hundred years ago. This circumstance may throw light on her policy, and warn gentlemen of the danger of converting a consumer into a rival producer. Now, sir, is there much hope of driving France and England from their ancient policy? Negotiation may ultimately succeed, but the pride of those firm and gallant nations will be kindled at any measure, which bears the aspect of constraint, and the trade may be still farther shackled. Suppose, however, that retaliatory duties should not be successful, and then the tax on wines, silks, and linens will become a real injury to the planter; these are some of the articles which come in exchange for tobacco, and, if their consumption be diminished, the foreigner will be less able to purchase the domestic product. So that in striving to get more, we may lose the advantages already possessed.

But in quarreling about tobacco, we may bring down the value of another great staple. France and England will take cotton in exchange for their productions, and is it wise or just to embarrass a trade, that is mutually beneficial, because the rulers of Europe will not also receive tobacco? Sir, this would not be dissimilar to the opium war on China. The universal demand for the great export, may be a blessing conferred, in recompense for the deadly climate where it grows, and I feel sure that the tobacco planter will not grumble at the preference, or wish to pursue a dangerous policy at the risk of injuring another citizen. It cannot be that Maryland, Virginia, and the fairest portion of my own State, will desert the principles for which they have long struggled; the gilded bait now presented is a deception of the enemy, to lure them from the safe ground heretofore occupied. The outside is fair, but within is concealed the instrument that will drag them to destruction. If our ranks

be broken, and the Government once more begin to regulate industry, the stronger interests will rule according to their passions and their appetite: the history of the past is an index to the future, and the tariffs of 1824 and 1828 show what may be expected from those who are hungry and thirsty after plunder.

The principal object of these taxing schemes, is to prepare the way for dividing the proceeds of the public lands among the States. When Virginia ceded the Northwestern Territory in 1784, she declared that "the lands shall be considered a common fund for the use and benefit of such of the United States, as have become or shall become members of the Confederation or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other purpose whatsoever." At that time, before the existence of the present Constitution, the Treasury of the United States was supplied by assessment on the States, in proportion to the land tax of each, and it is not surprising that the idea of a general fund should be connected with the manner in which it was usually raised. This explains the language in the latter part of the paragraph above quoted, "according to their usual respective proportions in the general charge and expenditure," which has been seized on as an authority for giving to the States the proceeds of the land. A mind anxious for truth, and not in search of an excuse for bad policy, will be satisfied that the expression "common fund," evinces the intention of Virginia to grant this Territory to the States a nation, not as separate communities. From the time of the cession, down to a very late period, this opinion was universally entertained, and its contrary is not heard of, till politicians began to think it a good instrument for delusion and bribery. The grant of Virginia extended only to the sovereignty of the country; the land itself belonged to the aborigines, it was purchased from them by this Government, paid for by taxes levied at the custom-house, and in every view must be considered a national property. But that portion of the Northwestern Territory which remains unsold, is very small in comparison to the immense domain which was acquired from France; and yet honorable members who use the cession of Virginia as an argument, do not distinguish, and intend to apply the same principle of distribution to the whole of that vast region. Whatever pretence, therefore, may be set forth, and however laborious gentlemen may be to disguise the real character of this measure, it conceals a doctrine of great magnitude and of momentous consequences. Sir, is it constitutional, or is it proper, that Congress should collect money for the State Legislatures? These are the questions involved in this discussion, and it is unworthy of a statesman to evade them, for the decision must deeply affect the destiny of our institutions.

The Federal Government was established for the purposes declared in the Constitution; it was authorized to "regulate commerce," "to declare war," "to raise armies," "to maintain a navy," "to provide for the common defence," &c.; all powers not delegated are reserved to the States, and it was designed that all the duties of Government, not imposed on Congress, should be performed by the local Legislature. The excellence of the system depends on keeping each of these agents in its prescribed orbit. If the central body draw to itself what specially belongs to the smaller creations, or if these grasp at the means which give vigor and efficiency to the great head, the whole Government will be thrown into confusion. The Constitution does not empower Congress to become a tax gatherer for the State Legislatures, and it is not necessary that we should assume this respectable position, for the same authority is given to both, though the forms may be different; and if money be needed for sectional objects, it ought to be levied by the local Government. But a great arguer [Mr. WEBSTER] has said that Congress has power to "dispose of the territory of the United States," without any limitation, and therefore we can act on this subject according to our own discretion. If this

be sound reasoning, it is constitutional for us to borrow money, and give it to the kingdom of France, for the power to borrow is also unlimited. The true method of construing the sacred compact of our fathers, is to take an enlarged view of the whole instrument; the subordinate grants are ancillary to the great object; the power of taxation was conferred to effect the main purposes of the Federal Government, and in "disposing" of national property, we are bound to think of national duties, and to refrain from interfering with local affairs, however expedient it may seem to be. In their zeal to appropriate the public domain, and achieve a party triumph, gentlemen should remember that the proceedings of to-day will be an example for to-morrow; a false construction of our great charter may be the basis of future schemes, repugnant to the spirit of the contract, and hostile to the interests and feelings of large minorities of the people.

That portion of the opposite party, which boldly avows its principles, and is not ashamed of its true name, I sincerely respect; from the remainder, that is Federal in doctrine and Republican in profession, that is endeavoring to cheat the country by tricks and devices, we have not much to hope. The former seeks to strengthen this Government, by making the States dependent on its bounty; formerly the plan was to encroach on the jurisdiction of the States, but now they are invited to assault the central Government, and seize its property. When the Legislatures taste of the public land, do gentlemen suppose that the appetite for spoil will be satiated? May not other demagogues outstrip their teachers, and require a still greater share of the National Treasury? The Danaides were condemned to the endless task of pouring water into a leaky vessel, and a similar fate will attend us, if thirsty patriots increase in number with the usual rapidity. Is it wise, then, for the honest friends of a safe and efficient Government to throw away its means, and impair its necessary strength? Perhaps they suppose that depletion will render indispensable their favorite measure—a protective tariff. And is this the way to make the Government strong, to fix it deep in the hearts of the people, to create in us love and reverence for the work of our fathers? No, sir, Congress only becomes a tool of the dominant majority; it is used for vicious designs; and though one section may receive the shower of gold, another is burdened and oppressed.

But is this an auspicious period for the policy of distribution? In order to cast odium on Mr. Van Buren, gentlemen have drawn a sombre picture of our condition; according to them, the Treasury is in perfect chaos, the army disorganized, the navy rotting, the Government heavily indebted, and yet they wish to dissipate the public revenue. Look abroad, sir, at the events which are transpiring in other quarters of the globe; France, armed to the teeth, increasing her marine, and indulging in dreams of gigantic ambition—Great Britain, dictating to Europe, plundering Asia, and arrogantly searching our own ships on the high seas. At a moment England could pounce on Cuba, and annoy the whole Southern coast, or a fleet of her steamships might anchor in the harbor of New York, before the blow was even suspected. Are we prepared to repel aggression? Have we availed ourselves of the great improvements in naval science? No, sir, American statesmen are too busy with the petty schemes of personal aggrandizement—they hunt after popularity as if it were the philosopher's stone—and they are now striving to bribe the country with that money, which should be devoted to its protection. Shame, shame on such agrarian projects!

The annual income from the public lands may be \$3,000,000, and if it be given to the Legislature, the whole result is, that one agent is exchanged for another, and the people themselves do not receive the benefit. Pennsylvania might get \$300,000, and some would call this a gratuity, for which honor and glory should be awarded to the man, who has discovered a new process of acquiring money. But if this fund be taken from the Treasury, its place must be supplied by new taxes, or old burdens will remain, from which the country ought to be relieved. Pennsylvania will pay back

to the United States as much as she receives; her people will be taxed to return money which we gave to the Legislature, and no one but a demagogue can see the wisdom of this operation. The share of North Carolina might be \$100,000, and the honest people of that ancient Commonwealth are made to believe, that this comes from the abundant generosity of somebody unknown; whilst, in reality, their salt, iron, sugar, molasses, cloth, &c. are highly taxed at the custom-house, to enable this Government to transfer a portion of its revenue to the rulers of the States. The deception thus practised is a great objection to this scheme: if the tax payers, knew whence the money was derived, or directly felt the hand that was rummaging their pockets, they would be more watchful of the politicians who control the local powers, and would hold them to the strictest accountability. But if Federal policy prevails, we shall behold a universal scene of fraud and imposition; the facility of getting the people's money, without being caught, will open the door to the wildest schemes of expenditure, and the poor creatures, who hang about the legislative hall, seeking pay for dirty services, will receive an ample share of the public property. Why do we hear the groans that come up from every portion of the land, on account of debt? Credit has been too easy, and the people, not feeling any immediate burden, did not perceive the weight that every day's misconduct was accumulating. Such will be the issue of any contrivance to blind the country; the honest, and manly way is to tell the truth, and to scorn the political legerdemain which has become a favorite substitute for virtue and intelligence.

Mr. Chairman, I did hope that this session would be devoted to business. For years, the bitter conflict of party spirit has consumed the time of this House, and made us overlook the serious duties of legislation. The country needs repose, and if the promises of the late canvass were remembered, there would be a union of spirit and feeling to promote the welfare of the whole nation. But, sir, economy is never mentioned, extravagance has ceased to be frightful, reform is the subject of ridicule, and the majority of this House are taunted with parsimony, because we are sincerely anxious to curtail expenses, and avoid the necessity of new taxation. The member from Maine [Mr. EVANS] boldly contends that the expenditure has not been too large; the gentleman from New York sketches a magnificent picture of improvements to be made; whilst their friend from Tennessee [Mr. BELL] gently chides them for being so open-mouthed, but does not commit himself in favor of economy, and complains of all things which his opponents are endeavoring to do. These are ominous signs—they exhibit a sordid hankering after patronage, and shadow forth the career which honorable gentlemen intend to pursue. The tumult of one election has scarcely subsided, when preparations are made for another conflict of a yet more vindictive character. The coming Administration is considered but the herald of one that is mightier and prouder than his representative: its influence will be used, its offices will be distributed, and its measures will be directed to elevate the man, who brought it into existence. Sir, is the country nothing, are the people nothing, that politicians have the audacity to make these selfish arrangements, without reference to the glory and well-being of the Republic? Such daring innovations, and reckless tampering with great interests, are worse than the humbug, the imbecility, and pompous parade, that now disgrace the land. But, if these forebodings prove unfounded, and the new President shall think and act for the whole nation, and not for a clique or a particular section, no member of this House will give him a more cheerful support than myself.

SPEECH OF MR. BENTON,

OF MISSURI.

IN SENATE, Tuesday, January 26, 1841.

The bill to establish a permanent prospective pre-emption system, in favor of settlers of the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, was taken up, and

having been read through, the question being on the motion of Mr. CRITTENDEN to recommit the bill, with instructions to report a bill for the distribution of the proceeds of the sales of the public lands among the States.

Mr. MANGUM addressed the Senate at much length in opposition to the bill, and in favor of the recommitment.

Mr. BENTON rose in reply, not to the Senator who had just taken his seat, [Mr. MANGUM,] but in reply to a Senator who had spoken on Saturday, [Mr. WEBSTER,] and who on that day had amended an argument in favor of the land distribution bill, which he had used on Thursday. On that day he [Mr. W.] rested the whole argument in favor of the constitutional power of Congress to pass the bill, on the terms and conditions of the cession acts and deeds from the different States. He relied on nothing else. He (Mr. B.) had replied to him on the spot, showing the utter inadequacy of this argument—showing that it did not cover the bill, or hardly touch it—that the bill applied to all the lands of the United States—those purchased from Spain and France, as well as those acquired from the States. The answer was conclusive; it was mathematical; it was the logic of the exact sciences; and every one saw its effect. It put an end to the debate; and, to all appearance, it had put an end to the question. Thus the debate of Thursday terminated.

On Saturday the Senator from Massachusetts renewed the discussion, and amended his argument. He brought forward new matter, which had escaped his view on Thursday. He took a new position, establishing himself on that clause in the Constitution which authorizes Congress to dispose of the territory of the United States. Upon this clause he took position, and deduced from it a new argument in favor of the distribution bill, broad enough to cover all the lands, come from where they might, but not valid enough to stand examination. He deduced from it an unlimited authority in Congress to dispose not merely of the lands, but of the land revenue itself, according to its will and pleasure, without either guide or restraint from the Constitution. He made Congress absolute over that branch of the revenue, discriminating it from custom-house and internal revenue, and making it a fund for the unlimited exercise of legislative discretion. The argument was a startling one, wholly foreign to the nature of our powers, and vesting Congress with the same power over the whole property of the United States, which was claimed for the lands. This was immediately shown by the Senator from Ohio, [Mr. ALLEN,] who pointed to the words of the Constitution, and showed that the word territory was coupled with that of other property, so that, if Congress had unlimited authority over the lands, it also had it over all the other property of the Union. This was a startling view of the new argument, both for the immensity of the property it would cover—the whole, in fact, which the Government owns, or may own—and the arbitrary, despotic nature of the power which it claimed for Congress. I undertake to add nothing to the view which that Senator presented in his luminous reply, but proceed to expose the fallacy of the new argument under a different aspect.

And, first, Mr. President, I wish to remark upon the fallacy of the sense in which a term, vital to

the argument, is constantly used here, and elsewhere. It is the term cession, as applied to the acts and deeds by which Virginia, Georgia, and some other States, conveyed their rights in these lands to the General Government. That term is constantly used in the sense of gift, gratuity, donation; and that not in relation to jurisdiction, or a right of purchase from the Indians, but in relation to the soil itself—in relation to the land itself—which is supposed thus to have been gratuitously bestowed. This is a mistake—an error—a fallacy—an illusion. The ceding States ceded no land—gave no land—conveyed no land, to the General Government. They ceded nothing but that which they had; and they had nothing in these lands but the right of purchasing them from the Indians, or the right of conquest in the event of hostilities. From the time of William Penn, this is all that the grantees of the crown, the colonies, or the States, have claimed in the Indian land covered by their grants or charters. Each for itself claimed the right of acquisition of that which was within its limits; and this right of acquisition is all that the ceding States could convey, or did convey, to the United States. They conveyed nothing but the right of purchase; and this has been the understanding of all the parties—the States, the Indians, and the Federal Government—from the first day of the cessions to the present hour. Never, in a single instance, has the Federal Government occupied one foot of this ground until after it was purchased from the Indian tribe which claimed it. Never has she sold an acre until she had first bought it of the Indians; and where they have refused to sell, she has refused to disturb their possession, and either waited their time, and their price, as in the case of the Cherokee lands in the Southern States; or became their agent to sell the whole for their benefit, as in the case of the Chickasaw lands in the State of Mississippi. This is the exact state of all these cessions; so that it is indubitably true that, so far as land is concerned, and that is the only thing which the present question touches, the United States is a purchaser from the Indians, and not a donee from the States. She holds under Indian treaties, and not under State cessions. The same with the Florida and Louisiana acquisitions. We acquired from France and Spain precisely what we had acquired from the States—the same, and nothing more nor less. We obtained jurisdiction over the ceded territory, and acquired the right of purchase from the Indians. We have taken possession of no ground, not an acre, in Florida or Louisiana, until purchased from the Indians who claimed it. We have acted by the lands ceded by France and Spain precisely as we have acted by those ceded by the States. We have bought them from their Indian owners, or claimants, before we touched them. They all come to us, so far as we have acquired them, in the same manner—by Indian treaties, and not by foreign treaties—by purchases from the Indians, and not by cessions from the crowns of France and Spain. Thus, sir, all the lands of the United States are held by the same tenure, and acquired in the same mode. All our proprietary rights are the same; they are all held by purchase, and all paid for by money taken out of the treasury of the Union.

All our acquisitions are purchases, and large is the amount which has been paid for them: to France, fifteen millions of dollars; to Spain, five millions; to the Indians, eighty-five millions; to

some of the States large sums, as to Georgia, to which State the Federal Government paid a great sum, besides extinguishing, for her benefit, at a great cost, the Cherokee title within her limits. Eighty-five millions is the purchase money paid to the Indians alone, besides annuities yet to run, and other indemnities, amounting now to about \$775,000 per annum. Four hundred and forty-two millions of acres is the quantity thus purchased from the Indians; eighty-five millions the amount paid to them, besides the running annuities; twenty millions paid to France and Spain, and several millions to Georgia for the right of purchase: in all, above one hundred and ten millions paid for these lands. Now, where did all this money come from? Sir, it came from the Treasury of the United States, and has not yet been reimbursed to it; for the sales of the lands have not been equal to the cost of their acquisition and management.

Can we distribute custom-house or direct tax revenue? It is admitted that we cannot. The whole argument that we hear, and the bill in question, all admit it. All agree that we cannot. But, behold the wonders of the juggling art! We cannot take the money out of the Treasury and divide it, but we may take the money out of that same Treasury and convert it into land, and then reconvert the land into money, and then make the division! This is what the new argument of the Senator from Massachusetts amounts to! It is a mere circumvention of the Constitution. It makes mockery and derision of that instrument. It is a lesson in legislative alchemy, by which, not base metals are transmuted into gold, but unconstitutional acts are metamorphosed into constitutional ones.

This is the character and effect of the new argument, and where is the limit to its application—where the limit to the division of money which Congress may make under it? Our public lands are already estimated by the distribution party at one billion two hundred millions of dollars. All that may be sold and divided out. We have, besides, some hundred millions of other property—forts—ships—foundries—arsenals—navy yards—public buildings of all kinds—this Capitol: all these may be divided out; for they are *other property*; and all the other property of the United States is subject to the same power of disposition which applies to the territory. In addition to this we may go on to convert and reconvert, to the end of the chapter. We may buy, and sell, and divide, as long as money, or land, or property of any kind can be found. Such is the end of the Senator's new and amended argument.

We have heard of latitudinarians in religion and in politics. We have heard of dexterous constructionists, who could construe themselves out of any creed, or any fundamental law. We have seen some wide constructions put upon our own Constitution. But who ever heard of the like of this before? Whoever heard before that the Congress of the United States was without a limit, without a restriction, without a guide, upon the exercise of its money powers? that it may, by a juggling trick of its own contrivance, throw off every constitutional restraint upon the power to raise, or to use money—take its own will for its sole guide, and go on to dispose of hundreds of millions, or thousands of millions of dollars, according to its own will and pleasure. Certainly, of all latitudinarian constructions of the Constitution, this is the widest and most dangerous. It is also one of the most flagrantly unfounded and indefensible; so that the Senator from Massachusetts, unfortunate as he was in his scant and stunted constitutional argument of Thursday, was still more so in the new and amended and boundless one of Saturday.

I now come, said Mr. B. to a subject which has become connected with this debate, and which has assumed a form to require a most deliberate con-

deration. I allude to the question of a foreign interference in our late Presidential election. I chanced to refer to this interference in a late speech; the Senator from Kentucky [Mr. CRITTENDEN] denied it, and the Senator from Massachusetts [Mr. WEBSTER] has reiterated the denial. Under these circumstances it becomes my duty to advance, or to recede—to sustain my assertion, or to retract it; and, as truth and justice will not permit me to do the latter, nothing remains but to go on with the accusation and bring forward the proofs. This I mean to do, and with the gravity and moderation which is due to the occasion. It is not an occasion for invective, for denunciation, for assertion without evidence; it is not an occasion for passion or personality. It is an occasion which requires calmness, fairness, consideration, and precision. It is a case which requires the proof to follow the charge, and the whole to be conducted with the gravity and equity of a judicial investigation. It concerns foreigners, who are not here to speak for themselves; it concerns the safety and independence of our form of government, which should not be lightly subjected to suspicions which weaken its strength. I know the responsibility of my position. I feel myself to be responsible for what I say—responsible to my own conscience, and to the greatest power of the age—the moral sense of all good men. Under this sense of responsibility I proceed to the discharge of my duty, and will first state the question over again, that Senators may be corrected of errors into which they have fallen, and my own design be made more clear and manifest. I have nothing to do with the loss or gain of the late election. I do not pretend to account here for its result. I do not think the inquiry a fit topic to be introduced into this chamber. It is one of party, and belongs to the forum of the people, and not to the bar of the Senate. I have a higher object in view—one which rises far above party contests—one which rises far above the question of party supremacy—one which goes to the independence and the safety of our form of Government—which concerns the feelings of every patriot, be his place what it may in party politics—and which starts the frightful question whether this Republic, like all free Governments, is to become the prey and spoil of foreign interference, and foreign influence? This is the object in view, and this the question which it raises; a question which has nothing to do with the loss or gain of the election—which has nothing to do with our party contests—which refers solely to foreigners, and to their conduct in our election—to their interference in our election; and this without even suggesting the effect of that interference, and how far it might have influenced the result. I disclaim and repel all this inquiry, and limit myself to the mere question of interference. Have foreigners interfered in our election? That is my question; and not have foreigners governed the election? The offence is in the interference! The outrage to our form of Government—the insult to every American feeling—the attack upon our independence—is in the interference itself! in the audacity and criminality of daring to interfere in our election at all, and not in the contingent consequence of more or less effect from that interference. This is my question. It is one worthy to excite my inquiries—worthy to engage the attention of the Senate—worthy to command the attention of all patriots, be their party politics what they may; and to this question, stripped of all extraneous matter, I now proceed; and shall commence at once with the introduction of proofs.

Behold this book, said B. holding up a new and handsome octavo volume. It is fresh from the London press, and speaks the sentiments of the English capitalists in relation to moneyed questions, and political parties, in the United States. It is a work upon the financial position and credit of such of our States as have contracted debts in Europe; with a survey of their wealth and resources, their ability and disposition to pay their debts, and the dangers to be apprehended from the growth and prevalence of Democratic principles in the United States. It was published in London on the 26th day of December, 1839, being, by a curious coincidence, the precise time at which the anti-association resolutions were submitted in this chamber

The name of Alexander Trotter, esq. is placed on the title page, as the author of the work; but it is more the work of a class than of an individual, and evidently speaks the sentiments of the bankers and capitalists of London. It may be quoted and considered as their work.

The author entitles this work according to his fancy; I give it a different name from that which he has inscribed upon it; and draw my appellation from a similar production in English history, and which must have suggested the idea of the plan and design of this work: I allude to the *Dooms Day Book* of William the Conqueror, commonly called *William, Duke of Normandy*. We all know that when this French Duke had conquered England, he caused a survey to be made of the property of the kingdom, the value of all estates to be ascertained, and the whole to be entered up in a book, to which was given the impressive title of *Dooms Day Book*. It was a significant and appropriate title; for all the property registered in it was considered as the spoil of conquest—as being brought up to a sort of judgment day, and thenceforth doomed to taxation and confiscation. It was the judgment book of the conqueror against the people whom he had subjugated. It gave him, at a view, the value of his conquest, and the means of making it available for the support of his army and his throne. The volume which I hold in my hand is an imitation of that work, with a change of names and localities. It is the *Dooms Day Book*, not of an English King, but of English money dealers; not of English, but of American property. It contains the register of the debts of our States held in London, with a view of the wealth and resources of the States which owe them, with many reflections on the circumstances which may either endanger or assure the ultimate payment of these debts. Among those circumstances which go to endanger this ultimate payment, the author relies upon one which surpasses and transcends all the rest. It is that of the growth and prevalence of Democratic principles in America! Democracy is the dread and terror of these capitalists who hold the bonds of the States! It is their dread and terror. Democracy—American Democracy—is their fear and horror. But I will not precipitate the narrative, nor jump to the conclusion. The right understanding of the main point which I mean to bring out, requires the character of the whole work to be exhibited, that its political application to our affairs may be seen by all, and its authoritative weight may be felt. This character is well made known in the headings to the first chapter of the work; and from these headings I will read a selection of items which will be sufficient for the purpose which I have in view.

Mr. B. then read:

"High credit of the Federal Government. Credit of the States not identical with this. Accumulation and distribution of the surplus revenue. Financial difficulties, and postponement of the transfer of the fourth instalment. First National Bank of the United States. Second Bank of the United States. Opposition of the President (Jackson) to the renewal of the charter. His probable motives. Disastrous consequences of his hostility to the Bank. Effects of the President's interference with the banking system. Facilities afforded by the Bank of the United States interfered with by the withdrawal of the public deposits. Distribution of the surplus revenue injudiciously effected. Specie circular. Effects of the two combined. Measures of the President to procure gold. Disastrous consequences. Failures in New Orleans and New York. Suspension by the banks of specie payments. Impolicy of the gold bill. Moral influence of slavery. Funds for works of internal improvement, and for the establishment of banks, chiefly obtained from loans. Security of the public creditor derived from the application of the funds. Advantage of auxiliary funds. Second suspension of specie payments by the banks. Apparent necessity for this course. Dangers to which banks are exposed in the Southern States."

From these headings to the matters contained in the first chapter, Mr. B. said the Senate could comprehend the character of the work; that it was identical in political sentiment with the anti-Democratic party in this country; following the lead of that party, and borrowing the very topics and language which it used in our party warfare here. It would seem to be an American production, of the Federal school, issued from a partisan press of this country, instead of being, as it is, a high Tory production from the press of London, and the pen of an Englishman. It is needless to quote from the body of this chapter to show how the subjects are treated which are named in the headings. That is

sufficiently manifest from the mere statement of the subject. If read, they would be taken for Federal speeches delivered on this floor. So exactly is this the case; that the main argument of the Senator from Massachusetts [Mr. WEBSTER] on Saturday last, in favor of auxiliary supplies from the Federal Government to the States, appeared to me to be borrowed from this American *Dooms Day Book* of the English capitalists, which I hold in my hand. The argument of the Senator was, that as the States had surrendered to the Federal Government all the great sources of revenue in giving up to it the public lands and the custom-house duties, therefore, the Federal Government was bound to lend a helping hand to the States. This was the substance of his argument. The same idea is found in this book, published in London twelve months before the gentleman's speech was delivered here, but written in London during the year that the gentleman was in that city. The ideas of the speech and of the book are identical; and I will read from the book, for the benefit of the stenographers, who may not have completed their report, as well as for the information of the Senate, what I find to be written in it under the head of *auxiliary funds* needed by some of the States. Mr. B. read:

"In the case of many States, auxiliary funds are specially appropriated to this purpose; in others, the security of the loans are based solely on the general credit of the State. The appropriation of such funds is in almost all cases desirable, as, however great the resources of a State may be, its fiscal means are often extremely limited. Its resources, not only from the most productive sources of revenue, such as the proceeds of the sale of the public lands, imposts on commerce, and the revenue of the post office having been surrendered to the General Government, and belonging exclusively to it, but also from the anxiety always shown by the people of the United States to control their rulers by making them dependent on their will for the supplies, which they at all times very sparingly allot to them. This Democratic feeling is carried so far, even in the wealthiest States, that the treasuries are constantly exposed to become bare; and the accounts of almost all are complicated by the borrowing and repaying of temporary loans made by moneyed institutions of the State to provide for unexpected emergencies, or even for the ordinary demands of the public administration."

Having thus shown the political character of the work, its identity with Federalism, and its consequent conclusive authority with that party, Mr. B. proceeded to show the manner in which the author had executed his work in stating the debts, and showing the wealth and resources of the indebted States. For this purpose, he had taken the States in detail, one by one, and had examined the condition of each one under the same heads. Mr. B. would not follow the author over each State, but would give an idea of the whole, by showing the method of treating one; and, for his exemplar, would take the State of Kentucky—a State on which the author seemed to have bestowed peculiar attention. Mr. B. then read from the book:

"KENTUCKY.—Amount of debt and liabilities. Form of security, when and where redeemable. Rates of interest, and when and where payable. Amount at present chargeable on the Treasury. Bank of Kentucky. Northern Bank of Kentucky. Condition of the banks at different epochs. Nature of internal improvements. Condition of the Treasury. Commerce of the State. Amount of taxable property."

These heads are filled up by details, said Mr. B. which it is not my design to pursue. I only propose to show the manner in which the affairs of the States are treated, for the purpose of arriving at results. The author of the work finds Kentucky to be a rich State, and rapidly increasing in wealth. He is forcibly struck with this increase, and states it with clearness and precision. He says:

"The increase in the general wealth of the State may be judged of by the progressive increase in the returns made to the auditor of the taxable property in the State. This, which in 1830 amounted to \$103,513,658, by the last valuation amounted to \$224,053,011."

This is the result of the survey of the debts, resources, and wealth of Kentucky; and here the mind is naturally turned to make a remark, pertinent to the occasion, and entitled to the careful remembrance of every Democrat in America. It grows out of the last quoted paragraph of this London book—the paragraph in which the writer shows the wealth of Kentucky to have increased one hundred and twenty-one millions of dollars in the eight preceding years. This is an amazing increase, more than doubling the value of the State, and naturally turns the inquiry to the period of time at which it took place. That period was from 1831 to 1839; that is to say, it was during the Democratic administrations of General Jackson

and Mr. Van Buren, covering a part but the whole of neither. It was during these Administrations, and during a period of time when the panic and distress orators were filling the land with cries and lamentations, and terrifying all imaginations with pictures of misery, poverty, and desolation. It was during the time that these orators daily proclaimed the total ruin of the country, and daily asserted there could be no prosperity without a change of men and measures—without the overthrow of the Democracy, and the re-establishment of a National Bank. It was during the time when there was "no King in Israel;" when the King Bank had expired under the veto, and the removal of the deposits; and when there was no "Regulator" to take care of the property and politics of the people. It was during the time of the gold bill, the specie circular, the war upon credit, the Maysville road veto, the pocketing of the land distribution bill, and so many other measures, each of which, according to the doleful lamentations of the distress orators, was sufficient to ruin and destroy the country. It was during this period of Democratic misrule and misgovernment, and in the midst of this national destruction and misery, according to these orators, that the authentic valuations of the Kentucky property show the wealth of that State to have advanced from 103 to 124,000,000 of dollars! to have more than doubled! to have gone 21,000,000 further in these eight years, than in the whole previous half century of her existence, during twenty years of which she had a double portion—two branches—Benjamin's share—of that national blessing, the Bank of the United States! The authentic record of the tax list shows this result. The record shows it; and in showing it, what a monument of honor and glory is raised to Jackson and Democracy! What a lesson of chastisement and rebuke is read to their assailants!

Mr. B. said it had been vauntingly declared on on this floor, during the extra session of 1837, by a Senator from South Carolina, who sits over the way [Mr. PIERCE], that the appointment of Mr. Biddle to be Secretary of the Treasury, would add one hundred millions of dollars to the value of the property of the people of the United States. This was said in reproach of the ruinous measures, as they were called, of Jackson and Van Buren, and to show the necessity of changing men and measures. It was spoken, as the event proves, without a reference to the valuation tables of taxable property, and has not been repeated since. It would doubtless not be said now. It was considered a hyperbolic compliment to Mr. Biddle at the time, and a couple of short years years proved it to be so. It has been seen to have been a most unmerited compliment to him; it has turned into little less than a sarcasm upon him. But, while shooting so far beyond the desert of him it was intended to honor, how infinitely it falls short of the merit of him it was intended to reproach! General Jackson's administration has actually increased the value of the property of the people—not one hundred—but more than a thousand millions of dollars. In Kentucky alone it was one hundred and twenty-one millions; in Massachusetts it was ninety-nine millions. Here are two hundred and twenty millions of increase in two States alone, and of the middle class—States which, in wealth and population, rank far below several others. Pursue the inquiry—apply it to the whole Union—extend it over the twelve years of Democratic sway—over the whole period of General Jackson's and Mr. Van Buren's administrations—and then see the result. Far above one thousand millions of dollars—much nearer to two thousand, than one thousand millions—will be the grand aggregate of the united increases. Instead of one hundred millions for a total increase, near one hundred and fifty millions of annual increase, for twelve successive years, will turn out to be the historical record of the case. Such is the answer which authentic history is giving to Federal lamentations over ruin and misrule. Such is the gorgeous picture of national prosperity which crowns and adorns the Democratic Administrations. Let the friends of Democracy every where verify and complete it. Let them apply to the fiscal record of every State and Territory—take the comparative

valuations of property in all times and under all administrations—ascertain the comparative results—and thus arm themselves with a document which will place the administrations of Jackson and Van Buren far above any others—even the most prosperous—which our country has ever seen.

We come now to the last, and most important, chapter of this work, the contents of which are indicated by these heads:

"Aggregate of State debts.—Probable necessity of taxation to pay the interest.—Probable conduct of the States under these circumstances.—Influence of Democratic principles.—Durability of the Union."

These headings to the matter contained in this final chapter, announce its important bearing, and its just claim upon the attention of the people of the United States. I pass over the whole, important as they are, for the purpose of getting at the penultimate section of the chapter—the one that relates to the influence on these debts of Democratic principles; and shall only make such statements in relation to the others as are necessary to the correct understanding of this; the most important of all. From it, I will read copious extracts; for it is of a nature to require to speak for itself. The extracts will be read as soon as I make the preliminary remarks which the context requires.

The writer first states the aggregate amount of the State debts; and here it is somewhat amusing to remember the alarm and terror which filled the breasts of Federal gentlemen on this floor, for fear of divulging the amount of these debts, when the non-assumption resolutions were under debate twelve months ago. These gentlemen deemed it cruel and dangerous to the States to name the amount of these debts on this floor. They were afraid the British would find it out from our debates, and that the credit of the States would be ruined. It was to no purpose that we insisted that the English knew more about these debts than we did; and if they did not, that there was no morality in our concealing them. Nothing that we could say could appease the fears of these most cautious gentlemen. The States were to be discredited, if we told how much they were in debt. This was their incessant objection. Finally, to quiet this alarm, it was agreed to drop from the report, which was made on the occasion, all that related to the amounts, aggregate or individual, of these State debts. The amounts were suppressed. While this scene was being enacted here, this Doms Day book was in the course of publication in London, and was very gravely devoting one chapter to the amount of these debts individually, and another to their aggregate amount; and stating the results in good arabic figures. It was casting them up, and adding them together, with all the care of solving a question of personal interest in the exact sciences; and it arrived at a result equal to any which had been attained on this side of the Atlantic. It made these debts (inclusive of poor unfortunate Florida) amount to one hundred and eighty-three millions of dollars. This was the aggregate; and the first inquiry which presented itself to the mind of the writer was the question of *ability* in the States to pay it? This was the first question, and this being determined in the affirmative, the next inquiry was, could they be *compelled* to pay? Here the writer identifies himself with the capitalists of London by quoting, and giving in *extenso*, the letter of the honorable DANIEL WEBSTER to the Messrs. Barrings, in the autumn of 1839, in answer to their inquiry upon this same point. The letter was very satisfactory on the point of the capacity of the States to contract debts, but very unsatisfactory on the delicate point of compelling them to pay. On this vital point, the letter gave no satisfaction. It seemed to refer the payment entirely to the *voluntary will* of the States. In this opinion, the author of the book concurs; and, thereupon, enters upon the consideration of the great and vital question of the *willingness* of the indebted States to make this payment. This question he examines with all the consideration of the party most deeply interested. He examines it under many aspects, and by all the tests which can effect the solution of a problem on which depended the payment of the large annual interest, and the ultimate restoration of the great capital itself. He

examines it analytically and philosophically—positively and comparatively—by single States—by classes of States—by clusters of States—and by States united, or disunited. He compares the slave and the anti-slave States together, and decides which will be most apt to pay. The same with the religious or irreligious States—with the old and the new ones—the Atlantic and the Western. He compares all these together; and still comes to the same question: which will be most willing to pay? He even examines this tender question under the aspect of a dissolution of the Union; and considers how far that catastrophe might endanger the payment of these debts, principal and interest. Under these various aspects he examines this question; and comes to conclusions more or less favorable to the creditors, and more or less honorable to different States, and classes of States, in each branch of the inquiry. But all these preliminary and subaltern inquiries, are finally absorbed and lost sight of in one grand, general, and overruling view which he takes of the whole question; and that is the political view of it. He examines it politically under the aspect of supremacy, or predominance, of each of the two political parties in the United States; and inquires from which of them the English creditors have most to hope, or to fear? This inquiry, as may have been anticipated from the whole character of the work, he solves to the prejudice of Democracy. He sees in the "rapid strides which Democratic principles are making in the United States"—"in the prevalence of Democracy"—"in the dangerous tendency of Democratic principles"—"in the growth of popular opinion in the worst sense of the word"—"in the dangerous right of universal suffrage"—"the subjugation of the better classes, possessed of wealth, talent, and station, to the numerical force of the majority"—"the little power of the Executive to resist popular clamor"—the influence of the Democracy in overruling the wiser and better principles advocated by the more enlightened portion of the citizens, and in conferring power on those who are little fit to judge of the interests of the State—"the elections of 1834, after the removal of the deposits, when the people sustained President Jackson"—"the want of a property qualification admitting into the legislative bodies of classes not directly interested in maintaining the financial integrity of the State"—"the indisposition of the Democracy to submit to taxation"—"their indifference to religious principles"—"their want of far sighted views and principles of national honor:" he sees in all these circumstances and considerations, and others which he mentions, danger to British interests; and brings himself to the conclusion, and with himself the whole body of the English capitalists, that the prevalence of Democracy in the United States is incompatible with the safety of the State debts held by the English. This is the conclusion arrived at. But this is a point on which it is right that the book should speak for itself; and at this point it is that I have intended to make it speak. Listen, then, to what it says:

"Where sufficient data have been obtained, an attempt has been made in the last chapter to show the ability of the several States to meet the demands that may possibly be made upon them; and in some cases that point has been satisfactorily established. But as the ultimate security of even, the greater part of the loans have finally to rest on a system of taxation, not only the means but the probable disposition of the inhabitants to submit to taxation, ought to be taken into consideration in an attempt to exhibit the degree of credit which should attach to these engagements."

"The effect of this prevalence of Democratic principles may have in the case before us, is very evident; for, should the States hereafter be obliged to have recourse to taxation to defray the interest on their loans, it will not, probably, be till the different undertakings for which the loans were raised will have been rendered unpopular by want of success; and though it does not follow that the people, under these circumstances, will refuse to make the necessary sacrifice, their adhering to their engagements cannot be so confidently depended upon as it might be if the legislative bodies were returned by classes more directly interested in the maintenance of the financial integrity of the States."

"Though in estimating the future by the past, there is great reason, therefore, to believe that a determination to adhere strictly to their engagements is still likely to characterize the people of the several States, yet the effect of the continued and rapid strides which Democratic principles are making in the United States may have too important consequences to be altogether overlooked in the present inquiry."

"The growth of popular opinion, in the worst sense of the word, in the United States, and the influence it has had in overruling the wiser and better principles advocated by the more enlightened portion of the citizens, have been lamentably shown in the little power which the Executive has been proved to possess at all points where it has been opposed by popular clamor, which, whether expressed throughout the Union generally, or in a detached portion of it, has, in the end, always proved victorious."

"Possessed of wealth, of talent, and of station, they (the better classes) were able to exert the influence which these ought ever to command in the selection of their representatives in the national councils; but the subjugation of this important, and respectable class to the numerical force of the majority, in the wealthiest States in the Union at the period of the elections in 1834, evinces the power which the dangerous right of universal suffrage is calculated to confer on those who are little fit to judge of the true interests of the State, and most open to the influence of uncontrolled feelings."

"In deprecating, however, the dangerous tendency of Democratic principles, it must be borne in mind that the direction of the bias which this power will give to the course of events, will depend on the character of the people who exercise it; and as, in the supposed instance, the question is a simple one, of whether the States will act honestly or fraudulently, much will depend on the prevalence of religious principles among them; for no views of expediency, however far-sighted, or even principles of national honor, can, under the supposed circumstances, be relied on."

Mr. B. after reading these extracts, resumed his remarks, and went on to say, that he had quoted enough to show the feelings of English capitalists with respect to the American Democracy—enough to show that their feelings were now what they were fifty years ago, and for the same cause. The British debts, due before the Revolution from American citizens to British merchants, and afterwards provided for in Jay's treaty, was then the great cause of English antipathy to American Democracy. These English then, as now, took it into their heads to believe that the American Democracy was a rabble; without morals, religion, property, honor, intelligence, or public or private faith; that they could not be relied on to pay the debts; and, therefore, they were against them. At the same time, they took into their heads that there was another party in the United States who were the reverse of all this—a party which was composed of the better classes—and on which they could rely for payment; and upon the success and elevation of this party, they immediately placed their hopes. This was the reasoning of British capitalists with respect to American debtors forty and fifty years ago; and, correspondent to this reasoning, was their action. They interfered in our elections. They took the field in favor of the Federalists, and against the Democracy. They operated by the means known to the money power—by applications of money to active agents—by disturbing the business, and misleading the mind of the public. Prominent individuals were gained over by largesses; the public was coerced, or misled—coerced by operating on the markets, or misled by daily publications from presses in British pay. What aged citizen is there who does not recollect these scenes—the scenes of foreign interference from 1790 to 1800? What young man is there who has not read of them? Who has not heard of the Porcupine Gazette, and its assistant laborers?—the first Bank of the United States, and its affiliated institutions?—the British merchants, and their emissaries?—all—all—openly engaged in our elections, and rivalling the Federalists in their abuse and hatred of Democracy. Who is there that has not heard of the younger Pitt's declaration in Parliament, that Cobbett, then the champion of England and the foe of Democracy, deserved a statue of gold for his writings in America? Who is there that does not know from recollection, or by reading, or by traditions, all these things? If there is any one, let him look to the history of the times—to the history of the elections of 1796 and 1800—and he will learn things which it concerns him to know. Now, in our own day, and at the end of near half a century, we find things reverted to their ancient position—debts again due to the British—debts, the payment of which depends on political as well as individual action—which will require legislation and taxation as well as individual faith and exertion. A treaty was necessary then; laws are necessary now; and thus the old state of things is revived, and with it, all its accessories and consequences. This book is proof of

the fact; but it is not all the proof. It goes far enough; but there is more to come. It is a witness of the highest authority in this case, issuing from the bosom of the English capitalists; and speaking their every wish and feeling. It is the authentic exposition of their sentiments. It shows them to be the enemies of Democracy—the friends of Federalism—uneasy about their debts—eager to secure them—and looking to the Federalists for payment. It shows that the fate of the debts is believed to be involved in the issue of our party contests, and that all is lost if the Democracy is victorious. All this the book shows, and that the destruction of the American Democracy is the fixed end and aim of the British capitalists. Delenda est Carthago—let Carthage be destroyed—was never more distinctly pronounced by the elder Cato, at the conclusion of his every speech, than the destruction of American Democracy is denounced in the concluding chapter of this book.

Mr. BENTON said that he had now produced one division of the testimony which went to establish foreign interference in our elections, and would proceed to another. He would show to the Senate the letters of an eminent London banker, and a director of the Bank of England, which went fall, and without circumlocution, to the point. He alluded to the letters of Frederick Huth and Co. to the president of the Bank of Missouri, in the months of June and September last. The house of Huth and Co. had been made the agent of the Bank of Missouri in selling a few bonds which the State was impvident enough to issue; the sales were not made; and these letters were to explain the reason of this failure. The first letter bore date the 3d of June, and contained this sentence:

"The attention of our capitalists and others engaged in American affairs is now turned to your internal politics, and if the prospects for your next Presidential election held out by the last accounts should be realized, this circumstance will contribute more than any other to restore general confidence."

This, said Mr. B. is a very pregnant sentence, and every word of it is significant of an important result. The attention of British capitalists is turned to the politics, and the internal politics, of the United States. This is the declaration, and what curious matter it presents for our consideration. Capitalists, not politicians, are now occupied with our affairs. It was deemed bad enough—the framers of our Constitution thought it bad enough—for foreign Governments to interfere in our internal affairs; and therefore made provision against such interference. They did not think of guarding against foreign capitalists; yet this is the quarter from which the interference now comes. Degrading and dangerous as would be the interference of a foreign Government in our affairs, far more so is that of foreign money dealers. The purse is a more potent enemy than the sword; and the history of all free Governments shows that a foreign moneyed interference is more dangerous than the invasion of an army.

The first division of this sentence shows that our internal politics are the subject of this interference; the second division of it shows what part of our internal affairs are intended; and that this is no less than our Presidential election! It is equally explicit as to the side of that election which has their good wishes. If it turns out as they were led to expect, and we all know what that expectation was; if it turned out that General Harrison should be elected, then an important consequence was to ensue—a great result was to follow—no less than the general restoration of confidence! He does not say confidence in what, nor why the sudden resurrection of that feeling was to take place; nor was it necessary for him to do so. Dooms Day book had told that secret: it had explained that mystery. Democracy could not be relied upon to provide for the payment of State debts: Federalism could; and hence the consequence attached by British creditors to General Harrison's election. It shows where their eyes are turned—that they are turned to the Federal Government—to the President and to Congress—for the support and maintenance of State credit—for the payment of State debts, principal and interest. This is what it shows; whether truly or not, time and events will soon unfold; and thus it was not necessary for Mr. Huth

to explain the manner in which the election of General Harrison was to operate a resurrection of the corpse of defunct confidence. Dooms Day book had done it; and to that we can refer for all the explanations which are wanting.

Mr. B. here remarked upon the word confidence. He said it was used more frequently during our late Presidential canvass than any other word in the English language, one only excepted, which he would name hereafter. It was used in Congress and out of Congress, in writing and in speaking, and by all orders of writers and speakers. It was used not only incessantly, but mysteriously. It was a cabalistic phrase. It stood for a whole argument within itself; was always ready when nothing else could be thought of; and was deemed the more potent because it was incomprehensible. Thus it was used during our canvass, playing a great part in the contest, and no one being able to tell the reason why. Now the secret is out. The origin and the import of the phrase is known: it is of British origin, and sinister import. It comes from London, and imports that the Federal party is to provide for the payment of State debts in Europe. Therefore, confidence is to be revived in State credit; the capitalists are to untie their purse strings; and bonds can be sold as fast as lamp black, and rags can be converted into State obligations.

Mr. B. proceeded to the letter of September, and read this extract:

"If however, your elections for the Presidency should have the result now anticipated, it is very probable that an impulse will be given to all State stocks, and the moment may then arrive when your bonds can be introduced under favorable auspices."

This paragraph (Mr. B. said) was a complete reiteration of the sentiments of the June letter, with an enlargement of the supposed consequential effects of the election of the Federal candidate. The June letter looked to the beneficial effect of the election on raising the value of State bonds; this letter looks to an increased value to be imparted to all State stocks; all to receive an impulse. This comprehensive phrase includes every variety of stocks created by State legislation. It includes banking, canal, railroad, fancy, territorial, city and all. It includes such establishments as the Bank of the United States, two-thirds of which is owned in England, and its stock now at 50 cents in the dollar, which is 45 cents more than it will yield when wound up; it includes such as the Morris Canal Bank stock, covered two or three deep with liens in Europe, and worth not a straw. It includes such articles as the Florida bonds, and the Pensacola Bank and railroad; it includes city stocks—cities which are only lithographed, as well as those which are incorporated. It includes all these, and myriads more, in addition to the State bonds—to amounts not known, and at every degree of depreciation, from the cool latitude of 50 cents in the dollar, down to the freezing point at zero. All these are to receive an impulse—to take a start in the market—to give per centums to the holders—in the event of General Harrison's election to the American Presidency. Add all these amounts to the State debts proper, and immense will be the aggregate, and almost incredible the interest which, according to their own calculations, these capitalists have dependant upon the issue of our Presidential election.

Mr. B. proceeded to another paragraph of the September letter. It was in these words:

"After you have waited so long, we think it would be a pity to recall the bonds without seeing what effect a change in your Executive will produce, in which point we may expect to form a fair judgment about the beginning of next year."

This, said Mr. B. is a most pointed paragraph. The London agent dissuades the Missouri Bank President from recalling the bonds. It would be a pity, he said, to recall them before the Presidential election—before seeing what would be the effect of a change in the American Executive. This change was to have a good effect upon the stock market, and that the result would be known by the 1st of January. Here was a clear declaration that the sale of the bonds was dependent upon the issue of the election, and, consequently, that if the bank wished to sell its bonds, it must first elect Harrison. This was the plain import of the letter; and when we recollect that this was only a sample of what was said to all—that all sellers of stocks of

every kind, to the amount of some hundreds of millions of stocks, and comprehending tens of thousands of persons, and whole States, corporations, and cities; that all these were tempted and excited as the Missouri Bank was, then we see the immensity of the influence which the London moneyed power was bringing to bear upon the election. No doubt thousands of similar letters were written to other institutions, and to other individuals; that they were sent into every part of the Union, and among all classes of debtors, individual, corporate, and States; and that all were made to believe that, on the result of the election, depended the fulness or the emptiness of their own purses.

Mr. B. reminded the Senate that he had made an exception in favor of another phrase, not then named, when he spoke of the incontinent use of the phrase, *confidence*, in our late Presidential canvass: he made an exception in favor of another phrase when he spoke of the incessant use of that one, and promised to bring it to light in due time. That promise is now complied with. The excepted phrase is brought to light. It is found in the last quoted paragraph from the London letter, and in that part of it which looks to the change in the American Executive. This phrase, above all others, even above that of *confidence*, figured in our election, and resounded in the Federal harangues. It would be difficult to recollect a speech, to find an essay, or to remember a conversation in relation to the election, in which this word *change*, did not play its prominent and conspicuous part. It, also, was cabalistic and talismanic. It stood for a whole argument in itself, and like the other, was the more potent because incomprehensible. Change! change! was the Federal cry during the summer campaign, and high above all the others, was heard the voice of a gentleman who had visited England in the summer of 1839, and from whom the cry of change, change, change, was heard to resound from Boston to Richmond, and back again from Richmond to Boston. Had he been a starling, caged in England, and taught the daily lesson, he could not have repeated it with more incontinent assiduity. Now we all see where the phrase comes from; that it is of London origin, and comes from the bosom of the English capitalists, and from the mouth of a director of the Bank of England. Well, the change has come! The American Executive is changed, and with it many changes of place and office will take place. That may satisfy the summer patriots on this side of the Atlantic, but it will not satisfy the purse holders on the other side. They want the fruits of the change—the per centums on rising stocks; and it will require something more than an exit and an entrance at the White House to satisfy them. They must have measures—legislative measure—laws—to answer their purpose. They must have State credit sustained; and to this body they will look for all this substantial and profitable work. The hurrah of the election victory, a dance in log cabins, the change of place and office, will not satisfy them. The "stocks," is the word! Make them rise, is the demand!

Mr. B. said he had expected to have presented the Huth letters to the Senate under a most impressive form—he had expected to have presented them under the authority, and in obedience to the instructions of the General Assembly of Missouri. That body has taken cognizance of these letters, written to the president of the Bank of the State. It had taken cognizance of them, and made them the subject of a series of resolutions, one of which required them to be communicated to the delegation of the State in Congress. The resolutions had all passed, as himself and colleague knew from letters, and from newspaper reports; they had passed long since, but had not been received by himself or any one of the delegation. That they were lost on the way, in one of the numerous mails which had been robbed this winter, was the probable conjecture; and having a correct, but not an official copy of the resolutions, he (Mr. B.) would now present them as a part of his argument, and as an authentic commentary upon the character of the Huth letters.

Mr. B. then read:

"Resolved by the House of Representatives, the Senate concurring therein;

"1st. That the bonds of the State of Missouri in the hands of Frederick Huth and Co. in London, be recalled, and taken out of the European market.

"2d. That the two letters from Frederick Huth and Co. dated London, June 3d, and September 11th, 1840, disclose the evidence of a direct interference on the part of British capitalists in the internal politics of the United States, and especially in the Presidential election of 1840, and in favor of changing the American Executive.

"3d. That the said letters contain internal evidence of a belief in the minds of British capitalists that the value of American bonds and stocks in their hands will be increased by the election of the Federal candidate to the Presidency in 1840.

"4th. That the said letters contain internal evidence of a design on the part of British capitalists to bribe the American people with their own money.

"5th. That any legislation on the part of Congress to increase the value of American bonds and stocks in the hands of British capitalists, will be an alarming compliance with the belief and expectation of the said capitalists, and will be a reward to them for their interference in our election, and an encouragement to continue their interference in time to come.

"6th. That any assumption or guarantee of said debts, or any provision for paying them, on the part of the General Government, or any attempt to appropriate the public land revenue to their payment, will be an invitation to British capitalists to interfere in our legislation, as well as in our elections, and an inducement to them to use all the means known to the moneyed power to obtain the passage of laws favorable to their interest; and tending to enhance the value of the stocks and bonds held by them.

"7th. That of all the modes of assuming, guarantying, or providing for the payment of the State debts in Europe, the most objectionable and injurious would be by appropriating the public land revenue to that object, as thereby, in addition to all the evils of an actual assumption of said debts, the public lands would become virtually mortgaged to foreigners, who would immediately feel an interest in the sale and disposition of said lands, adverse to the interest of the people, and would use their influence in Congress to procure the same to be sold for the highest possible price, and to prevent all equitable reductions of price, and also preventing all donations and pre-emptions to actual settlers.

"8th. That it is unconstitutional, degrading to the character of the States, tending to consolidation, and involving corrupt practices on the part of foreigners, for Congress to engage in any schemes to sustain State credit in Europe.

"9th. That a copy of these resolutions, and of the two letters to which they refer, be furnished to the Missouri delegation in Congress; and that the same be spread on the journals of this House."

Such, said Mr. B. is the commentary of the General Assembly of Missouri on these extraordinary letters, and in every word of which I concur. The General Assembly has properly resented the insult to the integrity of its bank by ordering the recall of its bonds; and it has signally rebuked the insolence of a foreign interference in our affairs by a public denunciation of its atrocity.

Mr. B. said the authentic testimonies which he had produced, and which established the great point of a foreign interference in our election, now gave him a right to introduce other evidence of a character not so high as the former, but perfectly admissible now that the main fact was established: he alluded to the newspaper press of Great Britain—the High Tory papers of that kingdom—which were much more direct and unreserved, more open and coarse in the expression of their sentiments than were the book and letters from which he had been quoting. These papers were as explicit as they were indecent in their denunciations of Democracy, in their praise of Federalism, in their wishes for the election of General Harrison, in their assumed knowledge of his sentiments, and in their directions and intimations to our Congress. From some of these he would read, and would show that the American nation was the subject of a degree of interference, and of insult, such as no other nation on the globe now received; and which would seem to say that some of these Editors had never yet heard of the American Revolution, and still considered these States as the dependent colonies of the British empire. Take, for example, this paragraph from the London Morning Chronicle of September last:

"At present Great Britain exercises a powerful influence over the social, political, and fiscal affairs of the United States. The dependence of the planters in the South, and the commercial men in the North, upon the British market, necessarily superinduces a desire for peace on their part, while it gives this country a large amount of control over the public decisions of those bodies. The ultra Republicans of the States do not relish this control. They see that it interposes a barrier against the working out of their Democratical principles."

Here is the direct and peremptory assertion of foreign influence—of control over public bodies—of opposition to Republicanism and Democracy. The assertion is too direct—the language too explicit—to require, or even to admit, of comment.

Take again this from the London Morning Post of June last;

"By the election of General Harrison the Whig candidate, and the rejection of Mr. Van Buren, the return of the Government to a sound and rational system of banking will follow as a matter of course; and possibly the United States Bank may once more find itself under the protection of a proper charter. The rejection of Mr. Van Buren will be decisive of the fate of the Sub-treasury scheme. That insane piece of legislation will be most assuredly knocked on the head, and we shall no longer hear of the pet banks, and the thousand other absurdities with which it is associated.

"We rejoice in the downfall of the visionary undertakings of the radical spirits and political economical coxcombs, whether they be of the old world or the new, and may, accordingly, congratulate the Americans on the prospects they have of getting rid of such quacks as Van Buren, 'Van' Jackson, and Mr. Amos Kendall."

Here, said Mr. B. is a glimpse of some of the fruits which the English capitalists expect to gather from the change of the American Executive. They expect the Bank of the United States to be rechartered—they expect the local banks to be freed from all restraint or subordination to law—they expect the balloon of paper credit to be again inflated—they expect the dead carcass of bank credit to be revived and reanimated—they expect State credit to be sustained—they expect paper dollars and shin plasters, post notes and broken bank notes, to constitute the currency of the United States, while our gold and silver goes to them: this is what they expect; and as the preliminary measure—as the first step towards all these English advantages, they expect that insane piece of legislation, called the Independent Treasury, to be knocked on the head. Yes, sir, knocked on the head! That is the command—the British order! Knock it on the head! Strike it on the forehead! Kill it, like a dog! Such is the order to the American Congress, which comes from the High Tory press of Great Britain!

Mr. President, continued Mr. B. you may recollect the part which it fell upon me to sustain during the revolt of the Bank of the United States against the country—during the veto—the panic—and the expunging sessions—and how I was accustomed to answer upon the spot all the speakers of the Opposition, replying, not only to their speeches generally, but to their arguments in detail. My friends were often surprised at the promptitude and fulness of these replies. They have often expressed astonishment at it; and now, sir, I can tell you how it happened. I always observed the instructions of the militia captain to his beginners in the manual exercise: I kept my eye upon the "fugleman!" I kept it upon the Bank press in Philadelphia. From that press I could always learn, before Congress met, what it was that Congress would be required to do—not only the thing itself which was required—but the mode of doing it, and all the arguments for it. These, I clipped from the papers, and laid by for use; and when the session came on, and the measures were moved, and the speeches delivered in favor of them, I was ready for action: I was ready for the reply. Thus I kept myself, *semper paratus*—always ready—during that long contest with the British power, impersonated in the mis-called Bank of the United States. That institution is as much British as ever, and more too. It is British *in toto* now; but it has managed too badly—sunk too low—done too much damage to its owners abroad—to be allowed any longer to take a lead in the British affairs in America; it is reduced to the condition of an organ and an instrument of the real power in London. It has sent its old cashier there. The supreme direction of affairs is called home—called back to London; and now it is in London that I shall look for future intimations of what is required to be done here. The High Tory press in London is the index which I shall watch. I shall still keep my eye upon the *fugleman*; but henceforth shall look for him, not in Philadelphia, but in London. This is what I shall do, and it is what I have already done, and with good effect. Look to the article which I have just read. Compare it with the movements here, and the very language which is used here, and the temper and spirit which is shown here: compare all together, and see how precisely the London High Tory press is an index to what we see and hear. It is an index, not only to the measures which are proposed, and the arguments used in support of them, but also to the spirit and language in which Democratic statesmen are mentioned. Look to the contemptuous and re-

proachful epithets lavished upon the heads of our party—such radical coxcombs as Van Buren, Van Jackson and Amos Kendall: they are the counterpart of what are used here. I name them to show the identity of spirit between High Toryism in England and Federalism in America—to show the unrelenting vengeance of this spirit on both sides of the ocean—and that, even in retirement, our leading men cannot escape their insults and persecution. General Jackson is pursued to his fireside in Tennessee; Mr. Kendall is pursued into his private and modest retreat: no peace for them any where: the London papers, and the American orators, all at work upon them at once.

Mr. B. here paid a deserved compliment to Mr. Kendall, and remarked, as a proof of his integrity in the high office which he had filled, that all the great contractors were against him—that all, or nearly all, were reproaching and denouncing him. This was homage to his integrity: it was applause upon his administration. Contractors want bargains; great contractors want great bargains; they want a contract and a fortune together, and will praise any head of department who will gratify them in these wishes. To grant them rich contracts is to command their applause: to prefer the public interest to theirs, is to incur their censure. This censure, followed by unparalleled persecution, Mr. Kendall has received; and this fact is equivalent to the highest earthly proof in favor of his integrity. If any thing was wanting to complete the evidence, this clause from a London high Tory press supplies and furnishes it.

Mr. B. resumed his readings from London papers, and read from the London Times of September last, soon after the Maine election:

"Among their distinguished leaders may be ranked Governor Fairfield of Maine, whose fanaticism was countenanced, if not excited, by the President and his cabinet. But the sceptre has passed from Judah, and one of the beneficial results, it is hoped, will be a settlement of this vexed question. If it cannot be arranged without an appeal to arms, (which no rational man will believe), the sooner this fact is known the better. General Harrison will come into power with the most pacific views. He will be surrounded and sustained by men under the influence of similar sentiments."

Mr. B. said this was a most pregnant paragraph, and went beyond any that had been quoted. It went into the field of foreign politics, and rejoiced that a Democratic candidate for Governor was defeated—that the sceptre had departed from the land of Judah. Besides this, it goes into the sentiments of General Harrison—assumes to know his policy—his foreign policy—his policy in relation to England—and declares that to be pacific. Here, then, is an English High Tory editor assuming to know the sentiments of one of our candidates for the Presidency who would make no declaration of sentiments for the information of his own fellow-citizens. More than this: he assumes to know the Cabinet! to know the gentlemen who are to surround the General, and to sustain him! and that these gentlemen are under the influence of similar sentiments! that is to say, under the influence of a pacific policy towards England! This is really curious, and leads the mind back upon past events, as well as conducts it forward upon coming ones. The sentiments of a Presidential candidate, unknown here, to be known in London; the new Cabinet to be known there, before the election was over here; and the sentiments of this Cabinet declared to be favorable to English interests. These are curious revelations, and throws the mind back upon the voyage of a distinguished Federal gentleman from this country to England in 1839—his renunciation there of his canvass for the Presidency—his espousal of the cause of General Harrison—the immediate forthcoming of the whole British interest, political and pecuniary, in favor of the General—and the declarations from so many books, letters, and newspapers, that on his election depended the pacific settlement of the boundary question, the payment of the State debts, and the rise in value of all sorts of American stocks. The mind is forced back upon these recollections; and, while cautious justice may withhold a judgment, keen-eyed vigilance is required to be wide awake. The new Administration may be American, but thus far the signs are British.

Mr. B. would close his reading from British papers by giving a quotation from one since the elec-

tion. It was from the London Morning Chronicle, and contained the British bill of indictment against Mr. Van Buren, and the congratulations of England upon the election of his competitor. Hear it:

"The election of General Harrison to the Presidency of the United States is an event deeply interesting to England.

"Mr. Van Buren was the deadly enemy of Great Britain. He stimulated the various crusades against *puper* money. He headed the conspiracies that were formed for the purpose of defrauding English creditors out of the debts due to them by America. He was the abettor of treason in Canada. He prompted resistance to the just claims of England in reference to the Northeastern boundary question.

"The sympathies of General Harrison point, we believe, in a direction the reverse of that to which the prejudices of Mr. Van Buren inclined.

"The election of General Harrison is, in short, a result on which England may congratulate herself."

Mr. B. would make no comment on this paragraph; and he begged not to be misunderstood. He was dealing with foreigners, not with his own fellow-citizens; he was discussing the question of *their* interference in our election, and for that purpose quoting their acts and words, and showing their hopes and fears. This was good evidence against them; it was authoritative against them, but it was not authoritative against our own citizens. They have a right to be tried upon their own merits—by their own acts and words; and, so far as I am concerned, they shall be so judged. The President elect shall be tried by his acts—not past, but future—his acts, from and after the 4th day of March next. I, for one, shall close my eyes upon all that friends or foes have said, and look to his acts; but the signs, it must be admitted, are any thing but auspicious.

Mr. B. was done with his quotations—done, for the present, with his production of evidence to establish a foreign interference in the late Presidential election. There was another large and distinct branch of the same subject, to which he would make no allusion now, but which he might explore on some future occasion. A few remarks on an incidental point, and he would conclude. It has been supposed, said Mr. B. that in alleging a foreign interference in our election, I was also alleging an application of foreign money to the voters, and accounting for the loss of the election by supposing that all these voters had been bribed. No such thing was said or intended—no such thing was thought or insinuated. I spoke of the interference; and not of its effect—its degree—or even its mode of operating. All this was opening a field which I did not choose to enter; but I am very ready to say, that the application of money to the mass of the voters, is not the way that the foreign moneyed power operates; that when money is applied at all, it is not to the mass, but to leading men, and confidential agents that it is delivered, and that in large sums. The mass are operated upon through the markets and the public intelligencers. Markets are reduced, times are made hard, the money market is tightened, the mass are distressed; and all these evils, they are taught to believe, flow from the misgovernment and misrule of those in power. This is the way a foreign moneyed power interferes in the affairs of a free State; and, unhappily, our affairs, our trade and currency, are in foreign hands—in English hands. An English minister once had the audacity to say to Europe that England held the tempests in her hand! The English capitalists may say to our America, without impudence, and with perfect truth, that they hold our finances in their hand! The baseness of our paper system—its dependence upon London—the fatal power of the Bank of the United States—an English institution—all place our currency, our business, our markets, our prosperity or misery, under British control. An order from London to the Bank of the United States to make money scarce or plenty—to suspend or resume—to ship gold to Europe, and inundate America with post notes and shillasters; an order of this kind is obeyed with the alacrity with which the slave obeys the master. An order from the same quarter to take part in the elections, is obeyed with the same alacrity. Some gentlemen say, and very truly, that the distress of the times has contributed to the result of the election. Very good! and where did that distress come from?

Whence came all the expansions and contractions, panic, and alarms, suspensions and non-resumptions, issues of base paper, gambling in cotton and stocks, exportation of specie, and all the other machinery of distress; whence came it but from the Bank of the United States? and what is that but a foreign institution? Others say that fraud, double voting, pipe laying, transfer of voters from one point to another, Hessians conducted by police officers and agents from city to city—that these have done much to carry the election. Very good! and where did all this fraud and villany come from? Where did it all originate? In the Bank of the United States! and what is that bank but an English institution? Others say that the public press, the travelling orators, and the emissaries, have done much of the mischief. Very good! And where did many of these receive their impulsion, and their reward? In this same Bank of the United States—a foreign institution. To this fountain all these causes are traced, so that in attributing the election to the distress of the times, or to the frauds, or to publications, it all comes to the same thing. They are all attributed to foreign interference.

Mr. B. believed that he had now justified the allusion which he had made a few days since to the subject of a foreign interference in our election, and his assertion that the change of the American Executive had been made a stock jobbing operation on the London exchange. He believed the proof to be full and complete to this point; and further than that, he did not propose to pursue the inquiry at present. He had shown the interference, and the object of the interference; and he had intimated that these foreigners were not going to content themselves with the barren honors of an election, a dance in a log cabin, and a view of the procession of the office holders going out, and the office seekers coming in. They would have something more substantial; and to the legislative power they would look for that something. In the autumn of the year 1839, these capitalists held a meeting in London, and adopted a resolution to send agents to the Legislatures of the States to press the measures which were necessary to the security of their debts. The resolution was adopted, but not acted upon. It was in these words: "That agents be sent to the State Legislatures to press the said Legislatures to appropriate funds to reduce the amount of their scrip, and establish sinking funds to secure the remainder." This resolution, though adopted, was not acted upon; and a change of direction in the labors of the agents seems to have been resolved upon. Instead of applying to the State Legislatures, the National Legislature seemed to become the authority to which application should be made for the payment of the State debts. On the 16th of October was written the famous letter to the Barings, telling them what they knew, that the States had capacity to contract debts, but also telling them that there was no way to compel the States to pay these debts. Two days thereafter, namely, on the 19th day of October, appeared the notorious London Bankers Circular, proposing the assumption or guarantee of these debts by the Federal Government, and on the appearance of that proposition here, the papers in the interest of the foreign organ—the United States Bank papers—not all, but most of them—immediately adopted and advocated the proposal. The non-assumption resolutions, submitted in this body at its first subsequent meeting, nipped this scheme in the bud. It killed up the scheme of open assumption, and knocked it on the head—as the Independent Treasury is to be knocked; and now it remains to be seen in what manner the British capitalists are to be gratified.

Open assumption being out of the question, disguised operations become the substitute: and this land distribution scheme, now called limited, becomes the first step in the unlimited succession of measures which are to end in the total loss of all the land revenue, in the final saddling of all the State debts on the broad back of the Federal Union, and in giving to the foreigner the double gratification of seeing our defences neglected, while our revenue is poured into his lap.

DISTRIBUTION—PROTECTIVE POLICY.

SPEECH OF MR. WRIGHT,

OF NEW YORK,

IN SENATE, January 21, 1841.

Mr. CRITTENDEN having addressed the Senate at much length, animadverting upon the measures of the present Administration—

Mr. WRIGHT said it would be unnecessary for him to say that he had not power to answer the remarks of the honorable Senator from Kentucky who had just taken his seat. [Mr. CRITTENDEN.] He (Mr. WRIGHT) had been too long there, and was too well known in that body, to attempt to follow the lively course of remark—the keen and cutting satire of the honorable Senator from Kentucky. His was a more plain and humble part—that of facts so far as he understood them, and of argument so far as he was able to bring arguments to bear on those facts. He confessed he was unexpectedly called upon to address the Senate in immediate reply to the Senator from Kentucky. The Senator on his right, [Mr. BUCHANAN,] to whom the appeal had been more particularly directed, had yielded the floor to him for a particular purpose, he not being prepared, as He (Mr. W.) was not, without examination into the facts, to answer the remarks which had been made on the subject of certain items of public expenditure.

He should discuss but one single topic, first briefly noticing, and very imperfectly, some of the remarks of the honorable Senator from Kentucky. But first it was due to himself that he (Mr. WRIGHT) should offer his humble apology for an interruption of the honorable Senator, not that it was noticed by the Senate, but because it was discourteous on his part. Still it was a compliment to the gentleman's powers as a debater, for it was an interruption which nothing could have drawn from him but the rapidity and force with which he was rushing to conclusions calculated to carry his hearers along with him, and to lead the Senate, as Mr. WRIGHT thought, to erroneous impressions upon the points he was discussing. Hence the interruption, for which he sincerely asked his pardon.

[Mr. CRITTENDEN courteously remarked, in an under tone, that apology was wholly unnecessary.]

Mr. WRIGHT continued. The honorable Senator then told the friends of the present Administration, they had attempted to sneer at the now dominant party. Now, if he had said or done any thing which should seem to have given the honorable Senator just cause for such an imputation, he had said and done what he had not intended to say or do. He (Mr. WRIGHT) now stood in a minority in the country, and he had been called upon, on various occasions, since the meeting of the Senate, to say that he desired to demean himself, with all becoming modesty and humility, in that unfortunate condition; but yet he might say to the honorable Senator, while that honorable gentleman was presenting to them 1,200,000 votes on his side, as too large a body to be sneered at, that 1,100,000 freemen, as a minority, might look and smile, though they should not sneer. He admitted that the Administration, which was to come in on the 4th of March next, came in by a vastly larger vote than any which had preceded it; and he would tell those gentlemen—and he did it with feelings of kindness—that they came in, in the face of a minority, in numbers and proportion, much more powerful than any previous Administration ever yet met. Let, then, on all hands, the admonition of the honorable Senator be looked to; for while it does not belong to the minority to sneer, the majority have not advantage enough to swagger. The great sea of public opinion cannot bear deep agitation, without some danger of a change of power, when the difference between the contending parties is so small, and a change of ten per cent. may easily be wrought against him who dares excite this immense mass of mind, even upon the surface. Let all, then, look

well and carefully to their measures and to their policy. He took the reproof, or desired to do so, with which the honorable Senator had favored himself and party; and he would be very glad to profit by it. At the same time he wished to impress the honorable Senator and his friends with the palpable truth that a strong party must do right, or be overthrown. He appeals to the public judgment of the freemen of the country. Mr. Wright cheerfully acknowledged the propriety of the tribunal, and its perfect jurisdiction, while he believed the representatives of majorities might be sometimes wrong, and that constituent majorities were easily changed by over confidence on the part of their representatives, and by consequent measures having more reference to interests and classes than to our entire constituency.

Another position of the Senator, in the course of his interesting argument, was that they (the present majority) "as a dying party, upon the last stage of their condemned term," were endeavoring to do—what? To occupy the ground of the future Administration, and to forestall its measures. Was that so? Had the history of this very short period, in which they had had the pleasure of sitting together, warranted such a charge? They had, it was true, introduced the measure under discussion—a pre-emption bill—a prospective pre-emption; and this, it was true, in that respect, was a novel feature in a settled policy of the retiring Administration. What were the great measures of policy, as he believed—for no man could speak with any certainty on the subject—which were looked to by the whole country as the measures of the coming in Administration? A destruction of the system of finance of the present Administration, was, he supposed the most prominent. Were they (the present Administration) responsible for presenting that? He knew the other honorable Senator from Kentucky would discharge them from such an accusation, for he would feel honored in acknowledging that he had himself called upon them (the present majority) to undo what, with intentions as pure to their country as those which govern the gentleman opposite, they had done. He (Mr. Wright) complained not; yet surely they ought not to be charged with attempting to forestall the measures of the coming in Administration. Thus far, the resolution to repeal the law establishing an Independent Treasury for the country, was thrust upon them almost as soon as they were in their seats, and from one of the great leaders of the opposition to that strictly constitutional and truly republican measure.

Next as to this proposed distribution to the States of the proceeds of the public lands. Was not that looked upon every where as one of those measures which would be favorite and prominent with the coming in Administration, and as a measure against which the existing Administration was known to have sustained an immovable opposition? Were they then to be charged—and he would observe, if he should appear to speak warmly, that he spoke with no unkindness—were they to be charged with bringing this measure before the Senate, and, by acting upon it, with forestalling the measures and policy of the new Administration? Certainly not. The honorable Senator from Kentucky [Mr. CRITTENDEN] would concede that it was through his agency, and not through the agency of any friend of the present Administration, that this question has been forced on this body, and calls for its action and its judgment.

Taking the facts, then, as they stood, were the friends of the Administration chargeable with forestalling the policy of the triumphant Administration which was now so near? It had seemed to him that they were not. There were many other remarks of the honorable Senator which he might notice, but he would return to the question before the Senate, for the purpose of discussing briefly the single point which had called him to the floor.

The proposition before the Senate was to recommend the bill to the Committee on Public Lands, which had reported it, with instructions to report a bill to provide for the distribution of the proceeds of those lands to the States, as a part of the instructions proposed. The point he wished now to discuss related to this part of the instructions; and al-

though, at the commencement of the debate, he had proposed to himself to discuss this whole subject of distribution, his present intention was to examine one single ground upon which the policy of distribution was urged.

He had been persuaded to take this course, at this time, because he had seen the short period which remained for the transaction of business during the present session of Congress, the press of business to be done, and the great anxiety of the peculiar friends of the pre-emption bill for its passage.

This should control his present action; but if the debate should take a different direction, or if he should retain a seat in the Senate, and a future occasion should arise, in consequence of a future prosecution of this policy, he might then claim the privilege of giving his sentiments at large upon the proposed measure in all its aspects.

At the present time he would consider but one of the arguments by which it was supported in the country, and in the minds of a portion of the constituency of the present Congress. He referred to its connection with what is familiarly known as the tariff, or the protective policy of the country. It must be known to many of the members of the two Houses of Congress, that with a large portion of the people of the New England States, and he believed the same thing was true as to portions of his own and other States, this policy of the distribution of the proceeds of the lands was popular, not so much from any love to the appropriation and application of these proceeds, as from a wish to have that amount, whatever it might be, subtracted from the Treasury, that there might be an occasion to increase the duties on imports to an equal amount. This idea, if indeed it did prevail in the tariff States, must, it would be seen at once, rest upon the supposition that the more duties there were imposed upon imports, the more protection must be afforded to domestic manufactures or products, coming in competition with the imports thus burdened with duty. Is this a sound inference? He was aware the inquiry was addressed to those Senators who represented States favoring the protective policy. He was not sure the position was sound or practical, but it seemed to him to be both. He was also sensible that it might, at the first impression, strike the minds of the Senators from the anti-tariff States as being an argument, if it had any force, in favor of the policy of the distribution. He entreated all to listen to the suggestions, and to take time to weigh them well, before they should be made the foundation of official action upon either side of this important question.

When, then, does a duty commence to be protective? Is it so either to our manufacturer or our producer, while the foreigner has the entire and exclusive possession of our market, for the sale of his manufactured article, or foreign production? All would say no. The duty, under such a state of things, might fill the public Treasury, but it could not, in any possible sense, protect any domestic interest. The operation of the tariff of duties must commence to be exclusive and prohibitory before it can begin to be protective. It must, to some extent, shut the foreigner from our market, and open it to the domestic manufacturer and producer, before its protective features can be at all valuable; and when this process once commences, the farther it is carried in its exclusive and prohibitory action, the more protective is the tariff under which it takes place.

But what may be the effect upon the revenue, of this protective action? In the precise proportion in which it is exclusive and prohibitory, it must diminish the revenue upon imports. In other words, as far as any tariff shall be protective in its action and effect, just so far it must be a tariff not the most perfectly fitted for the purposes of revenue. That tariff which is best adapted to the purposes of revenue, by itself considered, must be that which promotes the greatest amount of importations and the greatest amount of revenue combined. That tariff which is best adapted to the reasonable purposes of protection is the one which shall place American and foreign interests of the same character upon a

par in our own markets, and this is the least which the tariff interests can desire.

Try, then, the policy of this measure with these interests. It is now proposed to separate from the Treasury, to give away, the revenue from the lands, our principal source of internal revenue, and that for the purpose of affording an opportunity to impose higher duties where protection is desired. This is acting upon the principle, not simply that the higher the duty the greater will be the protection, but also that the higher the rate of duty the greater will be the amount of revenue received. A single reflection will convince any one that this will be true only while the foreigner has the exclusive possession of the market, and, by necessary consequence, the duty is not protective at all. If the high rate begins to exclude the foreigner and let our own produce or manufactures compete with him in the market, the question of revenue immediately becomes incidental, and its amount will depend, regardless of the rate of duty, upon the advantage which the state of trade and of the market gives to the foreign, or the domestic parties, at any given period. If the protective influence shall predominate, the foreigner will be driven from the market and the revenue will fail. How, then, is it to be supplied? Most clearly, if import be the only resort, by a reduction of the rate of duty, until the foreigner can again come into the domestic market, upon grounds of advantageous competition. In other words, by taking from the tariff its protective and giving it a revenue preponderance. Can there be a doubt that this must be the principle of action in all such legislation?

How, then, is the principle of protection to be preserved consistently with its action? By giving away, or destroying, all our sources of internal revenue, and making our Treasury wholly dependent upon imports? Or by fostering and preserving every source of internal revenue, so far as the state of the Treasury will permit, that when our tariff for revenue shall, by the course of trade, or exchange, or national policy, become protective, we may preserve it so, and not be compelled to reduce our rates of duty, to invite the foreigner into our markets, to undersell our own citizens; that our Treasury may be sustained from the duty to be imposed upon the importations?

The proposition now under consideration is to give away to the States, to take from the National Treasury, our richest source of internal revenue, the proceeds of the sales of the public lands, an amount of from three and a half to four millions of dollars annually, and to throw that Treasury exclusively upon a revenue from customs for dependence and support. This, too, is proposed to be done at a time when the whole revenue from lands and customs is not equal to the payment of the ordinary expenses of the Government. And why is this strange policy to be adopted? Why is this most stable source of revenue to be cut off, and given away in gratuities, when we are borrowing money to pay the expenses of the nation?

Among other grounds assigned for the strange policy, one is that he had mentioned—to favor the protective policy, by making the occasion for increased duties upon imports. Could it be necessary for him to say more to show that this ground was not sustainable?—that this policy would be suicidal to the interests it was advocated to protect? It seemed to him not. The proposition was too plain to admit of amplification. Duties, to be protective, must be, to a greater or less extent, exclusive and prohibitory; must have a tendency rather to diminish than to increase revenue, by giving a fair portion of the market to domestic products and manufactures to the exclusion of foreign; and when there is a deficiency of revenue from imports under such a system, it must be supplied from internal sources, or the protection must be surrendered, the duties reduced, greater advantages given to the foreigner in our market, and the importations be thus increased. Under our system, the internal sources of revenue are the proceeds of the lands, excise, and direct taxation. Give away the former, and who expects a Congress will ever be found to resort to either of the latter to raise revenue, when it can be raised by duties on imports? Who will believe that excise, or direct taxation,

will ever be imposed to save a protective tariff? No man acquainted with the feelings of the people, or the action of legislative bodies elected by the people, would indulge such a hope.

Our sources of internal revenue then, which do not spring from taxation, must be preserved and fostered, or a protective policy cannot be independently pursued.

Take the articles of wool and woollens, the great Northern and Eastern interests. So regulate the tariff that American wool holds the market against the foreign article, and that American cloths can enter into the consumption of the country in fair competition with the foreign, and then experience, as at this time, a deficiency of revenue, that arising from an immense public domain having been taken from the Treasury, and given to the States. What are you to do. Will higher duties produce more revenue? Not in the case supposed; for when the competition is even, or balancing in favor of the domestic interests, more duties will be prohibition; and while protection may be rendered perfect by such legislation, all revenue will be lost. You must reduce the duty, then, and thus invite importations to raise your revenue, and having no other resource, the policy would be compulsory.

It is a mistake, then, to assume that this measure will necessarily favor the protected interests and the protective policy. It may injure both. It is a mistake to suppose that forcing the Treasury to an exclusive dependence upon revenue from imports, will secure the system of protection. It may destroy it. The Treasury of the nation must be supplied; and if such imports as are consistent with the system of protection do not yield the requisite revenue, the protection must be yielded to the necessity for revenue.

There is another consideration growing out of the policy of making the Treasury dependent upon a revenue from imports alone, which deserves the serious examination of all, before it shall be adopted as the policy for our country. Where will rest the control, both as to our supply of revenue and the protection of our domestic interests, under such a policy? Will it be in the hands of Congress, or in foreign hands? Congress can invite, but Congress cannot compel importations. Those great interests which regulate the trade of the world govern our importations; and they are, at all times, subject to the influences of foreign interests and foreign policy, as well as our own. Make the Treasury of the nation exclusively dependent upon these importations, and it too must be equally in subjection to the same influences. The protective features of our tariff become, in their operation, injurious to some important interest of a country with which our trade is extensive, and produce a desire on the part of that country to change our rates of duty. Our Treasury is solely dependent upon revenue from imports, and by consequence proportionably dependent upon importations from the country in question. It stops its trade with us. Our revenue falls off, and our Treasury is made empty, while we are told, reduce your rates of duty, and the suspended trade shall be renewed and extended. Can Congress regulate this attempt to control our policy by a foreign power? By a countervailing policy it can; but that will not produce revenue, or fill our Treasury; and, if our sources of internal revenue be destroyed, or given away, can only be adopted and sustained by a resort to direct taxation. What, in such a case, would be likely to be done? Would our system of protection be adhered to, or our duties be reduced? If we have the land revenue to supply the Treasury, the countervailing policy will be likely to govern us; but if it is to be resorted to, at the expense of direct taxation, protection will be very sure to be yielded, and the Treasury supplied by a reduction of our rates of duty. In short, if we place our Treasury in a condition to be exclusively dependent upon customs, our policy must be to invite importations, to burden them as lightly as possible, lest they are turned into other channels, to make the trade of foreigners with us as profitable as possible, that they may consent, through its means, to supply our Treasury.

Can considerations such as these fail to convince the tariff interests in our country that they are not

fostered by giving away our sources of internal revenue, and forcing ourselves into a state of entire dependence upon foreign trade for the supply of our National Treasury? It seemed to him not.

Nor could this view of the operation of this distribution, properly considered, render the measure, or the policy, more acceptable to the anti-tariff interests. They desire the least possible amount of duties consistent with a healthful and certain revenue, and it is admitted, on all hands, that the distribution to the States of the land revenue will produce the instant necessity of an increase of duties to the full extent of the money taken from the Treasury for distribution. Whatever, therefore, may be the effect upon the protective policy, the influence of the measure upon the free trade principle cannot be equivocal.

These suggestions had been hastily and crudely given, and yet he hoped he had sufficiently developed his views to enable the members of the Senate to understand him. It was to them he desired to address himself upon this point. They would reflect upon the ideas he had thrown out, and he knew they would allow them all the weight they deserved, if indeed they should be found to deserve any.

He would take up but a very few moments more of their time in briefly replying to some other observations of the Senator from Kentucky. If he understood that honorable Senator—and he begged him to believe that he did not wish to misunderstand him—he said that the present Administration had spent 135 millions of dollars in the four years of its term; and that upon roads, harbors, canals, ships, fortifications, &c. there had been expended but nine millions of dollars.

He (Mr. WRIGHT) had not the means at hand to examine this matter, but he believed in the four years they had been in the habit of passing bills annually for fortifications of from a half to a million of dollars—for the navy of from five to six millions, including a permanent appropriation of half a million to be exclusively expended for the increase of the navy, separate from the support, repairs, and the like, as well as sundry large appropriations for steam ships—for harbors large appropriations, nearly annually, if not entirely so; though for roads and canals he was happy to know little or nothing had been done, because he considered all such expenditures by this Government wrong in principle and impolitic in practice.

Mr. CRITTENDEN said, in justice to himself, he should explain, that he did not include the repairing of ships, and the pay of the officers and the men, but the mere building of ships.

Mr. WRIGHT had understood the Senator to speak simply of the ships, and not of the pay, but he supposed he had intended to include rebuilding repairs, and similar expenditures.

Well, then, the Senator said there were some one hundred and twenty-six millions of dollars which had been expended within four years, and how expended? Why, expended in pursuance of appropriations made by themselves (Congress,) and for that whole period they had had the honorable Senator's watchfulness and guardian care over them, constantly; and he believed he did that honorable Senator no injustice when he said, that if he had seemed to feel more dissatisfied at one time than another with the votes of him, (Mr. WRIGHT,) it was when he voted against appropriations. Still he admitted there might have been abuses practised in expenditures—he was not prepared to say there had not been; but he said cheerfully—what the honorable Senator from Pennsylvania [Mr. BUCHANAN] said yesterday—he challenged investigation, not in a spirit of triumph, but with a patriotic feeling towards the country and its interests. If there had been abuse, let exposure and punishment be visited upon the guilty; on him, if he were the man; on his best friend; on any man, whoever he might be, in this vast nation, who had embezzled the public money, who had squandered it improperly, or who had been unfaithful in a pecuniary trust. He again said examine, but examine with justice and truth. That was all the favor he asked; and he now appealed to that great party, for some of the members of which he cherished a feeling bordering on friendship, to do to their opponents justice—to

tell the truth of them—and to punish them only when they should be found, after careful and fair examination, to deserve it. The papers and records were soon to pass into their hands, and the means for investigation would be ample. Let not the desire to find fault be paramount to the obligations of truth and justice.

Another subject has given employment to the honorable Senator's talent for satire in no stinted measure. He referred to the Senator's *sedentary* army of militia, which the President is said to have organized, to prosecute the Indian war in Florida.

Previous to the late elections, the honorable Senator and his party told a very different story, touching the military designs and propensities of the President. Then his purpose was a "standing army" of 200,000 men—militia, it is true—to be used, not to subdue the murderous Seminole, but to prostrate the liberties of this free country, to break down the Constitution and the Union, and establish a military despotism upon the ruins.

He (Mr. WRIGHT) could not forget this startling ground of the Opposition during the late contest, because he had then, as now, constantly found himself contending upon this point before meetings of the people, and then, as now too, as the result had proved, contending against antagonists who were more than a match for him. Then the President was a fearful despot, a tyrant, and through the instrumentality of our neighbors, our friends, our fathers, brothers, sons, the militia of the country, converted into a *standing army*, not of regular soldiers, with their permanent officers, but of *militia*, was to destroy the liberties of this our beloved land, and to rule our sixteen millions of people as a military despot, supported and sustained by these 200,000 citizen soldiers!

What is the President now? In what frightful aspect does the Senator present him to the country on this day? As imbecile in the extreme; as to terminate an Indian war of some four or five years' duration, which has baffled the efforts of our whole gallant little army for that entire period, by means of a *sedentary army* of six hundred men. A corps of *sedentary militia* of that formidable number.

Of one thing he (Mr. WRIGHT) hoped he might now assure himself, and that was that this new army of six hundred *sitting* men would not frighten from their propriety the great party of which the honorable Senator was so distinguished a member, nor render them inconveniently uneasy in regard to the safety of the liberties of the country; most especially so when a few weeks must terminate the command of their present chieftain.

Look at these positions. That man who, on the first days of November, was to cleave down the liberty of the people by a standing army of militia, was now, in January, to defend the country by 600 men, whose duty it was to sit, not stand, and who were limited to an employment within twenty miles from the place on which they set. Now he thought there was a little extravagance in all this; and he could not believe, after all, that there would, thereby, be much added to the expenses of the Government.

Mr. CRITTENDEN read the order of General Reed, to which he had referred, but the Reporter could not obtain a copy. Of the authority of the order, Mr. C. said, he knew nothing. It had been placed in his hands, and was a publication from a newspaper.

Mr. WRIGHT had only referred to the matter, because it had been introduced by the honorable Senator. He thought it wholly irrelevant to the subject before the Senate, and was not disposed to consume further time about it. What he had learned from the remarks of the gentleman, and the extract he had read from an unknown authority, constituted the whole of his information upon the subject. He had never before heard of even the existence of this militia force, this sitting army; and he certainly did not desire to extend remarks upon a subject about which he knew nothing.

A word upon another subject. The honorable Senator complained that there had been a wanton expenditure of money for supplies for the army in Florida and the Creek and Cherokee countries,

that provisions had been purchased for high prices, which were not used; and that they had been sold at public auction for low prices. These might be facts. The Senator read from a printed document which he [Mr. WRIGHT] had never seen, but which he presumed was good authority for his positions. Did it follow, however, that the present President was in fault in the matter? Did it follow, by necessity, that any person was in fault; and if any person, would it not be more just to state who was the officer in command, who had charge of the purchases spoken of, and under what public agent the property had been thus sacrificed?

There had been a period in our history, if he was not mistaken as to facts, when provisions purchased for the use of our armies, at a dearer rate even than those referred to by the Senator, had been piled together and burned, to furnish light for a distinguished retreating General from a retreating enemy; and yet, neither the General, nor the Administration under which he served, was condemned either for the military achievement, or the loss of the public property. This did not take place, as his memory told him, upon the Southwestern, but upon the Northwestern frontier, and not during the Florida war, but the war with England of 1812-15.

Had the officer in charge of this property in the Indian country pursued this course; had he, instead of his auction sale, burned the supplies, and made a precipitate retreat, the Administration he served, as well as himself, might have been spared these sharp censures. He however, as Mr. WRIGHT believed, had accomplished the duty assigned to him, and was ready to dismiss his force to their homes, so far as they were militia, and to other service so far as they were regulars, and the supplies not being wanted at the station where they were, and transportation being the principal ingredient of their cost, he took, whether wisely or not, the expedient of a public sale at auction, rather than that of a second transportation. If the prices paid at the sale were low, the loss was the greater, but it was not a total loss, nor was the property consumed to furnish a light, not for a pursued, but retreating general. He thought, therefore, he was authorized to say that if the entire public loss in the one case was not cause for censure upon the general, but rather for his greater elevation, the partial loss in the other could not be a broad ground for the sweeping condemnation of a whole Administration.

CESSION AND DISTRIBUTION BILLS.

SPEECH OF MR. CALHOUN.

OF SOUTH CAROLINA.

In Senate, January 23, 1841.—On the amendment proposed by Mr. CRITTENDEN to the pre-emption bill, to distribute the proceeds of the public lands among the States.

Mr. CALHOUN said that the proposition of the Senator from Kentucky, [Mr. CRITTENDEN] to distribute the proceeds of the sales of the public lands among the several States, was no stranger in this chamber. His colleague [Mr. CLAY] had introduced it many years since, when he was in the Opposition, and had often pressed its passage as an Opposition measure, and once with success, while the Treasury was groaning under the weight of a surplus revenue, of which Congress was willing to free it on almost any terms. It was then vetoed by General Jackson, and has had to contend ever since against the resistance of his and the present Administration.

But it is now, for the first time, introduced under different auspices, not as an Opposition, but an Administration measure—a measure of the coming Administration, if we may judge from indications that can scarcely deceive. It is brought in by a Senator, who, if rumor is to be credited, is selected as a member of the new cabinet, [Mr. CRITTENDEN] backed by another in the same condition, [Mr. WEBSTER] supported by a third, [Mr. CLAY] who, all know, must exercise a controlling influence over that Administration. It is then fair to presume, that it is not only a measure, but a leading measure of General Harrison's administration, pushed forward in advance of his inaugu-

ration by those who have the right of considering themselves his organs on this floor. Regarded in this light, it acquires a vastly increased importance—so much so as to demand the most serious and deliberate consideration. Under this impression I have carefully re-examined the measure, and have been confirmed in the opinion previously entertained, that it is perfectly unconstitutional, and pregnant with the most disastrous consequences; and what I now propose is to present the result of my reflection under each of these views, beginning with the former.

Whether the Government can constitutionally distribute the revenue from the public lands among the States, must depend on the fact, whether they belong to them in their united Federal character, or individually and separately. If in the former, it is manifest that the Government, as their common agent or trustee, can have no right to distribute among them for their individual, separate use, a fund derived from property held in their united and Federal character, without a special power for that purpose, which is not pretended. A position so clear of itself, and resting on the established principles of law, when applied to individuals holding property in like manner, needs no illustration. If, on the contrary, they belong to the States in their individual and separate character, then the Government would not only have the right, but would be bound to apply the revenue to the separate use of the States. So far is incontrovertible, which presents the question, in which of the two characters are the lands held by the States?

To give a satisfactory answer to this question, it will be necessary to distinguish between the lands that have been ceded by the States, and those that have been purchased by the Government, out of the common funds of the Union.

The principal cessions were made by Virginia and Georgia; the former of all the tract of country between the Ohio, the Mississippi and the lakes, including the States of Ohio, Indiana, Illinois, and Michigan, and the Territory of Wisconsin; and the latter of the tract included in Alabama and Mississippi. I shall begin with the cession of Virginia, as it is on that the advocates for distribution mainly rely to establish the right.

I hold in my hand an extract of all that portion of the Virginia deed of cession, which has any bearing on the point at issue, taken from the volume lying on the table before me, with the place marked, and to which any one desirous of examining the deed may refer. The cession is "to the United States in Congress assembled, for the benefit of said States." Every word implies the States in their united Federal character. That is the meaning of the phrase United States. It stands in contradistinction to the States taken separately and individually, and if there could be, by possibility, any doubt on that point, it would be removed by the expression "in Congress assembled"—an assemblage which constituted the very knot that united them. I regard the execution of such a deed, in such an assemblage, to the United States so assembled, so conclusive, that the cession was to them in their united and aggregate character, in contradistinction to their individual and separate character, and by necessary consequence, the lands so ceded belonged to them in their former and not in their latter character, that I am at a loss for words to make it clearer. To deny it, would be to deny that there is any truth in language.

But as strong as this is, it is not all. The deed proceeds and says that all the lands so ceded, "shall be considered a common fund for the use and benefit of such of the United States as have become members of the Confederation, or Federal alliance of said States, Virginia inclusive," and concludes by saying "and shall be faithfully and bona fide disposed of for that purpose, and for no other use and purpose whatever." If it were possible to raise a doubt before, these full, clear, and explicit terms would dispel it. It is impossible for language to be clearer. To be "considered a common fund," an expression directly in contradistinction to separate or individual, and is by necessary implication as clear a negative of the latter, as if it had been positively expressed. This common fund to "be for the use and benefit of such of the United States, as have be-

come or shall become members of the Confederation or Federal alliance;" that is as clear as language can express it for their common use in their united Federal character, Virginia being included as the grantor, out of abundant caution.

[Here Mr. CLAY said in an audible voice; there were other words not cited. To which Mr. CALHOUN replied:]

I am glad to hear the Senator say so, as it shows, not only that he regards the expressions cited standing alone, as clearly establishing what I contended for, but on what he relies to rebut my conclusion. I shall presently show, that the expression to which he refers will utterly fail him. The concluding words are, "shall be faithfully and bona fide disposed of for that use, and no other use and purpose whatever." For that use—that is, the common use of the States, in their capacity of members of the Confederation or Federal alliance—and no other; positively forbidding to use the fund to be derived from the lands for the separate use of the States, or to be distributed among them for their separate or individual use, as proposed by this amendment, as it is possible for words to do. So far, all doubt would seem to be excluded.

But there are other words to which the Senator refers, and on which the advocates of the measure vainly rely to establish the right. After asserting that it shall be considered a common fund for the use and benefit of the States that are or shall become members of the Confederation or Federal alliance, Virginia inclusive, it adds, "according to their usual respective proportions in the general charge and expenditure." Now, I assert, if these words were susceptible of a construction that the fund was intended for the separate and individual use and benefit of the States—which I utterly deny—yet it would be contrary to one of the fundamental rules of construction to give them that meaning. I refer to the well known rule, that doubtful expressions, in a grant or other instrument, are not to be so construed as to contradict what is clearly and plainly expressed—as would be the case in this instance, if they should be so construed as to mean the separate and individual use and benefit of the States severally. But they are not susceptible of such construction. Whatever ambiguity may be supposed to attach to them, will be readily explained by reference to the history of the times. The cession was made under the old Articles of Confederation, according to which the general or common fund of the Union was raised, not by taxation on individuals, as at present, but by requisition on the States, proportioned among them according to the assessed value of their improved lands. An account had, of course, to be kept between each State and the common treasury; and these words were inserted simply to direct that the funds from the ceded lands were to be credited to States according to the proportion they had to contribute to the general or common fund respectively, in order, if not enough should be received from the lands, to meet their contribution, they should be debited with the deficit; and if more than sufficient, credited with the excess in making the next requisition. The expression can have no other meaning; and so far from countenancing the construction, that the common fund from the lands should be applied to the separate use of the States, it expressly provides how it shall be credited to the confederated or allied States, in their account current with the general or common fund of that Confederacy. The opposite interpretation would imply the most palpable contradiction and absurdity.

But it is asked, what would have to be done if their had been a permanent surplus? Such a case was scarcely supposable, with the heavy debt of the Revolution, and the small yield from the land at the time; but if it had occurred, it would have been an unforeseen contingency, to be provided for by the United States, to whom the fund belonged, and not by Congress, as its agent, or trustee, for its management.

That this expression was intended merely to direct how the account should be kept, and not to make that the separate property of the States individually, which had been declared, in the most emphatic manner, to belong to them, and to be used

by them, as a common fund, in their united federal character, we would have the most conclusive proof, if what has been stated already was not so, in the fact that, in the deeds of cession from all the other States, Massachusetts, Connecticut, New York, North Carolina, and South Carolina, these words are omitted.

As to the cession from Georgia, it is impossible that there should be two opinions about it. It was made under the present Government, and in the very words of the Virginia cession, excepting the words, "according to their usual respective proportion in the general charge and expenditure." The omission, while the other portion was exactly copied, is significant. The old system of requisition on the States to supply the common treasury, under the Articles of Confederation, had been superseded by taxes laid directly on the people, under the present Government, and it was no longer necessary to provide for the mode of keeping the account, and for that reason was omitted. But the cession by Georgia was, in reality, a purchase. The United States has paid full consideration for the land, including the expense of extinguishing the Indian titles, and other charges; and of course the portion of the public domain acquired from that State may be fairly considered as standing on the same principle, as far as the present question is concerned, as that purchased from foreign powers.

So undeniable is the conclusion that the lands ceded by the States were ceded to them in their united and aggregate character as a Federal community, and not in their separate and individual, that the Senator from Massachusetts was forced to admit, if I understood him correctly, (and if not, I wish to be corrected,) that they were so ceded in the first instance, but only for the purpose of paying the public debt, and that on its final discharge, the lands became the separate property of the States. This, sir, is a perfectly gratuitous assumption on the part of the Senator, and is directly opposed by the deeds of cession, which expressly provide that it shall be a common fund for the use and benefit of the States in their united and Federal character, without restriction to the public debt, or limitation in point of time, or any other respects. This bold and unwarranted assertion may be regarded as an implied acknowledgment on his part of the truth of the construction for which I contend, and on which the Government has ever acted, but now attempted to be changed on a false assumption.

The residue of the public lands, including Florida and all the region beyond the Mississippi, extending to the Pacific Ocean, and constituting by far the greater part, stands on a different footing. They were purchased out of the common funds of the Union, collected by taxes, and belong, beyond all question, to the people of the United States in their federal and aggregate capacity. This has not been, and cannot be denied; and yet it is proposed to distribute the common fund derived from the sales of these, as well as from the ceded lands, in direct violation of the admitted principle that the agent or trustee of a common concern has no right, without express authority, to apply the joint funds to the separate use and benefit of its individual members.

But setting aside the constitutional objection, as conclusive as it is, I ask what consideration of expediency—what urgent necessity—is there for the adoption, at this time, of a measure so extraordinary as a surrender to the States, for their individual use, of the important portion of the revenue derived from the public domain, which, it is probable, will not fall short, on an average of the next ten years, of five millions of dollars? Is the Treasury now burdened with a surplus, far beyond the wants of the Government, for which all are anxious to devise some measure of relief, as was the case when the Senator introduced and passed his scheme of distribution formerly? On the contrary, is it not in the very opposite condition—one of exhaustion, with a deficit, according to the statement of that Senator, and those who act with him, of many millions of dollars? And is not the revenue still declining, so that in a short time the present deficit will be double? To take a broader view, I would ask, is the condition of the country less unfavorable to the adoption of the measure than the state of

the Treasury? Is there an individual capable of taking a comprehensive view of our foreign relations at this moment, who does not see the imperious necessity of applying every dollar that can be spared to guard against coming dangers, more especially on that element where a revolution so extraordinary is going on, by the all-powerful agency of steam, both as to the means of attack and defence?

If, then, the state of the Treasury and the condition of the country so urgently demand the retention of this important branch of revenue, for the common use and objects for which the Government was created, what possible motives can impel those who are shortly to be charged with its administration, to bring forward, at such a period, the extraordinary proposition to take from the necessities of the Treasury and the country so large a sum, to be distributed among the States for their separate and individual use? To this question but one answer has been or can be given—that many of the States want the money. They have contracted debts for their own individual and local purposes, beyond their ordinary means, and which the dominant party in those States are unwilling to meet by raising taxes on their own people, for fear of being turned out of power. The result has been a loss of credit, followed by a depreciation of their bonds, held by rich capitalists at home and abroad. The immediate object of this scheme is to raise the credit of the indebted States by distributing the revenue from the lands; that is, to surrender about one-fourth of the permanent revenue of the Union, and that the most certain, to enhance the value of the State bonds, now greatly depressed, because some of the indebted States do not choose to raise, by taxes on their own people, the means of paying their own debts. To have a true conception of the whole case, it must be borne in mind that these bonds were taken by the capitalists on this and the other side of the Atlantic on speculation, in the regular course of business, as a profitable investment, and many of them, at great depreciation; and that the demand on the common Treasury is substantially to make good, not only their losses, but to enable them to realize their anticipated profits. Such is the object.

We are thus brought to the question, in what manner is this deficit of at least five millions to be supplied? By taxes—additional taxes on the commerce of the country, preparing the way for still higher by combining the indebted States with the tariff interest, to impose heavier burdens on that important but oppressed branch of industry. Wines and silks are to be selected, under the plea of taxing luxury; and much manœuvring has been resorted to in order to enlist the tobacco interest in favor of the tax, with, I fear, too much success. They are, I admit, fair objects of taxation, and ought to bear their due proportion of the public burden. I am prepared to act on that opinion when the tariff comes up for revision, as it must, at the next session. I go farther: Fix the amount which the just and necessary wants of Government may require, including the revenue from the lands, and I will cheerfully agree to lay as much on luxuries as gentlemen will agree to reduce on necessities. It is my favorite system, and I am prepared to go as far as any one in that direction. But I shall not agree to impose a cent on luxuries, or necessities, on the rich or poor, to pay the debts for which this Government is in no way responsible, and which we cannot pay without a palpable violation of the Constitution, and gross injustice to the great body of the community. I was struck with the fact, that, while the Senator [Mr. WEBSTER] held out at one moment that the duties on wines and silks would fall on the consumers, and, by consequence, on the rich, in the very next he informed us that they would not rise in price in consequence of the duties, and, of course, they would entirely escape from them. To prove that they would not increase in price in consequence of the duties, he assumed, as a principle, that where one country is the principal producer of certain articles, as France was of wine and silks, and another a principal consumer of them, as the United States were, a duty imposed on them by the latter would have the effect, not of raising the

price in the country where it was laid, but to reduce it where they were produced; that is, to reduce it in France, and not to raise it in the United States.

Now, I put it to the Senator, whether the loss, taking his own conclusion, could fall on the French producers of wines and silks, without, in its reaction, falling also on the American producers of the products given in exchange for them—that is, the growers of tobacco, rice, and cotton, which furnish almost exclusively the means of payment? Is it not clear, if they cannot sell as high or as much to us, in consequence of the duties, that we in turn cannot sell as high or as much to them in consequence of the fall of price on their products? Their loss must be followed by ours; and it follows, according to the Senator's own reasoning, that the five millions, which is proposed to be raised by duties, to make good the deficit caused by the distribution, would be filched from the pockets of the honest and industrious producers of our great staples, and not, as alleged by the Senator, from the wealthy consumers of wines and silks. It is out of their hard earnings that the means must be raised to enhance the value of the bonds of the States in the hands of foreign capitalists. The Senator must surely hold in low estimation the intelligence and spirit of the Southern planter, in supporting such a proposition.

But I take still stronger grounds. The necessary effect of all duties is to diminish the imports; and the consequence of diminishing the imports is to diminish, in the same proportion, the exports. Imports and exports are dependent each on the other. If there can be no imports, there can be no exports; and if there be no exports, there can be no imports. The exports pay for the imports, and the imports for the exports—the one always implies the other. So, if the imports are limited in amount, the exports must be limited, when fairly estimated to the same amount, and *vice versa*. But the effects of all duties, whether they fall on the consumers of the articles on which they are laid, or on the producers, must be to diminish the amount of the imports, and, by consequence, of the exports. In a word, duties on imports affect the amount of the exports to the same extent that they do the imports; and it would have just the same effect in the end, whether the deficit of five millions which would be caused by the distribution, be raised by a duty on tobacco, rice, and cotton, or on the wines and silks for which they might be exchanged. The loss would fall, in either case, on the same interest, and to the same amount, and those immediately connected with it.

But I rise to higher grounds. As bad as the scheme is in a financial view, it is far worse in a political. The most deadly enemy of our system could not, in my opinion, propose a measure better calculated to subvert the Constitution and the Government. It would necessarily place the State Governments in direct antagonist relations with this on all questions except that of collecting and distributing the revenue, which would end in defeating all the objects for which it was instituted, and reduce it ultimately to the odious capacity of a mere tax collector for the State Governments. In this there can be no mistake.

The money to be distributed would go, not to the people of the States individually, but to the State Legislatures; or, to be more specific, to the majority, or rather to the dominant portion of the majority, which for the time might have the control. They, and their friends and supporters, would profit by the scheme. The money distributed would be applied in the most effective way to secure their ascendancy, and to give them the lion's share of the profit. The dominant party in the States would thus be enlisted to continue and enlarge the distribution; and when it is added, that the sums expended in the States would embrace powerful local interests, which would be seen and felt in its effects by large portions of the people, while the expenditures of the Government would be on objects of a general character, connected, for the most part, with the defence of the country against foreign danger, which would be little felt or regarded by the great body of the community, except in war, or on the eve of hostilities, I hazard nothing in asserting, that the interests in favor of distributing

the revenue would overpower that of expenditures by the General Government, even on the most necessary objects; the consequence of which would be such as has been stated. Be assured that the system, once fairly commenced, would go on and enlarge itself, till every branch of revenue would be absorbed, when the Government, divested of all its constitutional functions, would expire, under universal scorn and contempt. Such must be the end of this most dangerous and unconstitutional measure, should it ever be adopted.

But the Senator from Massachusetts [Mr. WEBSTER] and others, allege that the cession of the lands to the new States is itself but a mode of distribution, with a view, doubtless, to weaken the force of my objections to this amendment. If it be so, I can only say that it is not intended, and if I can be satisfied that it is, I would be the first to denounce it. Its object is to remedy what I believe to be great and growing disorders in the operation of our land system, as it now exists; but as dangerous as I regard them, I would never consent to remedy them by a measure which I regard as vastly more dangerous. But the Senator will, if I mistake not, find it far more easy to call it a scheme of distribution, than to prove it to be so, or even that it is in the slightest degree analogous to it in any particular, as I hope to prove in some subsequent stage of this discussion.

I have heard, Mr. President, with pleasure, the deep denunciations leveled against the whole scheme of distribution, whether applied to the revenue from lands or taxes. It strengthens my confidence in the force of truth, and the conviction that, if one has the courage to do his duty, regardless of defeat for the time, he may hope to outlive error and misrepresentation. Let me add, if any of the denunciations were aimed at me, they passed harmless over me, and fell on another, against whom I would be the last to utter a censure in his retirement and declining years, however opposed to him while in power. The Senate will understand that I refer to General Jackson. It is far from agreeable to me to introduce his name here, or to speak of myself; but I am compelled, from the remarks made in a certain quarter, to do so, not from any feeling of egotism, (for I am too inconsiderable to involve what concerns me individually in the discussion of so grave a subject,) but that I may not be weakened, as the opponent of this most dangerous measure, by any misconception of my past course in relation to the scheme of distribution.

It has, sir, been my fortune to be opposed to the scheme from the beginning. It originated with a former member of this body, Mr. Dickerson, of New Jersey, and recently Secretary of the Navy, as far back as the year 1827. His proposed object was to strengthen the protective tariff interest, by distributing a part of its proceeds, (if I remember correctly, five millions of dollars,) annually, among the States, in the manner proposed by this amendment. I took my stand against it, promptly and decidedly, on its first agitation, as a measure dangerous and unconstitutional, and well calculated to fix the protective system permanently on the country. The next year, the oppressive tariff of 1828 was passed, and the year afterwards General Jackson was elected President, with the expectation, as far as South Carolina supported him, that he would use his patronage and influence to repeal that obnoxious act, or at least greatly reduce the burthen it imposed.

But it was the misfortune of General Jackson and the country, that when he arrived here to assume the reins of Government, he was strongly prepossessed in favor of the plan of distributing the surplus revenue, after the final payment of the public debt, under the impression that it would be impossible to repeal that act, or reduce the duties it imposed. How he received so dangerous an impression, I have never understood; but so it was. I speak not from my own knowledge, but from information that is unquestionable, that his inaugural address contained a passage in favor of the distribution, when it was laid before those whom he had selected for his first cabinet; and that it was with difficulty he assented to omit it, so strongly was he impressed in its favor

—no doubt honestly and sincerely impressed. His first message to Congress, in December, 1829, contained a strong recommendation of that scheme, which was repeated with additional arguments in its favor in his second message the succeeding year. A recommendation from so high and influential a quarter, could not but have a powerful effect on public opinion. The Governors of two great States, Pennsylvania and New York, recommended it to their Legislatures, who adopted resolutions in its favor. That the views which he then entertained may be fully understood, I ask the Secretary to read the portions of the two messages, which he will find marked in the volumes on his table, in the order of their respective dates.

[The Secretary read the following extracts from President Jackson's messages, 1st and 2d sessions, 26th Congress:]

First session, Twenty-sixth Congress.

After the extinction of the public debt, it is not probable that any adjustment of the tariff, upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury beyond what may be required for its current service. As then the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress, and it may be fortunate for the country that it is yet to be decided. Considered in connection with the difficulties which have heretofore attended appropriations for purposes of internal improvement; and with those which this experience tells us will certainly arise whenever power over such subjects may be exercised by the General Government; it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the States, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several States. Let us then endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens, been deprecated as an infraction of the Constitution; while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue, would be its apportionment among the several States according to their ratio of representation; and should this measure not be found warranted by the Constitution, that it would be expedient to propose to the States an amendment authorizing it. I regard an appeal to the source of power, in cases of real doubt, and where its exercise is deemed indispensable to the general welfare, as among the most sacred of all our obligations.

Second session, Twenty-sixth Congress.

I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds which may at any time remain in the Treasury after the national debt shall have been paid, among the States, in proportion to the number of their representatives, to be applied by them to objects of internal improvement.

Although this plan has met with favor in some portions of the Union, it has also elicited objections which merit deliberate consideration. A brief notice of these objections here will not, therefore, I trust, be regarded as out of place.

They are, as far as they have come to my knowledge, on the following grounds. 1st. An objection to the ratio of distribution; 2d. An apprehension that the existence of such a regulation would produce improvident and oppressive taxation to raise the funds for distribution; 3d. That the mode proposed would lead to the construction of works of a local nature, to the exclusion of such as are general, and as would consequently be of a more useful character; and last, that it would create a discreditable and injurious dependence on the part of the State Governments upon the Federal power. Of those who object to the ratio of representation as the basis of distribution, some insist that the importations of the respective States would constitute one that would be more equitable; and others, again, that the extent of their respective territories would furnish a standard which would be more expedient and sufficiently equitable. The ratio of representation presented itself to my mind, and it still does, as one of obvious equity, because of its being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation. It does not follow, however, that its adoption is indispensable to the establishment of the system proposed. There may be considerations appertaining to the subject which would render a departure, to some extent, from the rule of contribution proper. Nor is it absolutely necessary that the basis of distribution be confined to one ground. It may, if, in the judgment of those whose right it is to fix it, be deemed politic and just to give it their character, have regard to several.

In my first message, I stated it to be my opinion that "it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union, will, until a remote period, if ever, leave the Government without a considerable surplus in the Treasury, beyond what may be required for its current service." I have had no cause to change that opinion, but much to confirm it. Should these expectations be realized, a suitable fund would thus be produced for the plan under consideration to operate upon; and if there be no such fund, its adoption will, in my opinion, work no injury to any interest; for I cannot assent to the justness of the apprehension that the establishment of the proposed system would tend to the encouragement of improvident legislation of the character supposed. Whatever the proper authority, in the exercise of constitutional power, shall, at any time hereafter, decide to be for the general good, will, in that as in other respects, deserve and receive the acquiescence and support of the whole country; and we have ample security that every abuse of power in that regard, by agents of the people, will receive a speedy and effectual corrective at their hands. The views which I take of the future, founded on the obvious and increasing improvement of all classes of our fellow-citizens, in intelligence, and in public and private virtue, leave me without much apprehension on that head.

I do not doubt that those who come after us will be as much alive as we are to the obligation upon all the trustees of political power to exempt those for whom they act from all unnecessary burdens; and as sensible of the great truth, that the resources of the nation beyond those required for immediate and necessary purposes of Government, can no where be so well deposited as in the pockets of the people.

Such, I repeat, were unfortunately the opinions which General Jackson entertained on this all important question, when he came into power. I saw the danger in its full extent, and did not hesitate to take an open and decided stand against the measure which he so earnestly recommended; and that was the first question on which we separated. In placing myself in opposition to him, on a measure so vital, I was not ignorant of the hazard to which I exposed myself, but the sense of duty outweighed all other considerations. I clearly saw, that there would be an increased surplus revenue, after the final payment of the public debt, a period then rapidly approaching; and that, if it was once distributed to the States, it would rivet on the country the tariff of '28, to be followed by countless disasters from the combined effects of the two measures. Had it been adopted, the last ray of hope of repealing or reducing that oppressive and ruinous measure would have vanished. It would, by its seductive influence, have drawn over to its support the very States, whose prosperity it was crushing, not excepting South Carolina itself. The process is not difficult to explain.

For that purpose, I will take the case of South Carolina; and will assume that her citizens paid, under the tariff of 1828, four millions of dollars into the Treasury of the Union, which is probably not far from the truth, and would have received back under the proposed distribution of the surplus, but one-fourth, making one million. The sum to be distributed, as has already been stated, would not have been returned to the people, but to the Treasury of the State, to be disposed of by the Legislature; or to speak more specifically, by the small portion, which, for the time, would have had control over the dominant majority of the Legislature. All who have experience in the affairs of Government, will readily understand that no disposition would have been made of it, but what they and their friends and supporters would have had a full share of the profits and political advantages to be derived from its administration and expenditure. Thus an interest would be created on the part of the controlling influence in the State for the time, adverse to it—an interest to sustain the tariff, as the means of sustaining the distribution, and that for the plain reason, that they would receive more from the former than they would pay as citizens under the duties.

Now, sir, when we reflect that the amount taken by the duties out of the pockets of the people, was extracted in so round about and concealed a manner that no one, no, not the best informed and shrewdest calculator, could ascertain with precision what he paid, while that received back from distribution would have been seen and felt by those into whose hands it would have passed, it will be readily understood, not only how those who participated directly in its advantages, but the people themselves, would have been so deluded as to believe that they gained more by the distribution than what they lost by the tariff, especially when the dominant influence in the State would have been interested in creating and keeping up the delusion.

It is thus that the result of the scheme would have been to combine and unite into one compact mass the dominant interests of all the States, with the great dominant interest of the Union, to perpetuate a system of plundering the people of the products of their labor, especially the South, to be divided among those, with their partisans, who could control the politics of the country. It was against this daring and profligate scheme that South Carolina interposed her sovereign authority, and by that interposition, as I solemnly believe, saved the Constitution and the liberty of the country.

But that step, as bold and decisive as it was, could not accomplish all. To save the manufacturing interest, and avoid the hazard of reaction, it was necessary to reduce the duties on the protected articles gradually and slowly. The consequence was a continued overflow of the Treasury, notwithstanding

standing the duty on every article not produced in the country was repealed, amounting in value to one-half of the whole, to such an enormous extent had the protective duties been raised. A remedy had to be applied to meet the corrupting and dangerous influence of this temporary surplus, till the gradual reduction of the protective duties under the compromise act would bring them to the ordinary wants of the Government. There was but one remedy, and that was, to take it from the Treasury. The flow was too great for the most lavish expenditures to keep down. I saw, in advance, that such would be the case, and, with the design of devising a remedy beforehand, moved for a special committee, with the view mainly of freeing the Treasury of its surplus, as the great source of Executive influence and power. The committee concurring in that opinion, recommended that the Constitution should be so amended as to enable Congress to make a temporary distribution. The report fully explains the reasons for believing there would be a large and corrupting surplus, and why, under the peculiar circumstances of the case, the distribution as proposed was the only remedy. I have marked a portion of it that will show the opinion I then entertained in reference to distribution, and which I ask the Secretary to read.

Second Session Twenty-third Congress.

Your committee are fully aware of the many and fatal objections to the distribution of the surplus revenue among the States, considered as a part of the ordinary and regular system of this Government. They admit them to be as great as can be well imagined. The proposition itself, that the Government should collect money for the purpose of such distribution, or should distribute a surplus for the purpose of perpetuating taxes, is too absurd to require refutation; and yet what would be when applied, as supposed, so absurd and pernicious, is, in the opinion of your committee, in the present extraordinary and deeply disordered state of our affairs, not only useful and salutary, but indispensable to the restoration of the body politic to a sound condition; just as some potent medicine, which it would be dangerous and absurd to prescribe to the healthy, may, to the diseased, be the only means of arresting the hand of death. Distribution, as proposed, is not for the preposterous and dangerous purpose of raising a revenue for distribution, or of distributing the surplus as a means of perpetuating a system of duties or taxes, but a temporary measure to dispose of an unavoidable surplus while the revenue is in the course of reduction and which cannot be otherwise disposed of without greatly aggravating a disease that threatens the most dangerous consequences, and which hobbles the hope, not only of arresting its further progress, but also of restoring the body politic to a state of health and vigor. The truth of this assertion a few observations will suffice to illustrate.

It may, perhaps, be thought by some, that the power which the distribution among the States would bring to bear against the expenditures, and its consequent tendency to restrain the disbursements of the Government, would be so strong as not only to curtail useless or improper expenditure, but also the useful and necessary. Such, undoubtedly, would be the consequence, if the process were too long continued; but, in the present irregular and excessive action of the system, when the centrifugal force threatens to concentrate all its powers in a single department, the fear that the action of this Government will be too much reduced by the measure under consideration, in the short period to which it is proposed to limit its operation, is without just foundation. On the contrary, if the proposed measure should be applied in the present diseased state of the Government, its effect would be like that of some powerful alterative medicine, operating just long enough to change the present morbid action, but not sufficiently long to superinduce another of an opposite character.

The measure recommended was not adopted. It was denied, and violently denied, that there would be a surplus, and I left it to time to decide which opinion was correct. A year rolled round, and conclusively decided the point. Instead of overrating, experience proved I had greatly underestimated the surplus, as I felt confident at the time I had. It more than doubled even my calculation. I again revived the measure; but before it could be acted on, instructions from State Legislatures, with intervening elections, turned the majority in the Senate, which had been opposed to the Administration, into a minority. I acquiesced, and gave notice that I would not press the measure I had introduced, and would leave the responsibility with the majority, to devise a remedy for what was at last acknowledged to be a great and dangerous evil. All felt that something must be done, and that promptly. In the greatly expanded state of the currency, the enormous surplus had flowed off in the direction of the public lands, and was, by a sort of rotary motion, from the deposit banks to the speculators, and from them to the receivers, and back again to the banks, to perform the same round again, rapidly absorbing every acre of the public lands. No one saw more clearly than the Senator from New York, [Mr. Wright,] that an effectual and speedy remedy was indispensable to

prevent an overwhelming catastrophe; and he promptly proposed to vest the surplus in the stocks of the State, to which I moved an amendment to deposit it in their treasuries, as being more equal and appropriate. These were acknowledged to be the only alternatives to leaving it in the deposit banks. Mine succeeded, and the passage of the deposit act, which is now unjustly denounced, in a certain quarter, as distribution, and not as deposit, as it really is, followed.

As far as I am concerned, the denunciation is utterly unfounded. I regarded it then, and still do, as simply a deposit—a deposit, to say the least, as constitutional as that in State banks, or State stocks held by speculators and stockjobbers on both sides of the Atlantic, and far more just and appropriate than either. But while I regard it as a deposit, I did then, and now do, believe that it should never be withdrawn but in the event of war, when it would be found a valuable resource.

But had it been in reality a distribution, it would be, in my opinion, if not altogether, in a great measure, justified, under the peculiar circumstances of the case. The surplus was not lawfully collected. Congress has no right to take a cent from the people, but for the just and constitutional wants of the country. To take more, or for other purposes, as in this case, is neither more nor less than robbery—more criminal for being perpetrated by a trustee appointed to guard their interest. It in fact belonged to those from whom it was unjustly plundered; and if the individuals, and the share of each, could have been ascertained, it ought, on every principle of justice, to have been returned to them. But as that was impossible, the nearest practicable approach to justice was to return it proportionally, as it was, to the States, as a deposit, till wanted, for the use of the people from whom it was unjustly taken, instead of leaving it with the banks, for their use, which had no claims whatever to it, or vesting it in State stocks, for the benefit of speculators and stockjobbers.

As brief as this narrative is, I trust it is sufficient to show that the advocates of this amendment can find nothing in my former opinion or course to weaken my resistance to it, or to form the show of a precedent for the extraordinary measure which it proposes. So far from it, the deposit act, whether viewed in the causes which led to it, or its object and effect, stands in direct contrast with it.

We stand, sir, in the midst of a remarkable juncture in our affairs; the most remarkable in many respects, that has occurred since the foundation of the Government; nor is it probable that a similar one will ever again occur. This Government is now left as free to shape its policy, unembarrassed by existing engagements or past legislation as it was when it first went into operation, and even more so. The entire system of policy originating in the Federal consolidation school has fallen prostrate. We have now no funded debt, no National Bank, no connection with the banking system, no protective tariff. In a word, the paper system, with all its corrupt and corrupting progeny has, as far as this Government is concerned, vanished, leaving nothing but its bitter fruits behind. The great and solemn question now to be decided is, shall we again return and repeat the same system of policy with all its disastrous effects before us, and under which the country is now suffering, to be again followed with ten fold aggravation; or, profiting by past experience, seize the precious opportunity to take the only course which can save the Constitution and liberty of the country—that of the old State Rights Republican policy of 1787. Such is the question submitted for our decision at this deeply important juncture; and on that decision hangs the destiny of our country. A few years must determine. Much—very much will depend on the President elect. I he should rest his policy on the broad and solid principles maintained by his native State, in her purest and proudest days, his name will go down to posterity as one of the distinguished benefactors of the country; but, on the contrary, if he should adopt the policy indicated by the amendment, and advocated by his prominent supporters in this chamber, and attempt to erect anew the fallen temple of consolidation, his overthrow, or that of his country, must be the inevitable consequence.

SPEECH OF MR. WRIGHT, OF NEW YORK.

In Senate, Wednesday, January 27, 1841—The Pre-emption Bill being under consideration, and the question being upon the motion of Mr. CARR TENDER to recommit the bill to the Committee on Public Lands, with instructions to report a bill to provide for the distribution of the proceeds of the sales of the lands among the States:

MR. WRIGHT said he would occupy a single moment to explain the singular state of facts before the Senate, and to put himself right in the matter, as he could not hope, at this or any other time, to fulfil the expectations which the conversation now going on was likely to excite here and out of doors: It had been his intention to take part in the discussion of the question now before the body, but he did not know, until yesterday that the honorable Senator from Kentucky [Mr. CLAY] was desirous to follow him, or again to address the Senate in the course of this debate. A private conversation between himself and the Senator, on that day, had notified him of both facts, and he had then manifested the willingness he then and now felt to accommodate the distinguished Senator on upon both points.

Still the discussion, in the course of that day, seemed to him to take a wide departure from the question before the Senate; and with the collateral matters thus drawn into the debate, he had little, and did not wish to have any thing more to do. His object had been to obtain the floor when they should have been disposed of, and he had refrained from making the attempt for this day, because it was expressly intimated to him that other Senators desired to occupy a part, or the whole of it in a continuance of the discussion of those collateral topics. He had not, therefore, come to his seat with an expectation of addressing the Senate to day, and being reluctant to throw himself upon its attention at any time, he was much more so, when he was consciously unprepared to offer the views he wished to present. Yet rather than see the day consumed, for the purpose of affording him time for preparation, and be, in the mean time, the declared object of that delay, he would now enter upon the task he had designed to attempt, and would ask the Senate to extend to him its patient indulgence, while he should pass, as briefly as he might, over his too voluminous notes.

He had not desired, if he could have avoided it consistently with his sense of his public duty, to address the Senate at all upon the great question which now occupies its attention, or indeed upon the bill to which the proposition now under consideration relates, but occasions had arisen, in the course of the wide discussion, when that duty seemed imperative, and now he would endeavor to perform it with as little consumption of time as possible.

What is the proposition immediately before us? It is very simple, and may be perfectly intelligible to all who will try to understand it. It is to take from the permanent revenue of the country, at a time when that whole revenue is confessedly inadequate to meet the wants of the Treasury, from one-fifth to one quarter of its whole amount, and to give it away, so far as the National Government and its Treasury are concerned; to do this at a time when no proposition to supply the deficiency of revenue to be thus caused is directly and practically before either House of Congress; and to do this, under these circumstances, within five weeks of the close of an annual session of Congress.

This was presenting the question of a distribution of the land revenue to the States in a manner in which it had never before been presented to his mind, at least, and he believed in a manner and under circumstances which had never before attended its presentation to Congress, or to the country.

In the course of the debate, much had been said of former propositions of this character, and the high authority of distinguished statesmen had been quoted in favor of the policy. In favor of it, how? By thus giving away the public revenue, when the Treasury of the people is in want? No! But by discharging that Treasury from an inconvenient, a vicious, and a dangerous surplus; and by doing that in a constitutional mode; in obedience

to the will of the Constitution-making power of the country. He would go back to the first of these high references, in point of time. A distinguished Governor of his own State, (De Witt Clinton,) now deceased, had been quoted as favorable to this policy. Favorable to it at such a time as this, and in this shape and way? No, sir. Favorable to it by way of relieving the Treasury from a surplus, expressly reserving any opinion as to the competency of Congress to make the distribution under the Constitution as it is, and expressly referring to the source of all power, the people themselves, as the proper tribunal to settle all doubts upon that point by an amendment of the Constitution. Expressions of a subsequent Governor of his State, and of its Legislature, had also been made matters of reference in favor of the policy, but all these expressions would be found accompanied by the same reservations of an opinion as to our constitutional power even to distribute a surplus, and the same references to one great source of power, for authority to carry out the measures thus equivocally recommended.

The late President Jackson had also been repeatedly quoted as a friend to this distribution policy, and quotations from several of his early messages had been read to the Senate to show his views. This was fair as to him and fair as to the question; but what were his views as thus given by himself? To distribute the revenue, when the Treasury was in want? No, far from that. They were to relieve the Treasury from a surplus. And did he express the opinion that Congress possessed the constitutional power to make the distribution. No. So far from it, he expressly, in his first message in which the subject is mentioned, and an extract from which was, but a few days ago, read to the Senate, recommended an appeal to the people to amend the Constitution to reach the object. In that same message, in conformity with his professed principles and uniform practice, he says these appeals should be made in all cases where a reasonable doubt exists, and the exercise of a power not expressly granted is supposed to be desirable. He considers such appeals not dangerous to any sound policy, but salutary and salutary in their very nature. And why did he favor a distribution at all? He tells us it was because the country was then threatened with a surplus revenue; that when the national debt should be fully paid, such a surplus must accumulate, unless our revenue laws were materially modified, and that he did not anticipate that the public opinion would sanction modifications so sudden and extensive as would be required to bring the revenue within the wants of the Treasury. His only object was to devise a safe and constitutional mode of disposing of that surplus which did accumulate from 1834 to 1837, and which brought upon the country many of the evils under which it suffers to this day, and upon this Government the very extravagances in expenditure of which his political opponents had so loudly and perseveringly complained; but he did not propose even the distribution of so mischievous a surplus, without an amendment of the Constitution which should expressly confer the power to do it.

The high authorities, then, to which reference had been made, were not authorities for the proposition now before the Senate. They had proposed to distribute surpluses only, not current revenue of which the Treasury was in daily want; and even such a distribution as they suggested was always with them a question of constitutional power, which they proposed to refer to the sovereign people, the source of power under our system. It was that question, prominently, which he proposed to discuss, and he would proceed to that discussion, merely remarking that he felt most sensibly his inability to conduct the argument as its importance required. The consciousness of this fact had, from day to day, deterred him from making the attempt, until further delay might be, on his part, a criminal neglect of a high duty. That he might now have the attention of the body, as far as their great patience would permit, gentlemen would pardon him for saying that he believed, in his heart, if he could do justice to the facts and the fair conclu-

sions from them, this would be the last occasion upon which the word "distribution," in the sense in which it is here used, would be heard in the halls of Congress, under our present Constitution, and with an empty Treasury. Now to the discussion.

His first proposition was one which he was sure would not be controverted from any quarter. It was, that all the powers of Congress rest upon, and are derived from, the Constitution of the United States, and that it has no single power which is not granted by that instrument.

His next proposition involved the great point in controversy, and must be disputed, or he trusted the distribution policy would be abandoned until the constitutional power to adopt it should be conferred. He would state it, as follows: The power conferred upon Congress by the Constitution over the money derived from the sales of the public lands, and constituting the proceeds of those lands, which the proposition before the Senate declares shall be distributed to the States, is identical with, and in no way different from, the power of Congress over all other money and property of the United States, however derived, or in whatever shape existing, within the exclusive control of Congress.

He found but two provisions of the Constitution material to the fair and full discussion of this broad proposition; and those he would read in the order they were found in the instrument. The first was in article first, section eighth, clause first, and in these words:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States."

His reading of this provision of the Constitution was, that the power "to lay and collect taxes, duties, imposts, and excises," was given to Congress for the purpose of paying the debts, and providing for the common defence and general welfare of the United States. He knew a very different reading had been sometimes contended for, and that the second clause of the sentence, instead of being a limitation upon the powers granted in the first, had been supposed to confer distinct and separate powers of itself. Under this construction, the reading would be to give Congress power "to lay and collect taxes, duties, imposts, and excises," and power "to pay the debts, and provide for the common defence and general welfare of the United States." It was not his present object to enter into a discussion of the correctness or incorrectness of either of these constructions, but simply to state what he believed to be the correct reading, as he had done. Now was he now to enter into argument of any sort in relation to this "general welfare" clause of the Constitution. He too well remembered the volumes which had been written upon the subject, without accomplishing any other purpose than to show the radical difference in the rule which governed the two great contending political parties in construing that instrument, from which all the powers of this Government must be drawn. To his mind, the clause was not a grant of power at all, but an express limitation upon the powers conferred by the clause which immediately precedes it; and he believed this, at the present time, was a much more universally received opinion of the country, than at a former period. In any event, if there should be advocates for the distribution of the proceeds of the public lands, who seek the power to pass a law for that purpose in this general welfare clause, it will be for them to show that a living money from the common Treasury to the separate States, to be expended upon objects exclusively of a State character, is, in fairness of language and intentment, to provide for "the general welfare of the United States," in their united capacity, as contradistinguished from the individual States as sovereign and independent Governments and communities, and which, as such, constitutionally hold their separate general welfare in their separate and independent keeping.

The other clause of the Constitution to which he had referred, was the second clause of the third section of the fourth article, in the following words:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory, or other

property belonging to the United States; and nothing in the Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

The power here conferred is over the "territory, or other property belonging to the United States"—terms as broad as could have been used to include every thing which is property, and belongs to the United States, while the word "territory," instead of lands or public domain, clearly shows that that single enumeration of a single description of property had not reference to the public domain simply, in the common acceptance of those terms as used by us, but was intended to embrace all lands and soils "belonging to the United States," however and wherever situated, for whatever use and purpose held, and however acquired—all territory. The power conferred is identical over the "territory," and over the other "property," and it is to "dispose of" both, and "make all needful rules and regulations respecting" both. The grant of power is as broad as the terms "territory" and "property," and the whole grant is alike applicable to both and either, and to every part and parcel of each. Who, then, shall say that this provision of the Constitution gives to Congress a power over the public domain of the country, which it does not give over any other property of the United States? That it authorizes Congress to give away the public lands, and does not give the same authority to give away the public money? That it confers the power to distribute to the States, for their separate use, the money in the Treasury arising from the sales of the public lands, and does not confer the same authority to distribute in the same manner, and for the same purposes, any other money in the Treasury belonging to the United States, from whatever source derived? That it authorizes the distribution of the proceeds of the public domain, usually so called, and does not authorize a like distribution of the proceeds of any other portion of the "territory" of the United States? That the lands can be sold to raise money for distribution, and not the fortifications, ships, arms, and any other like "territory" and "property" belonging to the United States? That the property of the country, as contradistinguished from its money, may be made a fund for distribution by a sale and conversion into money, while the money itself required to purchase the property cannot be so distributed? That all money in the Treasury, and belonging to the United States, from whatever source derived, is not as much "property belonging to the United States," as "the territory or other property" mentioned in this constitutional provision, and as much subject to the power of Congress, therein granted over "the territory or other property," either for distribution to the States, or for any other application or expenditure?

He would not for a moment suppose that contradictions of this character could be contended for by any Senator; and he must, therefore, suppose that the only ground upon which this proposed distribution of the proceeds of the public lands was to be advocated and defended, was that the deeds of cession of the public domain from the States to the United States, laid the foundation for a "claim" to such distribution upon some principle, and thus brought the proposition within the terms of the last clause of the constitutional provision last referred to, in the following words: "And nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State."

That this policy is urged under this clause of the constitutional provision is made more probable, from the fact that its advocates have usually referred to the cessions from the States, and the payment of the debt of the Revolution, as facts upon which the right to the distribution on the part of the States, and the authority to make it on the part of Congress, were both to be rested. It would be necessary, therefore, to examine the deeds of cession, and see whether they furnished any foundation for "claims" on the part of the States; or any of them, within the meaning of the provision of the Constitution above quoted, or of a power on the part of Congress to satisfy such "claims" in the way proposed.

Upon this point his examinations had induced

him to come to the following conclusion, and he now stated it in the form of a proposition.

The deeds of cession from the States of that part of the public domain held by and under those cessions, do not contain any thing which gives the States, or any of them, "claims" to those portions of the public lands, or to the proceeds thereof, which do not equally exist against all other "territory or property belonging to the United States;" nor do those deeds of cession contain any thing which confers upon Congress any other or different power over the ceded lands, or the proceeds from the sales thereof, than that possessed by the grant of the Constitution over "the territory and property belonging to the United States," acquired in any other manner.

A brief reference to the cessions would establish this proposition. The States which made cessions under the Articles of Confederation, and before the adoption of the Constitution, were five in number, and the order of the cessions, in point of time, were as follows:

New York—Deed of cession executed 1st March, 1781.

Virginia—Deed of cession executed 1st March, 1784.

Massachusetts—Deed of cession executed 19th April, 1785.

Connecticut—Deed of cession executed 13th Sept. 1786.

South Carolina—Deed of cession executed 9th August, 1787.

All the deeds of cession above enumerated were executed by the delegates representing the States named; in the Congress of the Confederation, and in conformity to laws passed by the Legislatures of the respective States, conferring the power upon their delegates in the Congress to make the cessions for them respectively. He had carefully examined those State laws, and the deeds executed by their authority, and had found that, in the terms of the grants and the estates conveyed, the authority thus conferred upon the grantors had been carefully followed. It would not be necessary, therefore, for him to make a reference to the laws. One to the deeds executed under them would be sufficient. And here again his references might be materially abbreviated, as he found all the grants substantially following either the form adopted by New York, or that adopted by Virginia, and extracts from those two deeds would show the nature and character and extent of the estate conveyed in all the five cases.

Before he read the extracts it would be profitable to make a remark, that the peculiar language of the deeds might be more fully understood and rightly appreciated. There was, at the time of these cessions, no Union, but a simple Confederation, an alliance, of the old thirteen States. The common Government was called a Congress; but it was more like a Congress of Nations than like the present Congress of the United States. All the States, however represented, were equal in that body, and it had no power to act coercively either upon the States, or the people of the States, in the raising of revenue, or the imposition of taxes of any character. When money was wanted for the purposes of the common Government, the Congress determined the sum to be raised, apportioned it among the States according to a rule established in the Articles of Confederation, and called upon each State to raise its proportion, in its own way, by virtue of its own taxing powers, and through the agency of its own affairs. If these facts are borne constantly in mind, the language used in the deeds of cession will be perfectly intelligible.

The State of New York did "cede, transfer, and forever relinquish, to and for the only use and benefit of such of the States as are, or shall become, parties to the Articles of Confederation, *all the right, title, interest, jurisdiction, and claim*, of the said State of New York, to all lands and territories to the northward and westward of the boundaries to which the said State is in manner aforesaid limited and restricted, and to be granted, disposed of, and appropriated in such manner only as the Congress of the said United or Confederate States shall order and direct."

The Legislature of the State of Virginia, in the act authorizing and directing the cession, enact that the lands ceded "shall be considered a common fund for the use and benefit of such of the United States as have become, or shall become, members of the Confederation, or Federal alliance, of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever;" and her delegates in the Congress, in obedience to that act, "transfer, assign, and make over, unto the United States in Congress assembled, for the benefit of the said States, Virginia inclusive, *all right, title, and claim*, as well of soil as of jurisdiction, which the said Commonwealth hath to the territory, or tract of country, within the limits of the Virginia charter, situate, lying and being to the northwest of the river Ohio, to and for the uses and purposes, and on the conditions of the said recited act."

Such were the terms employed, and such the estates granted by the States of New York and Virginia, and the other three States named followed substantially the one or the other of these forms in their cessions subsequently made. All the five States granted all they had, all they owned, and all they "claimed," in the lands ceded by them respectively, and what was that? It was, at most, the sovereignty, the jurisdiction of Government, and as appurtenant to these the right to purchase the lands from the Indians. Perhaps it would be more technically proper to say that the States granted the soil, the fee, of the land, with the sovereignty and jurisdiction, and the appurtenant right to purchase the possessory interests of the Indians. The substance is the same, however, as each State granted all it had, "all its right, title, interest, and *claim*," in the language of the deeds.

Is there, then, in any of these deeds, any condition of reversion? any specific appropriation of the proceeds of the lands, with remainder over to all or any of the States? None whatever. The grants were "for the only use and benefit of such of the States as are, or shall become, parties to the Articles of Confederation;" "for the benefit of the said States, Virginia inclusive;" and the proceeds were to be "a common fund for the use and benefit of such of the United States as have become, or shall become, members of the Confederation, or Federal alliance of the said States," the granting State inclusive, "according to their usual respective proportions in the general charge and expenditure." The States, under the Confederation, paid their respective proportions of the charge and expenditure of the common Government by States, and each was to receive from the proceeds of the ceded lands a share exactly in proportion to its share of the common charge. In other words, its proportion of that charge to be raised by taxation upon its own citizens was to be diminished by its proportion of the proceeds of the lands, which proceeds were to be a "common fund" for the benefit, in that way, of all the States, parties to the alliance. The common Government, the Congress, was to "dispose of" the lands, but for that purpose, and no other. Such was the state of things under the Confederation.

The difficulties about these lands retarded the consummation of the Confederacy. The States which did not claim any of the ceded lands as within their limits, did claim a common right with the other States in them, contending that they were not the separate property of certain States, but a part of the royal domain of the British crown, won by conquest in the war of the Revolution, at the common expense and peril of all the States, parties to the war, and that they were thus, of right, made the common property of all. The State of Maryland, though as active and patriotic in the prosecution of the war as her sister States, did not subscribe to the Articles of Confederation until the day of the date of the New York deed of cession, standing out exclusively upon her claim to a common right in these lands.

The Constitution was formed in 1787, subsequently adopted by the States, they being the same States which were parties to the Confederation, or Federal alliance, and consequently to the deeds of

cession, and the new Government went into operation on the 4th of March, 1789. Still the cessions were imperfect? The States of North Carolina and Georgia, claiming large portions of the Western lands as within their respective chartered limits, had made no cessions to the common Government. They did, however, subsequently cede, not to the confederation, but to the Union, at the following dates.

North Carolina—Deed of cession executed 25th February, 1790.

Georgia—Deed of cession executed 16th June, 1802.

The deeds from these two States were, in all material respects, so far as this argument is concerned, similar to those executed by the five States before named. They, like the other deeds, contain no reversionary clauses, no specific applications of the proceeds of the lands, with remainders over to the granting States, or any other, but expressly declare the ceded lands "a common fund" for the benefit of the Union to which they ceded.

The fact that these States had not made cessions at the time of the formation of the Constitution, may and probably does account for the insertion, in that instrument, of the clause last above quoted, "and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State." What has been before said will show that other States did claim a common right in the unceded lands, not as their individual and separate property, but as the property of the nation, of the Confederation before the Constitution, of the Union afterwards. Still the ceding States claimed them as their several property, and hence the language, that the Constitution should not "prejudice any claims of the United States, or of any particular State." If this conjecture be well founded, the deeds of cession from these two States put at rest forever the "claims" referred to of all the parties interested, by the surrender and relinquishment on the one side, and the acceptance and satisfaction on the other.

Be that, however, as it may, there is not, upon the face of any of these deeds, any ground for "claims" in favor of any or all of the States against the United States, beyond the obligation upon the latter to administer the common fund constituted by the cessions for the common benefit of the whole Union, and the right of the former to have it so administered. Whatever may have been the powers of Congress over this fund, under the Confederation, is not now material, as the parties to the Confederation are the same parties which formed and adopted the Constitution, and voluntarily merged the old in the new Government, with new, and different, and defined powers. The Congress under the Constitution cannot look behind that instrument for either powers or prohibitions, not even to these deeds of cession, or to any other act of a single State, or of the confederated States. If it possess any power over this common fund constituted by the deeds of cession, that power must be found in the Constitution, and be exercised in obedience to its provisions. This will be admitted as to the two cessions made subsequent to the Constitution, and to the Union, and no man has ever yet been found to contend that the different portions of the ceded lands are subject to different rules of disposition, or that the powers of Congress over them are different. Still it is worthy of remark, in this connection, that the power conferred by all the deeds of cession was "to dispose" of the lands, and the power conferred by the Constitution is "to dispose," &c. of the "territory or other property" of the United States.

It is said, however, that these lands were, in fact, ceded to pay the debt of the Revolution, and, that debt being paid, that there is an equitable right in favor of the States to a reversion of the funds, or to the remainder of the proceeds, for their individual and separate use. Indeed, so confidently was this opinion entertained by one honorable Senator, and he too a distinguished lawyer, [Mr. CRITTENDEN] that he had, upon a former occasion, said he verily believed, if a suit in chancery could be instituted against the Government, the States would obtain a decree for the retrocession of the lands, or a distribution of their proceeds.

Had this assumption that the lands were ceded for the specific purpose of paying the debt of the Revolution any foundation in fact? The assumption, so far as he had been able to ascertain its foundation, was rested upon the resolution of the old Congress, of the 10th of October, 1780. That resolution was in the following words:

"Resolved, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct Republican States, which shall become members of the Federal Union, and have the same rights of sovereignty, freedom and independence, as the other States; that each State which shall be so formed, shall contain a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: That the necessary and reasonable expenses which any particular State shall have incurred since the commencement of the present war, in subduing any British posts, or in maintaining forts or garrisons within and for the defence, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed. That the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States, in Congress assembled, or any nine or more of them."

Here is a promise of a specific appropriation of the proceeds of the lands, or other means, for a certain object, namely, to reimburse the States the necessary and reasonable expenses incurred by them, after the commencement of the war, in subduing British posts within the ceded territory—in maintaining forts and garrisons within and for the defence of the ceded territory, or in acquiring any part of the ceded territory. These items of expenditure were made claims in favor of the States against the United States, but not claims upon the lands particularly. They were to be claims in favor of the particular States incurring the expenses against the common Treasury, and might be paid from the proceeds of sales of the lands, or from any other means, as the United States should choose. The cessions were not to be made conditional and dependent upon the payment of these expenses, and no such condition is found in any one of the deeds of cession. Yet this was a sort of specific obligation connected with the cessions, but not to pay the debt of the Revolution, or any portion of it which was a charge against the common Government. It was simply an obligation to pay certain specified expenses which had been incurred during the war, by particular States, in acquiring the land, or in defending it.

While, then, this resolution furnishes no ground for the assumption that the lands were ceded for the specific purpose of paying the debt of the Revolution, with any legal or equitable reversion to the States, or remainder over in the proceeds after the payment of that debt, it does furnish, in this very stipulation to reimburse to the ceding States all the expenses incurred by them in acquiring and defending the lands, the strongest circumstantial evidence that no such reversion or remainder, either equitable or legal, was contemplated, and that no other obligation or indebtedness was contracted by the common Government to the States than that mentioned and directly assumed. That obligation has been long since discharged. Those expenses of the States were assumed and paid by this Government, together with their separate debts contracted to carry on the war of the Revolution, and both together formed a part of that mass of national debt which this Government has finally paid. No claim, therefore, in favor of any State, can now be sustained upon this part of the resolution, and none other of a pecuniary character was incurred by it.

The deed of cession of Massachusetts makes express reference to this resolution, and declares that the cession of that State is made in conformity with it. A reference is made in this resolution to a recommendation of Congress of the 6th of September, 1780. That is a report and resolution adopted in consequence of certain instructions from the State of Maryland to her delegates, respecting the Articles of Confederation, and containing a declaration as to her common rights in the lands, the act of the Legislature of the State of New York authorizing her cession, and a remonstrance from the State of Virginia, upon the same general subjects, all before Congress at the same time, and all referred to the same committee of the body, which

made the report, and proposed a resolution, by way of recommendation to the States here referred to. This report and resolution is no other way important to this discussion, than to show, as part of the history of the period, that the cessions from the States were urged—not so much on the ground of the pecuniary benefit to be derived to the common Government, as to promote harmony among the States, to perfect the alliance, and bring into the Confederation the State of Maryland, which State declined to subscribe to the Articles of Confederation, in consequence of differences about these lands. A reference to this report was to him a matter of the highest gratification, as it presents the State which he has the honor in part to represent here, foremost in the exhibition of that patriotic liberality, which did finally perfect the alliance, cement the Union of the States, and lead to the glorious consequences, the blessings of which we now enjoy.

Nothing, however, is found in any of these proceedings upon which to found the assumption that the cessions were made for the specific object of paying the debt of the Revolution; but, on the contrary, the report and both resolutions, rebut that assumption directly, and exhibit other and higher objects as moving the States to those grants—objects connected with the harmony of the States, the Union of the States, and, consequently, with their success in the fearful struggle which was to determine the question of our independent existence as a nation. He felt authorized to conclude, therefore, that this assumption had no foundation in fact, and could not be sustained by the history of the transactions; and if falling, the assumed rights of reversion or remainder in the States, to the lands, or their proceeds, supposed to flow from and rest upon it, must fall with it.

Still another ground is assumed, however, and that is, that an equitable right to the net proceeds of these lands, after the payment of debt of the Revolution, results in favor of the States, notwithstanding there are not, in the deeds of cession, or in any of the proceedings on the part of the States, or of the United States, any terms or conditions of reversion, any reservations of remainders, or any specific application of the fund to the payment of that debt. This broad assumption of an equity would require examination in various aspects.

The first step in this examination would seem to him to be to inquire to what parties this equitable reversion, or right, not claimed as matter of law, or of fair legal inference from the deeds, but as a general equity, without specified foundation, would enure, in case the right should be recognised? Could it be to any other parties than those making the grants? He thought not. It was found that there was no reversion in terms, and no remainder reserved, either to the ceding States, or to all the States, and the claim was one of mere equity, without legal foundation, and said to result from the conveyances. Could such a claim result to parties not known, not thought of, not in existence, at the time the grants were made? He admitted the right of any grantor of an estate to secure remainders and reversions to any parties he might choose, whether in existence or not at the time of the grant; but he could not conceive of a resulting legal right, much less of a resulting equity, to an entire stranger to the conveyance, to one of whose existence the grantor had not a thought, and towards whom there could have been no intention of making the grant. The claim is that of a mere legal, or equitable, consequence. It is rested upon the assumption that the estate conveyed was a mere trust, that the trusts have been fulfilled in the payment of the debt of the Revolution, and that, in the absence of other express provision, a reversion, legal or equitable, follows. Follows to whom? To what parties? To any but the grantors? Certainly not. It was competent for them to have secured remainders and reversions to whatever parties they pleased; but it is admitted that they did not do so to any parties, by the terms of their grants. If, therefore, any such resulting right can be sustained, it must be in favor of the seven ceding States only, and upon the principle that whatever remains from an estate granted, beyond the full purpose and object of the grant, as well by legal as by equitable consequence, reverts

to the grantor. In other words, what is not granted is retained, and when the grant is satisfied the remainder, if any, rests where it did before the grant.

If this position be wrong, and the deeds of cession are susceptible of a construction which will make this equitable remainder, or reversion, enure to the benefit of all the States, yet the claim assumes that the lands have been a mere trust in the hands of the Federal Government, a trust to pay the debt of the Revolution simply; and that the remaining, or reversionary claim in favor of the States is one exclusively equitable, there being neither the specific application of the fund, nor the resulting right expressed in the grants. In this sense the equity must, of course, be claimed from the trustee, subject to all equitable demands against the estate in his hands. How, then, will this claim, interposed in favor of the States to the proceeds of the public lands stand, upon a fair adjustment of accounts between the trustee and the *cestui que trusts*; between the United States, which have held and managed the fund, and the several States in whose favor the claim is made?

It has already been seen that, so far as the pecuniary interests were concerned, the States did not convey a clear title, but the mere right to purchase such a title from the Indians. The trustee, therefore, must make this purchase to bring the trust fund into a productive state at all, or to render it possible to perform the trust, which is assumed to be the payment of the debt of the Revolution. If these be sound positions, there is a very short way of showing that the equity in the remainder, or reversion, whatever it may be, and however clearly it may exist, cannot yet attach, because the net annual proceeds of the lands do not now, and are not anticipated for the year to come, to be equal to the current charges upon the Treasury, for the purchase of the Indian titles, and that branch of the Revolutionary debt yet undischarged. Two items only of the current ordinary expenses of the Government will demonstrate this fact.

The Indian annuities are debts contracted for the purchase of the Indian title to these lands, and the Revolutionary pensions are, upon every fair principle of equity, a part of that debt which it is assumed the lands were to pay. It might be said, that these pensions were mere gratuities, disconnected from the legal debt at the time of the cessions, and, therefore, not legally chargeable upon the fund thus provided for the payment of that debt. Admit this objection, in its legal sense, and what is its equitable aspect? Why have the pensions been granted? Is it not because resolutions of the Congress held out inducements to enter the military service of the country which were not fulfilled, and because the currency in which the soldiers in that memorable war were paid was valueless? Were not these, then, equitable claims against the United States, and are not the payments equitable charges upon a fund dedicated to the payment of the Revolutionary debt, before a mere inferential and consequential equity can sweep away that fund? It did not appear to him that the point admitted of argument. It was too clear for discussion, and too just for resistance. He would state the account current between the Treasury and the lands, upon this simple principle, and see what was the equitable remainder or reversion to the States.

The actual amount payable to the various Indian tribes annually from the public Treasury, as annuities secured to them by different treaties, and as interest upon money stipulated by treaty to be permanently invested, and not yet invested, as shown by a statement in his hand, carefully prepared at the Indian Office, is \$817,793 00

The actual payments from the Treasury for Revolutionary pensions, for the year 1839, as shown by a statement from the office of the Second Comptroller of the Treasury, and now before him, were 2,956,135 75

Making, together, an amount of annuities for Indian lands, and pensions to officers and soldiers of the Revolution, payable annually from the National Treasury, of \$3,773,928 75

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The estimated receipts into the Treasury from the sales of the public lands for the present year are just about the same as the actual receipts of the last year, and either sum is - 3,500,000 00

This will leave an annual balance of the annuities and Revolutionary pensions, over and above the whole current proceeds of the lands, of - \$273,928 75

This will be about the true state of things for the last and the present years. It is true that the payments for Revolutionary pensions are now diminishing, from the death of the pensioners, more rapidly than they are increased by new applications and admissions under the existing laws, and this diminution will be annually more and more rapid, if further legislation does not prevent it. It is also true that many of the Indian annuities are for terms of years, and the expiration of such annuities may sink the amount of payments under that head, if new treaties do not make a corresponding addition. So also the annual sales of lands may be extended in future years, and thus this comparison be changed. But at present there are no net proceeds from the lands, if these two single items are made an annual charge upon them. Still there are constant annual charges of the highest necessity, which are not included here, and which, by the admission of all, should be deducted to arrive at the net proceeds for distribution. He referred to the ordinary expenses of the land system, of the General Land Office here, of the various local land offices, of surveys, and all those classes of expenditures which are paid by annual appropriations from the Treasury, and not by commissions upon the money collected. These expenses cannot fall short of, and are more likely to exceed, half a million annually. He had caused them to be ascertained for the five years, commencing with 1833 and ending with 1837, to be used for another purpose, and during that period they averaged more than one million per annum. Those, however, were years, or at least some of them, when the surveys and sales were unusually extensive. Still half that average, he thought, could not be excessive for ordinary years. It should not be forgotten that no mention is here made of annual payments for holding new treaties, for new purchases of land from the Indians, and for the many other constant but uncertain expenditures growing out of the acquirement of title, management, and sale of these lands, and nothing is said of the expenses of the frequent Indian wars which have attended the execution of the various treaties, and the clearing the lands from Indian possession.

He would now pass to another part of the argument. He had already said that the right of the States to the distribution proposed, and the power and duty of Congress to make it, had been attempted to be rested upon the deeds of cession from the States to the United States, and the alleged object and purpose of those cessions. He had previously attempted to show that neither those deeds, nor any of the proceedings, either on the part of the States, or the United States, presented any resting place for the assumptions in question. He might, however, have been mistaken in his efforts to accomplish that object, and it would be too great an exhibition of vanity on his part to say he had accomplished what he had hoped to accomplish upon those points. He must, therefore, pursue the argument further. Suppose he had wholly failed to establish those positions, a consequence followed from which there was no escape, and that he would now state.

No right of the States, or power or duty of Congress, based upon the deeds of cession, could apply to any other than the ceded territory. This must be admitted, for whether the cessions contained upon their face reversionary rights to the ceding States, or remainders over to all the States, no such rights could attach, or be valid, either in law or equity, beyond the limits and interests of the estate covered by the deeds; the estate to which the grantors in the deeds claimed title or interest. He would not for a moment presume that any Senator

would attempt to push the right of the States to a distribution of the proceeds of the public lands upon such grounds beyond this limit, and he would therefore proceed to show how far short of the ground covered by the proposition before the Senate this justification of its principle and equity would be found to cover.

The boundaries of the cessions were, invariably, all the lands situate without and beyond certain defined limits, northerly, westerly, or southerly, and without any prescribed extent, or specified limit, north, west, or south. The limits of the ceding States in those directions were fixed and defined, and the grants were of all the lands belonging to the granting State without and beyond its boundaries. The most which can be asked, therefore, as the outer limits of the ceded lands, is the outer limits of the United States as established by the definitive treaty of peace of 1783. This must follow from the fact that the lands, whether in fact the property of the Confederation of States, or of the seven ceding States, were held by conquest in the war of the Revolution, and cannot be supposed to extend beyond the boundaries fixed in the treaty which terminated the war, and fixed the limits of territory for the belligerent parties. The western and southern of these boundaries are now alone material, as the northern and northwestern is the present limit of British and American possessions. The western and southern of these boundaries, beginning upon the Lake of the Woods, are described in the treaty as follows:

"And from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty-first degree of north latitude; south by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola or Catohouchie; thence along the middle thereof to its junction with Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic Ocean."

Thus making the middle of the Mississippi river the western, and the thirty-first degree of north latitude the southern boundary of these cessions. With these boundaries, the ceded lands do not include any of the territory west of the Mississippi; and the Territory of Iowa and the States of Missouri, Arkansas, and Louisiana, and all the country west of them, are free from any claim of the States growing out of the deeds of cession. So, also, those parts of the States of Mississippi and Alabama, south of the thirty-first degree of north latitude, and the whole of the Territory of Florida, are equally untouched by these grants. It may be well further to specify what the grants do not touch, before seeing what they did cover and convey. They did not, then, touch any portion of the old thirteen States, as at present bounded, or any portion of the present States of Maine, Vermont, and Kentucky. A very small portion of the State of Tennessee was ceded by the deed of cession of North Carolina; but the remnants of land were so scattered, and so badly located, that the Government has never yet supposed it a matter of interest to cause their survey, or to open a land office and attempt a sale of lands within that State. Indeed, it seems now certain that nothing is to come to the common Treasury from the public lands in Tennessee, as a bill passed this body at its last session, without a dissenting vote, to cede the remnants of those lands to that State without compensation; and a similar bill has again passed by the same vote, at the present session. Thus the whole cession of North Carolina is disposed of, without bringing one dollar into the Treasury; for he found that the law for the admission of the State of Tennessee, described the State as "all the territory ceded to the United States by the State of North Carolina." He did not mention this fact to the prejudice of that old, patriotic, Republican State. Her cession had given to the Union one of the proudest of the present sisters of the family; and it was made with a patriotic devotion to that Union not inferior to that which governed the action of any other of the seven ceding States. Yet when a claim for a reversion, or an equitable remainder, was interposed against this Government, a fact like this spoke volumes in relation to that equity. It showed, beyond the power of question, what net proceeds one of the ceding

States would receive, if the right of reversion to the ceding States alone should be admitted, and the equity claimed should be adjusted by that rule.

There were other facts of a somewhat similar character, to which it might be well to refer in this connection. The cession of Georgia was last made, and comprehended all those portions of the States of Alabama and Mississippi which are north of the thirty-first degree of north latitude; and it is daily contended here, by the friends of this proposition for distribution, and has been regularly so contended, ever since the Cherokee controversy has been known to the country, that the Federal Government, by the terms of this cession, had contracted to pay all and more than the ceded lands were in fact worth. And ever since the late Cherokee treaty, extinguishing the Indian title to the lands in the State of Georgia, this argument, which, previous to that period, was only hypothesis, has been assumed as demonstration. The net proceeds of the Georgia cession, then, must be much like those of North Carolina—nothing. Virginia is claimed to have made the great and material cession, and yet Virginia did not cede Kentucky, the only part of the great unappropriated country, in all probability, falling within her chartered limits. Kentucky was constituted a State from the acknowledged bounds of Virginia, as was Maine, at a much later day, from those of Massachusetts. These facts were not mentioned, or referred to, for the purpose of detracting from the patriotic liberality, public spirit, and devotion to the Union, of Virginia. Far from it. She claimed the territory northwest of the Ohio rather by conquest than by chartered right, and she ceded her claim, whatever it might be, as a common fund to the Union, upon terms which yet show, upon their face, that her object was the extension of those free Republican principles she has ever so dearly cherished, and so fearlessly maintained, rather than any pecuniary consideration to herself, or even to the Union.

These facts, however, show that from all the ceded territory southwest of the Ohio, no net proceeds were to come, or ever can come, into the common Treasury, either for distribution or for any other purpose.

It would be proper here to extend a little farther an idea following from a former position of his argument. He had attempted to show, and he thought upon unanswerable grounds, that if any right of remainder, or reversion to the ceded lands, or to their proceeds, whether legal or equitable, can be sustained in favor of any of the States, it must result to the ceding States only, as it was only asserted and claimed as an inference and consequence of law or equity, from the grants, and the alleged object and purpose of the grants. He now wished to inquire, upon the supposition that such a right should be admitted, what would be the state of things with the ceding States. He found, upon a careful examination of the deeds of cession, that the descriptions of the territory ceded by New York and Massachusetts were identical, and without stopping to inquire where, within the present bounds of the United States, that territory was, who should determine what the rights of these States would respectfully be to such remainder or reversion? Let the cessions of Connecticut and South Carolina be examined with the same view, and let those who could, answer these inquiries.

He would now proceed to show where and what the ceded lands in fact were, regardless of the question as to what State may have originally owned them, or what State may now be entitled to a remainder or reversion of them, or their proceeds. Those portions of the States of Alabama and Mississippi north of the thirty-first degree of north latitude, the States of Indiana, Ohio, Illinois, and Michigan, and the Territory of Wisconsin, embrace the country, and, from a calculation made at the land office, which he held in his hand, the whole number of acres, within those districts of country, were,

231,773,379

From this quantity, the number of acres reserved in the deeds of cession, were - - - 7,226,405

Leaving the the number of acres actu-

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ally ceded, including the cession of Georgia 224,546,974
 Out of these lands Congress has made certain specific grants, viz:
 For military bounty lands, (acres) 4,266,615
 For schools, roads, canals, &c. - 8,673,278
 And there was reserved in Indian treaties, to be sold for the exclusive benefit of Indians, - 6,830,051
 And certain private claims upon the lands northwest of the Ohio, existing previous to the cessions, have been since allowed, and have taken, - 2,310,265
 22,080,209

Thus leaving the number of acres for sale, and to produce money to the Treasury, out of the whole cessions, 202,466,765
 Of this quantity of the ceded lands, the Indian title still remains not yet extinguished, or, in other words, the United States have not purchased, the following parcels, viz:
 In the State of Ohio, (acres) 107,816
 Do. Indiana, 504,800
 Do. Michigan, 8,932,440
 In the Ter'y of Wisconsin, 17,377,675
 26,922,731

This leaves the number of acres owned by the United States, by clear title, and which could have been and can be sold for the benefit of the common Treasury, - 175,544,034
 Out of this number of acres, the United States had, on the 30th of September, 1839, sold, and received pay for, - 69,678,915

Leaving, of the ceded lands, susceptible of sale, on the 1st October, 1839, this number of acres, though portions had not been surveyed and made "subject to sale," - 105,865,119
 These lands are situate in the following States and Territories, viz:
 In the State of Ohio, (acres) 1,801,394
 Do. Indiana, 4,984,354
 Do. Illinois, 19,436,870
 Do. Michigan, 20,998,493
 Do. Alabama, 19,940,585
 Do. Mississippi, 11,549,003
 In the Ter'y of Wisconsin, 27,154,420
 105,865,119

These statements, as will be seen, exclude the remnants of the ceded land belonging to the United States in the State of Tennessee. The reasons for that exclusion have been before given, and the simple fact only requires mention here. It will be seen from the above table that a very large proportion of these lands are in States extensively settled; and whether, from the fact of those settlements, and the improvements consequent upon them, the lands are worth more than the average of the public lands, or whether they are, from this same fact of extensive settlements, culled and inferior lands, he had no means of determining. The term of years for which many of these lands have remained in the market, and subject to sale at \$1 25 per acre, to any purchaser who should choose to enter them, is certainly not favorable evidence either as to their quality or location, or both.

Such, however, is the extent and present condition of this ceded territory, and such the fund from which any distribution, rested upon the deeds of cession, must be made, and not from that great public domain of the Union, the most of which has been acquired; not from the States, but by purchases from foreign Governments, by the powers of the Union, and with the "property," the money, of the Union.

This would bring him to a further position, which, in his mind, was most material to the pre-

sent discussion. The assumption was that on equity, on the part of the States, to the distribution proposed, did actually exist, from whatever source that equity was derived, and upon whatever foundation it might rest. Still the equity set up and contended for was merely to the net proceeds from the sales of the public lands, and it became, therefore, material to determine what was "net proceeds" from those sales, in an equitable sense, between the common Treasury and the several States; inasmuch as the proposition was advocated by its friends, as he had before shown, upon equitable and not legal grounds. What expenses, then, should be deducted from the gross proceeds to determine the equitable net amount for distribution? He would name the heads of those expenditures, which he thought such a rule would deduct, and he would leave it to those who should follow him in the discussion to point out his errors, if any, upon either side. That he should not include any head of expenditure which ought to be excluded, he felt sure but that he should omit some which ought to be included, his very imperfect acquaintance with the subject rendered more than probable. The following, however, were the heads of expenditure which he would present:

1. The purchase money for lands paid to the Indians in hand.
2. The annuities stipulated by treaty to be paid to the Indians in lieu of purchase money.
3. The expenses of holding Indian treaties for the purchase of lands.
4. All payments stipulated to be made to Indians, by the treaties with them, for buildings, schools, mechanics' tools, mills, implements of husbandry, and the like; all these being payments in lieu of purchase money.
5. All expenses of the removal of the Indians from the lands, and of their subsistence on the way and at their new homes, when made from the Treasury of the United States.
6. All expenses of the survey of the lands for sale.
7. All expenses of the Surveyor General's offices.
8. All expenses of the local land offices, which are not paid in commissions upon the money received.
9. All expenses of suits to establish the title to the lands, or to maintain it, and to protect the lands from trespasses.
10. All expenses of the General Land Office at Washington, and of the offices to preserve the records of titles elsewhere.
11. The five per cent. commissions reserved to the new States, by the terms of their admission into the Union.

All the expenditures, under all these heads, have been incurred, and must have been incurred, to enable the United States to perfect, preserve, and maintain, the titles to the lands, to protect the lands from waste, and to make sale of them, and thus execute the alleged trust of paying the debt of the Revolution from their avails. "Net proceeds," therefore, could not be looked for until these expenses were paid beyond the assumed trust.

It was proper here to say, that most of the land bills heretofore introduced, and which had occupied the attention of Congress at former sessions, either did not prescribe any rule to determine what should be considered net proceeds, or prescribed a rule erroneous in principle, and unjust to the National Treasury. He believed there had been six of these bills presented to, and considered by, this body; and the first four provided for the distribution of the "net proceeds" of the sales of the lands, without declaring what should be considered such, or laying down any rule by which that should be determined. The two last declared that the expenditures under the following heads should be deducted from the gross proceeds, and what remained should be held to be net proceeds, viz:

1. The salaries and expenses on account of the General Land Office.
2. The expenses of surveying the public lands.
3. The salaries and expenses of the Surveyor General's offices.
4. The salaries, commissions, etc. of the registers and receivers of the local land offices.
5. The five per cent. upon the amount of sales,

reserved by the terms of their admission into the Union, to the States in which the lands are situated.

The deductions here provided for, it cannot fail to be seen, are merely such as are indispensable to keep the system of sales in operation, and do not make any allowances for the expense of acquiring the Indian title, of defending that title, and clearing it from the Indian possessions, and other incumbrances—expenses as necessary to bring the lands into the market for sale, as those of the land system itself. Such a rule of net proceeds was to charge upon the common Treasury, and the revenues of the country derived from other sources, the cost of the lands; and of acquiring their possession, and to divide their avails among the States discharged from that cost.

This brought him to another and most important position in this discussion. It was that, upon the fair rule of calculating the net proceeds of the lands which he had laid down, there never had yet been any net proceeds, either for application to the debt of the Revolution, or for distribution, whether the whole public domain, or the lands ceded by the States only, were taken into the account. This proposition might be startling to some members of the body, as it would no doubt be to a very large proportion of their common constituents, and yet he had taken the utmost pains to learn the truth from the proper offices, and he held in his hand the official statements to verify this position. He had procured the data from which he spoke during the last session of Congress, and the accounts were brought up to the 30th of September, 1839, but nothing had transpired, since that time, which could materially vary the results then exhibited. The facts were taken from the records in the archives of the country, and must, if any thing could, lay the foundation for correct and safe conclusions.

He would first state the account with the whole public domain, as these records presented it. He would not detail items, as that would be tedious and unprofitable, but the statement before him showed that the cost to the United States of Louisiana, as purchased from France, and Florida, as purchased from Spain, the payments to and for the State of Georgia in conformity with the terms of the cession, the expenses of the General Land Office, of the local land offices, including salaries, commissions, and the like, the expenses of surveys, including those of the Surveyor General's Offices, and the five per cent. upon the amount of sales to the new States, had together, up to the 30th of September, 1839, amounted to - \$49,081,172 20

A similar statement from the Indian Office, made upon the principle of estimating perpetual annuities at a capital which, invested at five per cent. would produce the annuity, annuities for terms of years at their actual amount, and life annuities as annuities for twenty-one years, and all other amounts as actually paid, or stipulated by treaties to be paid and yet due, showed that the amounts actually paid and liabilities incurred by the United States for the extinguishment of Indian title to different portions of the public lands, and for the removal of the Indians therefrom, up to the 30th September, 1839, were - 85,974,052 84

Making the whole actual cost of the public domain, to the Treasury of the nation, up to the date named - \$135,055,225 04

A statement from the General Land office shows that the gross receipts of money from the sale of lands, up to the same date, was but - 116,198,179 15

Thus leaving a balance against the lands, and in favor of the Treasury, upon a simple comparison, between the expenses for their

account and the receipts from them, of - - - \$18,857,045 89

This is the result of the statement of the account with the whole public domain. A statement applicable to the lands ceded by the States simply, making the number of acres of land surveyed and sold, and the amount of purchase money received, the rule of proportion of charge as to the items to be divided, such as the expenses of the General Land Office, and the like, and preserving the principles of the former statement as to annuities, presents the following result.

Payments to and for the State of Georgia, the five per cent. to the new States, all the expenses of the local land offices, and the proportion of the expense of the General Land Office, of surveys, and the like, applicable to the ceded lands, up to the 30th of September, 1839, had amounted to \$16,416,589 11

The proportion applicable to these lands, of the expenses of extinguishment of the Indian title, including the annuities and other liabilities yet unpaid, as nearly as it is possible to ascertain the proportion from the treaties and appropriations, is 83,476,882 84

Thus showing the actual cost to the Treasury of the ceded lands, up to the 30th of September, 1839, to be - \$99,893,371 95

A statement from the General Land Office shows that the whole gross receipts from the sales of the ceded lands, up to the date mentioned, have been - \$98,786,265 56

This leaves a balance in favor of the Treasury, and against the ceded lands alone considered, and simply comparing the expenses for their account with the receipts from their sales, up to the date named, of - \$1,107,206 39

There might be slight errors in these calculations, but it would be perfectly apparent to any one who would make himself acquainted with the subject, that if the results varied from the exact truth, that variation would be found to be in favor of and not against the lands, in either statement. No items of expenditure had been included which had not been incurred, while it was scarcely possible that some should not have been overlooked, which should justly have been embraced. It should also be remarked here, that nothing is included in either of these statements to cover the expenses of the various Indian wars which have grown out of the treaties for the purchase of lands, and the execution of them by the removal of the Indians from the lands sold.

There have been, then, no net proceeds from the sales of the public lands even to apply towards the extinguishment of that Revolutionary debt which the cessions of the States are said to have been made to extinguish, and much less to distribute to the States over and above that debt. So far, therefore, the equities are palpably in favor of the National Treasury instead of the ceding, or any other States, and it would seem to be in time to talk about the indebtedness of this Government to the States, by reason of the lands, when its Treasury shall have been reimbursed, the money paid, and liabilities incurred, on their account.

To meet an allegation often made, and which had been repeated in the course of this debate, that injustice had been done to the States, and they had been made to suffer in their pecuniary interests, by the refusal of the late President to sign the bill which passed both Houses of Congress during his administration, providing for a temporary distribution of the net proceeds of the public lands among the States, he would lay down another position, which the facts would sustain. It was that the States received from the United States more money, under the deposit act of 1836, than they would have received under either of the six land bills which had been introduced into that body, by an honorable Senator from Kentucky, [Mr. CLAY]

if either of those bills had been passed and become laws, and especially the one which did pass the two Houses, and failed for the want of the signature of the President.

The first four of these bills, including that one which passed the two Houses, proposed to make the distribution for a period of five years, commencing with 1833, and ending with 1837, and simply directed that "the net proceeds" should be distributed in a certain manner, without prescribing any rule by which net proceeds should be determined. As, therefore, the rule he had laid down was manifestly the fair and just one, he should make the comparison based upon that rule. Before proceeding to do that, however, it was due to the subject to remark, that the period selected by the honorable Senator for the operation of these bills, turned out to be far the most fortunate for his plan of distribution, and for this comparison in that aspect, which could have been selected since the commencement of the land system. It was a fact that the receipts into the Treasury from the lands, during the five years named, were more than half of the whole amount of those receipts from the first land sales in 1794, to the close of the year 1839, a period of forty-five years. It had already been shown, in another place, that the entire receipts of money from the whole public domain, up to the 30th September 1839, were - \$116,198,179 15

During the five years commencing with the 1st of January, 1833, and ending with the 31st of December, 1837, those receipts were:

For the year 1833,	\$4,972,284 84
" 1834,	6,099,981 04
" 1835,	15,999,804 11
" 1836,	25,167,833 06
" 1837,	7,007,523 04
	\$59,247,426 09

Thus leaving the gross receipts of the remaining forty years to amount but to the sum of - \$56,950,753 06

Being less than the amount received in the five years covered by these first four land bills, by the sum of - \$2,296,673 03

If, then, the sum received by the States under the deposit law of 1836, was greater than the net proceeds of the lands for these five years, it will not be pretended that any other five years could have been, or can now be selected, which will produce a more favorable result for the distribution interests. A comparison from the records will establish the following facts. The expenses of the General Land Office, of the local land offices, of the Surveyor General's offices, of surveys, including all salaries, commissions, and contingent expenses of commissions to settle land claims, and the five per cent. to the new States, for the five years from 1833 to 1837 inclusive, amounted to \$5,368,843 70

The amount actually expended in the Indian Department during the same five years, as ascertained from the appropriations and accounts, exclusive of Indian wars, and the suppression of Indian hostilities, was - 18,743,314 93

The value of Indian annuities created, and stipulated by treaties to be paid, during that five years, estimating the annuities for terms of years at their actual amount, those for life at twenty-one years, and those which are perpetual as a capital which, invested at five per cent. will produce the annuities, was - 5,933,400 00

The value of the annuities resting as a charge upon the lands at the commencement of the five years, and which could not produce net proceeds until those debts were discharged, was - 6,675,675 00

The amount of the money paid to the States under the deposit act of 1836, was - 28,101,644 97

These sums together, make a total of - - -	64,822,878 60
The gross receipts from the lands for the five years, as has been shown, amounted to - - -	59,247,426 09

Thus showing a deficiency in the receipts to meet the payments for account of the lands for the period, to discharge the liabilities contracted for and resting upon the lands, and to make the payments to the States, which were actually made under the deposit act, of the sum of - \$5,575,452 51

These charges and payments, for the five years, may seem large, and they are so; but it must not be forgotten that, while we sold lands rapidly during that inflated and speculating period, we also purchased rapidly from the Indians; and an examination of the transactions of the Government will show that more Indian title was extinguished, and a greater number of Indians were removed west of the Mississippi, during the period in question, than in any other period of equal length, if not more than ever previously. It may be supposed that the fourth item in the statement, that for the annuities existing previously to the commencement of the five years, is improperly charged in the account. It is not easy to see how the lands could be said, with truth, to produce net proceeds for distribution, while debts legally and equitably chargeable upon them, debts contracted for their purchase, remained unpaid; but if this item be mistaken, another of a less amount, the annual current annuities for the five years, should unquestionably be substituted. They would make an amount of \$1,668,918 75 for the period in question, and such a change in the statement would still leave a deficiency in the fund to meet the payments of \$568,696 26. In any shape, therefore, in which the comparison can be made, the sum paid to the States was more than the net proceeds of the lands would have given them for the period which has been examined.

The later land bills proposed to make the distribution for the five years commencing with 1837 and ending with 1841, and although they prescribed a rule, and, as he thought, one most erroneous and unjust to the Treasury, for determining what should be considered net proceeds, yet under those bills and that rule the States could not have received any thing like the sum which has been paid to them under the deposit act. Indeed it does not now seem likely that the whole gross proceeds of the sales for these five years will reach the amount so paid over to the States. It was not his intention to enter into any discussion now as to the character of those payments and whether they were to be viewed in the light of deposits or distributions. When the bill was on its passage, which authorized the payments to be made, he attempted to show that they would be distributions in effect, if they were not in form, and he believed all would now admit that such was likely to be the result.

A single remark further under this head, and he would indulge what seemed to be the wish of the Senate, by yielding to a motion to adjourn. It should not escape attention that, in all these statements and comparisons, nothing has been taken from the proceeds of the lands to be applied to the debt of the Revolution, to the payment of which it is said they were pledged by the States; nothing to pay the Revolutionary pensions, in equity certainly a part of the Revolutionary debt, and for several years last past amounting to some three millions per annum; nothing to pay the expenses of Indian wars prosecuted for the recovery and protection of these lands, and two of which, within the five years from 1833 to 1837 inclusive, took from the National Treasury probably not less than twenty millions of dollars.

Here the Senate adjourned.

THURSDAY, January 28.—Mr. WRIGHT said, if he had succeeded in making himself understood yesterday, it would be recollected that he sought to establish the general position that the proposition now before the Senate, to distribute the proceeds of the public lands to the States, was, in principle, identi-

cal with a proposition to distribute any other equal portion of the revenue, derived from customs, or from any other source, or an equal portion of the proceeds of any other property of the United States. His course of argument was,

First. That the power given by the Constitution to Congress, over the lands or "territory" and over all "other property belonging to the United States," was identical.

Second. That the deeds of cession from the States contained no provisions laying a foundation for "claims" upon the lands, or their proceeds, in favor of the ceding States themselves, much less in favor of the other States, within the meaning of the second clause of the third section and fourth article of the Constitution.

Third. That any such "claims," if existing by legal inference and consequence from the cessions, and whether of a legal or equitable character, could only so exist in favor of the seven ceding States, and not in favor of all the States, to which this proposition proposed to distribute the proceeds of the public lands.

Fourth. That no such "claims" flowing from the cessions, either by express provision, or by legal inference and consequence, can attach to any other than the ceded lands and their proceeds, while the proposition under discussion is to distribute the proceeds of the whole public lands, including as well the proceeds of the public lands acquired by purchase as of those ceded by the States.

Fifth. That if, as is insisted by some, there be equitable "claims" in favor of the States to the net proceeds of the public lands, after the payment of the debt of the Revolution, no such claims can yet exist, because that debt is not paid, and cannot be, while the Revolutionary pensioners remain a charge upon the Treasury; because no part of the proceeds of the lands have yet been applied towards the payment of the Revolutionary or any other debt, except the expenses incurred for account of the lands themselves; and because, whether the account be stated with the whole public domain, or with the ceded lands only, the whole proceeds have not yet equalled those expenses.

Sixth. That the sum paid to the States under the deposit act of 1836 is greater than any sum they could have received under any of the former land bills, if either of those bills had passed and become a law, and consequently any equity in favor of the States thus attempted to be established, had been cancelled by payment in money.

He would now pass to another view of the subject. Much had been said, in times gone by, of the severity, the injustice, the cruelty, of our Indian policy—of our driving "the poor Indian" from his home, and the graves of his fathers, without a just compensation for his lands or a suitable provision for himself. At one period during the late Administration, complaints of this character took a political and partisan direction, and the venerable patriot then at the head of the Government, with the friends who supported him, were charged with cruelty and extortion towards these ignorant and unprotected natives. The treaties making for their lands were broadly and loudly censured as oppressive and unjust, as securing no adequate return to the red man for the value of his property wrenched from him; and his removal from the lands, in conformity with his treaty stipulations, was characterized as nothing short of a violent exercise of arbitrary power—an expulsion by force from his native hearth and his native home.

Perhaps impressed with a sense of the partial justice of these complaints, the then President, General Jackson, directed a change of the policy as to the purchases of land, and a treaty was entered into with the Chickasaw tribe of Indians, covering their whole extensive country east of the Mississippi, in the month of May, 1834, upon the new terms proposed. These terms, were, in brief, that the United States should become the trustee of the Indians, without compensation, for the survey and sale of the lands and the removal of the tribe to their new homes in the West, and should account for and pay over to them the whole proceeds, merely deducting the actual expenses of the execution of the trust; but reserving no commissions or other compensation for the su-

perintendence and responsibility. This new policy met the approbation of this body, as the treaty was ratified here, by the vote of two-thirds of the members present necessarily, and thus became the supreme law of the land, as between the United States and these Indians, and as between the Treasury of the United States and any proceeds from the Chickasaw lands. He well recollected that, at the time, this treaty was freely and universally spoken of as the commencement of a new and more just policy in our dealings with the Indians, and the subject impressed itself more strongly upon his mind, because it was substantially the policy which his own State had pursued in the purchase of the Indian lands within her limits, and subject to her pre-emptive right, ever since he had had any knowledge of her Indian relations.

His present impression was, that this treaty with the Chickasaws was among the last which had been made between this Government and the Indians, covering any large extent of lands. Was this new, more liberal, more just, more humane policy to prevail hereafter? Who would rise in his place here, and say it was not? Who would contend that, for the sake of bringing money into the Treasury for distribution to the independent States of this Union, speculations were again to be attempted in the purchases of Indian lands? If no one, then the question of proceeds for such distribution, beyond the unsold lands to which the Indian title has been already extinguished, is at rest forever.

The extent of the interest in the unsold lands to which the Indian title has been extinguished, he was unable to state, as he had not possessed himself of the facts upon that point, except as to the ceded lands. In reference to them he had done so, with great labor, and he had reason to believe with great accuracy; and as some of the leading features of this discussion made the facts upon this point most important, he would again refer to the exact figures, in another view which he was now called upon to take of this equity in favor of the States, growing out of the cessions.

The assumption and argument is, that the cessions were made to pay the debt of the Revolution, with a resulting equity, not in favor of the ceding States, but of all the States of the Union at any period, not expressed upon the face of the deeds of cession, but following as an equitable consequence from all the transactions connected with and relating to the cessions. This position and argument pre-supposes that the payment of the debt was the first condition of the trust, and that the remainder over to the States was the residue of the fund after the payment of that debt out of it. The equity contended for, therefore, must be to that residue of the common fund constituted by the ceded lands, for it would be trifling to say that the cessions were made to the common Treasury to constitute a fund for the payment of the debt of the Revolution, with an equity over in favor of the States, to such remainder as might exist after the payment of the debt; and that that equity attaches before one dollar has been taken from the fund towards the payment of the debt, for the payment of which it was exclusively pledged: in other words, to contend that the entire pledge, the very object and purpose of the cession, has become merged in the mere equitable remainder, and that that incidental and inferential equity now swallows up the whole, and more than the whole, fund; the entire proceeds of the whole public domain, over and above the necessary expenses of Administration.

Take then the fair ground of the argument, that the equity, if it exist and can be maintained at all, is to the remainder of the fund to arise from the sales of the ceded lands, after the payment out of it of the debt for which the fund was constituted and pledged. It had been already seen that, of the ceded lands, the Indian title remains yet unextinguished to 26 922,731 acres. If the policy adopted in the Chickasaw treaty is to govern the extinguishment of the title to these lands; if the Indians are to receive the whole proceeds as the Chickasaws do, deducting merely the actual expenses, then no proceeds are here to be realized, either to apply towards the debt, or to strengthen the remaining equity in favor of the States. All that remains,

therefore, for both objects, is the quantity of the ceded lands yet unsold and to which the Indian title has already been extinguished. That quantity had been shown to be 105,865,119 acres. A balance in favor of the common Treasury, for the mere expenses upon the ceded lands, has been shown yet to exist to the amount of more than eleven hundred thousand dollars, which should be first paid out of this unsold remainder of the fund. Then the future expenses of management and sale and collection must be deducted from the proceeds. Then the debt of the Revolution, usually so called, existing at the time of the formation of the constitutional Government, was more than one hundred millions of dollars, and after all these demands shall be discharged from the proceeds of the sales of the one hundred and five millions of acres of ceded lands, what do gentlemen suppose will be left for distribution to the States under this alleged resulting equity? Is there a man who believes that the claims specified can be paid from the *residuum* of the fund? He did not believe there was, and yet he had said nothing of the Revolutionary pensions, as a part of the Revolutionary debt, and which were now a larger sum annually, than could be brought into the Treasury in proceeds from the sales of the ceded lands remaining unsold. Admitting, therefore, for the sake of the argument, the equity claimed and contended for, and which is not admitted for any other purpose, or believed to be sustainable upon the facts, and there does not seem to be any fund upon which it can act in aid of the measure now proposed.

A single other proposition would enable him to come to the close of this part of his argument; and that was one which had been referred to in his opening remarks, and which would now be fully admitted by every friend of the distribution policy in the Senate. It was that the common Treasury could spare nothing from its present revenues, those from all the public lands included, and meet the necessary expenses of the common Government, without an increased supply of means, from some other source of revenue, at least equal to the amount of money distributed under the name of *net proceeds* of the land sales.

It was his good fortune, after the tedious details he had been compelled to go through, to know, and to be able to say to the Senate, that very brief references of this character would content him upon this point. He had before said his notes were prepared during the last session of Congress. His references, therefore, as a necessary consequence, had been made to the state of the Treasury at that time. The year 1840 was then his test of the proposition—a year when the estimate of revenue, from the proper department of the Government, was less than the estimate of expenditure by one million four hundred thousand dollars. This expected deficiency was to be met, for that year, by the unexpended balance in the Treasury on the first day of it, and by the avails of certain debts due to the Treasury from the banks, growing out of the accumulations of revenue in former years.

Still he had felt it to be his duty, making his remarks now, to apply them, in this respect, to the anticipations for 1841. He found the estimates from the same Department, for the current revenue of the present year, to exceed that of the current expenses by three millions three hundred and thirty thousand dollars; but, at the same time, presenting the two material facts that the collection upon the debts to the Treasury, within the last year, had very nearly consumed that accumulation of means from the revenue of former years, which was then made a reliance, and that an outstanding debt, in the shape of Treasury notes, issued for the expenses of the last year, would fall upon the Treasury for redemption during the present year, over and above the current expenses of the year, which would very nearly consume this surplus of revenue, and all which could be further realized from the debts against the banks, and would only leave in the Treasury, on the 1st of January, 1842, the sum of \$324,273, in case every thing shall be realized which is anticipated, and appropriations of Congress shall not exceed by a dollar the estimates of expenditure.

This simple statement will show that, the whole land revenue being retained in the Treasury, it is a matter of reasonable doubt, whether the Government can reach the close of 1841 with a dollar in the Treasury; or whether there will then be found an empty Treasury and an existing debt, and this too without reference to the appropriations of Congress beyond the estimates. The sources of supply are merely conjectural, and the slightest disappointment, in any of the anticipated sources, may change the balance. Then it has been usual for Congress to exceed the estimates in its appropriations, by the sum of one and a half to three millions of dollars, and if that shall be the result of the action of this session, a deficiency of means, without a loan, ceases to be a question. In any event, the facts before Congress and the country, authorized the inference he wished to draw, that the Treasury of the nation could spare nothing from its resources for distribution to the States, or for any other application, without a counterbalancing supply of means from some improved source of revenue, or from loans upon the credit of the country.

This brought him back to the position he had, from the first, been laboring to establish, viz: that a proposition to distribute, to the States of the Union, the proceeds of the sales of the public lands, *net* or *gross*, in any aspect in which it can be compared with the material facts, is but a proposition to distribute to those States an equal amount of the general revenues of the country, whether the principle or practical effects of the measure be considered.

In reference to this proposition, established by facts and history, as he believed it to be, he had but a very few remarks to make; and as he saw he was exceeding the time to which he had limited himself this morning, he would hasten to his conclusion. He would admit here, as preliminary to what he was about to say in reference to this broad principle upon which the favors of this Government were to be dispensed, that an argument founded upon the possible abuse of a power expressly granted by the Constitution was not a legitimate course of argument, in the field of discussion. Under our system, whatever was granted to Congress had been so granted by the States and the people, and whatever had not been so granted was expressly reserved to the one or the other. If, then, this right of the States to the distribution proposed, or the power of Congress to make it without such right, could be found in the Constitution, that should end his resistance, as matter of principle, and place his action upon the ground of policy alone. But if, as he understood the matter, the right of the States to the money was mere consequential, inferential, constructive, and drawn by doubtful reasoning from the deeds of cession and the circumstances attending that act on the part of the ceding States; and if the powers of Congress to make the distribution are also consequential, inferential, and constructive from the Constitution, and rest upon the unexpressed and doubtful meaning of the deeds of cession, and the still more doubtful objects of those cessions, he should consider an argument, drawn from the possible and probable abuses of such a power, perfectly legitimate to prove that it ought never to have existed, and, if not expressly granted, that it never ought to be drawn into exercise from the most direct construction, much less from one which is forced to leave the Constitution itself and go to other doubtful sources for a resting place.

It should be borne in mind that the position was believed to be established that the passage of the proposition now under consideration, and making the principle contained in it a law of Congress, would be equivalent to an assertion of the power, on the part of Congress, to raise revenue, by taxation or otherwise, and to require property, whether in lands, fortifications, ships, or in any other form, for the purpose of distributing the property itself, or the proceeds of its sale, to the States, in the manner now proposed.

In examining the consequences of the exercise of such a fearful power, it will be necessary to mark the manner of execution, as upon that may depend the form of injury and destruction to our institu-

tions. In any form the consequences may not be less fatal, while the propelling power may be, in any one form, the reverse of that which shall be the moving influence in all the others.

Suppose, then, as the first form of this influence, that the distributions to the States be made without limitation as to the object of expenditure. We thus free the Legislatures of the States from the odium of imposing taxes and burdens upon our common constituents, and take that odious duty upon ourselves; while we leave them to dispense the bounties to the people, which our exactions from their pockets have furnished the means of dispensing. We, in effect, and in practice, convert this Government into a tax-laying and tax-collecting machine, odious and hateful in its action upon the people, and separated from those sensibly beneficent dispensations which render the mildest Government tolerable to a free people, that we may make the Governments of the States dispensers of munificence only, utterly disconnected from those exactions which are among the necessary burdens of all civil Government. Connect with the exercise of this policy the idea, and the fact that this Government exists upon the mere volition of the States; that their pleasure must sustain or terminate it, and that the declination on their part to send representatives into this body may, at any time, put to an end all its active and efficient powers for good or evil, and how long would it be likely to continue, as a mere instrument of taxation, separated from the benefits which the evils of these taxes are to dispense among, and for the benefit of the tax-payers? Commence the system, and where will it be likely to end? Can cupidity be satisfied by giving? And if not, will the benefited States be likely to cease asking? It seemed to him that such a policy must soon drive this Union asunder, by leading to local conflicts and a contention of rival and sectional interests, which can only end in anarchy.

Take the other direction of the influence. Suppose this Government assume, and can exercise the right to prescribe the object of expenditure of the money it shall distribute to a State. All the land bills have proposed to do that, and have enumerated various objects, such as internal improvements, the payment of State debts contracted for such works, education, the colonization of free blacks, and the like. Under such a system of policy, this Government, being the layer of the taxes by indirectness, and the direct dispenser of the bounties, could not fail to swallow up the influence of the State Governments, render them mere bodies politic, without practical utility in the estimation of the people, and finally become a consolidated Republic, and pass rapidly thence to a pecuniary despotism.

Take another view of this exercise of the power, and see if this consequence can be avoided. Taxation for distribution is the policy. The fund is to be expended upon internal improvements, roads, canals, and the like. All such works must be more or less local, and the peculiar condition of one State may render them of great service to its business, most important to its commerce, and, as a consequence of these and other advantages, the means of enhancing the value of its soil and other property in an important degree; while another State may be so situated as to present few facilities for such improvements. So between different classes of citizens, differently situated, in the same State. One class may be located with their property near the proposed improvements, and another class, with an equal amount of property, may be so remote, or otherwise so situated, that they will not only not receive positive benefit, but relative injury, from the proposed public work. Yet all are to be taxed, and in a legal sense equally taxed, for the fund to be distributed. He said in a legal sense equally taxed, because, although he did not propose, upon this occasion, to go into a disquisition upon that point, he thought it would be easy to show that the mode of taxation by duties upon imports, if carried to an extreme, and for purposes of expenditure such as this argument contemplates, not only might but must be most unequal, unjust, and oppressive.

Who are to be benefited in interest by the roads

and canals to be constructed? The holders of property, of lands, of houses, of lots, and the trading and commercial men of the country directly. The laboring poor man indirectly and unimportantly, if at all. Take a case. A tax is imposed upon tea, coffee and sugar, for the purpose of raising a fund to construct improvements of this character, or, what is the same thing in principle and effect, to make up to the Treasury the deficiency of the land revenue taken from it for that purpose. A B is a man of property, an extensive land holder, a merchant, or trader, whose business and property are to be directly and materially benefited by the expenditure of the tax upon a canal, or railroad, and he pays the tax cheerfully, and seeks to have it raised. C D is a cartman, whose whole worldly effects are his horse, cart, and harness. The value of them cannot be materially increased by any road or canal, while their utility to him, and the business upon which he depends, may be destroyed by either. These two citizens have the same families to support. What will be their respective proportions of tax upon the articles named of tea, coffee and sugar? He was aware that it had been, at a former day, and perhaps might be with some now, fashionable to call these articles luxuries, and therefore legitimate objects of taxation, but in his understanding they had become, by the habits of our people, as truly necessities as any articles of importation. They were in common and constant use by all classes of our citizens, the wealthy unquestionably making a more free use of them than the poor and dependent. Still, in the case he had supposed, the amount of tax paid upon these articles would be nearly equal between the two families, while there would be no comparison between the amount of property of each, the amount of benefits to each to be derived from the prosecution of a system of internal improvements by canals, railroads, and the like, or between the taxes they would be compelled to pay for the construction of such works, if equally assessed upon property. What must be the consequence of the prosecution of such a policy through the taxing power of this Government thus indirectly exercised? Could it fail to divide the community into classes and localities? To induce him who was the owner of property to be benefited by the proposed improvements, to strive to increase the taxes upon all, and thus swell the fund for distribution, while he who had no property, and would reap comparatively little benefit, being compelled to pay a nearly equal amount of the tax with his rich neighbor, would oppose the policy, and feel himself oppressed by it? Would not the owner of property so situated as to receive little benefit, or relative injury, from such works, feel that the rule of equal taxation, applied to him, and to the man whose property and business were directly benefited, was unequal and unjust? In a direct assessment upon property the valuations would equalize the burdens. Not so when the tax should be indirect and equal, according to the necessities and conveniences of life consumed. Was it not apparent, from these brief suggestions, that such a policy must set the community at variance, and produce strifes the most dangerous to any well regulated society, those strifes which personal and private interests engender?

There was still another aspect in which this policy might be viewed, even more frightful and disturbing. If it was competent for Congress to direct the expenditure of the fund to be distributed to any extent, it could do so to every extent. If its powers could control the State Legislatures in their application of it, the same powers would enable Congress to apply it without the intervention of those Legislatures at all, not infringing upon the territory and jurisdiction of the State. If Congress could declare that the money should be devoted to the purposes of education, it could distribute it to the particular schools, or, *per capita*, upon the scholars taught. If this could be constitutionally done, the same power would extend to a distribution of money *per capita* to the whole population of the country for any specified purpose, or for the use of the recipients at pleasure. Establish this power in this Government, and then admit, what cannot be denied, that if Congress can raise money by impos-

for distribution to the States or their citizens, it can as well raise it for that purpose by excise, direct taxation, or in any other way in which it can raise revenue at all, and see what a state of things may be produced by the practical application of this splendid policy. Push forward the interests to be enlisted, until the revenue from customs fails to satisfy them; try the excise, and it must soon also fail; and then come to a direct tax, to be levied upon all property by a fair valuation, and distributed *per capita* to the whole people, and we shall have a system of agrarianism, established under our Constitution and laws, more perfect than any which had come to his knowledge, devised by the most radical *Loco Foco* in the land. Gentlemen might say this was putting an extreme case and an improbable supposition. So he considered the proposition for distribution of any portion of the public revenues, in any form, and to any parties, other than for the legitimate expenditures of the common Government; and more especially to distribute a material portion of the necessary revenues of a deficient Treasury. If the latter was constitutional and lawful, he left it for those who could do so to show why the former was not equally so in principle, however much less wise it might be considered in practice. All these considerations had produced the most clear conviction in his mind that the power of distribution, in any form, ought not to exist, and, not being found in the Constitution among the enumerated and expressly granted powers, that Congress ought not to assume it from distant implication, or upon doubtful construction.

Another argument had been used in favor of this proposition, which he wished very briefly to notice. It was that the credit of the States was depressed; and it was our duty to aid in raising them again, and restoring their stocks and bonds to a current and par value. He differed from the gentleman upon the other side in relation to our duties touching the State debts and the State credits. In his opinion, our duties would be best discharged by attending to the business of this Government, and leaving the States to attend to theirs; by exercising the taxing powers given to us by the Constitution, to pay the debts and sustain the credit and faith and honor of the Union, and leaving the sovereign States to provide for their own debts, in their own time and way, and through their own powers of taxation. We seemed to forget that the constituency is the same in both cases. The people to be taxed in each State are the same, whether the tax be imposed by a law of Congress, or by the authority of the State, and the powers of each State to impose taxes upon its inhabitants, for its purposes, are as plenary as are ours to impose taxes upon the inhabitants of all the States, for the purposes of the common Government. He would be the last man to do any act intentionally to injure any State, or its credit; and might we not, by an interference with their debts and their credit, not entrusted to our care and keeping, actually inflict injury while intending to benefit them? Their stocks and bonds were said to be depressed in the foreign markets, and in the hands of foreign holders, but how came they so depressed, and by whom had the depression been produced? By these same foreign holders and purchasers. What are we told is the actual condition, at this time, of large amounts of these securities abroad? Not that they have been sold in the markets, even at depressed prices, or sold at all, but that they have been hypothecated for comparatively trifling advances, and under conditions of forfeiture which have already attached. He could not vouch for the amount of these securities so situated, but he spoke from public report, which had prevailed through the newspapers, and elsewhere, for many months, without contradiction which had met his notice, when he said that about a hundred millions in amount were supposed to be thus hypothecated, and that the average advances were said not materially to exceed 50 per cent. upon the par value. If we proceed, by our legislation and the application of our means, to raise these stocks, thus situated, thus voluntarily depressed by the holders, up to par, is there not danger that we shall stimulate their cupidity to perfect the forfeiture before the States can command the means to redeem

their pledges, and thus, in effect, make fortunes for these holders of the hypothecated stocks, and throw into the current markets, against the States, debts double in amount to the considerations they will have received? If such should be a consequence of our interference, does any one doubt that the injured States would call upon Congress to pay that portion of their debts to which its gratuitous action shall have given force and value, without consideration to them? Let the States manage these matters themselves. They understand the terms upon which their securities are held at home and abroad, and their own interests in regard to them; nor are we at liberty to assume that our interference is necessary to protect their faith. The holders have taken the stocks at depressed prices by agreement, and equity between them and their debtors demands that the future regulation of the value of the securities should be left with them.

Another ground upon which this policy of distribution was urged in some portions of the country, if not here, was, that it would favor the protection of American industry and American interests, by calling for an increase of duties upon imports. He had addressed the Senate, a few days since, upon this point, and regretted to find that he had been so unfortunate as to be understood by very few, and entirely misunderstood by many. He would now briefly restate the substance of the argument he then intended to make, when he would yield the floor to the distinguished Senator [Mr. CLAY] who was to follow him.

In the minds of those who advocated the measure of distributing the proceeds of the public lands to the States, upon the ground above stated, he supposed the reasoning to be that, as the Treasury now requires all the revenue it derives, both from the customs and the lands, if the revenue from the lands be taken from it, that from the customs must be increased in a like amount, thus raising the rates of duty upon imports, and consequently adding to the protection afforded by the present laws. His effort was to show that this conclusion did not follow from the premises, as a necessary consequence, for these reasons.

A duty, whatever may be its rate, affords no protection, while the importer of the foreign product or fabric, against which the protection is required, holds sole and exclusive possession and control of the market. Such a duty may yield a rich revenue, and fill the Treasury, but until its operation commences to be exclusive and prohibitory upon the imported article, it affords no protection to the American competing interest. When it does commence to be exclusive and prohibitory, and thus begins to afford protection, by giving a portion of the market to the domestic interest, the necessary consequence must be a diminution of revenue from that duty in the same degree, and to the same extent, the rate of duty remaining unchanged. These seemed to him to be positions too plain to require illustration.

He then contended that to separate permanently from the Treasury a source of internal revenue so productive as that of the public lands, might endanger, instead of aiding, the protective policy, and his reasoning to support this conclusion was, that an increase of the rate of a duty might not increase, and might actually diminish, the amount of revenue derived from that duty, though the increase of the rate would increase the protection just as far as it should have the effect to diminish importation: that when the diminution of importation should be greater in the proportion than the increase of the rate of the duty, the revenue would be diminished, though the protection would be increased: that if then it should become necessary to increase the amount of revenue to be derived from this particular importation, the only way to accomplish that object would be to reduce the rate of the duty, and thus surrender the protection afforded to the necessity for revenue: that to avoid such a necessity, as far as possible, it was the true policy of the interests seeking protection, to foster and preserve, and not to squander or give away, every fair source of internal revenue, that the Treasury might be made, to some extent at least, independent of importations, and that some

duties partially exclusive and prohibitory in their effects might be preserved in a permanent tariff, without producing an empty Treasury. That the policy now advocated, of making the Treasury exclusively dependent upon a revenue by impost, must place the protected interests in entire subjection to the necessity for revenue, and, therefore, make it impossible to establish any system of protection which would not be subject to be surrendered to that necessity, whenever the fluctuations of trade and the ever-varying changes of importations should interpose it. That Congress cannot compel, but only invite, importations, in any branch of trade, and that, therefore, when our Treasury shall be made solely dependent upon revenue from imposts, our system of protection may be placed more within the control of foreign interests than our own, as the former interests must control, to a great extent, our import trade, and may, to a very great extent, our revenues from that source. That, while we have sources of internal revenue from which we can supply our Treasury, we may, by countervailing legislation, counteract foreign policy hostile to our interests; but when we must have the revenue, we may not be able to adopt the countervailing measures required, consistently with that necessity: And that, the internal revenue from the lands being disposed of, the only means within the power of Congress to escape an entire dependence upon impost, were internal excise and direct taxation—means for raising revenue which no man could hope Congress would ever adopt merely to preserve the protective policy.

Such is a brief outline of the argument he offered to the Senate upon the former occasion referred to; and he would not go farther in a repetition of it now. He did not know that the views were sound, but he thought them worthy of mature consideration before this proposed disposition of the land revenue should be made, upon the ground of favoring protection. He could not so view its tendency, or believe that such would be its practical effects; and, as one favorable to the policy of protection, as incidental to the raising of the necessary revenue for the National Treasury, he should find cause for opposition to it on this ground.

SPEECH OF MR. CALHOUN.

OF SOUTH CAROLINA.

In Senate, January 30, 1841.—In reply to the speeches of Mr. WEBSTER and Mr. CLAY, on Mr. CRITTENDEN'S amendment to distribute the revenue from the public lands among the States.

MR. CALHOUN said no one who had attended to this debate could doubt that the cession of Virginia, on which the right to distribute the revenue from the public lands had heretofore been placed, was altogether too narrow to support that measure. The portion of the public domain ceded by her is small in amount, when compared with the whole, and by far the better portion of it had already been disposed of; leaving a residue altogether too inconsiderable to effect the object intended by the distribution. The other, and much the larger portion of the public domain, consisting of Alabama, Mississippi, Florida, and the entire region West of the Mississippi river, was purchased out of the common fund of the Union, and no construction which could be put on the deed of cession from Virginia could possibly apply to it. This was seen and felt by the two leading advocates of this amendment on the other side of the Chamber, [Mr. CLAY and Mr. WEBSTER,] and they accordingly endeavored to find some other ground on which to place the right, broad enough to support the whole; and found it, as they supposed, in the provision of the Constitution which gives to Congress the power to dispose of the territories and other property belonging to the United States. In this they both concurred, so far as the revenue derived from the lands was concerned. But the Senator from Massachusetts, with bolder views than his associate, extended the right of distributing, as I understood him, to the entire revenue—comprehending as well that received from taxes as from lands.

[Mr. WEBSTER interposed, and denied that he had said so.]

I stand corrected, and am happy to hear the denial of the gentleman. I had so understood him, and am grieved that he had so restricted the right as to exclude the revenue from taxes. But I cannot be mistaken in asserting that both of the Senators concur in regarding the power conferred in the provision referred to as having no limitation whatever but the discretion of Congress. If such be the true construction, it would, of course, give the right of making the proposed distribution; which presents the question, has Congress the right of disposing of the public domain, and all the other property belonging to the Union, and the revenue derived therefrom, as it pleases, without any constitutional restrictions whatever?

Before I proceed to discuss that question, it will be well to ascertain what is the extent and value of the property embraced. The public domain, as has been frequently stated in the course of the debate, embraces more than one thousand millions of acres; and the other property includes the public buildings, dock and navy yards, forts, arsenals, magazines, ships of war, cannon, arms of all descriptions, naval stores, and munitions of war. It is difficult to estimate the value of the whole. The public domain alone, according to the estimate of the gentlemen, (not mine,) at \$1 25 per acre, is worth upwards of \$1,200,000,000; and, including the value of the other property, the whole, at the lowest estimate, must far exceed \$1,500,000,000, and probably would equal not less than \$2,000,000,000. Such is the extent and value of the property over which the two Senators claim for Congress unlimited and absolute right to dispose of at its good will and pleasure. And the question recurs, have they such right? A graver question has never been presented for our consideration, whether we regard the principles, the amount of property, or the consequences involved.

Now, sir, in order to test the right, it is my intention to propound a few questions to the Senators, to which I hope they will give explicit answers. Suppose, then, in the progress of time, an administration should come in, (I make no allusion to the next,) which should think an established church indispensable to uphold the morals, the religion, and the political institutions of the country: would it have the right to select some one of the religious sects—say the Methodist, Baptist, Presbyterian, Episcopalian, or Catholic—and erect it into a splendid hierarchy, by endowing it out of this ample fund?

[Mr. WEBSTER. The Constitution expressly prohibits it.]

I hear the answer with pleasure. It assigns the true reason. Here, then, we have a limitation in the Constitution, by the confession of the Senator; and, of course there is one restriction at least on the unlimited right which he and his friend claimed for Congress over this vast fund. Having made good this step, I proceed to take another.

Suppose, then, that such an Administration should undertake to colonize Africa, with the view of christianizing and civilizing it, and, for that purpose, should propose to vest this vast fund, or a portion of it, in the Colonization Society: would Congress have the right of doing so? Or, to take a still stronger case. Suppose a majority of Congress should become Abolitionists: would it have the right to distribute this vast sum among the various Abolition societies, to enable them to carry out their fanatical schemes? The Senator is silent. I did not anticipate an answer. He cannot say yes; and to say no, would be to surrender the whole ground. Nor can he say, as he did, that it is prohibited by the Constitution. I will relieve the Senator. I answer for him: Congress has no such right, and cannot exercise it without violation of the Constitution. But, why not? The answer is simple, but decisive;—because Congress has not the right to exercise any power, except what is expressly granted by the Constitution, or may be necessary to execute the granted powers, and that in question is neither granted, nor necessary to execute a granted power.

Having gained this important point, I next ask the Senators, would Congress have the right to ap-

propriate the whole, or part of this vast fund, to be drawn directly from the Treasury, in payment of the principal or interest of the State bonds? And if not, (as they certainly would not, for the reason already assigned,) has it the right to give it to the States to be so applied? Can it do that indirectly by an agent, which it cannot constitutionally do directly by itself? If so, I would be glad to hear the reason. I might proceed and propound question after question, equally embarrassing; but abstain, lest I should exhaust the patience of the Senate.

But there is one question of a different character, which I must propound, and to which I would be glad to have the answers of the two ingenious and learned Senators. They are both agreed, as I now understand the Senator from Massachusetts, that the revenue from taxes can be applied only to the objects specifically enumerated in the Constitution, and in repudiating the general-welfare principle, as applied to the money power, as far as the revenue may be derived from that source. To this extent, they profess to be good State Rights Jeffersonian Republicans. Now, sir, I would be happy to be informed by either of the able Senators—I regret that one [Mr. CLAY] is not in his seat—by what political alchemy the revenue from taxes, by being vested in land or other property, can, when again turned into revenue by sales, be entirely freed from all the constitutional restrictions to which they were liable before the investment, according to their own confessions? A satisfactory explanation of so curious, and apparently incomprehensible a process, would be a treat.

The Senator from Kentucky [Mr. CLAY] failing to find any argument to sustain the broad and unqualified right of distributing the revenue from the public lands as Congress might think proper, sought to establish it by precedent. For that purpose, he cited, as a precedent, the distribution of arms among the States; which he contended sanctioned also the distribution of the revenue from the lands among them. The Senator forgot that it is made the duty of Congress, under an express provision of the Constitution, "to provide for arming the militia;" and that the militia force belongs to the States, and not to the Union; and, of course, that, in distributing arms among the States with the view of arming them, Congress but fulfil a duty enjoined on them by the Constitution.

The palpable misconception, as I must consider it, into which the two Senators have fallen, in reference to this important question, originates, as I conceive, in overlooking other provisions of the Constitution. They seem not to advert to the fact that the lands belong to the United States—that is, to the State, in their united and Federal character; and that the Government, instead of being the absolute proprietor, is but an agent appointed to manage the joint concern. They overlook a still more important consideration—that the United States, in their united and Federal character, are restricted to the express grants of powers contained in the Constitution, which says that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;" and, also, that the Congress of the United States, as the common agent, is restricted expressly, in the exercise of its powers, to the objects specified in the instrument, and passing such laws only as may be necessary and proper for carrying them into execution. It follows that Congress can have no right to make the proposed distribution, or use its powers to effect any other object, except such as are expressly authorized, without violating and transcending the limits prescribed by the Constitution.

It is thus the whole fabric erected by the arguments of the two Senators falls to the ground, by the giving way of the foundation on which they rest, except the small portion of lands embraced in the Virginia cession; which I will next proceed to show stands on ground not more solid. It will not be necessary, for that purpose, to travel over the arguments which I offered, when last up, against the right to make the distribution, attempted to be deduced from that cession, and which have been so much enlarged and strengthened by the able and lucid speech of the Senator from New York, [Mr. WRIGHT.] I propose sim-

ply to reply, in this connection, to the arguments of the Senator from Kentucky, [Mr. CLAY,] who I again have to regret is not in his place.

His first position was, that the resolution of the old Congress, which recommended to the States to cede the land to the Union, held out, as motives, the payment of the debt contracted in the Revolution, and the inducement it offered to the States to adopt the articles of Confederation. From this, he inferred that these constituted the sole objects of the cession. I admit that, if there was any ambiguity in the deeds of cession, as it respects the objects of the cession, a reference to the resolution which proposed it might be fairly made, in order to ascertain the intention of the parties; but that is not the case. The deeds are couched in the broadest and most comprehensive terms, and make an absolute cession of the lands to the United States, as a common fund, without limitation as to the objects.

But the argument on which he mainly relied was, that, although the cession is of the United States in their united and Federal character, to be administered by Congress as a common agent, the use is for the States in their separate and individual character. If the fact were so, the argument would be strong; but it happens to be the very reverse. It is expressly provided in the Virginia cession, that the land should be considered a common fund for the use and benefit of the States, as members of the Confederation or Federal alliance, and for no other use or purpose whatever. The Senator will not venture to deny that common is the very opposite of separate; and, of course, the distinction on which he so much relied, that the use was separate, falls to the ground.

His next position rested on the expression in the deed of cession, "according to their usual respective proportion in the general charge and expenditure," which has been bandied about so often, in this and former discussions on this subject, that I will not go over the argument again, as conclusive as I consider it, as I am sure the Senate must be surfeited to nausea with those words. I take higher ground, which I regard as conclusive, be their meaning what they may.

It will not be denied that the Constitution must override the deeds of cession, and that of Virginia among the rest, whenever they come in conflict; and that, for the plain reason that the parties to both were the same, and had of course a right, in adopting the Constitution, to change or modify the previous acts of cession as they pleased. Now, sir, I repeat, without fear of contradiction, that the Constitution, in superseding the old system of requisition on the States, as the mode of raising the common supplies of the Union, by the system of taxing the people directly, superseded this particular provision, which, all admit, had reference to the former system of requisition. The Senator himself in reality admits such to be the fact, by proposing to distribute the revenue from the lands according to federal numbers—the rule of imposing direct taxes under the Constitution; instead of the assessed value of improved lands—the rule of making requisitions under the old confederation. This provision, then, being thus superseded, the lands are left, as the property of the Union, for the common use of the States which compose it, freed from these disputed words, and without the semblance of a doubt; and the Constitution accordingly speaks of the public lands, in broad and unqualified terms, as belonging to the United States.

The last ground assumed by the Senator was, that as the lands are common property, it is competent for Congress, as the common agent, to divide their proceeds among the United States, as joint owners. It might be true in the case of individuals owning a joint farm, to be worked in common, as supposed by the Senator; but that is not analogous to the case of the United States, where there is a joint concern, for specific objects, with a common agent to carry it into effect, for the joint interest of the concern, without any authority to distribute the profits. In such a case, it would be contrary to the plainest dictates of reason, and the established principles of law, for the agent to undertake to apply to the separate and individual use of the partners, what was intended by them for the joint

concern. It would be to make that separate which his principals intended to be common.

When I look, Mr. President, to what induced the States, and especially Virginia, to make this magnificent cession to the Union, and the high and patriotic motives urged by the old Congress to induce them to do it, and turn to what is now proposed, I am struck with the contrast, and the great mutation to which human affairs are subject. The great and patriotic men of former times regarded it as essential to the consummation of the Union, and the preservation of the public faith, that the lands should be ceded as a common fund; but now, men distinguished for their ability and influence, and who are about to assume the high trust of administering the Government, are striving, with all their might, (and that, too, when this fund is most needed,) to undo their holy work. Yes, sir; distribution and cession are the very reverse, in character and effect; *the tendency of one is to union, and the other to disunion*. The wisest of modern statesmen, and who had the keenest and deepest glance into futurity, (Edmund Burke,) truly said that the revenue is the State; to which I add, that to distribute the revenue, in a confederated community, among its members, is to dissolve the community—that is, with us, the Union; as time will prove, if ever this fatal measure should be adopted.

There is another contrast, not less striking. The States composing the old Confederation, in their extreme jealousy of power, adopted the system of requisition, as the means of supplying the common Treasury; but that proving insufficient, it was changed, with the adoption of the present Constitution, into the system of laying taxes directly on individuals. But, now, it is proposed to restore virtually the exploded system of requisition, but in the reverse order—requisitions of the States on the Union, instead of the Union on the States; and thereby reversing the relation which the wise and patriotic founders of our political institutions regarded as essential to liberty. They regarded it as a fundamental principle, that the people should grant the supplies to the Government, in order to keep it dependent on them. But, now, this is to be reversed; and the Government, in the shape of distribution, is to grant supplies to the people. How is this to be done? How can the Government, which, with all its legislation, does not produce a cent, grant supplies to those who are the producers of all? I will tell you; the supplies to be distributed to the States, are to be collected in a roundabout, concealed manner, under the plausible pretext of taxing luxuries, (wines and silks,) to be paid by the rich, or nobody, as we are told, to meet the requisitions of the Governments of the States, lest their constituents should turn them out for taxing them directly and openly. Yes: we are plainly told that the States have surrendered the right of taxing imports, the most easy and convenient mode of raising a revenue—that is, the most concealed and ingenious way to the pockets of the people; and that it is the duty of this Government, to which this convenient contrivance is intrusted, to raise supplies by its use, not only to meet its own wants, but also to meet those of the States. What monstrous and dangerous perversion!

If (continued Mr. CALHOUN) I have been successful in demonstrating the utter unconstitutionality of this dangerous scheme, as I trust I have, the Senate will not expect me to follow the Senator from Kentucky [Mr. CLAY] in his excursive flights in favor of the expediency of this, his favorite and cherished scheme. If Congress has no right to adopt it, there is an end of the whole affair; but there is one of the good effects he imputes to it, that I cannot pass in silence. He asserted that it would finally settle the disputes and agitations growing out of questions connected with the public lands, by reconciling and harmonizing all conflicting interests, and restoring kind feelings in relation to them, between the old and new States. Such are his anticipations; but will they be realized? Let the tone with which the Senators from Missouri [Dr. LINN] and Arkansas [Mr. SAVIER] denounced his scheme, answer. Does he not know that every Senator from the new

States, with the exception of those from Indiana, are opposed to his measure? Can he, in the face of such facts, really hope for a final settlement of the vexed question of the public lands, or a restoration of harmony between the old and new States in relation to them? On the contrary, will it not embitter the feelings on both sides? Can he expect that the new States would see with favor a mortgage laid on that portion of the public domain lying within their limits, for the security of the holders of State bonds? Such, virtually, would be the case, should the distribution be made. The holders would regard it as a pledge; and to withhold it, when once made, as a violation of faith.

Would it conciliate the staple States—the growers of rice, cotton, and tobacco—on which the tax to make good the deficiency caused by the distribution must principally fall? It is in vain you tell them that the duties on wines and silks would fall on the consumers, or on the producers of those articles abroad. They know, by woful experience, that it matters little to them whether the duty be laid on the export of the staples they produce, or the importation of products received in exchange; whether the duties be paid on their products going out of port, or the return cargo coming in. Viewing it in that light, the people of those States will regard the measure as a cunningly devised scheme to pay the debts of others at their expense.

Would it, I again ask, reconcile the States free from debt? Will they be satisfied to be taxed to pay the debts of the States which have been less cautious in their engagements than themselves? I ask the Senators from New Hampshire—would their State, happily free from all debt, be satisfied?

Instead of the final settlement of the question, or the restoration of harmony, it would unsettle the whole subject of the public lands, and throw the apple of discord among the States.

Having now said what I intended on the immediate question under consideration, I avail myself of the opportunity to reply to the objections which have been made to the proposition I offered, in an earlier stage of this discussion, to cede to the new States the lands lying within their respective limits, on just and equitable conditions. The Senate will recollect that the debate on that measure terminated unexpectedly, and without affording me an opportunity of answering the objections against it. As there will, probably, be no other opportunity of meeting them, I trust it will be a sufficient apology for doing so on this occasion.

I begin with what, to me, would be the most formidable objection: that, under the garb of a cession, the measure is, in fact, but a mode of distribution. I reply, as on a former occasion—prove it; and I shall renounce it at once and forever. But I cannot take assertion for proof, however boldly made. Until it is proved, I shall regard the charge of distribution, coming as it does from the open advocates of that measure, as originating in a conscious feeling that, so far from being popular, the scheme has no hold on the affections of the people. If they believed it to be popular, those who so warmly oppose cession would be the last to call it distribution.

It is next objected, that it is a gift of the lands to the new States. Be it so. I would infinitely rather make a gift of the whole, than to adopt the fatal policy of distribution; and if it should be necessary to defeat it, I would regard a surrender of the whole as a cheap sacrifice. I go farther: and hold, that if the lands, instead of being regarded as the property of the Union, should be regarded as the property of the States separately, the new States would have the best right to the portion within their limits. They possess, unquestionably, the eminent domain, which would have carried with it the property in the public lands within their borders respectively, had they not surrendered it, by special agreement, on their admission into the Union. But that agreement was with the *United States*, and the surrender of the property in the lands was to them; and it may be fairly questioned how far the agreement, on their admission, would be binding on them, should the revenue from the lands be perverted from the use of the *United States* to that of the

States separately, as is proposed by this scheme of distribution.

But is the cession a gift? Does it propose a surrender of the land for nothing? Is 65 per cent. of the gross proceeds to be paid into the Treasury, nothing? Is it nothing to put an end to the angry and agitating debates which we witness, session after session, constantly increasing in violence? Nothing, to save the time, and labor, and expense of Congress? Nothing, to curtail one-fourth of the patronage of the Government, and that of the most dangerous character? Nothing, to raise the new States to a level with the old? Nothing, to remove this great disturbing cause which so injuriously influences our legislation? Is it nothing, finally, to substitute a system in lieu of the present, as far as the lands lying within the new States are concerned, which, in addition to all these considerations, proposes the only practical method of preventing the loss of the lands, and which, so far from a pecuniary loss, will bring more into the Treasury than the present system? I boldly assert that such would be the case; as I may well do now, as no one opposed to the measure has ventured to question the correctness of the calculation, or the data on which it rests.

But the Senator from Kentucky, [Mr. CLAY] says it is a gift, because thirty-five per cent. is too high a compensation to the States for their expense and trouble in managing the land. He estimates the actual expense, all things included, at 24 per cent. on the gross receipts, and says that all beyond that is a gift to the States. He has ventured this assertion, with the report of the Committee on the Public Lands at the last session before him, containing, in detail, from the proper departments, an estimate of the expense, which, on a supposition that the average annual sale of the portion of the land in question would average two and a half millions, would amount to 22 per cent. The Senator has omitted all the expenses, except that of selling the lands, when, by turning to the tables, he will find that nearly one-third is yet to be surveyed and platted; that a large amount must be paid for extinguishing Indian titles, and removing Indians to the West. He also overlooks that the five per cent. fund is to be surrendered by those States, a sum, of itself, equal to double the amount which he has estimated as the entire expense to which the States would be subject.

To these large items must be added donations, which, instead of being made, as they have heretofore been, by Congress, are, if made by the States, to be paid for by them at the selling price of the land at the time, allowing them 35 per cent.; and also the sums spent on internal improvement which, with the exception of the portion spent on the Mississippi and Ohio, are to terminate; and, finally, the saving of expense in our legislation, and in the General Land Office, in consequence of the cession; all of which the Senator has omitted—omitted, notwithstanding they are to be found in the report before him, and to which he has referred in the debate. There, as I have stated, amount to 22 per cent. on the gross amount of the sales; to which the committee has added 13 per cent. making the 35—not as a gratuity, but on the ground of liberal compensation beyond mere expense and saving to this Government, as being right of itself, and necessary to ensure the hearty co-operation of the States, in carrying out a measure that would be highly beneficial to the whole Union, and which could not be successfully carried out without such co-operation on the part of the States. Not a cent has been proposed to be allowed, which could be avoided, with just regard to sound policy.

But the Senator was not content with holding out the difference of what he was pleased to regard the actual expense, and the 35 per cent. as a gift. He took stronger grounds, and pronounced it to be a gift of all the public lands, on the assumption that the cession would be extended to the States hereafter to come in, on their admission; and, next, to the Territories; and, finally, to the whole of the public domain. I will not undertake to reply to a mere assumption without proof, farther than to say, that every measure of sound policy may be in

like manner condemned, if it is to be assumed that what we have wisely done, under all the circumstances of the case, may form a precedent for others to do under dissimilar circumstances, and without regard to the principle on which we acted. In proposing the measure I have, I yield to the necessity of remedying a great and growing evil, originating in the fact that this Government is the owner and administrator of a large portion of the territories of nine States of this Union, and which cannot be remedied so long as their ownership and administratorship continue. It is the number and influence of the States in which they exist, that give such magnitude and danger to the evil; and what we may do now, under such circumstances, cannot constitute a precedent, to be extended in the manner which the Senator supposes it will be. On the contrary, by adopting the measure, we would enlist the new States, now opposed to the old on almost all questions growing out of the public lands, to aid in vigilantly guarding the residue of the public domain.

The Senator from Massachusetts [Mr. WEBSTER] took different grounds. He insisted that cession necessarily implies gift; and therefore, as I suppose, the one I have proposed is a gift, in spite of the many valuable considerations inducing to it. I do not attach the same meaning to the word which he does; but, as I have no taste for verbal criticism, I have assented to the request of a friend, to change "cession" to "dispose of"—the words used in the Constitution, and which, on the authority of the two Senators, are of such comprehensive meaning as to confer on Congress unlimited power to do as they please with the public lands.

But it seems that, so soon as I had availed myself of this comprehensive term, it forthwith contracted to the narrowest limits. I was told the lands could not be disposed of to the States. Why not? They can be disposed of to individuals, and to companies of individuals, and why not to that company or community of individuals which constitutes a State? Can any good reason be assigned?

I am next told that we may dispose of them absolutely, but not conditionally. I again repeat the question—why not? What is it that limits our power? We can dispose of the lands to individuals on condition, of which there are striking instances in lands containing lead mines. They are leased for a term of years on condition that one-tenth of the lead be paid to the Government in kind. If this can be done for a term of years, what is to prevent it from being done forever, on the same condition? And, if so, why may we not prescribe the rules on which the mines shall be worked? If all this can be done in the case of individuals, what is to prevent it from disposing of the public lands to the States, on the conditions proposed, and to prescribe the rules to be observed by them in the sales and management—that is, to adopt the measure I have proposed?

It is next objected, that it is not a disposition of the lands, but merely a transfer of the administration of them to the States. I deny the fact. It is intended, and is in reality, a conditional disposition or sale to the States. But if it were otherwise, and as supposed, I ask, what is there to prevent Congress from disposing of the lands by an agency, or to employ the States as the agent, and prescribe the rules by which they shall be disposed of? I can see no valid objection to such arrangement; but do not deem it necessary to discuss the point, because the fact is not as is supposed.

Then follows the objection that it would create the relation of creditor and debtor between this Government and the States. Admit it to be the fact; I ask, is that relation more objectionable, or as much so, as that which now exists, of landlord and tenant, growing out of ownership and administration in this Government of so large a part of the domain of these States—a relation which is the parent of so many evils both to them and us? But, to put an end to the objection, I have, on the suggestion of some of the members from the new States, so modified my proposition as to provide that the sixty-five per cent. of the proceeds of the sales coming to the Government, shall be paid directly to its own officers—say the marshals in each of the States. Now, I ask the opponents of the measure to join me, and,

by the cession, to put an end, in the only way it can be done, to the still more objectionable relation of landlord and tenant between this Government and the States.

It is further objected, that it would not settle the question. It is said, if we cede the lands, the next demand would be to relinquish that portion of the proceeds of their sales which is to be paid to the Government; that concession would have to follow concession, till the whole would be lost. This, sir, is the old answer which the advocates of existing abuses are ever ready to give those who complain. It is the answer of Lord North in the controversy which led to our Revolution. He refused to yield the disputed right of taxing the colonies, on the ground that to yield would not satisfy them. If taxation was surrendered, he said, it would not settle the question; that their next demand would be to surrender the right of regulating their commerce. The result of such blind obstinacy was the dismemberment of the British Empire.

There is not a feature which more strongly distinguishes the firm and enlightened statesman from the obstinate or weak, than that of knowing when it is proper to make concessions, as the means of avoiding, in the end, the humiliation of submission on the one hand, or the mortification of defeat on the other; and never was there an occasion, or a question, when it was more politic than at this time, and on this question. It may now be made with dignity. The question may now be adjusted on just and honorable terms; but, if it be delayed, the new States will decide it, in a few years, in their own way, without asking our leave, by their rapid relative increase in population and political weight.

They are now anxious for a fair adjustment; and we may satisfy them, without making any real sacrifice on our part; and it is doing injustice to them to suppose that, after soliciting a measure so liberal, and from which they would derive such advantages, they would suddenly turn round and condemn what they had solicited, and make the palpably unjust demand, that we should surrender the portion of the proceeds coming to the Government. There is nothing in their past history that would warrant such an imputation on their character.

It was next objected, that the measure was unequal; and to prove it so, the case of Ohio, which has but a small amount of public lands within its limits to be disposed of, was contrasted with that of Illinois, which has a large amount; and, because the portion of the proceeds to be allowed to the States (35 per cent. of the gross amount) would be small in the case of the former, when compared with that of the latter, the measure is pronounced unequal and unjust. If it were a scheme of distribution, as has been erroneously alleged, such might be the fact; but as, instead of that, it is a mere compensation or commission for trouble, expense, responsibilities to be incurred, and services rendered, so far from being unequal, because the amount to be received in the one case was not equal to that in the other, it is precisely the reverse. Equality of compensation for equal expense and service, is equal; but equality for unequal expense and service, would be glaringly unequal; and, had I proposed to allow Ohio the same amount of compensation for the expense and trouble of managing the small portion of the public domain in her limits, as that to be allowed to Illinois for the management of the large portion within hers, instead of allowing a compensation to each proportioned to their respective expenses and services, it would, so far from being equal, have been grossly unequal, and would have been so pronounced by those who now make this objection.

In this connection, I must say that I cannot but regret that the Senator from Ohio, [Mr. ALLEN], in answer to the Senator from Kentucky [Mr. CLAY] on this alleged inequality between Ohio and Illinois, did not meet him, by denying the truth of his allegation, instead of the manner he did; which had, to say the least, the appearance of sustaining the side to which he is most opposed, against that to which he is less.

[Mr. ALLEN rose to explain. Mr. CALHOUN said he did not doubt that the Senator gave the true

explanation of his vote, but did not think it was called for at the time, and that the effect was as he had stated.]

Another objection was, that it did not extend to the Territories. This objection had the advantage (what few others had) of being founded in fact, but was unfounded in reason. Had it been extended to them, it would have gone beyond the mischief, and would have been wholly improper. The evil, I repeat, originates in the fact of the Government being the owner and administrator of so large a portion of the domain of nine States of the Union, (being more than one-third of the whole;) and must increase, so long as it remains, with the increased number and relative weight of the new States. They will soon be increased to twelve, by the admission of the three Territories, with a corresponding increase of weight in the Government. The Territories, on the contrary, are without political weight; and, of course, with the object in view, it would have been preposterous to have included them.

As little force is there in the objection, that some of the States would not accept of the cession. It is possible that Ohio and Indiana might not; but not probable, as the amount of public land within their borders is inconsiderable. But what of that? Should it prove to be the case, what possible injury could result? The fact of not accepting would be proof conclusive that the evil to be removed acted with but little relative force in either; and that the old system might be left to go on quietly in both, until the land within their limits was all disposed of. But the case is very different in the other seven. In them, it is in active operation; and they would gladly accept of the cession, as the only remedy that can reach the disease, consistently with the interests of all concerned.

I come now to the final objection—that the land system is working well, and that we ought to adhere to the old maxim, "Let well enough alone." I say the final, as it is the last I recollect. If (as is possible—I took no notes) I have omitted to notice any objection made by the opponents of the measure, I call on them to name it now, that I may answer it before I proceed to notice the one just stated.

When I first addressed the Senate on this subject, at the opening of the discussion, I admitted that the system worked well at first, but I must limit the admission to its earliest stages. From the beginning, it contained within itself the seeds of mighty disorders, and of great evils to the country, if nothing should be done to avert them. If I do not greatly mistake the tendency of the system as it stands, it is to extinguish the Indian title far more rapidly than the demands of our increasing population require, and to disperse our population over a larger space than is desirable for the good of the country. That the former of these evils exists in reality, the proof is conclusive; and that it is already the cause of much difficulty and danger, and that both are rapidly on the increase, so as to threaten the loss of the lands themselves, I have, I trust, conclusively shown in my former remarks. It is sufficient here to repeat, in order to show that the Indian title has been too rapidly extinguished, that the Government has sold, from the beginning of the system, (now almost half a century,) but little more than eighty millions of acres; and that not less than twenty millions, probably, are held by large holders, who purchased on speculation to sell again; making the actual demand for land for settlement not exceeding, probably, sixty millions in that long period of time. But, during the same period, the Indian title has been extinguished to about three hundred and twenty millions of acres, of which about two hundred and twenty-six millions remain unsold—exceeding four-fold the demand for lands in consequence of the increase of our population. Such is the fact. To what cause is it to be attributed? I feel confident it will be principally found in the land system itself, which has been so indiscriminately praised during the discussion.

But, before I proceed to assign my reasons, it will be proper to pause and reflect on the influence that the occupation of the aborigines, whom we are so rapidly expelling, has had, through the mysterious dispensation of Providence, on the prosper-

rity and greatness of our country. They were precisely in the condition most favorable to that mode of settlement which was best calculated to secure liberty, civilization, and property. Had they been more numerous or powerful, the settlement of our country would either not have been made at all, or would have been by the immediate agency and superintendence of the Government, with a force not only sufficient to expel or subjugate the aborigines, (as in Mexico by the Spaniards, and Hindos by the English,) but also sufficient to keep the colonies in subjection. How great a change such a mode of settlement would have made in the destiny of our country, is not necessary to be explained on this occasion. But, as it was, they were not too strong to prevent settlement by hardy and enterprising emigrants, inspired, in some instances, with a holy zeal to preserve their religious faith in its purity; in others, by the love of adventure and gain; and in all, with a devotion to liberty. It is to settlements formed by individuals so influenced, and thrown, from the beginning, on their own resources almost exclusively, that we owe our enterprise, energy, love of liberty, and capacity for self-government.

But there is another consideration, not less important, connected with the occupancy and condition of the aborigines. Had they not existed at all, or been too weak to prevent our people from spreading out over the vast extent of the continent, without resistance, or resistance too feeble to keep them within moderate limits, in the rapid and wide outspread after game, pasturage, or choice spots on which to settle down, the far larger portion would have lost all the arts of civilized life, and become fierce herdsmen and barbarians, like our ancestors; and like them, in their frequent inundations over southern Asia and Europe, would have overflowed and desolated the civilized agricultural and commercial settlements along the coast, excepting such as might be protected by walls and fortifications.

It is to this fortunate combination of facts connected with the aboriginal population, that they were not strong enough to prevent settlements in the manner they were actually formed, while they were sufficiently strong to prevent the too rapid spread of our population over the continent, that we owe, in a great measure, our wonderful success. A change in either the one or the other would have changed entirely, in all probability, the destiny of our country.

The bearing of this digression on the point under consideration will be readily perceived. We have grown, indeed, to be so powerful, that the aborigines can no longer resist us by force, and when there is no danger that the arts of civilized life would be lost by the spreading out of our population; but the aboriginal population would not therefore cease to perform an important function in our future growth and prosperity, if properly treated. They are the land wardens or keepers of our public domain, until our growth and increase of population require it, as the means of new settlements. But till then, our interests, no less than justice to them, require that their occupancy should continue; and if the extinguishment of their title should continue to outrun the regular demand of our population for settlement, as rapidly in proportion hereafter, as it has heretofore, it is difficult to conceive the confusion and difficulty which must follow. Those we now experience are nothing to those which would come. That such must, however, prove to be the case, to a great extent, if our land system continue as it is, I hold to be certain. The cause, as I have said, is inherent in the system as it exists; and, if not corrected, will impel our population, by its necessary operation, from the States to the Territories, and from them to the Indian possessions; which I shall now proceed to explain.

The system, as it now stands, embraces three powerful causes, all of which conspire to produce these results: pre-emption, as proposed by this bill, before survey and sale; the auction system, under its actual operation; and a fixed minimum for all the lands, be the quality or the time which they have been offered for sale what they may. They act together, and joint-

ly contribute to the results, I have attributed to them.

My friends from the new States, who are so much attached to pre-emption, as proposed by this bill, must excuse me for speaking my opinion freely of their favorite measure. The consequences involved are too important to keep silence.

What, then, is the pre-emption principle? and how does it operate as a part of the existing land system? It is neither more nor less than to say to every one, when the Indian title is extinguished to a new portion of the public domain, that you may go, and search, and take all the choice parts, the fertile spots, the favorable localities, the town sites, or whatever other advantages any portion may possess, at \$1 25 per acre; and that not to be paid till the lands are offered at auction, which may be many years thereafter. What, then, is its operation, but to give pick and choice of the public domain to the active and enterprising, who are best acquainted with the tract of country to which the Indian title is extinguished, with the speculating capitalists, who may choose to associate with them? It is like spreading out a large table, having a few choice and costly dishes intermixed with ordinary fare, and opening the door to the strong, and the few that may be nearest to rush in and select the best dishes for themselves, before the others at a distance can enter and participate. And can we wonder, with such advantages, that there should be an active and powerful interest constantly at work to extinguish the titles of the Indians in rapid succession, without regard to the demand of our increasing population; to spread out table after table, that the may gorge their appetites on the choicest dishes, and slake their thirst with the most costly wines; leaving the ordinary fare, with the crumbs and bones, to the rest of the community?

But this is not all. After this picking and choosing, under the pre-emption, as it has heretofore operated, and which it is now proposed to make prospective and perpetual, comes the auction system, that is, the sales of the lands at vendue to the highest bidder. Nothing could be more just and equal, if fairly carried out; but it is notorious that the very opposite is the case under its actual operation. Instead of leaving the lands to be disposed of to the bids of individuals, according to their conception of the value of each tract, the whole is arranged beforehand, by combinations of powerful and wealthy individuals, to take the choice of the lands left by the pre-emptors, and to run down all individual competition, so that no one can obtain what he wants without joining them; and thus another powerful interest is united with the former, to extinguish the Indian title—to spread out another table.

The next features of the system so much lauded operates the same way—I refer to what is called the minimum price; that is, of fixing one invariable price of \$1 25 an acre for all lands not sold at auction, without regard, as has been said, to quality, or the time it has been in market. The effect of this, with a quantity on hand to which the Indian title is extinguished so far exceeding the demand of the community, is to sink the value of all the unsold land which has not been offered at auction, to a price below the minimum, except a small portion of the best, which is annually purchased. Taking the aggregate of the whole of the lands in the new States, it would, according to its estimated present value by the Committee on the Public Lands, not be worth, on an average, more than 16½ cents per acre. The result is, that no one is willing to give the minimum for the inferior or less valuable portion. Hence comes that great and growing evil, of occupancy without purchasing; which threatens the loss of the public domain, unless arrested by some speedy and decisive remedy. It has already extended far beyond what is thought of by those who have not looked into the subject, and is still rapidly progressing. I have taken some pains to ascertain to what extent it has extended in two of the States—Illinois and Alabama. It is probable that there are not less than thirty thousand voters in those States, residing on public lands as mere occupants,

without title. In a single Congressional district in Alabama, there are, by estimate, six thousand voters. But, as great as this evil is, it is not all. The fixed minimum price co-operates with the pre-emption and auction systems to impel emigrants, especially of the more wealthy class, to turn from the States to the Territories, where the land has been less culled over; and from the Territories to the Indian lands, for the same reason; thus urging forward our population farther and farther, and driving before them the Indian tribes, unmindful of the dispensation of a kind Providence, which placed them as a restraint on the too rapid dispersion of our population.

There is another and powerful cause co-operating to the same result, which must not be passed unnoticed. I refer to the vast expenditures in the last twelve or fifteen years, in holding treaties with the Indians, and in extinguishing their titles, including reservations, and removing them to the West; equaling, in some instances, the fee-simple value of the lands, and in many others not much less. These immense expenditures, amounting, in the period specified, I know not to how many millions, (not less, certainly, than forty or fifty,) have made such treaties a great money making affair, the profits of which have been divided between influential Indian chieftains and their white associates, and have greatly contributed not only to increase the force of the other causes in the too rapid extinguishment of Indian titles, but to diffuse widely the baneful spirit of speculation.

Such are the inherent defects of the system, and the results to which they have led, and must continue to lead, so long as it can find subjects on which to operate, if not remedied. The measure I have proposed would apply an efficient remedy, as far as the public lands in the new States are concerned. The combined action of graduation and pre-emption applied to lands which have been offered for sale, as provided for by the amendment I offered, would, in a few years, convert the occupants without title into freeholders; while, at the same time, it would tend powerfully to prevent the population of the new States from emigrating, and turn towards those the tide of emigration from the old States, and, to the same extent, counteract the too rapid spreading out of our population, and extinguishment of the titles of the Indians. But nothing can effectually remedy the defects of the system, but a radical change. What that ought to be, would require much reflection to determine satisfactorily; but it seems to me, on the best reflection I can give it, that if, in lieu of public sales at auction, a system of graduation and pre-emption had been introduced from the first, fixing a maximum price sufficiently high when the lands are first offered for sale, and descending gradually, at short intervals of one or two years, to the present minimum price, and then in the manner proposed in the measure which I have brought forward, giving the right of pre-emption at every stage, from first to last, to the settlers, it would have averted most of the evils incident to the present system, and, at the same time, have increased the revenue from the lands. It would have checked the spirit of speculation, concentrated our population within the proper limits, prevented the too rapid extinguishment of Indian titles, and terminated our ownership and administration of the lands in the new States, by disposing of them within a moderate period of time, and prevented most of the mischievous consequences which have been experienced. The introduction of such a change, or some such, founded on the same principles, in reference to lands not yet offered for sale in the Territories, and the portion of the public domain lying beyond, and to which the Indian title is not yet extinguished, would, in combination with the measure I have proposed, go far to restore the system to a healthy action, and put a stop to the farther progress of the evil, and remedy, in a great measure, those already caused. I throw out these suggestions for reflection, without intending to propose any other measure, except the one I have already.

[Mr. MANGUM not having published his speech, the residue of Mr. CALHOUN'S, noticing his remarks, is omitted.—REPORTER.]

At the conclusion of the debate, and just before the vote was taken on his proposition to dispose of the public lands to the new States in which they are situated, upon certain conditions, Mr. CALHOUN rose in his place, and read from Gales and Seaton's Register of Debates, in support of his position, the following extract from the speech of Mr. John Randolph, of Virginia, in the Senate of the United States, in March, 1826, in reply to General Harrison, in Ohio; the subject of the Cumberland road being under consideration:

"Mr. Randolph again rose, and said: The gentleman is mistaken if he supposes that I begrudge the people from Ohio the lands within the body of Ohio. I wish that every new State had all the lands within the State, that, in the shape of receiverships and other ways, these States might not be brought under the influence of this ten miles square. In other words, I wish that all the patronage of the land office was in the hands of the individual States, and not in the hands of the General Government. I am the friend of State rights, and will cut down the patronage of this General Government, which has increased, is increasing, and must be diminished; or we, the States, shall be not only 'shorn of our beams,' sir, but 'abolished quite.'"

Mr. BENTON then rose, and read the following extract from a speech of Mr. Van Buren on the same subject, delivered in the Senate on the 18th of May, 1826:

"Mr. Van Buren said: The subject of the public lands was becoming daily more and more interesting, and would occupy much time in legislation. It extended the patronage of the Government over these States to a great extent; it subjected the States in which those lands were situated to an unwise and unprofitable dependence on the Federal Government. Mr. V. B. said he should vote for every bill on that subject, to enable them at some future day to act understandingly on it. No man could render the country a greater service than he who should devise some plan by which the United States might be relieved from the ownership of this property, by some equitable mode. He would vote for a proposition to vest the lands in the States in which they stood, on some just and equitable terms as related to the other States of the Confederacy. He hoped that, after having full information on the subject, they would be able to effect that great object. He believed that if those lands were disposed of at once to the several States, it would be satisfactory to all."

Mr. BENTON also read from the Senate Journal of May 20, 1826, the following motion, as having been submitted by Mr. Tazewell of Virginia to the effect as stated:

"Mr. Tazewell submitted the following motion:
"Resolved, That it is expedient for the United States to cede and surrender to the several States, within whose limits the same may be situated, all the right, title, and interest of the United States, to any lands lying and being within the boundaries of such States, respectively, upon such terms and conditions as may be consistent with the due observance of the public faith, and with the general interest of the United States."

On the subject of graduating the price of the public lands, Mr. Tazewell said, in 1828, in his place in the Senate:

"That he was pleased with the plan of the gentleman from Missouri, [Mr. Benton] but he thought it ought to extend farther. He would wish to have the arrangement something like this: while the lands are at the highest minimum, one dollar, allow the actual settlers to have the pre-emption right at seventy-five cents; when they are at seventy-five cents, allow actual settlers to enter them at fifty cents, and so on down to the lowest. This, he thought, would be productive of a good effect, as it would be a continued encouragement to actual settlers, and give them an advantage over other purchasers."

After the reading of these extracts, the vote was taken on Mr. CALHOUN's proposition as submitted by Mr. YOUNG, and resulted as follows:

YEAS—Messrs. Allen and Tappan of Ohio, Anderson and Nicholson of Tennessee, Benton and Lion of Missouri, Calhoun of South Carolina, Clay and King of Alabama, Fulton and Sevier of Arkansas, Lumpkin of Georgia, Mouton and Nicholas of Louisiana, Norvell of Michigan, Pierce of New Hampshire, Roane of Virginia, Robinson and Young of Illinois, and Walker of Mississippi—20.

NAYS—Messrs. Bates and Webster of Massachusetts, Bayard and Clayton of Delaware, Buchanan and Sturgeon of Pennsylvania, Clay and Crittenden of Kentucky, Dixon and Knight of Rhode Island, Graham and Mangum of North Carolina, Henderson of Mississippi, Hubbard of New Hampshire, Huntington and Smith of Connecticut, Ker and Merrick of Maryland, Phelps and Prentiss of Vermont, Porter of Michigan, Preston of South Carolina, Rives of Virginia, Ruger and Williams of Maine, Smith and White of Indiana, Southard and Wall of New Jersey, and Tallmadge and Wright of New York—31.

Of the eighteen Senators from the nine new States, fourteen voted for the amendment; and four, Messrs. SMITH and WHITE of Indiana, Mr. HENDERSON of Mississippi, and Mr. PORTER of Michigan, voted against it.

IN SENATE OF THE UNITED STATES.

26th CONGRESS AND 2d SESSION, JANUARY 30, 1841.

Submitted by Mr. YOUNG, of Illinois, and ordered to be printed.

Mr. CALHOUN's Land Bill, to dispose of the public lands to the new States in which they are situated.

Proposed by Mr. YOUNG as an amendment submitted by Mr. CARTER, to recommit, with certain instructions, the bill (S. 28) "to establish a permanent prospective pre-emption system in favor of settlers on the public lands who shall inhabit and cultivate the same, and raise a log cabin thereon," viz: Strike out all after the word "report," in the second

line, and insert the following as an amendment to the original bill:

A provision to dispose of the public lands within the limits of the new States, to the following effect:

That all the public lands within the States of Alabama, Mississippi, Louisiana, Arkansas, Missouri, Illinois, Indiana, Ohio, and Michigan, with the exceptions of the sites of fortifications, navy and dock yards, arsenals, magazines, and all other public buildings, shall, after the thirtieth day of June, eighteen hundred and forty-two, be disposed of to the States within the limits of which they are respectively situated, they having previously complied with the following conditions:

First. That the said States shall severally pass acts, to be irrevocable, that they will monthly, as the sales of the said lands shall progress, pay into the Treasury of the United States, at the most convenient places of deposit, and to such officer as may be appointed to receive the same, sixty-five per cent. on the gross amount of the sales of such lands, including, under sales grants, and donations by the States, estimating the lands at the selling price at the time of the grant or donation, on or before the first day of February of each succeeding year.

Secondly. That the minimum price, as now fixed by law, shall remain unchanged until the thirtieth day of June aforesaid; but, after that period, the price may be reduced by the States respectively, according to the following scale: all lands theretofore offered at public sale, and then remaining unsold ten years or upward, preceding the thirtieth day of June aforesaid, may be reduced by said States to a price not less than one dollar per acre; and all lands that may have been offered at public sale, and remaining unsold fifteen years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than seventy-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may then be reduced by said States to a price not less than fifty cents per acre; and all lands that may have been offered at public sale, and remaining unsold twenty-five years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, may thereafter be reduced by said States to a price not less than twenty-five cents per acre; and all lands that may have been offered at public sale, and remaining unsold thirty years or upward, preceding the said thirtieth day of June, eighteen hundred and forty-two, shall be ceded immediately to the States in which said lands are situated: *Provided*, That all lands which shall remain unsold after having been offered at public sale for ten years, and which do not come under the above provisions, shall be subject to the provisions of pre-emption, on graduation, and disposition aforesaid, at the respective periods of ten, fifteen, twenty, twenty-five, and thirty years, after said sale, commencing from the expiration of ten years after the same have been offered at public sale.

Thirdly. That the lands shall be subject to the same legal subdivisions in the sale and survey as is now provided by law, reserving for each township and fractional township the sixteenth section, or the substitute, for the use of schools, as heretofore provided by law; and the land not yet offered for sale, shall be first offered by the State at public auction, except in cases of pre-emption, and be sold for cash only, in the manner now provided by law. And any land now or hereafter remaining unsold after the same shall have been offered at sale at public auction, shall be subject to entry for cash only, according to the graduation which may be fixed by the States respectively, under the provisions of this act; and that the acts of Congress which may be in force at the time of assenting to this act shall remain unchanged, except as modified by this act, unless with the assent of Congress: *Provided*, That any of said lands may, after they shall have become subject to private entry, be sold at the option of the purchaser, in quarter quarter sections, without any limitation whatever.

Fourth. This disposition of the public lands, together with the portion of the sales to be retained by the States respectively, under the provisions of this act, shall be in full of the five per cent. fund, or any part thereof, not already accrued to any State; and the said State shall be exclusively liable for all charges that may hereafter arise from the surveys, sales, and management of the public lands, and extinguishment of Indian title within the limits of said States, respectively.

Fifth. That, on a failure to comply with any of the above conditions, or a violation of the same, on the part of any of the said States, the cession herein made to the State failing to comply with or violating said conditions, shall be thereby rendered null and void; and all grants or titles thereafter made by said State, for any portion of the public lands within the limits of the same, ceded by this act, shall be, and are hereby declared to be, null and void, and of no effect whatever.

Sec. 2. *And be it further enacted*, That, upon every reduction in the prices of said lands, which shall take place by the graduating process of this bill, the Legislatures of the several States in which the lands are situated shall, at their discretion, have power to grant to the respective occupants or settlers up on any of said lands, rights of pre-emption at such graduated or reduced price; which rights shall extend to a period of ninety days from and after the dates at which the respective graduations shall take place; and any lands not taken up by the respective occupants or settlers within that period, shall be liable to be entered or purchased by any other person, until the next graduation or reduction in price shall take place, when it shall, if not previously purchased, be again subject to the right of pre-emption for ninety days, as before; and so on, from time to time, as said reductions shall take place.

Sec. 3. *And be it further enacted*, That whenever the President of the United States shall be officially notified that any of the States aforesaid has passed an act in compliance with the above conditions, it shall be his duty, after the thirtieth day of June aforesaid, or forthwith after the passage of said act, if passed subsequent to that period, to adopt such measures as he shall think proper to close the land offices, including the surveying department, within the limits of said State; and that the commissions of all officers connected therewith shall expire on a day to be fixed by him, but which day shall not be beyond six months after the thirtieth day of June aforesaid, or, if subsequent thereto, from the day he received the official notification of the passage of said act.

Sec. 4. *And be it further enacted*, That on such notification being made, the said State shall be relieved from all compacts, acts, or ordinances, imposing restrictions on the right of said State to tax any lands by her authority subsequent to the sale thereof, ceded by this act; and all maps, titles, records, books, documents, and papers, in the General Land Office at

Washington, relative to said lands, or duplicates thereof, where the original cannot properly be transferred, shall be subject to the order and disposition of the Executive of said State, in such manner as the Legislature of said States may respectively appoint.

Sec. 5. *And be it further enacted*, That all lands of the United States within the limits of the State of Tennessee, with the exceptions enumerated in the first section of this act, shall be, and the same are hereby, ceded to said State.

Sec. 6. *And be it further enacted*, That the sixty-five per cent. of the proceeds of the sales, hereby secured to be paid to the United States, shall be set apart and exclusively applied to the gradual increase of the navy, and the erection of such fortifications for the general defence of the country, as Congress may by law hereafter order and direct.

SPEECH OF MR. REYNOLDS, OF ILLINOIS,

In the House of Representatives, February 5, 1841—In Committee of the Whole, on the Treasury note bill.

Mr. REYNOLDS addressed the committee as follows:

Mr. CHAIRMAN: Although I admire the eloquence of the honorable gentleman from North Carolina, [Mr. RAYNER,] who has just taken his seat, yet I cannot subscribe to the principles contained in many of his remarks. He observed he would have no confidence in the party to sustain and support the principles and doctrines of State rights, who would commit such political sins as they did in the case of the New Jersey election.

Whenever it becomes necessary to discuss political subjects from the stumps in Illinois, I take the New Jersey elections as my text, to demonstrate to the people that one party did right, and the other did wrong, in these elections. I charge no corruption in the action of this House; but to some of the actors in New Jersey I think at least a suspicion, tolerably well founded, might attach. That a majority of the votes in that election were given for the Democratic members, all admit. The Governor of New Jersey, like others, must have seen and known these facts; yet, nevertheless, he gave the certificate and seal to the party having the minority of votes. These being the facts before the House in the contested election, the decision was rendered in favor of the majority of votes, and the present members of New Jersey thereby obtained their seats. So soon as the present political excitement which arises out of other causes in the State of New Jersey subsides, and the people, in their cool and reflecting moments shall act on this case, they will give the same judgment in favor of the majority governing, as the House of Representatives did last session. I might ask in turn what would "State Rights" expect at the hands of a party who voted for a minority to govern? State and national rights both would be in a very precarious situation, if minorities govern majorities.

The great seal of New Jersey seemed to have with some as much power in this controversy as the philosopher's stone with its devotees. A seal without the majority ought to have no more virtue than the aforesaid "stone."

I will relate a case that took place in England, perhaps in feudal times. I state it, because almost all around me, and who are honoring me with their attention, more than I deserve, are lawyers.

It had been established in England, in a court of justice, and recorded, that a certain person was dead. Afterwards, it became necessary, on the trial of another cause in court, to prove the death of this person. The record, and the great seal attached to it, were produced in court; but lo and behold! at the trial the man who had been supposed to be dead, appeared in full life in open court. The question was, must the record or the man himself be believed?

Mr. Chairman, in our country (Illinois) we would rather believe the man than the record and seal. In New Jersey, perhaps with a party it might be otherwise.

FLORIDA WAR.

Mr. Chairman, the gentleman [Mr. RAYNER] today, and the Whig party on all occasions, charge the Administration with remissness and want of energy and capacity in carrying on the Florida war.

It is often stated that "a few squaws and some miserable, starved Indians" hold out against all the power of the United States; "this is the unkindest

cut of all." This is requiring a brave and efficient army, commanded by as courageous and gallant officers as ever existed, to conquer the elements themselves. It is extremely easy to live in gay and fashionable society in the city of Washington, and make speeches against the Florida war, rather than to be wet and hungry, and perhaps sick, hunting down the Indians in the swamps and hammocks of that country.

All classes of troops have been employed in this service at various times. Part of the regular army, with many of the gallant officers who have gained for themselves and country immortal honor in the late war with Great Britain, has been engaged in this service. They have exerted their accustomed bravery and energy, but without success, as they were opposed by insurmountable obstacles. Volunteer corps of citizen soldiers were also enlisted into this service, and the same result attended their efforts. The brave and meritorious Gentry of Missouri, with many other gallant men, were slain in these efforts.

Our troops in Florida were compelled to overcome enemies to which the Indian force was insignificant, and even contemptible. They were forced to war against the elements, the swamps, hammocks, and sickness of the country, and in the summer were constrained to yield the field to malignant disease against which human power cannot contend. Many of these brave men are now lingering out an existence made wretched by disease, contracted in this country in the war.

The great Napoleon himself, who was the prodigy of all human creation, and was at the head of the finest army the world ever saw, was also defeated in Russia by the elements. The puny power of man must yield to the laws of nature. No matter if the man be the greatest of his race, and has command over the greatest military nation that ever existed, as was the case with Bonaparte; yet he cannot war with success against the laws of Heaven.

It is doing the brave and gallant army of the United States great injustice to make these serious charges against them, without the least foundation whatever.

PROSCRIPTION.

The gentleman from North Carolina expresses no doubt the sentiments of the whole Whig party, that the diplomatic corps of our Government in Europe will be recalled, and others sent in their places.

Mr. Chairman, I know not if the Opposition party have changed their principles; but they have changed their expressions. Nothing was so horrid to them, last year, as "proscription for opinion's sake." Now, after the election, it seems to be with them the only true and orthodox doctrine. It is strange how victories will change expressions.

It was charged on the Administration that an army of office holders were supporting the Democratic party, and efforts were made in both Houses of Congress to deprive office holders from exercising the privileges of freemen; to disfranchise and gag them.

But the scene has changed. An army of office holders for the Harrison Administration are to be enlisted, and placed in power. I do not suppose any effort will be made to disfranchise or gag this new Federal army. Time will determine.

WEAK TREASURY.

Mr. Chairman, the Opposition party charge the Administration with misrule, and other words more criminal, for the want of money in the Treasury. Jeremiah, of olden times, would be ashamed of his lamentations were he here to hear the modern Whigs mourning over the distresses of the people, on account of a weak Treasury. O. K. Orful Kalamity. These crocodile tears generally flow from the eyes of those that wish to live on the work and labor of others, through the medium of the Treasury, and therefore think it a great crime in Government to be scarce of Treasury pap.

It is the proudest boast of a Republic to have a wealthy and happy people, and a weak Treasury. A deficit is better than a surplus. The amount of money which might be needed in the Treasury, is with the people, in useful operations. The people make more with it than the in-

terest we pay on the Treasury notes, and the Government is more prudent and economical in expenditures when the Treasury is low.

TREASURY NOTES.

I am not at all opposed to the issue of Treasury notes under the circumstances of the case, and, I think, more than five millions would be preferable to that amount.

Some gentleman say it is unconstitutional to issue these notes, and that a loan is constitutional. This seems a nice distinction. The difference between a loan and the issue of Treasury notes might form an excellent subject for a critical discussion, in some of the learned colleges and seminaries. A professor of logic might test the talents of his pupils for acuteness and precision in ascertaining the difference. For all practical purposes the operation must be the same. The credit and responsibility of the Government is used in both cases, and in my opinion, the Constitution stands as fair for one mode as the other.

Some have most singular notions of the Constitution. They contend that it is constitutional in the crisis of a war to issue such notes, and in peace the Constitution knows no such power. It seems to me the Constitution remains the same stem and unchangeable instrument in war as well as in peace.

A sufficient amount of notes should be issued to improve the harbors around our coasts, and to complete our national works. It is economy and a saving to the Government to continue these works rather than to see them tumble into ruins, and the materials and implements destroyed. Among these national works I would expect to see completed the Cumberland road, which is a work my constituents also would be extremely well pleased to see finished.

I have the utmost confidence in the talents and integrity of the Hon. Mr. Jones of Virginia, the chairman of the Committee of Ways and Means. He is not warped astray by party prejudice, but is firm to the true interest and honor of the country, and such amount of Treasury notes as he deems necessary and proper for the present wants of the Government, I will sustain. The whole amount is but trifling when compared with the wealth and great resources of the country.

PROSPERITY OF THE COUNTRY.

Mr. Chairman, I will be permitted to exhibit a small portion of the resources of the people.

I do this for various considerations, which I will make known before I close my remarks.

The report of the Secretary of the Treasury exhibits an excess of exports over the imports of the last year of \$26,766,059.

The Secretary further says:

"The excess of exports is not only more than ever was known before, but quite three fold greater."

This is proof that cannot be controverted, that the substantial wealth and resources of the nation have increased last year more than in any former year. Does this look like distress?

In the whole region of the Northwest, and other sections of the Union, the products of an industrious and virtuous people are astonishing, and would not obtain our belief, if they were not taken from official and correct data.

In the State of Illinois, taken from the census, we find the people in that State have the last year on hand the following products:

Wheat	-	-	-	2,302,956 bushels
Corn	-	-	-	19,626,904 "
Oats	-	-	-	3,795,500 "
Potatoes	-	-	-	1,566,000 "
Neat cattle	-	-	-	164,961
Hogs	-	-	-	1,258,184
Sheep	-	-	-	337,157
Coal	-	-	-	3,546,000 bushels
Salt	-	-	-	20,000 "
Lead	-	-	-	336,157 pounds

It is stated in documents, which I presume are correct, that the value of property in the State of Indiana assessed for taxation for the year 1841, amounts to the sum of \$132,548,137. I have no data to exhibit the products of this State this year; but no doubt they are greatly increased since the last.

"At Cleveland, Ohio, independent of the supplies by wagon, the receipts of wheat by the canal this year are near two mil-

lions two hundred thousand bushels, and one half a million barrels of flour.

"There arrived at Cleveland, in 1840, on the Ohio canal 290,233,820 pounds of produce, being an increase of 94,117,553 upon the previous year. The increase of wheat and flour is equal to 463,766 barrels.

"TOLEDO, Ohio.—The amount of flour and wheat shipped at this port is equal to 67,000 barrels. Seven years ago the place was not in existence, and the country around was a wilderness, and until 1837 was dependent upon Western New York for bread stuffs.

"The business between the city of St. Louis, Missouri, and Boston and New York this year, according to the St. Louis Gazette, is \$6,000,000."

When the Chicago canal is finished, which will be soon, the transportation of merchandize to this city will be mostly by it and the Erie canal. As the city of New York is intimately connected with the Northwest in commerce, and no doubt has increased in the same ratio, I will state the value of real estate in the city this year, and the estimated amount of taxes for 1841:

Value of real estate,	\$187,000,000
Amount of tax for the support of the city,	1,553,000
"Cotton exported from New Orleans in the years 1838-39 and 1839-40, ending 30th September, (from Hazard's Register:)	
Total in 1838-39	550,817 bales.
" 1839-40	954,191 "
Increase	373,374 "
"Exports of sugar from New Orleans in 1839-40:	
Total—Hogsheads	45,611
Barrels	6,978
"Cotton at Mobile, Alabama, (from Mobile Letter Sheet:)	
Cotton in 1839	252,240 bales.
" 1840	446,042 "
Increase	193,802 "

Is this ruin and distress?

I hope it will be no offence to the people in this city, who complain so much of hard times, to recite from the Intelligencer, a paper which is orthodox with them, the increase of houses in Washington. We must conclude from this improvement that other valuable and lasting improvements are progressing in the same proportion. If the banks had been overflowing the city with irredeemable shinplasters, these improvements would not have been made:

"The number of new buildings erected in the city of Washington during the year 1840 were as follows:

BRICK DWELLINGS.			
Three story	-	-	15
Two "	-	-	39
One "	-	-	2
WOOD DWELLINGS.			
Two story	-	-	106
One and a half story	-	-	8
One story	-	-	8
Total number of dwellings	-	-	178
Additions	-	-	14
Shops	-	-	13
Churches	-	-	2
Total	-	-	207

Mr. Chairman, I will not trouble the committee with any more details of facts, showing the increase of wealth and improvements throughout the country as this will be a sample for the whole Union.

The increasing and productive wealth of the country must form a solid basis on which to issue the amount of Treasury notes mentioned in the bill, and moreover it must also silence all unfavorable and senseless clamors about the distress, ruin, and bankruptcy of the country. Is the city of Washington ruined and distressed with 207 new buildings erected last year? Can any reasonable man believe that Illinois, with all her products, is about to be ruined? Can distress be the consequence of such unparalleled increase of wealth? It will be a distress and ruin of a singular character.

PAPER CURRENCY AND IDLERS.

I pretend not that bank notes are as plenty as in some former years: but I presume no one will contend that they are the substantial wealth of the country. They are uncertain, fluctuating, and only the shadow of the substance. Are they to be compared with the substantial products and improvements of the nation?

I will exhibit the amount of paper in circulation for several years, which will show that it is the banks, and not the country, that has produced the embarrassment with some part of the community:

January 1, 1820	\$4 863,344
" 1830	61,323,898
" 1834	94,839,570
" 1835	103,692,495
" 1836	140,301,038
" 1837	149,185,890

"	1838	116,138,910
"	1839	135,170,995
"	1840	106,968,572

The above table exhibits the deficit of paper circulation in some years, which is the cause of the imaginary distress so much complained of by some people. Even if it were such cause as to produce general distress, the Government cannot control it. It is a matter with the State banks, with which the General Government has no power to interfere. Can the misdeeds of the banks be visited on the Government?

These cries of hard times and lamentations for relief generally proceed from people who will not exercise any industrious avocation to make a living, and who have nothing to live on. They are generally people sitting on boxes at store doors whittling pine sticks, and doing nothing for a livelihood except kicking the boxes with their heels. In the summer they seek the shade, in winter they bask in the sun at the sides of the houses, and in both seasons never cease crying "change, change—the hard times have ruined us—Tip and Ty for ever."

SPECULATION.

It is often charged on the Administration that the Democratic party are senseless and deaf to the distresses of the people. Their hearts are too cold to relieve the sufferings of the community. That some people are embarrassed in trade and speculations, I have no doubt. At the time when the bank circulation was almost one hundred and fifty millions of dollars, this induced many persons to embark in trade and speculations; and when the banks curtailed the circulation down to about one hundred and six millions, many of these *land traders and speculators*, by imprudence and extravagance, became embarrassed, and some ruined. For these unfortunate men, the Democratic party have good feelings and sympathies, nevertheless. How can the Government relieve them? The Government possesses no magic power to make money out of nothing. If the Government relieve these embarrassed men, it must be done by taxing the industry, prudence, and economy of another portion of the community to pay their debts. Can this be tolerated in a Government of equal rights? Is it rich for one people to pay the debts of another? These fluctuations in the paper currency were not caused by the Government. Congress cannot interfere in State institutions. These banks suspended when the Government was in full communion with them. Both the Government and banks sat together at the same political communion table—the banks feasting on the public deposits, and the Government using their paper. But the banks committed adultery, and the Government divorced them. The Government never did, and do not yet, entirely refuse their notes, when they are paid in specie.

SECRETARY OF THE TREASURY.

It is strange, in the course of this discussion, how the Secretary of the Treasury has been abused. Almost every word known in the English language to express fraud, hypocrisy, and imposition, has been used against him. Is this a generous or noble bearing towards a man or a party that are defeated? We were overpowered, not by principle, but by numbers, and we were disposed to legislate for the good of the country, without political excitement. But we were forced into this political discussion. The honorable gentleman from New York [Mr. BARNARD] commenced the fire in this House, which was followed up by heavy artillery on the same side. What could we do other than to combat it with facts and the truth? Was it right to let unfounded assertions go out to the world to impose them on the people as the truth? Will a generous people be satisfied to see an efficient and meritorious officer abused and condemned for doing his duty? The law makes it the duty of the Secretary of the Treasury to make a report each year to the President, and for the performance of this duty, he is condemned almost as a criminal. In after times, when reason regains her empire amongst men, and party rancor is silenced, this officer will be esteemed as an able and efficient financier, doing great service to the country, with honor to himself.

It is extremely difficult to regulate the fiscal concerns of this nation, extended as it is, over such an immense territory. The operations of the Secretary have embraced the extraordinary sum of three hundred and sixty millions of dollars, and extended over nearly two million square miles. The fluctuation of the currency, in that time has also been a great source of annoyance and difficulty. "Last, though not least," was the suspension of specie payments. This left the Treasury without a dollar of available funds as often as it occurred. Was not this an alarming crisis in the country? The public money all locked up in banks, whose notes could not be received by the Government, as they were not redeemable in specie. This misconduct of the banks caused this calamity, and yet the Administration and Secretary are condemned for it. And even now the Secretary is visited with the severest denunciations for doing what the law compelled him to do.

Under the law and Constitution, could he do otherwise than to refuse to receive notes which were not redeemable in specie? Could he, by law, deposit the funds of Government in non-specie-paying banks? With all these disadvantages and difficulties in the currency, the country, under the present Administration, has flourished in an unexampled degree.

Mr. Woodbury, in his report, says, he has been connected with the Treasury from six to seven years.

"During this term, there has occurred much to evince the great fiscal power, as well as the prosperity of the Union. Some reverses have, at times, overtaken the rashness displayed by parts of the community in certain branches of business, and have extended their adverse influences to the revenue dependent on them. But the period and country, as a whole, have been almost unexampled in prosperous developments."

Again he says:

"It has enabled the Treasury to meet the current expenditures of the Government, as well as the extraordinary ones by Indian wars, treaties, and other costly measures, and without imposing any new taxes or high tariff, and without any new funded debt whatever, but extinguishing considerable remains of the old one, and paying the interest on that assumed for this District, to save the unprecedented surplus of more than twenty-eight millions of dollars, and to deposit the same with the States for safekeeping, until needed by the General Government."

Moreover he adds:

"That besides the recorded evidence of the prosperity of the country, it is gratifying, that the Treasury, without the aid of the United States Bank, has been able to make its vast collections, transfers, and payments, with promptitude, and, in most cases, with specie or its equivalent."

These statements of facts, together with those I have already presented to the committee, will establish this truth beyond contradiction—that the real and substantial wealth and improvement of the country have been advanced in an unparalleled degree during the last year. At no period since our national existence has the country so much right to rejoice as during the last year at her prosperity and improvement in all things that conduce to the substantial and permanent happiness of man. Where is the distress and ruin so much complained of? And where is the cause of so much abuse against an able and talented officer, who has labored so faithfully and so efficiently in the duties of his office for the permanent and general welfare of the nation?

THE PUBLIC LANDS.

Mr. Chairman, the subject of the public domain was introduced into this discussion, which, of all other subjects, is the most interesting to the people in Illinois, whom I represent. Were I able to pass these two measures—the prospective pre-emption and the proper graduation of the price—I should consider it the best public act of my life, and which would be the most gratifying to me. I should consider it, also, the most glorious act of any one's life to procure farms and homes for thousands of poor and honest families, and this, too, without injury to the public. We would then see the new States crowded with hardy, industrious farmers, on their own soil, able and willing to sustain the Government in any crisis, whether in war or peace.

The journals of both Houses of Congress, and other public documents, will prove, to the satisfaction of all mankind, that one party in the United States are friendly to these measures, and the other, with some exceptions, are hostile to them. The Democratic party, with that enlightened liberality of sentiment and those enlarged views of public policy which have characterized them from the com-

mencement of the Government to the present time, have taken the lead on this subject, and are disposed to provide every poor man with a farm and home for himself and family.

The Presidents, Gen. Jackson and Mr. Van Buren, both recommended this policy, and the friends of the people have joined heart and hand with them in their recommendations.

The Secretary of the Treasury has likewise stated that the graduation would increase the revenue and the prospective pre-emption policy cannot injure it; as the present pre-emption law will not expire before the bill now before the House would take effect, if it were passed into a law.

I am not only friendly to these measures, but would be pleased, also, to see passed the cession act, granting the whole public lands to the States where they lie, on some fair and equitable principles. Then this bone of contention, this heartburning between the old and new States, would cease. The country then would be settled and improved by a virtuous and enterprising population, which is the foundation of the wealth and strength of all nations. A revenue could then be raised from this population tenfold greater and more certain than the present, arising from sales of the public lands. This revenue is uncertain, and is paid in with no good feelings from the new States.

ALIENS.

It has been seriously contended that the benefits of the pre-emption laws should not be extended to aliens, and a vote in the Senate has been taken on the subject. Since the commencement of the present land system, the uniform practice has been to sell the public domain to aliens as well as to citizens of the United States. As far as I am informed, no inconvenience has occurred from this policy.

The State laws of Illinois not only permit aliens to purchase and hold lands in the State, but also permit the same to descend to their heirs, as if they were native citizens of the United States.

During the debate on this interesting subject—the public domain—an extraordinary opinion has been expressed, and some argument advanced to sustain it, that an alien, under the laws and Constitution of the United States, has no right to vote for members of Congress. This sentiment, emanating from such high source, and being so directly adverse to the practice with us in Illinois, since the formation of our Government in 1818, I deem it my duty to give to the subject such consideration as it seems to merit.

The Hon. Mr. CLAY of Kentucky says, as reported in the *Intelligencer*:

"The right to vote implies citizenship necessarily, essentially, although the converse of the proposition does not apply. Then comes the State authority; but the State has no power to confer the elective franchise on any foreigner, who is not a constituent portion of the people of the State—who is not a member of our political community—who is not one of the people of the United States."

And again:

"If a State constitution declares that aliens may vote, then their vote may affect the composition of the House of Representatives or of the Senate; and so eventually the question might come into their bodies in judging, as they respectively have a right to judge, of the qualifications of persons returned as members of the two Houses."

I deny that the General Government have any power to regulate or prescribe the qualifications of electors for members of Congress. That power to regulate and prescribe the qualifications of electors has been confided to the State Governments, and none other can exercise it.

If this were not the system of our Government, that harmony and dependence on the same people with the same qualifications which is necessary and proper, would not exist. If the General Government had the power to prescribe the qualifications of voters, this would give it a distinct and separate existence, from the people of the State Governments, which the uniform practice since our national existence, and the forms of our Governments, in my opinion, do not sanction. The General Government, by this rule, would be able to crush the State Governments and establish throughout the Territories of the United States a central omnipotent power. The rights of the States would be destroyed by the undue influence of the National Government.

If the General Government possess this power

to prescribe the qualifications of electors, it might require each voter to be the owners of lands to such amount that few only could vote for members of Congress. It might require also other qualifications, such as education, or perhaps, certain religion.

If the qualifications of electors were permitted to be different for each Government, in the same proportion would the two Governments be different in their composition and character, and the General Government possessing the greater power, would, in time, destroy the others.

The Democratic doctrines contained in the celebrated Virginia and Kentucky resolutions, the productions of the two great statesmen, Jefferson and Madison, would be prostrated to the dust.

These evils, in my judgment, the Constitution intended to prevent and avoid. It intended, as it said, that the foundation of each Government should be based on the *same people*, professing the *same qualifications* as electors in both Governments.

The second section of the first article of the Constitution of the United States contains the following, to wit:

"The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

This language and expression would appear manifest to a plain common man. "To have the qualifications requisite for the most numerous branch of the State Legislature," cannot mean that the electors shall have other and further qualifications to enable them to vote for members of Congress. We are prohibited from giving the General Government more power than is given by a fair and reasonable interpretation of the Constitution. The 10th article in the amendment of the Constitution says:

"The powers not delegated to the United States by the Constitution, nor prohibited to the States, are reserved to the States respectively, or to the people."

The above article does not require the "*citizens*" of the United States to choose members of Congress every second year. The Representatives shall be chosen "by the people of the several States."

The people of a State, *ex vi termini*, does not necessarily mean that they are citizens of the United States. I am satisfied that "the people of a state," and the citizens of the United States, have different significations, and so it was considered by the framers of the Constitution. Indians and negroes are, while residents of a State, people of the State. They are people, although they may not be citizens of the United States. Aliens may very properly be termed part of the "people of the State," when they reside within the State—hold land in it, and are subject to all the burdens of taxation, military duty, &c. like other people.

"The people of the State" must be understood to refer to those residing within the limits of the State, and excluding those living without from exercising the elective franchise for members of Congress in a different State from which they reside. This is the only restraint imposed on the States by the Federal Constitution. The "people" voting for members of Congress must reside within the States where their votes are given.

The following provision in the Constitution of the United States, under the second section of the first article above alluded to, will sustain the position I have taken.

"Representatives and direct taxes shall be apportioned among the several States which may be included in this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons."

In the above extract the words "the whole number of free persons" are used, and the word "citizen" is not mentioned at all; so that the conclusion must be correct, that the Constitution did not intend to circumscribe the action of State Governments to the qualification of citizenship for the electors. "Free persons" are the basis to which the "three fifths" were to be added, and are likewise the basis on which both the State and Federal Governments are founded.

If the framers of the Constitution had intended to have used the word "citizen" in place of "the

people of the States" and "free persons," or to have attached the qualification of citizenship to the elector, they would have done so, as they had in the same instrument authorized the naturalization of aliens, and regulated the extent of citizenship.

The provision in the Constitution, that "each House shall be the judge of the elections, returns, and qualifications of its own members," does not authorize either House to alter or change the qualifications of electors.

The House is to judge of the elections, returns, and qualifications of its own members, according to the laws and Constitution of the State where the election was had. There is no power given in this expression to add to or diminish the qualifications of voters, and, in all the contested elections, so far as I have examined them, the House has not pretended to exercise this power.

The Constitution of the State of Illinois, in the 27th section of the 2d article, prescribes the qualifications of electors in these words:

"In all elections, all white male inhabitants above the age of twenty-one years, having resided in the State six months next preceding the election, shall enjoy the right of an elector; but no person shall be entitled to vote except in the county and district in which he shall actually reside at the time of the election."

There cannot be any language more plain and explicit than the above. It needs no commentary. It speaks for itself, and speaks a language that cannot be misunderstood.

If an alien be permitted to vote under the Constitution of a State, this does not make him a citizen of the United States. I pretend not that a State can naturalize aliens, and make them citizens of the United States. The elective franchise is quite as similar from citizenship. A person may enjoy one, or the other, or both, and in some cases neither; as the people of color in Illinois do not vote and are not citizens.

It has been the uniform practice under the Constitution of the United States, since its adoption, so far as my knowledge extends, for the several States to prescribe the qualifications of the electors within each State respectively; and I believe almost every State in the Union possesses some difference in their respective qualifications of electors. They differ, some in the property qualification, some in time of residence, some in color, some in citizenship, and alienage, &c.

This marked difference, and great variety in the qualifications of electors in the several States of this Union, establish the true and correct exposition of our Constitution on this subject. Heretofore, in many of the States, and in some at the present time, free people of color exercise the elective franchise. This practice is authorized by the State Governments; and I have never heard of any contested election being before this House on that ground. If Congress had the power to change the laws and Constitution of a State on this subject, it would be a subject more likely to call for the speedy action of Congress, than perhaps any other. Yet it remains for the States to regulate, under the Constitution, as it may seem just and proper. Within a few years, Tennessee has changed her Constitution, so that people of color do not now vote in that State, and perhaps other States have also amended their Constitutions, so that this class of people do not vote.

These amendments of the State Constitutions demonstrate that the States have *exclusive* power over this subject, and that it is left with them to correct the evil, if it be one. It also proves, the States having exclusive power, that the General Government has none over the subject; and the right of the Government has never been attempted to be exercised in preventing those amendments of State constitutions on this or any other subject. In 1st Littell's reports, p. 334, the Supreme Court of Kentucky decides:

"The negroes and mulattoes are, almost every where, considered and treated as a degraded race of people; inasmuch so, that, under the Constitution and laws of the United States, they cannot become citizens of the United States."

This is a decision I consider directly in point, and it is a decision of an enlightened and intelligent court.

If free negroes and mulattoes have the power to exercise the elective franchise, and are not at the same time citizens of the United States, it must be

true with others, that they may exercise the same franchise before they are naturalized citizens.

If this House, judging on a contested election, were to annul and abrogate the Constitution of the State of Illinois, in this clause, or in any other, it would be a revolution in the Government, and a destruction of the present system.

A joint resolution passed in the Congress of the United States, admitting the State of Illinois into the Union "on an equal footing with the original States, in all respects whatever." The subject of the State Constitution of Illinois was before the Congress, and the principles therein contained were examined and agreed to. After this public and solemn act, can Congress recede from it, and annul and change any part of the Constitution? I know of no power, Supreme Court of the United States or other tribunal, that can take cognizance of a State Constitution and decide against it, when such Constitution is "Republican," and the State is admitted into the Union.

The honorable member [Mr. CLAY of Kentucky] says that, if a State Constitution permits aliens to vote, such vote may affect the "composition of the House of Representatives, or the Senate." This is true, that such vote will affect the House and the Senate, and such was the intention of the framers of our Government.

The General Government is not based on the masses of the people throughout the Union, without connection with the States. It is a Government formed by the union of the people of the several States, and not by the general union of the people throughout the territorial limits of the United States. The people of each State, separate and apart from the others, vote for the President of the United States; and the Legislatures of the respective States elect Senators to the Senate of the United States. These are the actions of the States distinct from each other, and in the same manner do they act in their respective component parts of the General Government.

The States, separate and apart from each other, form this part of the General Government, and in the same manner do they act in their respective component parts as States in the selection of members to the House of Representatives. The people of each State, in their State capacity, apart from the others, compose the Government of the United States, which its name indicates.

The people of each State, acting distinct and independent from the others, may prescribe and regulate the composition of the House in any manner, which will, in their judgment, conduce the most to their happiness. This was the political compact made at the formation of our Government, and no one party can now alter or change it. The character of the House may satisfy one section of the Union, when it is quite unsatisfactory to another; yet it is constitutional. Abolition petitions, for example, presented from one section of the Union to the Congress of the United States, are not satisfactory to another; yet this will not form any cause on which to exclude the votes of Abolitionists for members of Congress. If it be an evil to permit aliens to vote, which I do not believe, the community where it exists will be the most conversant with it, more immediately affected by it, and will sooner than all others correct it.

Mr. Chairman, representing a district in Illinois, where the practice for aliens to vote has prevailed since the formation of our Government, and believing, as the people do, that it is right and constitutional, I deemed it my duty to give to the subject some such consideration as I have expressed.

RESOURCES OF ILLINOIS, AND THE STATE DEBT.

Mr. Chairman, the State debt of Illinois and the resources to pay it are subjects of the greatest importance not only to the people of the State, but to many in Europe as well as in America.

For the State of Illinois, I apprehend no danger. The resources of the State are great, and every year they are becoming more developed and more available. Some of the annual products of labor in Illinois, I have already stated, and to which may be added twelve or fifteen million acres of land subject to taxation. The great fertility of soil and extent of the State are known to all. The increase of population, I believe, for some years past, has

been unrivalled. The census of 1830 showed the population to be about one hundred and fifty-seven thousand; and it is in 1840 almost half a million. I have no hesitation in saying the census of 1850 will exhibit at least one million of souls in Illinois. There is no interior State in the Union, so far from the ocean, that has such facilities for the transportation of her products to market as the State of Illinois possesses.

The resources of Illinois are incalculable, and will, when properly developed and made available, reduce the present State debt into insignificance.

Possessing these physical resources, Illinois has also an honest, industrious, and intelligent population to sustain and support the honor and character of the State at all hazards.

The Chief Magistrate of the State, in his late message to the General Assembly, possessing that noble and patriotic feeling which actuates all honest and patriotic men, and expressing a *fac simile* of the sentiments of the State, says:

"A failure to meet promptly a single one of her engagements, would inevitably throw around her future operations, difficulties that would prove destructive to her character and interest, and in a great degree, paralyze her energies.

"Although there may be but one opinion among our citizens, that the money for which we are indebted has been injudiciously appropriated, still their virtue and patriotism—their high sense of honor and justice, imperiously forbid delinquency in its payments. I am clearly convinced that they would look upon no calamity which might befall them, so great and humiliating as that which would strip them of their reputation for punctuality and probity in their engagements. When a State loses sight of these paramount considerations in her public policy, when she ceases to hold integrity up to the world, as the polar star of her legislation—when she becomes careless of her standing among the communities around her, she will settle down in hopeless degradation, and become the scorn and contempt of the world. Strongly impressed with these sentiments, I have convoked you."

Nothing can be more honorable and patriotic than the above recommendation to the Legislature. I hope the members of the General Assembly will take fire at the holy zeal of Governor Carlin for the honor and interest of the State; and make ample provision for the punctual payment of interest on the State debt.

This debt itself is not so great as is supposed without examination. The whole debt for the canal which is already contracted and may hereafter be contracted to complete it, cannot injure the State. The amount at present is \$3,950,000, and perhaps it will require a similar sum to complete it. This work will take two or three years to finish, and when completed, will not only pay the interest on the debt, but produce a considerable revenue to the State. This is the most important work in the Union, or perhaps in the world. It connects a more extensive region of fertile country in commerce, than any other improvement on earth. All the waters of the valley of the Mississippi are connected by it with the Lakes, St. Lawrence and the various facilities of commerce in the State of New York.

The country is becoming so densely populated, and the improvements of the same so much advanced, whose interests it will be to use this canal, that it will be a source of revenue to the State so soon as it is completed.

It is ninety-seven miles long, sixty feet wide at the top water mark, and the water in it six feet deep, commencing at Chicago, on Lake Michigan, and terminating at Peru, the head of navigation on the Illinois river.

I may add that about two hundred and seventy thousand acres of land, which were granted by the General Government to the State for the construction of this canal, remain yet unsold, and will, when the canal is finished, produce an amount of money that will go far towards liquidating the whole debt. For the sale of part of these lands the sum of \$1,117,654 is now due the canal.

The total bank debt is \$3,100,000. This amount is in operation in the banks of the State, and yields a dividend of six or eight per cent; so that in fact that is not a debt, but rather an income to the State.

The internal improvement debt is \$3,187,000 for the sale of stock for railroad and river improvements. There are various other items of indebtedness, which, added to the above sum, swells it to \$5,345,000. The railroad iron amounts to half a million, which is unsold. There are upwards of forty thousand acres of land appertaining to this

fund, and other property and buildings, so that the debt of the State, on which interest must be paid, may be placed at about \$4,000,000. Not many of the roads on which the above sum was expended are completed, so that, as to the present time, the State will receive no great benefit from them. The State debt to the school fund is near \$800,000, and the sum to the banks of the State, which constitute the whole State debt. The domestic debt, for which the State has issued no bonds, will not press on her at this crisis for the interest, so that the only debt for which the State stands bound to provide for the permanent payment of interest, is that of \$4,000,000 for the railroad system.

The canal debt, and that for the banks, and some others, are not computed in the four millions of dollars for which the State is bound to pay interest. All the others are for works which either will sustain themselves, or not press the payment of interest at the present time.

Mr. Chairman, having resided in Illinois from my early youth to the present time, and thereby being identified with the people in all our common interests and feelings, I would be derelict to myself and the people were I to remain silent and hear the character of my country assailed for the non-performance of her engagements. I therefore make the above unvarnished statement in the performance of my duty to the people. The public is hereby enabled to form a correct judgment on this subject, which is my only object.

NOTE.—Since the above speech was delivered, the Supreme Court of the State of Illinois has decided that aliens are entitled to vote.

SPEECH OF MR. WELLER,

OF OHIO.

In the House of Representatives, February 3, 1841—
On the Treasury Note bill.

Mr. WELLER addressed the committee as follows:

Mr. CHAIRMAN: In rising to address the committee at this late hour in the debate, I can scarcely hope to say any thing that will be worthy of their serious consideration. My object, however, is not so much to discuss the immediate question before the committee, as to allude briefly to some of the various topics which gentlemen of the Whig party have introduced into this debate.

The question upon which we are now called to vote, is, whether or no we will authorize the Secretary to issue five millions of Treasury notes, to supply a temporary deficiency in the revenue. The Secretary, who is by law placed at the head of the finances of the Government, has, in the discharge of his official duties, presented a report, in which he informs us that it will be necessary, in order to meet all the demands against the Government promptly when presented, that a debt should be contracted to the amount of five millions of dollars; not for the purpose of supplying a permanent deficiency in the Treasury, but for the purpose of anticipating the revenue. In other words, he estimates that the receipts into the Treasury will, during the whole year, be amply sufficient to defray all the necessary expenditures of the Government; but that, in consequence of the limited receipts during the first quarter, and the great demands against the Treasury at that time, there will not be enough to meet all the liabilities as they fall due. The reason of this is obvious, and is satisfactorily explained in the report—the larger portion of the revenue will come into the Treasury towards the close of the fiscal year, whilst the heaviest demands will be made at a much earlier period. The use by the Government of its own credit, in the form of Treasury notes, is deemed the cheapest, as well as the most convenient, way of meeting this state of affairs, and has been resorted to at various times in the history of our Government. In the report before me, the Secretary sets down the whole means of the Government, for the year 1841, at \$24,723,473, and estimates the ordinary expenses at \$19,250,000; to this last sum is to be added \$4,500,000 for the redemption of Treasury notes, and the further sum of \$149,200 on account of the funded debts, chiefly for the cities of this District: making, in all, \$23,899,200. So that there will be, at the close of the year, should Congress con-

fine the appropriations to the estimates, after all payments whatever, a balance of \$524,273 in the Treasury. Here, then, is the official report, made by the Secretary under the responsibilities of his oath, exhibiting the fiscal situation of the Government. That officer has all the data in his possession necessary to enable him to communicate the truth to Congress. He has done so: and yet we find gentlemen on this floor making a systematic effort to induce the country to believe that there is a permanent deficiency in the revenue; that the Government is deeply involved in debt; and that no reliance is to be placed in the report. Now, Mr. Chairman, why is it that the leaders of the Whig party here are laboring so assiduously to produce the impression that the Government is in debt? The reason is apparent to every man who has paid any attention to the movements of that party. They desire to make this a pretext for an extraordinary session of Congress; and then, by resorting to a loan, create a national debt, and thus lay the foundation for the establishment of a National Bank. That class of politicians who believe that a national debt "is a national blessing," has not yet become extinct. They know that the Bank of England (and from that country they borrow many of their political dogmas) would soon totter, and crumble to the ground; if it were not for the enormous debt of that country; they know, too, that a National Bank cannot be sustained in this Government without a national debt; and hence their efforts, on all occasions, to produce a necessity for one.

I have been considerably amused at the contrariety of opinion amongst the learned Whigs who have addressed the committee on this branch of the subject. They all agree that there is a permanent deficiency in the revenue, and yet differ widely as to the amount of that deficiency. The gentleman from Maine [Mr. EVANS] declares that the deficiency will amount to from seven to ten millions of dollars! The gentleman from Tennessee [Mr. BELL] thinks it will be some fifteen millions! The gentleman from South Carolina [Mr. THOMPSON] says about twelve or fifteen millions. While the gentleman from New York, [Mr. BARNARD], out-ciphering the whole of them, puts it at not less than forty millions! Now, sir, whatever confidence I may have in the mathematical learning and ability of the gentlemen, yet I prefer, in a case of this kind, relying on the report of the Secretary, who, from his position as the fiscal officer of the Government, is enabled to look over the whole ground, and give us the true condition of our finances; he must, certainly, understand the resources of the Government, the sum that will probably be received in the Treasury, and the amount necessary to a proper administration of its affairs. This bill is founded on that report; and we, who are now in the majority here, are not only willing, but anxious, to provide the necessary means to enable those who are soon to take charge of the Government, to meet all the demands against the Treasury, and preserve the public credit inviolate. Although the Administration we have supported has been defeated and overthrown, yet our interest in the Government does not cease on the 4th March next. No, sir; the same love of country—the same ardent desire to perpetuate the liberties transmitted to us by our ancestors, that actuated us in by-gone years, still animates our bosoms; and, although displaced from office, we still cherish our institutions, and wish that they may be so administered as to promote the interests and advance the happiness of the people. As I know these to be my own feelings, so I believe them to be the sentiments of the party to which I belong.

Several gentlemen of the Opposition, high in the confidence of the Whig party, have, during the present debate, advocated the establishment of a National Bank, as not only constitutional, but as absolutely necessary to a proper administration of the fiscal affairs of the Government. I have no disposition to anticipate this question, by entering into a discussion of its merits at the present time; but when it is submitted, as it probably will be at the next session of Congress, as a distinct proposition for action, I trust I will be ready to meet it. In the mean time, however, I may remark, that it is

now before the country, as one of the prominent measures of those who are soon to come into power; and, as such, demands the serious consideration of the American people. Upon this subject, permit me to say, I stand where Thomas Jefferson, the great apostle of American Democracy, stood in 1791; and deny the constitutional power to create such an institution. This, sir, is my position, and no human power shall drive me from it. As long as I retain a seat in the public councils, as long as my constituents honor me with their confidence, you may rest assured that no institution which exists by a violation of the Constitution, and which, in its practical operations, is calculated to swallow up the sovereignty of the States and the rights of the individual citizen, will receive my countenance or support. But, sir, although invited by gentlemen on the other side, I do not intend to debate this subject now, but merely to mark it as one of the measures of the new Administration.

I have said, Mr. Chairman, that the leaders on the other side have attempted, by their ingenuity in the use of figures, to make us believe that there was a permanent deficiency in the revenue. If such be the fact, (which is by no means admitted,) how comes it that we have a proposition in the other end of the Capitol (the Senate) to divide the proceeds of the public lands amongst the States? If the Treasury is, as you allege, already bankrupt, why increase that deficiency, by cutting off the revenue arising from the public domain? Sir, this is a new plan for replenishing a deficient Treasury, and deserves to be ranked amongst the greatest discoveries of the age. You have said that there was a "permanent deficiency" in the Treasury; and, in order to make this true, you propose to give a portion of the revenue to the States! But, sir, I deny the power, under the Constitution, to distribute this money amongst the States, as has been contended for by gentlemen on the other side of the House. Congress has no power to levy taxes on the people, to collect money for distribution among the States. No gentleman in this House dare rise in his place, and assert the constitutional right of Congress to divide the revenue collected under your tariff laws amongst the States. The money arising from the sales of the public lands goes into the Treasury, constitutes a part of the revenue of the Government, and is liable to all the restrictions imposed by the Constitution upon any part of the public treasure. If you can distribute any portion, you can distribute the whole. But, gentlemen tell us, this money arises from the sale of the lands belonging to the Government, and that the Constitution declares that Congress shall have power to dispose of the territory belonging to the United States. If, under this section, you claim the power to sell the public domain, and distribute the proceeds to the States, you can levy taxes on the people, purchase land, sell it, and divide the proceeds. Now, it is a well settled rule in law, that you shall not be permitted to do indirectly, what you are not allowed to do directly; so that, in my humble judgment, the admission that Congress had not the constitutional power to distribute the money collected by means of a tariff, is a surrender of the question, and an acknowledgment of the unconstitutionality of the distribution of the proceeds of the public lands.

But, sir, this distribution act, so far as it goes, is intended to be an assumption of the State debts; its effect will be to enhance the value of the State bonds, some of which are now worth only sixty cents on the dollar. These bonds, to the amount of more than two hundred millions, are now held by the British bankers and brokers; and you propose, by assuming the debt, to enhance the value in their hands; thus giving them at once some seventy or eighty millions of dollars! Many of the States have run perfectly wild in their schemes of internal improvements, and have contracted debts abroad, which you now propose to pay by imposing additional burdens (for you must increase your tariff if you divide the land revenue) upon the people of the non-indebted as well as the indebted States. It was boldly charged on the Whigs during the late canvass, that, if they succeeded, the British bankers would have cause to rejoice; for a bill pro-

viding, in some shape or form, for the assumption of the State debts, would be passed. It was charged that these bankers were exciting the influence which their money gave them to defeat the present Administration. They held upwards of two hundred millions of our stocks; and it is unreasonable to suppose they would remain inactive, when their pecuniary interest, to so great an extent, was involved in the contest. I do not intend to say that a sufficient number of votes were actually purchased to change the result—(although, under the pipe-laying system, which has recently obtained in many parts of the country, much was doubtless used in this way)—but that its corrupting influence was seen and felt, in the printing and distribution of the various publications made by the Whigs, misrepresenting the acts and traducing the character of the present Chief Magistrate, and in the getting up of idle shows and pageantries. That foreigners did interfere in our elections is proved by the numerous publications which have recently been made. It is unnecessary for me to read them; for they have already been submitted to the people, and have doubtless received, as they merited, their serious consideration. I present, however, one extract from an English paper, showing the feeling of the people of that country against the Democracy of this:

"The election of General Harrison to the Presidency of the United States is an event deeply interesting to England."

"Mr. Van Buren was the deadly enemy of Great Britain. He stimulated the various crusades against paper money. He headed the conspiracies that were formed for the purpose of defrauding English creditors out of the debts due them by America. He was the abettor of treason in Canada. He prompted resistance to the just claims of England in reference to the Northeast boundary question."

"The sympathies of General Harrison point, we believe, in a direction the reverse of that to which the prejudices of Mr. Van Buren inclined."

"The election of General Harrison is, in short, a result on which England may congratulate herself."

This extract is taken from the "London Morning Chronicle," and is, in my opinion, the highest compliment that could be paid to Mr. Van Buren. To be abused and denounced by the monarchists of England, is the strongest evidence of his attachment to our free institutions. But, sir, I have no disposition to pursue this subject farther.

Some gentlemen, seeing the dilemma in which they were about to be placed by the distribution act, have sought to relieve themselves by a proposition to levy a duty on wines, silks, &c. and thus, by the imposition of new taxes on the people, supply the vacuum produced in the Treasury by the withdrawal of the land revenue; so that, in order to have money for distribution to the States, you must increase the burdens on the people. This is not, in my opinion, Mr. Chairman, the proper time for the adjustment of this question; but when the tariff comes before us for revision, it can be discussed. In the meanwhile, let us husband our resources for an economical expenditure; and, if duties are to be levied on these articles, let it be taken off, in a corresponding degree, from the necessities of life, in order that the laboring man (who, after all, is compelled to pay this duty,) may be relieved as far as possible from taxation. But I have no disposition to debate this question now.

The gentleman from New York, [Mr. BARNARD] notwithstanding he declares there is a "permanent deficiency" in the revenue of some forty millions, charges the Democratic party with "niggardly parsimony" in the Administration of the Government; and hopes that, under General Harrison's auspices, the various harbors, fortifications, and other works which, he alleges, we have neglected, will be liberally attended to! Instead of reducing the expenditures of the Government, as the Secretary recommends, he is for increasing them; and this, I suppose, is his plan for diminishing his deficit of forty millions in the revenue. But, sir, we are charged with a "niggardly parsimony." Before the election, the Whig orators in every part of the

country denounced, in tones of thunder, the Administration, for having increased the expenses of the Government. Notwithstanding the expenditures last year (1840) were some ten millions less than in 1838, yet we were told the public money was squandered. Now that the election is over, instead of extravagance, we have the cry of "parsimony." Let the people mark this! The gentleman from New York also said (if I understood him) that the furniture in the President's House was unfit for the dwelling of a gentleman. This, Mr. Chairman, was the unkindest cut of all. Immediately preceding the adjournment of the last session of Congress, the gentleman from Pennsylvania [Mr. OGLE] made a speech commenting on all the articles of furniture in the President's House, from the garret to the cellar, and from the parlor to the kitchen, and attempted to show that Mr. Van Buren was living in the style and fashion of a king, rather than of a Republican President. That speech was sent out by thousands—yea, millions—and constituted the political capital of the grogshop politicians and small-beer orators of that party throughout the country. But the object has been attained. The election is over, and the "gold spoon" humbug explodes. From the course you are now pursuing, the people will be enabled to see how much honesty characterized your conduct preceding the election.

There is another subject, introduced by the gentleman from Tennessee, [Mr. BELL,] to which I beg leave to refer. I allude to the "prospective pre-emption law," which, I rejoice to learn, was passed by the Democratic party in the Senate on yesterday, and is now in this House for its action. It has been denounced here as a "humbug, designed to catch votes;" and gentlemen have volunteered the assertion that we did not desire its passage. Now, sir, what is this bill? It is simply a proposition to give the settler upon the public lands the right of pre-emption; and differs only from the laws heretofore passed, in the fact that it is prospective in its operation. It does not propose to give the public domain to the settler, but to allow him to take that portion on which he has settled and built a log cabin, at the Government price, within a limited period. It is a measure for the benefit of the poor man, for the humble tenants of the log-cabins; for those who may be driven by poverty from the older States, and who may go with no bank-bills, perhaps, in their pockets, but with strong arms and honest hearts, to hunt for themselves and their families a home in the far West. Sir, if this were a measure for the advancement of the pecuniary interest of speculators or bankers, it would not meet with the opposition it does from Whig gentlemen. Although loud in their professions of attachment to the poor man, when office is to be obtained, in their legislation little regard is paid to his interests. Gentlemen have denounced these settlers as "lawless squatters" and "land pirates," and told us that the United States marshal ought to be sent with a military force to dispossess them. Sir, if a banker (as is the practice every day) swindles the community out of millions, the act goes unwhipt of justice; but if a poor man settles down on the public land, and endeavors, by his industry and frugality, to procure a livelihood for his children, you would raise a military force to turn him off, and deprive him of the little improvement he had made. This may be Whig policy and Whig justice; but, I venture the assertion, the American people are not prepared for such doctrine. In the estimation of these Whig orators, to cut down a few trees in a dense and almost unbroken forest belonging to the Government, for the purpose of cultivating a few acres of corn, is a most heinous offence; whilst they suffer the bankers to violate the laws, make sport of their legislation, acquire wealth by their villainies, and ride in proud triumph over the ruin and deolation of the laboring man. Sir, there is a point beyond which forbearance ceases to a virtue; and the time will come when this great money power, which is eating out the substance of the people, must be checked by year legislation, or the land will be deluged in blood. The day of retribution is at hand, and we be to that legislator who seeks to aggrandize the few by the oppression of the many.

The pre-emption bill is a favorite measure with me, and enlists all the sympathies of my nature. It affords me the most sincere pleasure to do all in my power to advance the interest of the hardy and enterprising emigrant, who, abandoning the home of his fathers, the worn-out, worm-eaten land of his nativity, has taken up his abode in the rich valleys of the far West. Sir, I would rather be recognised as the champion of such men, than hold the highest office within the gift of my country. Let these men have the encouragement of the Government—the promise that, within a limited period, they shall be permitted, at your present price, to purchase the land on which they reside; and, with their industry and enterprise, the rude cabin will soon give way to the comfortable dwelling, and the wilderness be made “to bloom and blossom as the rose.” By the passage of this act, many, in the old States of this Union, who now feel, from day to day, the cutting lash of penury and want, and who have families growing up around them, without the ability to supply them with even the necessities of life, would emigrate to the West, settle down on your lands, and soon surround themselves with all the comforts of life. In this way you would not only contribute to their happiness, but in making them the owners of the soil, increase and strengthen their attachment to the Union; and thus lay the foundation for the permanent prosperity of the country broad and deep in the affections of the people. I would, for my own part, much rather make a gift of the public domain to *bona fide* settlers; who would improve the country, than to see it falling at the Government price into the hands of speculators.

One word more on this point. If gentlemen regard this pre-emption bill as an “electioneering” measure, what, I ask, do they think of the distribution act? That is a measure which has been hawked about by a distinguished Senator [Mr. CLAY] for a number of years, and has constituted a large portion of his political capital; a measure, through the influence of which he hopes to reach the goal of his ambition—the Presidency. If the pre-emption bill which has passed the Senate passes this House, (and I know it will not be the fault of the Democracy if it does not,) and the price of the public lands is graduated, many portions of the country, now considered unproductive and valueless, will soon be settled and under cultivation. A considerable part of the public domain has been in market for some twenty or thirty years; and, if the price of this were reduced and graduated, much of it might be sold; and thus the Treasury replenished, without a resort to additional taxes on the people. This policy has been adopted by some of the States in disposing of their lands, and ought to be pursued by the General Government.

Much has been said by the different gentlemen who have addressed the committee in relation to the policy of the next Administration. Whilst gentlemen tell us that General Harrison stood fairly committed before the public upon all the various questions in which the people are interested, we find them here differing widely as to the measures he will recommend, or the policy he will adopt. The gentleman from New York [Mr. BARNARD] hopes and believes that liberal appropriations will be made, the “niggardly parsimony” of the present Administration abandoned, and a National Bank established. We are also told, by those high in the confidence of the President elect, that the proceeds of the public lands will be distributed amongst the States, and an additional tariff levied on certain articles, to make up the deficiency in the Treasury. Other gentlemen of the same party have denounced these measures, and declared such would not be the policy of General Harrison. The eloquent gentleman from Virginia, [Mr. WISE], who has long stood before the country as one of the ablest champions of the Whig cause, has denounced, in unmeasured terms, an increase of the expenditures of the Government, the project for a duty on wines and silks, and the distribution of the proceeds of the public lands. Well, sir, here stand members of the same party differing in every thing, as to the course of the next Administration. Now, does not every one see that if, as has been alleged,

General Harrison's views were well known to the country, this contrariety of opinion would not exist. I have no disposition to speak harshly of the man who has been selected by my countrymen to preside over the destinies of this Republic. Notwithstanding the manner in which he comes in, he ought to have a fair trial. If, as his friends declared before the election would be the case, his measures are in accordance with those which governed the Administration of Jefferson—if he adheres to the good old Republican doctrines taught by our fathers—I will not be found arrayed against him. But if, on the contrary, he proves a latitudinarian in his construction of the Constitution—if, under his auspices, a National Bank is created, and a national debt saddled upon the people, to carry on a splendid system of internal improvement, thus making the States the mere stipendiaries of the General Government—if the public money is to be taken from the hands of public officers, where the framers of the Constitution intended it should be, and given to bankers, to increase their dividends and enhance the value of their stock—then, sir, I will oppose his administration boldly and fearlessly, and to the fullest extent of my humble abilities. The Democratic principles, which I believe to be inseparably connected with the prosperity of the country, shall not be sacrificed, if I have the power to avert it.

We have, during this debate, had the novel spectacle of Whig members debating the question, whether or no we will have a special session of Congress this summer. The Constitution gives the President alone the power to convene Congress, should he deem it necessary. This House has no control whatever over the subject, and yet it has been warmly discussed by gentlemen in the Opposition. I understand that a caucus, consisting of the Whig Senators, has been held, at which it was determined that a special session should be called.

Here, Mr. JENIFER of Maryland, rose, and after disclaiming any knowledge of such a caucus, asked for the authority on which the declaration was made.

Mr. WELLER responded that he made the assertion on the authority of the Whig papers in New York and Philadelphia; in one of which the names of the Senators in attendance were given. He was not aware that the Senator thus named had authorized a denial of the correctness of the report.

Mr. JENIFER asked Mr. WELLER whether he believed all he read in Whig papers?

Mr. WELLER replied that he was not generally in the habit of placing much confidence on them; but that, when they undertook to give the movements of their party-leaders, he supposed they might be depended on.

It is then settled, Mr. Chairman, so far as the advisers of the President are concerned, that we must have a special session of Congress. And for what purpose? If our country were about to be involved in a war, and it were important to make preparations for defending our rights, an extraordinary session might be necessary and proper; but why call us from our homes, at an expense of some three or four hundred thousand dollars to the people? I know of no other reason than because you are anxious to repeal the act commonly called the “Sub-Treasury bill. In the late canvass the banks freely expended their money to elevate the Whig orators to office; and now they are impatient for their remuneration; they have complied with their part of the contract, and expect you to comply with yours, by giving them the use and custody of the public money. They are unwilling to trust you until the annual session of Congress. Yes, sir; the banks have issued their edicts to you, and you have issued yours to the President elect, demanding a special session of Congress, in order that the “Sub-Treasury” may be repealed, and the public money be again given to a favored few to advance their interests. The gentleman from Indiana [Mr. LANE] said that this act had “carried darkness and gloom into every avenue of life,” and has repeated to this House a speech about the removal of the deposits, the specie circular, the Bank of the United States, &c. I have no doubt, sir, that speech was frequently recited to his constituents at

home during the late election, and received from them much more attention than it met with here. We were told some years ago, when the patriot of the Hermitage was a candidate for the Presidency, that “war, pestilence, and famine” were preferable to the rule of a military chieftain; and another distinguished Senator, who is soon to be in the cabinet, in depicting the ruin that must ensue from the removal of the deposits, declared that our “canals would be a solitude, and our lakes a desert waste of waters.” But, sir, that military chieftain was elected; and neither “war,” “pestilence,” nor “famine,” overspread the land; but, on the contrary, so ably did he administer the Government, that we now find these men the most devoted supporters of military chieftains. The public deposits were not restored, nor were our canals made a “solitude;” but, on the contrary, the commerce of the country increased, and the people continued prosperous and happy. But I have no inclination to review the acts of General Jackson's administration; they have been passed upon by the American people, and now constitute a part of our national history. He who believes he can divert public attention from the profligate acts of the banks, and make them believe that the mere fact of the Government taking care of its own money, by means of the “Sub-Treasury” law, has produced the present low prices of labor and produce, and the general embarrassment in the business of the country, has much mistaken the intelligence of the people. The time for such arguments (if arguments they can be called) has gone by. It may have done well enough, during a heated canvass, to advance such doctrines; but the time for reasoning has returned, and the sober judgment of the people is now directed to the true cause of their difficulties.

We have, Mr. Chairman, just passed through one of the most violent contests ever witnessed in our country. The fires of party strife were kindled in the valleys and on the hill-tops; the whole republic was converted into an amphitheatre, in which political gladiators met in fierce combat and battle array. The successful party, by low appeals to the prejudices of the people—by shows and parades of the most disgusting character—called into action all the worst passions of the human heart, and made enemies, bitter and irreconcilable, of those whom nature designed for friends. Sir, I need not remind you of the foolish processions, the vulgar songs, and the various shows, which entered into and constituted the capital stock of our opponents in the late canvass. They are still fresh in your recollection, and, I trust, for the honor of our common country, will never again be repeated. Such scenes were insulting to the intelligence of the people, and well calculated to undermine the foundation of our free institutions. But, sir, the election is over; and we have assembled here as legislators, for the purpose of enacting such laws as may be deemed necessary to promote the welfare of our constituents. I expected that the excitement connected with that election had subsided, and that we should meet in this Hall as friends—as Americans jointly interested in the perpetuity of the Republic, and anxious to do all in our power to brighten, to strengthen, and to extend the chain of our federal Union. I did hope that a conciliatory spirit would prevail, and that the rude conflicts through which we have passed would not be renewed; that oil would be poured upon the troubled waters; that our victorious opponents would act in the spirit that becomes a generous foe, and not, in tones of exultation, taunt us with our defeat, and continue to denounce us as violators of the Constitution, and enemies to the Republic. In all this I have been mistaken. Before the election we were told that, in the event the Whig party succeeded, we should have “an era of good feeling;” that every thing would be done to repress that violent party spirit which has at times threatened the permanency of our institutions. But, sir, the general tone of the Whig members in this debate has been any thing else than pacific. Notwithstanding the public mind demands repose, they have determined there shall be no peace; that this Republic shall again be convulsed, and the fires of party rekindled. During this discussion, the party to which I am proud to belong has been denounced with unusu-

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acrimony. Well, sir, if this is the course our high-minded opponents intend to pursue, I, for one, am ready for the contest—yes, sir, ready for the fight, come when and where it may; and I shall only cease my exertions when the last spark of American Democracy has been extinguished.

The gentleman from Indiana [Mr. LANE] has vauntingly told us that "Loco Focoism was dead, without the hope of a resurrection." If, by the term "*Loco Foco*," he means the friends of the present Administration known as the Democratic party, let me assure him that he is much mistaken. It is true we have been defeated, but not annihilated. Let him not suppose that we have given up in despair, and intend to fold our arms, and quietly submit to Federal rule. No, sir, we are not disheartened; there is much in the present indicative of a glorious "resurrection" to the Democracy. Already the seeds of disunion are sown in your own ranks, and although you now boast of the strength and power of the giant, you will soon be as weak and harmless as the child in its mother's lap. Hitherto you have had nothing to do but *oppose*. Now you are placed in the majority, having the responsibility of the Government resting upon you, and you will be compelled to *act*. That action will exhibit the contrariety of opinion amongst you, and engender a feeling which will eventually lead to a dismemberment of your party. Upon all the great questions introduced in this debate, we have found you differing widely. The log cabins and coon skin banners which you used so successfully in the late contest, will not avail you now. No vulgar songs nor idle shows can divert public attention from your acts. You have promised retrenchment and reform. You have promised to restore the business of the country, reform the currency, and raise the price of labor and produce; and these promises you are expected to redeem. I do not mean, sir, that I expect you to redeem them, (for I am confident you will not,) but the thousands of honest men who voted for General Harrison expect it. Lay not, then, the flattering unction to your soul that Democracy is dead. We who have enjoyed her cheering sunshine will not abandon her now, when enveloped in the clouds of adversity and defeat. To me she is more attractive than in the days of her proudest triumph. Yes, sir, Democracy still lives; founded upon the eternal and immutable principles of truth, though crushed to the earth, it will rise again. Sir, it is a noble sentiment—a sentiment that liberalizes the feelings, expands the heart, and makes man what God intended he should be—his noblest work. Let no Democrat despond, but once more let us rally to the support of our favorite cause. Let us fling out our banner to the winds of Heaven, and inscribe upon its ample folds "uncompromising hostility to a National Bank, and to every law which violates an equality of political rights." Under this banner we will rally with the patriotic enthusiasm, the indomitable energy, and the unflinching perseverance which characterized our fathers when they shook off the yoke of colonial bondage. And if, after all our efforts, this fair Republic becomes the abiding place of an aristocracy as cruel, as insolent, and oppressive as that which curses the older nations of the earth—if, after a temporary prosperity, it sinks down into a moneyed despotism, and our countrymen are compelled to wear the clanking, galling chains of tyranny, we can stand before high heaven, and, with pure consciences, declare that we have discharged our duty.

THE BANKRUPT BILL.

REMARKS OF MR. WRIGHT,
OF NEW YORK.

In Senate, Monday, February 8, 1841.—The Bankrupt bill being under consideration, and the resolution of Mr. HUBBARD to recommit the bill to the Committee on the Judiciary, with instructions to so amend it as to include banks and other trading incorporations, being the question before the Senate—

Mr. WRIGHT did not rise, as his friend [Mr. SEVIER] had observed, to make a speech, but the rather, as he was sometimes called upon to do, to a templan explanation of his own course in re-

ference to the bill then before the Senate. Before he proceeded, he would make another remark, and that was that the opinions of Mr. Van Buren, whether favorable or unfavorable, to the proposition under discussion, were only to him the opinions of a friend, whom he respected and admired; but they had nothing to do here, either on the one side or the other, and therefore he should not feel called upon to read from them as authority for his course. He made the remark because he had observed that, to settle what seemed to be a sort of controversy among his friends, they had reference to the opinions of the President, formerly expressed against including banks and other incorporations in the provisions of a bankrupt law, and, at a later period, in favor of including them; for he believed he did the President no injustice, when he said he had changed opinion upon this point, and had frankly expressed that change. This, however, was immaterial to him. He respected the opinions of others, and especially those of the President, as much as any man, and gave them as much weight, and still he endeavored to make up his own mind on all questions upon which he was compelled to act.

He desired now the indulgence of the Senate, while he gave a brief history of the present agitation of this great question of a bankrupt law, which he was compelled to give, to justify his own course and his own action in the matter.

The subject of a bankrupt law had, upon various occasions, occupied the public mind, and claimed the attention of Congress; but the present agitation, so far as his knowledge extended, commenced during the summer and fall of 1839. In any event, the proposition for a bankrupt law first made its appearance in Congress, since he had been a member, during the last session, and the evidences were then abundant that the public mind was becoming awake to some national legislation under the constitutional provision upon that subject. Indeed, he himself received, almost daily, during a large portion of that session, petitions, numerous and respectfully signed, praying Congress to pass a uniform law on the subject of bankruptcies throughout the United States.

He presented such petitions almost daily, as a recurrence to the proceedings of the Senate would show, all of which were drawn almost, if not exactly, in the words of the Constitution of the United States, their prayer being for the passage of a "uniform law on the subject of bankruptcies throughout the United States," without a reference to a single feature which such a law, in the opinion of the petitioners, should take.

Early in those proceedings, as one of those manifestations of public sentiment which, coming from such a source, and relating to such a subject, have ever a strong influence on his mind and action, was a meeting of merchants of the city of New York, at the Exchange in that city, making an appeal to Congress to pass such a law. He (Mr. WRIGHT) did not fail then to see that any bankrupt law must affect the solvent merchants more sensibly than any other interest in this country, except the solvent banks; and his heart rejoiced that the solvent merchants believed it was expedient for Congress to exercise that high power, and to pass a bankrupt law, at a crisis such as then existed. The grant of the power in the Constitution is express and full, but upon one single occasion only, during the existence of our Government, has it been called into exercise, and then for a brief period, and with unsatisfactory results; though we have experienced frequent and severe revulsions in trade, extensive and mischievous derangements of our currency, and periods of wide-spread and deplorable insolvency. The unpublished history of that meeting at the Exchange in the city of New York told him a further fact; that that meeting responded to the sentiment that, if a bankrupt law was to be passed, the banking institutions of the country should be included in its operation, though the resolutions adopted contained no such expression. A gentleman well known to the Senate, and well known to this whole country, (he alluded to a late Attorney General of the United States, Mr. Benjamin F. Butler,) addressed that meeting for hours on that point, and his sentiments were responded to with enthusiasm by the members of the meeting—

a meeting comprising a body of merchants of the city of New York—of the bankers—of the brokers—of the traders—indeed, of the business men of all professions and classes, equal in intelligence, in enterprise, in wealth, in all which constituted them competent judges of the proper provisions of a bankrupt law, to any other body of men which could have been assembled in that great city, or at any other commercial point in the country.

Another material step, for he passed but lightly over these subjects, was that the proceedings of that meeting of the merchants and others of that city were, by its order, transmitted to the Legislature of the State of New York, with a respectful request that the Legislature would signify to the representatives of the State in the two Houses of Congress, its opinion on this important subject. The Legislature did pass resolutions in one of its branches, in the precise language of the petitions in favor of a bankrupt law, which had passed through his hands, and which he had before described. In the other branch of the Legislature the form of the resolutions was changed, and they were made to express—he spoke from recollection merely, for he had them not before him—a wish that Congress should exercise its constitutional power to pass a uniform law on the subject of bankruptcies of *natural persons* throughout the United States. That amendment was adopted in the popular branch of the Legislature, but it remains to this day, a question of fact whether that alteration of the legislative resolutions was ever concurred in by the other branch.

He (Mr. WRIGHT) only mentioned this to show that the moment the question of the form of a bill, and especially of the inclusion or exclusion of corporations was agitated any where, it became a question of difficulty; not to express a disrespectful sentiment of the State, or of either branch of its Legislature. Any such expression would be not less a violation of his feelings than of his duty, and he begged to be distinctly understood upon this point. He simply desired, by the reference, to illustrate the difference between general expressions in favor of a bankrupt law, and minute legislative action upon a bankrupt law, such as was now called for from the members of the Senate.

The resolutions came here in the form last mentioned by him, and they were, in that form, presented by his honorable colleague to this body.

A reference to these facts was material to him, as going to account for his action upon the subject, at the last session. Following in the general and open course indicated by these various expressions of the public sentiment and public wish, not a voice was raised from his State, so far as he knew, against the passage of "the bankrupt bill," so called, or in reference to its form and features, until a bill, or rather several bills, had been presented to this body, and the appropriate committee of the body had entered upon the consideration of the delicate subject. Indeed very few expressions even of doubt and fear, and still a less number indicating a distinct friendship for, or opposition to, particular provisions in such a law, until after the report of the Committee on the Judiciary of the Senate had reported, and their propositions had been given to the public.

Among the first of these manifestations of opinion, to which it would be admitted he ought to yield great deference, when expressed upon such a subject, was a memorial from the Chamber of Commerce of the city of New York, from which body he had presented a memorial to this body this morning upon the same subject. That memorial, not touching the subject of corporations, stated certain distinct features which the Chamber supposed ought to be incorporated in a bankrupt law. While the bill was under consideration in the Senate, he made his best efforts—and they were humble, and to some extent unsuccessful—to give to the form and features thus recommended. He succeeded, as he had already said, to some extent, and to some extent he did not succeed; but his success went so far as to convince himself, with his very imperfect knowledge of the matter, that the bill came within the most material of the recommendations of the Chamber, and when the question came up on the engrossment, he voted for it.

After he had done so, and upon the evening of the same day, a very respectable committee—and he thought he ought to mention that every member of that committee was a political opponent of his,) arrived here from that Chamber of Commerce, and he was surprised to find them instantly and strongly remonstrating against the bill which the Senate had formed, and against his vote in its favor. Now he had not—if it was his duty to have done so—the firmness to change that vote, and he told the committee at once, that he could not change it. He voted for the final passage of the bill which did pass the Senate and was sent to the House during the last session.

That bill, however, did not become a law. Hence time had been allowed for the public mind to act upon that particular form of a bankrupt law. It had done so to some extent, as the various documents upon the files of the Senate in relation to it and to the general subject would show, but he yet feared that action had been much too limited to afford a sure guide to safe legislation.

To return however to his own experience as to the results from that action of the public mind, so far as it had acted. He took his seat here again at the present session of Congress; and what had been his duty to his constituents, during the period they had been assembled? To present scarcely a petition in favor of a bankrupt law, and a very large number of remonstrances against the passage of such a law as passed the Senate at its last session. He knew that petitions and remonstrances, as a general remark, were very doubtful authority, but the source from which they came might usually be more relied on than the mere names subscribed. In that sense, without desiring to be tedious to the Senate, he would state that he, on the 5th of January, presented remonstrances of this character from the city of New York, signed by 205 merchants and mercantile firms; and in consequence of the controversy which grew out of the question as to the real or fictitious character of the petitioners for and against a bankrupt law, last year, the course adopted this year by these remonstrants had been that every man who signed a remonstrance, put his name, and business, and street, and number thereto; and in every instance where one had been transmitted to him, it had been with the injunction that he would move to have it printed with the names. That he had invariably done, and he had intended in every case to return to the city some two or three of the printed copies, that an investigation in reference to its weight and force, and to the property, standing, and character of the signers, might be made, where alone such investigation could be properly made. With the strictest intention to perform this duty fully, there were several of the remonstrances which had either escaped his notice among the printed documents, or had not yet reached our tables from the printing office.

The remonstrances here spoken of were not remonstrances against a bankrupt law with proper and safe provisions in the judgment of the remonstrants; but against such a bankrupt law as that which passed the Senate at its last session; accompanying an opposition to that bill with an expression of the further opinion, that the present short session will not allow to Congress sufficient time, from its other indispensable duties, to digest and pass such a bankrupt law as the great interests of the country require, in case any such law is to be passed.

To such remonstrances he found, from the printed documents, there were 324 signatures of individuals and firms; and he was informed, from sources to which he could give the highest credit, that these constitute, so far as they go, a body of merchants and business men of the city of New York, equal to any other like number of men of that city. He spoke now, of course, of the solvent merchants, solvent traders, and solvent houses.

There was another class of remonstrants from that city, and these might embrace the names of some of those in the documents to which he had referred, amounting to one hundred and sixty-eight individuals and firms who speak this simple language: "We the undersigned, beseech your honorable body, if it is found to be expedient to pass a uniform bankrupt law, that banks and all other

trading corporations be subjected to its operation." On looking over these memorials, as well as the letters which accompany them—for he could not speak from personal acquaintance, that being very limited among the merchants of New York—they embraced a very large body of the most important trading houses in that city. Such, then, and he had confined himself to the city of New York, after the lapse of time from the last adjournment of Congress to this period, was the evidence in reference, not the expediency of passing a bankrupt law, but to its form and character.

In addition to those, and he did not design to protract these remarks, he had received remonstrances from the interior trading towns in the State. He had one from the city of Albany, which he had examined carefully, having an extensive personal acquaintance with the business men of that city, and he could say that he knew but few business houses of that city, or business men in trade, whose names were not subscribed to the paper, which was clear and strong in its terms, and decidedly against any action at the present session. He had others from the town of Utica, one of the largest interior trading towns of the State; and a very few days ago he had presented a similar one from the county of Seneca. Some of these remonstrances were solely against any bankrupt law which should be retroactive under any circumstances and as to any interests, while others were more general in expressed views, but averse to hasty action.

From these expressions of the present public feeling, it would be seen that the creditor interest—that interest which was to be the most materially affected, separate from the debtor interest—had now commenced to speak, the debtor interest having been extensively moved and heard at the last session.

These were his evidences of the wishes of his constituents upon all sides of the great question, very briefly stated; and he begged that he might not be misunderstood. He did not mean to say, or to pretend to know, what were in fact the wishes of his constituents in the matter; but he did say, and he took the responsibility of saying it, that he had never been able to make himself believe that the power conferred upon Congress in this matter, by the Constitution, was a mere power to pass an insolvent law—that it was a power intended to be exercised simply for the discharge of the debtor from his contract, exclusive of the creditor interest. His opinion had ever been, that if it was demanded that they should pass a bankrupt law, the law should be framed upon a fair understanding of the terms. He said nothing now of the application of such a law to any particular classes of men, or to any specified branches of business. Those were points which had been fully discussed at the last session, and upon which the opinion of the present Senate had been very clearly and decidedly expressed. The terms, "bankrupt law," to the mind of every lawyer, apply more emphatically to the security of the creditor than to the exemption of the debtor. They were now called upon to interfere with existing contracts, and to absolve a class of the community who—and he spoke not disparagingly—had contracted debts which they could not pay. There were certainly two sides to such questions, setting aside the constitutional points that might arise. The creditor has rights, as well as the debtor. The creditor has an equal right to call upon Congress to secure his interests, and to protect him from frauds, with the right of the honest debtor to make a similar call to be discharged from his contracts.

He had shown, then, that so far as the expression of opinion of the solvent men, of the business men, of the men who were now sustaining and carrying on the business of the country, could be ascertained in his own State (New York,) it was that the bill which passed the Senate at the last session would be an unsafe law; that it looked too strongly to the interest of the debtor, or rather to the exemption of the debtor, and too little to the security of the rights and property of the creditor. Such, after time for examination and reflection, seemed to him to be the opinion which had been pronounced.

Again, and it may have had more influence on

his action and feeling than it should, he had the reiterated expression of men of standing and character, and of as much business importance in the city of New York as any men of that city, that the passage even of the bill for which he had voted at the last session, would be an infliction upon that city infinitely more severe than the sweeping fire of December, 1835, and that the passage of such a bill would be inevitably more destructive to the solvent men of that city, and the business of the city, than that dreadful conflagration. He (Mr. Wright) could not say how much truth there was in this: he could only say that the assertions came from authority which he ought to respect, and connected with which there was no political feeling or association to give them strength with him, for the authors of the assertions were men, he was sorry to say, who had never acted politically with him.

Thus far his principal object had been to show the evidences from his own constituents upon which he had been called to act in this responsible legislation. At the last session those evidences of public opinion seemed to him to take a very different bearing from those exhibited at the present, and hence he had been induced, but a few days since, to express the opinion that, at this late period in our short session, and in the backward state of the public bills which must be passed, there was no hope of maturing a bankrupt bill, which could meet the approbation of both Houses, and become a law; that if such a bill should again pass this body, the other branch of Congress could not even consider, much less pass it; that the bill of the last session was much more imperfect in the judgment of those classes of our citizens most interested in the subject, than he had supposed it to be when he gave it his vote, and should receive material modifications before it ought again to pass this body; that these must occupy the time of the Senate for several days, if attempted to be matured, and must therefore render final action upon the bill in the other House still more hopeless; and that, believing for these reasons that any time of the Senate spent upon it would be lost, he was willing to vote for the postponement of the whole subject.

The pleasure of the Senate was to consider the bill, and hence these remarks from him, and they were not designed to protract discussion.

A few words, and a very few, on the question of including banks and other trading corporations. He begged the Senate not to understand him as intending to enter into a labored constitutional argument upon that important point. He was not capable of doing so then—he had not studied the question sufficiently. If that were not so, it was not his intention to take the time for such an argument now, but to throw out a few suggestions which seemed to him to be plain and practical, for the consideration of gentlemen on all sides. He had learned from business men, what he had believed himself, that the principal moving cause for a bankrupt law had been the action of the banking institutions—that in the time of fullness and expansion, from 1835 to 1837, they had forced out credits, which had been most active agents in producing the bankruptcies now appealing to Congress for a liberation from embarrassment. He (Mr. Wright) admitted to the full extent the right of the States of the Union to charter incorporations for banking, and so far as he knew, to any other extent, always confined, of course, within the constitutional sphere which the State had chosen to prescribe. Under this admission, when the Legislature of a State had exercised the power, what had it created? He cared not whether the State owned the stock of the incorporation, or individuals—it made no manner of difference in his view of the question. What, then, had been created? A body, in the language of the law, "politic and corporate"—a person capable of contracting and of being contracted with—a person capable of suing and of being sued—in other words, a legal fiction which, in a business sense, has the capacity of a freeman and a citizen of the State. That was all. Take the Bank of Alabama, and it was exclusively a State institution—for the honorable Senator (Mr. CLAY of Alabama) said, undoubtedly truly, that the State was

the sole owner of the stock. Suppose a suit is to be instituted in the courts of the State for the benefit of the Bank of Alabama, does the State of Alabama bring the suit? No. But this artificial existence, this banking incorporation, created by the sovereign authority of the State, brings it. Again, suppose the Bank in default, and, by a citizen of that or any other State a suit is to be brought; was it against the State of Alabama? And would execution issue to be satisfied by the State in its sovereign capacity, or against the property of that State, properly speaking, as separate from its property in the bank? Certainly not. The execution would act upon the incorporation, and that alone—upon the legal fiction, as to its personal action, and upon the corporate property, and that only, as to its effective operation.

Suppose the bankrupt law be made to act on that fiction. Would it put the sovereign State of Alabama under a commission of bankruptcy? No: but it would put the person of its creation, its legal fiction, into bankruptcy. That seemed to him to be the effect, and the only effect, of the inclusion of State corporations. His friend from Arkansas, [Mr. SEVIER,] had made a strong argument upon this point; but was it pertinent? The State itself might become bankrupt; but the State was not placed within the jurisdiction of Congress. It was sovereign, and not, in any sense as such, subject to the legislation of Congress. It was not to the States that this power was sought to be extended, but to the artificial creations of the States, to the "persons" which, in a legal sense, and for business purposes, they assume to create, and make material and practical agents in the transaction of the common affairs of the community. The power of Congress to pass a bankrupt law reaching by its provisions and its action the business, and credit, and contracts of every trading man in the country, was not questioned; and were gentlemen prepared to contend that these artificial "persons" which the States could create, were superior, and entitled to exemptions and privileges not granted to freemen, to the persons created by the Great Creator of all things?

The honorable Senators to whose remarks he was more particularly replying, [Mr. CLAY of Alabama, and Mr. SEVIER of Arkansas,] must believe that he had peculiar reasons at this time to feel kindly towards their respective States, and to respect all their sovereign rights. Still he could not rate them, in creative power, above the Sovereign of the universe. He could not concede to them, or to the "persons" of their creation, a superiority so vast, and so inconsistent with his feelings as a man, and his rights as a freeman. The corporations existing by State authority are mere legal existences, the creations of the State; and are they superior in moral and legal privileges, to the honorable Senators who represent those States here? And if this Government is likely to exercise a power tyrannical and unjust over those honorable Senators, is it less objectionable than when exercised over those legal fictions of their respective States? over artificial persons which the State may create, with attributes and powers not different in nature and character, however different in extent and compass? What are these corporations? Nothing but business institutions, business "persons," like a freeman; and so far from carrying any power to the extent against them to which it can be carried against either of the Senators or either of the freemen of their respective States, it was beyond the ingenuity of human power to exercise coercion on a fiction. The property of the corporation may be taken, and so may the property of the natural man; but when his property is consumed, coercion may be exercised over his person. The States of the honorable Senators could do this to any extent; but when a power expressly granted to this Government over the trade, and credit, and business of the country, is called into exercise, are we to be told that the legal fictions of the States are to be exempted from its operation, while the creations of God, the natural persons of the country, are expressly subject to it? He could not induce his mind to admit the preposterous idea in theory, or to assent to it in practice.

What was the law of his own State (New York) in relation to its own corporations? It was a bank-

rupt law upon its banks, and nothing less. It was that, when any bank, chartered by its authority, shall suspend specie payments for the period of ten days, its affairs and effects shall be handed over to honest men, receivers appointed by the authorities of the State, to close it up, and do justice to its creditors. What had kept the banks of New York, in a sound condition, while the banks in the Middle, Southern, and Southwestern States had been involved, and in a state of suspension, for the last year and a half? Nothing, in the judgment of any reflecting man, acquainted with the various State laws, but that provision of the law of the State which visited effective bankruptcy upon every defaulting bank.

Had the sovereignty of his State exempted its banks from that provision? Not at all. It mattered not who held the stock—whether the State or individuals—the liabilities, in either case, went not beyond the stock held and paid in full, and under the law, the defaulting corporations were wound up for the benefit of the persons interested in them. Were the States, in their sovereign character, touched by such a proceeding? His own State was yet a stockholder in many of its banks, but were they, therefore, exempted from the bankrupt provisions of its laws? Why exempt them? When the State brought herself to the position of a bank stockholder, she placed that interest in subjection to the same law and the same equity to which a similar interest, in the hands of the citizens, would be subject in like circumstances. It should be so, and the sovereignty of the State should furnish no exemption for the rotten insolvent banking institutions of her creation.

The sovereignty of the State was not touched by the process. It was but a few years since, that one of the banks, in his own State, in which the State was a stockholder, was wound up in this manner. Still the Chancellor of the State, one of its own agents and servants, as readily issued an injunction against that bank, and delivered its affairs and effects into the hands and charge of a receiver, as if the State had had no interest in it. And what was the consequence? Every dollar of the stock, the interest of the State, proved to have been sunk and lost. Was the sovereignty of the State lost or impaired by that proceeding? Were its pride, its credit, its great and essential interests, impaired and prostrated, because one of the banks of its creation had proved to have been grossly mismanaged, and to be perfectly insolvent? Or because it had been unwise enough to invest the money of its people in such an institution? If consequences such as these had followed the winding up of the rotten bank to which he referred, neither the State nor her people had yet to realize those fatal injuries. If then a bankrupt law of the State itself, operating upon the corporations of its creation, did not impair its sovereignty, injure its credit, or jeopard the interests of its people, even where the State itself was a stockholder, why should such fearful apprehensions be entertained, where the bankrupt law is one passed by Congress, in pursuance of its expressly granted constitutional power? He was wholly unable to answer the inquiry, nor was he able to perceive the slightest difference, either in principle or effect, whether the stock of the incorporation, to be made subject to the bankrupt law, was the property of the State chartering the company, of its citizens, or of strangers to both.

There was no question about the power of Congress to pass a uniform bankrupt law; and to what could it apply? Need he say to all interests of the same grade and character? When, then, a sovereign State creates an incorporation for banking purposes, was this corporate banker to be exempted from the liabilities to which the private banker of the State must unquestionably be made subject? Must the corporate banking power be subject to the provisions of a bankrupt law, when the stock is held by the citizens of the State, and not when the stock is held by the State itself? The liability of the stockholder does not go, in either case, beyond the stock itself? No other property than that of the corporation can be touched by the proceedings in bankruptcy. The State, therefore, when a stockholder, cannot be affected in its sovereignty, its credit, its property, beyond the mere stock owned;

and where is the ground of exemption, in either case, which an individual might not claim with equal force and justice?

The individual of wealth, who might be a stockholder in the same bank, could be no further affected by a subjection of the bank to the provisions of a bankrupt law, in the worst possible event, than the loss of his stock. His general credit as an individual would not be destroyed, because an incorporation in which he might happen to hold stock became bankrupt. The only influence upon him, or his credit, would be his ability or not to lose his corporate stock. So precisely with a State holding stock in its own incorporations. The existence of the State as such, and its other property, and its credit, are as distinct from the corporation in which it may hold stock, as are those of the individual in the case supposed. There does not seem, therefore, to be any reason for exempting the corporation from the provisions of a bankrupt law in the one case, which do not prevail with equal force in the other, nor any reasons of justice, or of business expediency, in either, which would not equally exempt every private banker and individual trader.

Was the principle, then, upon which the exemption was attempted to be sustained, that of State sovereignty, sufficiently well settled and clear to warrant the conclusion contended for? He thought not.

His impression was, that in England Sovereignty itself was subject to bankruptcy, under the English law, if it chose to invest property in particular interests; in trading, merchandising, banking, etc. and was just as liable to be proceeded against as a subject. That, he believed, was a well settled principle of English law. The crown was not protection, if its wearer embarked his interests in trading or commercial enterprises. Was the case different in regard to a State? He could conceive no difference.

These few brief suggestions he threw out for the consideration of members, in determining the question of the power of Congress to embrace banks, and other trading corporations, in the provisions of a bankrupt law.

But he would make another suggestion. It was said Congress could not include the corporations as *debtors*, and still the bill before the Senate contained express provisions to include them as *creditors*, and to give them all the powers and privileges of other creditors under a bankrupt law.

Now is it so, that, under the constitutional powers granted, Congress can give to these institutions the benefits of a bankrupt law as creditors, and not subject them to the debtor responsibilities of the same law. Were they, as members of Congress, so to construe their powers, and so to practise upon them? The banks have a credit or interest, at this moment, vastly greater in amount than any other similar interest existing in the country, and he was ready to admit that the influence of a bankrupt law upon the outstanding debts of these institutions might be fearful—might be destructive. He would not, however, enter upon that consideration now, as he had touched upon it at the last session. Still he could not admit, great as was the interest involved, that these institutions were to enjoy the summary exercise of the creditor power under a bankrupt law, and not be subject to the corresponding debtor liabilities; that they were to be permitted to put the whole community under a commission of bankruptcy, and not to be the subjects of such commission themselves. More especially he could not consent to this practical exercise of our constitutional powers now. What is the news of the day? Why that the banks, not singly, but in battalions, are failing to redeem their obligations, and to hold themselves liable to comply with their contracts and promises. Hence it was peculiarly proper, as well as necessary, that they should, by law, be put under a commission of bankruptcy for the benefit of their creditors, and he should find the utmost difficulty, in the present aspect of affairs in the country, and with his present views of the powers and duties of Congress in the matter, to vote for any bankrupt law which should not include banks and trading corporations within its provisions as debtors as well as creditors.

26TH CONG....2ND SESS.

Treasury Note Bill—Mr. Duncan.

H. of Reps.

SPEECH OF MR. DUNCAN,

OF OHIO,

In the House of Representatives, January 25th and 26th, 1841.—In Committee of the Whole, on the Treasury note bill.

Mr. DUNCAN addressed the committee as follows:

Mr. CHAIRMAN: Whether the present measure is viewed with reference to its expediency or its constitutionality, it would seem fruitless to spend much time in its discussion. That it is constitutional, we have the highest authority; we have the Constitution before us, and we see that it contains no prohibition—neither does the measure effect any of the reserved rights to the States, or to the people—neither does it subvert or threaten any principle of liberty, or the overthrow of any free institution. As to all these, it is perfectly harmless; so that its adoption will violate no principle which it is our duty to maintain. It will be harmless. Such has been the practice of providing means for the Government from its beginning. General Washington signed and approved a bill to authorize the issue of Treasury notes. So other Administrations, as well as this, have exercised the power of issuing Treasury notes. It is a policy which has ever been exercised as a function of the Government. But constitutional objections are in bad time and taste from the Federal party of this House, who have ever claimed the right to draw the Constitution over any measure which they might think "necessary and proper;" a party who can, and do, make the Constitution mean one thing at one time, and another thing at another time, just as party purposes and pecuniary advantages may be secured or advanced. Sir, no Federal crocodile whining, here or elsewhere, against the constitutionality of this measure, is going to lead me into a general constitutional defence of it. There is no sincerity in the objection with those who make it. But next, is this measure expedient? I answer, it is expedient if it is necessary. If the Government wants means, there are but two ways of supplying that want. We must either authorize the Secretary to issue Treasury notes to the amount of the means wanted, or authorize him to obtain a loan for the same. Here, as on every thing else, political, pecuniary, and financial, the two parties are divided. The Democratic party are in favor of using the credit of the Government in the plan of Treasury notes to the amount of what may be necessary to supply the deficit in the revenue; that is, we think the Government should do as a prudent and economical individual would do, if he found himself short of means in the liquidation of a claim for work done him; he would give his obligation, if it would answer the purpose, and satisfy his creditor, until he could avail himself of the means to discharge the demand. Such is the situation of the Government at this time.

The Secretary of the Treasury informs us—and the Committee of Ways and Means sustain him—that there were will be a deficit in the receipts of the Government for the first quarter, owing to the inequality of the collection of revenue, as well as in the inequality of the expenditures, and the object of this bill is to supply that deficit, as well as to provide for the present year against any and all contingencies that may arise, either from a revolution in trade, and a diminution in revenue on imposts thereby, or a bank panic with which this country may again be prostrated, as it has so often been. That there will be, I say, a deficit for the first quarter, there is no doubt. I will read a part of the Secretary's annual report, which I will also make a part of my printed remarks. This report will exhibit the financial condition of the Government at this time, and the probable receipts of the Government for this year, as well as the expenditures called for by the various Departments. This document will be read with high satisfaction by every friend of this Administration who has heard it vilified and slandered for its profligacy and extravagance by the demagogues and reckless office seekers, who have been too successful in overthrowing the Democratic party and an Administration of the people's choice. But now for the Secretary's estimates. He says that—

"It may be stated, from the data in possession of this department, that the receipts, under the existing laws, will probably be as follows:

From customs	\$19,000,000
From lands	3,500,000
From miscellaneous	80,000
Add the expected balance in the Treasury, available on the 1st of January next	1,580,855

The aggregate of ordinary means for the next year would then be 24,160,855

There will be nothing more, either of principal or interest, due from banks, which is likely to be made available, except about 220,000

A power will exist, under the act of 31st March, 1840, to issue Treasury notes till a year from its passage expires, but not to make the whole emission outstanding at any one time exceed five millions of dollars

This will furnish additional means, equal to the computed amount which can be issued at the close of the present year, being about 342,618

Hence, there may be added, from these several sources, so much as to make the whole means for the next year 24,723,473

On the other hand, the expenditures for 1841, for ordinary purposes, if Congress make no reduction in the appropriations requested by the different Departments, are estimated at 19,250,000

This would leave a balance in the Treasury, at the close of the year, equal to 5,473,473

But certain payments must also be made on account of the funded and unfunded debt, unless Congress authorize contracts to be formed for extending the time of their payment. Thus, there will be required—

On account of the funded debt, chiefly for the cities of this District	\$149,200
For the redemption of Treasury notes, if all the others be issued which can be under the present law, as then the amount returned within A. D. 1841 will probably not exceed	4,500,000
	4,649,200

Estimated balance in the Treasury at the close of the next year, after all payments whatever \$824,273

It is seen by this report, and the estimates as calculated, that there will be a balance in the Treasury at the end of the year, of \$824,273, and but for the present deficit in the Treasury, no issue of Treasury notes would be necessary. Could the expenditures of the whole year be equally divided to each quarter, the anticipated receipt of the year would be ample; but it frequently happens that the heaviest expenditures fall upon quarters of the year when the receipts of revenue are the lightest. Hence the necessity of providing means against contingencies.

It will be seen by the application of the Natchez Bank, to have suspended by action of Congress the collection of a claim which the Government has upon that institution, that the Treasury will be minus in the present quarter the amount of that claim, from the Treasurer's report. The claim is, I believe, \$180,000. If the collection of this claim should be postponed, it will add to the necessity of the issue of Treasury notes. Then we see that means must be raised. The condition of the Treasury requires it. The honor, justice, and obligations of the Government demand it. How, again I ask, is the means to be raised? We, the Democracy, say, by the issue of Treasury notes, which is a safe and convenient method. It is speedy. It is done at once, without trouble and without cost or expense. The Federalists are opposed to this way. They are for making a loan. And where can we borrow the money?—from the banks? No: they are unable to pay their own debts. Their rag promises will not serve the purposes of Government. Where next will we go? To private capitalists? It is doubtful whether such an amount could be procured from them in this country, nor would capitalists be willing to withdraw their money from hands where it is secure, to lend it for so short a time as the Government shall want it. Where next shall we go? To European capitalists? We owe them a little too much already, as we have seen by the influence which they wielded of late in our domestic and political institutions. Besides, if we were disposed to sink our nation and our people farther in degradation and vassalage to the moneyed aristocracy of the London Exchange by making a foreign loan, there is not time to accomplish it to meet the wants of the Government. The Treasury wants the money now. It is now means are wanted; wanted for the pensioners; wanted for the

army; and wanted for the civil officers of your Government, here and elsewhere. But a national debt is a darling object with the Federal party. They have long since adopted the English maxim, that "a national debt is a national blessing." And if that debt could be commenced under a Democratic Administration, they would enjoy all the benefits that would accrue to Federal Aristocracy without the political odium of having contracted it. But, sir, I think we will leave the exercise of that policy to the coming Administration. It shall have both the party benefits and the responsibility. And now, sir, having briefly shown that present means are wanted to enable the Government to fulfil its engagements for the present quarter, and having expressed my opinion in favor of the issue of Treasury notes for that purpose, in preference to obtaining a loan, and thereby commencing the establishment of a national debt, which I consider a national curse, I might conclude my speech, but for certain charges and assertions which have been made in the course of this debate by gentlemen of the Opposition, which I feel bound to respond to in part. I will present those charges and assertions, and respond to them as I present them.

The Secretary of the Treasury informs us, by his report, that the Government has promptly met every demand which has been presented upon the Treasury during the last year. The gentleman from New York [Mr. BARNARD] says that is not the fact. He tells us that the Government is largely indebted, and that the Treasury Department has been postponing, through various other Departments, the just claims and demands settled and authorized by law to be paid, and that even the admitted claims and wages of the laborers upon our public buildings, works, and fortifications, have been postponed until the first of April next. Now, sir, I deny all of this, and pronounce every word of it destitute of foundation; and I assert, that the Government has met every claim which it was bound to pay, or had the right to pay. The gentleman referred us to Indian treaties and other claims which have been admitted and acknowledged as due, but he forgot to tell us that those are funded debts; and the Treasury can make no payments, except as authorized by law, but what have been made, and are now authorized to be made, without new legislation upon those claims. But let us look to the postponements which the gentleman presented as evidence of the violation of good faith on the part of the Government. I have often, heretofore, made an "April fool" of myself by examining into charges made here against the Administration. I have also examined this charge, and find myself more fooled than ever.

After the gentleman told us of fifty instances of postponed claims which he had heard of, (and all of which he believed,) he presented one, the evidence of which, he informed us, was on a piece of paper which he held in his hand, but refused to give us the name of the individual who vouched for its truth. That claim is represented to be nineteen dollars. He further stated that claims for labor done on the public buildings in this place were postponed, and a reduction ordered of the amount first stipulated to be paid. The gentleman from Virginia [Mr. WISE] rose and added a fact of the same kind to the list of postponements. He said that he had seen circulars issued by authority, informing those who had labored and were laboring on Old Point, that there would be a reduction on the amount stipulated to be paid, and a postponement of payment until the first of next April, and that he had used and exposed that circular in the recent canvass. Now, sir, charges of this character constituted no small part of the gentleman's two days' speech, [Mr. BARNARD.] Well, what does this amount to? I addressed the following communication to the Secretary of the Treasury:

HOUSE OF REPRESENTATIVES.

January 23 1841.

SIR: In a part of your annual report, you say that the Treasury has promptly met every demand made upon it during the last year, or until the date of your report. This has been contradicted by several of the Opposition members. It is asserted here, and made a matter of complaint, and no small abuse, that payments for labor done on the public buildings in this place

have been postponed until the first of April next; and that the amount of stipulated wages would be reduced. If such is the fact, will you have the goodness to inform me, and give me the reasons for such postponement and reduction.

Yours, with respect,

A. DUNCAN.

To the Hon. LEVI WOODBURY,
Secretary of the Treasury.

Here is his answer:

TREASURY DEPARTMENT, Jan. 23, 1841.

SIR: In reply to your inquiries of this date, whether payments for labor on the public buildings in this city have been postponed until the 1st of April next, or the amount of wages proposed to be reduced, and, if so, the reasons therefore, I have the honor to submit the following statement:

All the labor on these buildings, carried on under the immediate charge of the Commissioners, has been paid for as soon as done, so far as my knowledge extends. So has that performed by contractors, it is presumed; as all the requisitions for money to pay them have been promptly met.

But, in a case of necessity, since the appropriation was exhausted, and during the present month, I understand that the Committee on Public Buildings of the House of Representatives have, on application of the workmen, advised the Superintendent of the Public Buildings to permit some of the laborers to work on some of the stone till the new appropriation pass; and I presume that he has acquiesced in the advice. The Board of Commissioners, however, has not interfered in this case; nor has this Department, nor has either of them, proposed any reduction in wages.

Respectfully,

LEVI WOODBURY.

Hon. ALEXANDER DUNCAN.

P. S. To obviate any mistake, I would add, that there is a claim by some workmen for lost time, under a resolution to indemnify them, passed by Congress at the last session: but this is not for work done, but rather for inability to obtain work; and as no appropriation has yet been made to pay the claim, of course it has not been and cannot be paid till Congress think proper to make one.

L. W.

I addressed a similar communication to the Secretary of War, in relation to the suspensions of payment for labor done at Old Point, and here is his answer.

WAR OFFICE, January 23, 1841.

SIR: You are aware, that at the last session of Congress the military appropriation bill contained a provision, authorizing the President to suspend the expenditure of certain amounts therein appropriated, if, in his opinion, the condition of the Treasury required it. After the adjournment, the Secretary of the Treasury signified that he should avail himself of the authority vested in him by this clause, and suspend these expenditures. This was accordingly done; but upon an assurance from Mr. Woodbury, that the Treasury would be in a more flourishing condition at the end of the year 1840, or at farthest by April, 1841, I authorized the officers charged with those works, which, from their nature, would have been seriously injured by entire suspension, to carry them on on a reduced scale, provided the contractors and workmen would consent, without any additional charge upon the Government, to wait for payment until the first of January, or the first of April. No reduction is to be made upon the amount stipulated to be paid. The President removed the order suspending these payments and prohibiting the continuance of the works late in October last: but the season was too far advanced to renew them advantageously—and it would still have been inconvenient to the Treasury to anticipate the payments promised for the 1st January. Upon the passage of the Treasury bill now under consideration, these payments and others for arrears due for militia and subsistence in Florida will be made. I have no doubt the Secretary of the Treasury would have been able to meet all these demands, if the receipts had been simultaneous with them; but there are portions of the year when the disbursements are necessarily large and the receipts small. The Treasury, to be free from embarrassment, must always have five millions surplus to go and come upon.

Very truly yours,

J. R. POINSETT.

Hon. ALEXANDER DUNCAN.

So it will be found in all cases where payments have been suspended. The appropriations run out, and the workmen are permitted to go on with the work, upon the condition that they will wait for their pay until Congress shall make an appropriation. It is matter of choice and preference with them. So it is with temporary clerks, who are paid from the contingent fund. The fund runs out, and clerks of this description can receive no pay, until Congress appropriates money. Still the clerks go on to perform their work, upon their own responsibility, and at their own risk. If Congress should make no appropriation, they, as in the case of the laborers on public works, would receive no pay; and this is what constitutes the suspensions of payment which the gentleman alludes to, and out of which he has manufactured such frauds on the side of the Government; and such distress on the part of the poor workmen.

I would not have troubled the committee with this expose, only that I am desirous of showing to the country how little reliance is to be placed on charges made upon the Administration by a party, whose control of the Government is to be perpetuated by the same system of misrepresentation, falsehood, and slander, which has brought them into power.

The gentleman from Maine [Mr. EVANS] indulged in both abuse and sarcasm of the War De-

partment, for what he calls the *sedentary* militia in Florida. He derided such an organization as worse than worthless. He treated it as the evidence of imbecility on the part of the Executive and the War Department. This is a strange note with what we heard last fall during the election campaign. Then we were told by every Whig speaker, from the political negotiator with the shavers, stockjobbers, Shylocks, and brokers of the London Exchange, (Daniel Webster,) down to the most sniffing Whig whiff of political mimicry, that the Executive was about to overset the liberties of this country by a military despotism. The weak and the silly, from one end of the Union to the other, were thrown into alarm and consternation, weepings and wailings, by the note of military despotism. The President was organizing an army of two hundred thousand men to seize upon the liberties of this people. The wife was to be deprived of her husband—the parent of his son—and the sister of her brother: all were to be pressed into the service of the President, and marched, and whipped, and shot, as the rules of war and the laws of despotism might dictate. But now the President and the War Department are found with what? wielding the sceptre of despotism with an army of two hundred thousand men, with the sword in one hand and the purse in the other (Independent Treasury?) No; he is now found struggling in a complicated war with a savage enemy, to maintain the honor of the nation, and the safety and peace of its citizens, with a *sedentary* army of five hundred militia, whose pay is six dollars per month, without the power to increase the number or augment the pay; and he derided, abused, and taunted, and his Administration denounced because of imbecility. The abuse which the gentleman drew from this organization of "*sedentary militia*" induced me to investigate the subject. I opened a correspondence with the Secretary of War, and here are the papers with which I have been furnished. They are the letters between the Secretary of War and Brevet Gen. Read, commander in Florida, which show the whole system of organization, and the motives and objects to be effected by it. I will ask the Clerk to read these papers, beginning at the one marked A and so proceed. [The Clerk read.] I regret, said Mr. D. that the number and length of those letters will prevent me from giving them a place in my printed remarks, which would make comment upon them unnecessary. I will now briefly explain the object and the system.

The organization is called "infantry for neighborhood defence in Florida." In the summer of 1838, Mr. Poinsett recommended such an organization of the settlers who had been driven from their farms by the Indians. I need not inform members here that families who were driven from their farms in Florida were furnished rations by a law of Congress. The Secretary of War conceived and adopted the plan of organizing such persons for "fireside" defence. The object was double, and the result has been double. The object was to form a military defence, and the improvement of the country. The result has been, that this organization (about five hundred in number) has superseded the same number of mounted men, which would have been required, in addition to the regular force in Florida; and it has been found, by actual calculation, that this organization has cost but one-sixth of the same number of mounted men. Another result has been, that the Government has been saved from vast expense, which it would have incurred by the transportation of grain and forage for the support of troops and horses, which, to a great extent, has been supplied by the cultivation which this system has encouraged and secured.

The duties and privileges which this organization imposes and secures are: for a part of those embraced in it to cultivate their farms, while a part are patrolling and scouting from post to post; they are changed at the end of given intervals. It is a rule of this organization, that no person is to be ordered more than twenty miles from his farm: and this is what gentlemen deride and condemn, as making the whole system weak and ridiculous; but without such a rule, the whole system would fail, or rather it never have been established, and one of

the leading objects (viz: the cultivation of the farms) would be defeated—for the militia could not cultivate their farms, if they were ordered a greater distance than twenty miles from them, at frequent intervals.

It is supposed that this organization has been as beneficial in point of military defence, as the same number of mounted men would have been for the same time. It is reasonable to suppose so, for a higher interest stimulates them. They defend their farms and their firesides, as well as their country. So much for the President's *sedentary* militia, so much the subject of Whig derision.

Prior to the overthrow of this Administration, and to effect that purpose, this land was filled with howlings and lamentations about its extravagance and profligacy. Extravagant appropriations for harbors, fortifications, national defences, public buildings, canals, roads, and every species of improvements, were paraded to expose the extravagance of the Administration. But how has the note changed! We have heard Whig gentlemen, for the last week, exhaust their mental and physical powers in denouncing the Administration for (in their own language) its niggardliness and penuriousness. It is charged with having driven out insufficient appropriations, and the dilapidated and decaying condition of the public works and fortifications is now paraded to expose the penurious, and miserable, selfish, and narrow policy of this Administration, "to save its popularity, and secure its re-election." How will such notes meet the ear of the public, whose heads are yet ringing with the peals of extravagance, ruin and profligacy? Gentlemen may reconcile these conflicting charges with a community whom they have so basely abused and misled. It is no duty of mine.

But while on the charges of extravagance before the election, and of penuriousness since the election, I ask to present some figures and facts which I extract from official reports, which are as true in politics and finance as the book of worship is in divinity.

I read from the reports of the Secretary of the Treasury, Executive documents, 1st session 25th Congress; vol. 2d for 1839–40, Doc. No. 17, page 9, and Doc. No. 3 for this session, page 2.

These documents show that the expenditures for the year 1835 were \$17,573,141 56

1836 "	30,868,164 04
1837 "	37,265,037 15
1838 "	39,455,438 34

These aggregates include all the heavy expenditures of the Indian wars, Indian treaties, Indian removals, interest and principle, paid on funded debts, redemption of Treasury notes, and border difficulties that occurred since 1835, in the years to which the amount is annexed. So do the expenditures of 1839. Here is a table showing more particularly the expenses of that year, as reported in Doc. No. 3, 2d session 26th Congress, page 21:

EXPENDITURES FOR 1839.	
Civil, miscellaneous, and foreign interest	\$4,918,187 58
course	-
Military	14,256,860 34
Naval	6,225,002 75
	\$25,410,050 67
Public debt, including interest on Holland debt	93,251 17
Treasury notes redeemed, including interest	11,101,111 02
Trust funds	1,010,523 29
	12,204,885 48
	\$37,614,936 15

It is seen by this table that the whole expenditures for 1839 were \$37,614,936 15, including the redemption of Treasury notes and the trust funds; but deduct these, which is proper to be done, for they were debts of another year—I say deduct them, and the expenditures of 1839, will be but \$25,410,050 67. Now, let us look to the aggregate expenditures of 1840. The expenditures were, in the entire year, \$22,489,349 51; and such has been the policy of the Administration, and such its retrenchments, that \$19,000,000 will cover the expenses for the present year, (1841); so says the Secretary of the Treasury, and such are the estimates from data furnished by all the Departments. I have presented these figures and facts for the benefit of those who may read

me. I desire that the people may have these facts, to put in contrast with the charges of extravagance with which the Administration was denounced through every Bank-bought corrupted organ in the land, and every Federal demagogue that could conceive a falsehood, or express the conceptions of another. It will be seen that the Administration has succeeded in reducing the expenditures of the Government from \$39,000,000 per annum to \$19,000,000; and, still strange to say, one of the reasons of its overthrow was the charge of extravagance and profligacy. It is difficult to say which is most criminal, the foul spirit that propagated such slanders, or the wilful stupidity that makes them available.

But, sir, in order to benight the public mind, and to pave the way for every species of profligacy that the coming Administration may be guilty of, it is boldly asserted on this floor that this Government is now indebted to the amount of \$30,000,000, and that a loan ought forthwith to be contracted, and the debt settled. Why, Mr. Speaker, what is not the man prepared to say who will make such an assertion? But as no evidence or statistics has been or can be produced to sustain the assertion, I shall satisfy myself with meeting it with a direct and unqualified denial, and shall class it with the numerous falsehoods and slanders, which, as I before said, have been but too successful.

There may be some unexpended appropriation at the expiration of this Administration. There always has been, and always will be at the expiration of every administration. Those may be called floating unexpended appropriations. They pass from year to year, as well as from administration to administration.

There were demands of this character to the amount of ten or twelve millions fell upon this Administration, when it came into power. There will not, perhaps, be one-fourth of that amount transferred to the coming administration. I know of none at this moment. I do not now speak of Indian annuities, Indian treaties, and the Holland claim on this District, assumed by the General Government; they are funded debts, and no administration can pay them off, without farther legislation. The Government never was clearer of debt and embarrassment than it is at this moment. It never was in a situation since its first organization, to manage and conduct its functions with more ease and less expense in proportion to its magnitude, than it is at this time. The country is fast overcoming the embarrassment and calamities brought upon it by the frauds and mismanagement of the banking institutions—trade and commerce are reviving—our commercial debt, which grew out of overtrading and overbanking is paid, and we have a fair promise of a bountiful harvest of revenue from imposts and land sales. The Florida war may be said to be at an end. The Indians, we are told, are daily coming in and surrendering themselves, their arms, and their wives and children. Our border difficulties, it is believed, will be settled without further difficulty. The Federal party come into power in peace and plenty, out of debt, and with the comfortable sum of about five millions in advance, which this bill will furnish, to commence operations. What a contrast! How did Mr. Van Buren find the Government and the country when he came into office? The Florida war raging, one of the most complicated, expensive, and difficult wars that this Government has encountered, owing to the nature of the enemy, the character of the climate which was its seat, and the advantages the face of the country gave the enemy—border difficulties of the most complex character—the surplus revenue squandered, or what was the same, deposited with the States (better far that it had been thrown into the Potomac)—nine hundred banks, with three-fourths of all the newspapers, united to paralyze all his movements and overthrow his administration. Add to these the bank suspensions, which left him without a dollar in the Treasury, and the suspension of commerce, which stopped up the channels of revenue—and all this in two months after his inauguration. All this before he had time to perform the first official act. But more of this hereafter.

The gentleman from New York [Mr. BARNARD]

told us that this Administration had issued \$25,000,000 of Treasury notes from its beginning to this time; and that it would now owe every dollar of that amount if it (the Administration) had not seized upon the Government property and made forced sales, at great sacrifices, for their redemption. I asked the gentleman, at the time, to inform us what property the Government had seized on, what it had sold that was not its right and its duty to sell. The gentleman promised us the information, but that was all; he did not give it; and, what is worse, he cannot. I meet that charge with a direct denial. It is groundless in all its parts, and I defy him, or any other man, to sustain it.

It is somewhat amusing to hear and see the exultation manifested and expressed by the Federal party at the overthrow of the Democracy. "The expiring Administration!" "The successful party!" "The defunct party!" "The prostrated Administration!" "The party coming into power;" and such expressions of unbridled exultation is the beginning, the middle, and the ending, of every Whig speech we hear. Well, poor fellows, I do not blame them. They have been in political exile for forty years. A gentleman tells me that they owned the Government four years within that time. True; but that was no Administration, within the meaning of our Constitution or our political language: it was an interregnum of that time: it was a Federal interregnum of the Government, in violation of the spirit of the Constitution, and in open defiance of the will of the people and the majesty of our political institutions. No man can call that an Administration, without violence and political profanity. Yes, sir, the Federal party have been in banishment for forty years. For forty years they have been rowing up "Salt river"—bareheaded and barebacked—on half rations, and now that they are restored to the Federal days of '98, they have a right to exult. I would do so if I were in their place. The more than a hundred thousand lean, long, lank, hungry, and wolfish office seekers who are now thronging, and who are to throng this city, to seize the "spoils of victory," bearing in their features and aspect evidence of worse than Siberian poverty, speaks poorly for the country they have left. If the inhabitants from "the head waters of Salt river" are fairly represented by those who are now flocking here for the spoils, I would judge it to be either a poor country, or the inhabitants to live by the ragged promises of banks without capital, or subjects to swindle. If I were capable of advising my friends, my advice would be to keep clear of the Salt river country. I would advise them to give the Federalists another "shake." The result of this election is but a triumph over men; it is no triumph over principle. There was no issue of principle made in the contest. It will be no violation of the fundamental principle, which every Democrat holds sacred, viz: "that the voice of the people is the supreme law of the land," to disregard the result of this election only as a triumph of men. Every Democrat is at liberty to stand to his principles and the measures which have characterized his party. It is an anomaly in politics and in government, that an administration should be overthrown upon no principle.

It is equally strange that an Administration should come into power upon no principle; but such is the fact. I have said that it was an anomaly; not quite, there have been some such instances. When and while the Jews were enjoying the daily manifestations of the living God, under the administration of Moses, they deserted the one, and surrendered the other, and betook themselves to idolatry; anon made a golden calf, and they did it divine honors; not that they were to receive higher benefits, but they wanted a change. That word change has ever been a potent word. It was the word change in the mouth of Hannu and his demagogical adherents, that overthrew Hannibal, and, with him, sank the Republic of Carthage. It was the word change, in connection with the golden bribes of Persia, that subverted the Grecian liberties and the Grecian Republics. That word change, and Persian gold, did what the arms of Persia was unable to do. So, too, the word change, and

British gold, may do what the arms of England could not do. They may subvert the liberties of this people, and overthrow this Republic. That word change, and the British moneyed influence, have accomplished one step: they have made one successful effort. They have overthrown as pure and upright an Administration as ever administered this Government. They have defeated the re-election of a President, and as sound, as pure, and as talented a patriot as ever filled the Executive of this Government or any other—one who has administered the Government upon the same Democratic principles, and in support of the same measures, by which this, in the short space of half a century, has grown to be a mighty Republic—and one, too, who was elected by an overwhelming majority of the American freemen to carry out the very measures which have characterized and marked every official act of his. His Administration has been honest, faithful, able, economical and patriotic, and his avowal of principle, as well as the party who sustained him, open, fearless, and candid—avowing at all times and in all places the principles and measures which should guide and govern him and them. And how was this honest expose met? Why, the Federal candidate positively refused to present any "expression of principle for the public eye," or to give any pledge to support or repudiate any measure, and even denied the right and the propriety to ask him for a pledge. Here is an extract from a speech delivered at Fort Meigs, as reported in a paper friendly to his election. In that speech he says:

"I will now, fellow-citizens, give you my reasons for having refused to give pledges and opinions more freely than I have done since my nomination to the Presidency. Many of the statements published upon this subject are by no means correct. But it is true that it is my opinion that no pledge should be given by an individual while in nomination for any office in the gift of the people."

I could present numerous instances in which General Harrison was called upon through the most respectable mediums, and from the most patriotic motives, to give his views on the great leading measures which interested the country, in every instance of which he declined giving answers "for the public eye." I am too fast. General Harrison did give one pledge. He stated, I believe, at various times, in many places, and in the presence of assembled multitudes, that he believed a National Bank unconstitutional. He believed that Congress has not the constitutional power to establish a National Bank. He has also pledged himself, in the midst of assembled thousands, to veto no bill that Congress may pass. He is now the President elect of this Republic. On the 4th of March next, at the threshold of his official duties, he will mount the eastern portico of this Capitol, and with lips pressed to the Holy Evangelists, or with uplifted hand before assembled thousands, to whom he is responsible here, and in the presence of Almighty God and his Eternal Throne, to whom he is responsible, and before which he is answerable hereafter, he will swear to support the Constitution of the United States. Now, suppose Congress should pass, during his administration, a bill to incorporate a National Bank, and, to become a law, it shall require his approval and signature, what will be the condition of that poor old man? He stands pledged to approve and sign a bill which he has said is in violation of the Constitution which he has sworn to maintain? I say, what will be his situation in a moral and conscientious view, to say nothing of the political obligations he is under to maintain the Constitution in the exercise of the veto power, which is a part of the obligations of the Executive, and was intended by the framers of the Constitution to preserve it from the innovations and violations which General Harrison says, himself, would be made upon it by the establishment of a National Bank?

I know of no Whig candidate whose election in the late canvass turned on principles. In a Republican Government, it is a fundamental right of the people to demand of the candidate who is asking suffrage at their hands, what are his principles, and upon what terms he will administer the office which he seeks; and it is a political duty, on the part of a candidate, to answer, and to answer sincerely. That right and that duty were both violated in the late elections.

How, I ask again, were the fearless and honest expose of principles, on the part of the Democracy, met? Way, sir, by drunken orgies, that would have disgraced a bacchanalian feast—by empty unmeaning pageants—ridiculous displays of log cabins, beset in coon skins, fox tails, old gards, empty barrels, shot pouches, and snapping turtles; and by other displays unworthy of the age, disgraceful to any people, and an insult to every understanding of morality and decency. Or, in the language of my poet:

And what are the principles 'bout which you prate?
I answer, log cabins and pickerei bait;
Hard cider, old muskets, and racoons, and rags,
Black wool and broad seals, and tow saddle-bags,
Corn dodgers and skunk skins, with pitch forks and poles,
Old hats that were made but to stop up the holes;
Pack saddles and gourds, empty hoppers and lye,
And catfish and gingerbread made in a pie:
Pothooks and kettles, with scythes and wash tub,
Old sickles and cornstalks, and axes to grub,
Oh! who could have dreamt that a nation so wise,
Would have stopped up their ears and plucked out their eyes;
Would have swallowed such falsehood, so plain and so foul,
That would disgust and sicken a toad eating owl?

It is disgraceful to the American intelligence to say that the elections were carried by such displays, in the entire absence of avowed principles. We must look for some other influence, by which the whole power and force of the American Democracy have been overthrown. There was a combination of circumstances and factions brought together, and made to bear on the Administration, which never has been before and it is hoped never will be again. First of the factions. Those factions were bound together by no principle or tie, save their hostility to the Democratic party, and to Democratic principles. The Abolitionist and the slave holder, the bank man and the anti-bank man—the high tariffite, and the anti-tariffite—the distributionist, and the anti-distributionist—the assumptionist, and the anti-assumptionist, though all antipodes to each other, were united against the Democracy, all rallied under their different banners to the standard of Federalism. Change! change! was their watchword. The cry and the echo of change never was permitted to die on the ear, midst all the conflict and din of battle—not a change of measures nor of principle, but a change of men. As my poet says:

"The Federalists came and they wanted 'change,'
Oh! 'change,' the Abolitionists caught it.
That Tariffites wanted it isn't strange,
But change for the Ancis, who would have thought it?
They wanted change, and change they have got,
But a change for the better? 'I reckon not."

Second, of the circumstances. But to explain them would require more time than the limits of a speech will permit. It would require not only a financial and commercial history of our own country, but a history of our relations with other countries. It is sufficient to say, that under the high tariff banking and credit system, a rage for speculation was engendered, which was only equalled by the fatal embarrassments in which it involved the people, the States, and the General Government. The people became involved in a large commercial debt. The States became involved for loans obtained for internal improvements, to near two hundred millions of dollars to foreign capitalists. The country was overspread with upwards of nine hundred incorporated banking institutions, a large portion of whose capital was and is owned by capitalists in London, Paris and Amsterdam.

Before I take my seat, I will explain the process by which all our pecuniary and commercial embarrassments were brought upon us by that extended credit, banking and internal improvement system; but it is at this moment my object to expose the circumstances and influences which were brought to bear upon the recent elections. It is well known that this Administration and the Democratic party were, and are now, opposed to the contracting of further foreign loans, and to the privileges which the present system of banking bestows upon those institutions and their stockholders. It is well known that State stocks in the European markets have been gradually falling since the revolution and bank commercial suspensions in 1837, until they are not worth more than sixty or sixty-five cents on the dollar. It is also well known that one of the means by which those stocks would be

raised to par value, would be by getting the General Government to assume the State debts. It is well known, too, that this Administration was opposed to that policy. The restrictions and securities which the Administration and its supporters were imposing upon the banks, dismayed bank stockholders, both at home and abroad. They saw in the re-election of Mr. Van Buren and his supporters the overthrow of their swindling system, and the downfall of their corrupt institutions.

It was to avoid a catastrophe so fatal to the gambling and stockjobbing interests, that united the bankers and stockholders of both Europe and this country against the re-election of the present Administration, and rallied all the power and influence which a control of two hundred millions of State debts, twice that amount of bank capital, and perhaps four times that amount of bank loans, gave them over the people. The idea that British capital, British gold, and British influence, controlled the recent elections, is scouted by the Federal party here, and denounced as a slander upon the freemen of this country. Sir, it is honorable to suppose the American people incapable of bribery or being bribed. It is not charged that they were bribed directly, nor was it necessary that they should be. There were easier and cheaper methods of bringing British influence and British capital to operate upon the people and the elections. That such influences were brought to bear, no one having a regard for truth, and acquainted with the facts, will deny. I hold in my hand the evidence—evidence conclusive—evidence which carries conviction with it.

It is well known that Daniel Webster went to England. It has been publicly and privately reported, and I believe never contradicted, that he went upon means to the amount of near or about sixty thousand dollars, furnished by the traders, bankers, merchants, and stockjobbers of the Eastern cities. What he went for, none but those in the secret know; but, to use a Yankee phrase, we can guess. It was to restore confidence in the ability and faith of the States to redeem their bonds—to the end that more loans might be obtained, and to assure the stockholders that the States were constitutionally and legally bound to liquidate their bonds. A kind of notion was prevailing that the States had no power to issue bills of credit, and that the State bonds were bills of credit, and therefore unconstitutional and illegal, and that subsequent State Legislatures might so consider them, and might refuse to provide for their payment. While fagging with the stockjobbers and bankers of London exchange, I do not know what promises he made them, that if Mr. Van Buren's Administration could be overthrown, the General Government would assume the payment of the States bonds, and a national bank be established, but I do know when he came home, "change," "change," was the word. I know, too, that no election by the Federal party ever was conducted with so much expense or money and sacrifice of time, though the piteous howls of panic, ruin, and distress, were made to time with "change, change, change." I do not know from whence the means were drawn that supported all the fool Federal fandanges that disgraced this country, our Republican institutions, and the elective franchise. I do not know whether they were furnished by British banks in this country or British banks in England. I do not know whether they were furnished by British American, or American British stockjobbers and gamblers. I know the means were furnished from some source other than private and individual donations; and now for the evidence. I will not read all I have. I have not time to read all the correspondence which shows the London Exchange interest felt, and interference exercised in the American elections last fall and summer. Here is a part. It is a resolution adopted at a meeting of the stockjobbers in London:

"To send to the Legislatures of the States, agents who should press the said Legislatures to appropriate funds to reduce the amount of their scrip, and establish sinking funds to secure the remainder."

So we have had British bank and stockjobbing agents to superintend our Legislatures, and in order that the Legislatures should be of the proper cast, such as would be more likely to carry out the views of the stockjobbing herd, it is fair to presume that

these agents were wire workers in the elections. What American will not feel humbled when he reflects that our legislative halls are beset with British agents, demanding legislation in behalf of foreign interests. This is the influence which sprung the question of Federal assumption of State debts, and it seems, while the people of the United States, or all except the Federal fugle masters, were kept in perfect ignorance of General Harrison's views of the great questions of public interest, the stockjobbers and owners understood him well.

Here is an extract from a London paper.

"The London Morning Post, of June 3d, in speaking of a report of Mr. Kendall and several other members of the American Cabinet had resigned, says:

"By the election of General Harrison, the Whig candidate, and the rejection of Mr. Van Buren, the return of the Government to a sound and rational system of banking will follow as a matter of course; and possibly the United States Bank may once more find itself under the protection of a proper charter. The rejection of Mr. Van Buren will be decisive of the fate of the Sub Treasury scheme. That insane piece of legislation will be most assuredly knocked on the head, and we shall no longer hear of pet banks, and the thousand other absurdities with which it is associated.

"We rejoice in the downfall of the VISIONARY UNDERTAKINGS OF THE RADICAL SPIRITS AND POLITICAL ECONOMICAL COXCOMBS, WHETHER THEY BE OF THE OLD WORLD OR THE NEW, and may, accordingly, congratulate the Americans on the prospects they have of getting rid of such quacks as Van Buren, 'Van' Jackson, and Mr. Amos Kendall.

"Whether the resignation takes place or not, there seems to be no doubt that THE WHOLE CREW OF THE DEMOCRATIC PARTY will, in the month of November at the latest, be relieved from the cares of office."

Here is more of the same. Both these extracts are from high-toned, full-blooded, red-mouthed, English Tory papers:

The Liverpool Standard of September 4th, encourages the owners of American stocks in England with the following words:

"There can be very little doubt that, in spite of Government influence, General Harrison will be elected President."

From the Liverpool Standard, September 4, 1840.

"At present, Great Britain exercises a POWERFUL INFLUENCE over the social, political, and fiscal affairs of the United States. The dependence of the planters in the South, and the commercial men in the North, upon the British market, necessarily superinduces a desire for peace on their part, while it gives this country a large amount of control over the public decisions of those bodies. The ultra Republicans of the States do not relish this control. They see that it interposes a BARRIER AGAINST THE WORKING OUT OF THEIR DEMOCRATIC PRINCIPLES."

It will be seen by these extracts that the London brokers had the advantage of the American Democracy. They knew precisely by what rule of arithmetic to calculate if General Harrison should succeed in his election. If his election was secured, they could calculate their Bank and State stocks by multiplication; but if Mr. Van Buren should succeed, the rule of subtraction would apply. Such is virtually the language of the following letters. Here they are:

[Per Great Western]

LONDON, June 3, 1840.
Sir: We refer to our last, of May 15, and have now the pleasure of acknowledging the receipt of your esteemed letter of 17th April. The box with the coupons of the bonds in our possession has also reached us within these few days; the contents have not yet been examined, but we have no doubt of these being found correct.

We assure you that we are not unmindful of your anxious wish either to realize your bonds at a satisfactory price, or to receive an advance upon them, but we regret to say this is still out of our power; there are hardly any transactions in American securities, even in the most current stocks; and as to the introduction of any new stock in the market, we should not consider it either advisable or even creditable, nor can we as yet foretell the period when a material improvement may be expected. We should, consequently, in making an advance, lock up our capital for an indefinite period, and for this, we confess, the value of money is too great at present. THE ATTENTION OF OUR CAPITALISTS AND OTHERS ENGAGED IN AMERICAN AFFAIRS IS NOW TURNED TO YOUR INTERNAL POLITICS, AND IF THE PROSPECTS FOR YOUR NEXT PRESIDENTIAL ELECTION HELD OUT BY THE LAST ACCOUNTS SHOULD BE REALIZED, THIS CIRCUMSTANCE WILL CONTRIBUTE MORE THAN ANY OTHER TO RESTORE GENERAL CONFIDENCE. The payments of the dividends on Pennsylvania stock has produced a good effect, but even now the stock (which a few years ago was preferred to all others, and sold as high as 120 0-0.) can be purchased at from 75 to 78 0-0, which will show you what could be expected for Missouri bonds. Indiana dollar stock has been sold at 66 0-0, Illinois 6 per cent. stock at 74 0-0, but even at these rates no large sales should be effected.

We remain, respectfully, sir,

Your obedient servants,

FRED. HUTH & CO.

JOHN SMITH, esq.

President of the Bank of the State of Missouri, St. Louis.

This was the first letter; here is the second. It promises some consolation to the State of Missouri should the Democratic Administration be overthrown. The stockjobbers were harking up the wrong tree when they wrote these letters. They supposed they were talking to those who were wil-

ling to sell their birthright for a mess of porridge; those who were willing to barter off their principles and their institutions for the ass's load of gold. But here is the second letter:

(Per Great Western.)

LONDON, September 11, 1840.

DEAR SIR: We have duly received your favors of July 9, from St. Louis, and July 29, from New York, and must regret we still continue unable to meet your wishes as regards a sale of your bonds, or a loan on the security of them. The war with which we are threatened by France again diverts the attention of our capitalists from permanent investments, and all American securities appear quite forgotten. Indiana 5 per cent. dollar stock was offered to us at 67½ 0-0; and Missouri, being less known, could not even be sold in less proportion. IF, HOWEVER, YOUR ELECTIONS FOR THE PRESIDENCY SHOULD HAVE THE RESULT NOW ANTICIPATED, IT IS VERY PROBABLE THAT AN IMPULSE WOULD BE GIVEN TO ALL STATE STOCKS, AND THE MOMENT MAY THEN ARRIVE WHEN YOUR BONDS CAN BE INTRODUCED UNDER FAVORABLE AUSTIN, though not at the limit you have fixed, whilst Illinois 6 per cent. sterling bonds can be purchased so much lower; the price asked at present for this latter stock is 87 0-0, being nearly 10 0-0 under your limit. AFTER YOU HAVE WAITED SO LONG, WE THINK IT WOULD BE A PITY TO RECALL THE BONDS WITHOUT SEEING WHAT EFFECT A CHANGE IN YOUR EXECUTIVE WILL PRODUCE, IN WHICH POINT WE MAY EXPECT TO FORM A FAIR JUDGMENT ABOUT THE BEGINNING OF NEXT YEAR. If, however, you wish the bonds, or a portion of them, to be returned, please give us your instructions and they will be punctually followed.

We remain respectfully, dear sir,

Your obedient servants,

FREDERICK HUTH & CO.

JOHN SMITH, Esq. President of the Bank of the State of Missouri, St. Louis.

Missouri, by her Legislature, met this insolence in the proper spirit—in the spirit worthy of a free State and of freemen—worthy the imitation of other States and other freemen. Her bonds were recalled, and their arrogance denounced and rebuked. But the election is over—Mr. Van Buren is defeated, and General Harrison is elected. Hear the congratulations! The frantic joy of the money changers and rag barons of this country hardly excelled that of the moneyed aristocracy of England. I read from the London Morning Chronicle, a full-blooded Tory paper:

MONEY MARKET AND CITY NEWS.

WEDNESDAY, December 10.—The election of General Harrison to the Presidential chair of the United States is an event of great importance to the commercial interests of America and Great Britain. A new system of financial policy will be propounded by the cabinet of the United States, and, if successful, the change will be felt throughout Europe. On this country it will act, however, most immediately, and to the greatest extent. We have deep interests at stake, therefore, in asking our transatlantic brethren not to go ahead too fast, nor too far, but to use their success with prudence.

The measures which will form the leading features of discussion, when Congress assembles, are likely to be: 1st. The adjustment of the currency; 2d. The bankruptcy law; 3d. The general land distribution bill; and, 4th. The tariff. The first named of these important questions will lead to lengthened discussion. It is of vital interest to the future prosperity of the Union, and ought not to be decided without full and mature deliberation. A rash or inconsiderate step might not only overturn the new Government, but lead to disastrous convulsions in the money market. The Government, however, are vested by the Constitution of the United States with special powers "to coin money, and regulate the value thereof," so that their powers to establish a uniform national currency cannot be successfully disputed. Mr. Webster was the leading expounder of the views of the new administration party on this subject; and as he predicted that it would lead to the success of one system of Government, and to the overthrow of another, it is from his views that we are to look for the nature of the measures which will be brought forward. If his opinions be adopted by General Harrison, the new Federal Government will not only propound a basis for a national paper currency, payable in gold and silver, but also for a National Bank. The latter measure would meet with powerful opposition, and we hear that the Whig party are not all of one way of thinking about it. The same may be said regarding the general bankruptcy bill. It would never do to legislate for behoof of the debtor only, as was proposed by the bill of last session. Any measure, to deserve success, should be even-handed, and apply both to debtor and creditor. It is considered likely that Mr. Clay will be successful in carrying a measure for the distribution of the public lands belonging to the general body of the Republic, and at the disposal of Congress. It has been proposed by Mr. Clay that these lands should be sold under the provisions of a special law, and the proceeds divided among the various States on fixed principles, according to their representation in Congress. A bill for that purpose formerly passed the Legislature, but General Jackson did not permit it to become a law, having allowed it to drop without giving his Presidential sanction, but it is understood that General Harrison will readily approve, if it be sent up to him by the Senate. The passing of such a measure would afford the various States powerful aid in completing their schemes of internal improvement. But, then, whatever is given to the revenue of the different States, is withdrawn from the revenue of the Union.

It is supposed that a change of the tariff will be strenuously mooted by the manufacturing States who are desirous for heavier protecting duties, but they will meet with vehement opposition from the exporting interests, and we trust that free principles of trade will still prevail in Congress.

I shall trouble you with no more extracts. If what I have read are not sufficient to establish the fact that British capital and British influence were

brought to bear on the recent elections, no amount of evidence would avail.

But permit me to discharge a duty to a large majority of the American people by saying again that they are incapable of being bribed, or turned from the support of our Democratic institutions by any direct attempts of foreign influence or money. It will be asked how has this influence been brought to bear? I answer, by indirect means. Such is the hold that foreign capitalists have upon our credit and monetary institutions, that, by a combination with those with whom they are connected and associated in this country, having an identity of interest, they can say to the banks suspend, and they suspend—expand, and they expand—contract, and they contract—resume, and they resume. All these they can do, and have done. And what is the effect? It is to make money scarce or plenty at their will; to raise or lower the price of produce and labor; to suspend or progress with public works and improvements, as may best advance their interests. The unsuspecting laborer who only seeks to maintain himself by honest economy and industry, does not understand the cause of those expansions and contractions which at one time give him ample compensation, and high hopes for his labor, and at another sink him into poverty and nakedness. He looks around him with astonishment and surprise for the causes of those changes which so effect him and his interests. He is told that it is by the mismanagement of the ruling powers, and he is admonished, as he values his own pecuniary interests, to change the Administration. Now look at the number of banks in this country, the amount of bank capital, the number of bank officers, of bank directors, and bank stockholders, ninety-nine in a hundred of whom are opposed to the Democratic party—look also to the fact that foreign capitalists own a vast portion of all the bank stock in this country, and are, like their associates here, opposed in principle and policy to this Administration, and every thing like democracy. Again, look at the wide-spread influence that the banks and the capitalists can and have exercised on the elections through all the mediums, and the more than ten thousand channels of moneyed agencies that control the value of every thing that is the subject of pecuniary value; and deny, in the spirit of truth if you can, that foreign influence has controlled the elections. I say again, that foreign capital has controlled and is now controlling the elective franchise, the ballot box, and the institutions of this country, not by direct bribery, but by secret moneyed influences, more dangerous to the liberties of this country, and more subversive of our Republican institutions than the artillery and the boy-net of England or all other military powers on earth combined.

I may name another circumstance, which was used to overthrow the Administration; and so far as it was successful, I regret to say it was disgraceful to American intelligence, and dishonorable to American patriotism. I allude to "Mr. Van Buren's standing army of two hundred thousand men!" It will be remembered, and the journals show the fact, that during the short session of the Twenty-fifth Congress, a resolution was passed, requesting the Secretary of War to report to the next Congress a plan of reorganizing the militia. That request was made with reference to our border difficulties, and some other difficulties which might grow out of them. The Secretary of War, in conformity to the duty imposed on him by that resolution, reported a plan of reorganization. It was submitted to Congress, and differed but little from the plan submitted to Congress by General Knox, in General Washington's administration, was passed by Congress, and approved by General Washington, and is now a law, and has been, from that time to this. In whatever Mr. Poinsett's plan differed from the present law, that difference made his plan less exceptionable? Comment on Mr. Poinsett's plan is unnecessary with those who deal in justice and truth. But comment on it with those who deal in falsehood and slander would be worse than idle. It is sufficient to say that the measure never was acted on by Congress. It never was presented to the President officially, nor did he sanction it; but, on the contrary, disap-

proved some of its provisions, and pronounced others unconstitutional. But still that plan, through the whole canvass, was urged upon the people by the political demagogues and the Bank pensioned presses, as "Mr. Van Buren's standing army;" a thing which had no existence; a thing that was among the things that never were. But it was urged, too, that the object in taking the census and the statistics, was to ascertain the number of men the country could furnish to the constant supply of that army, and the amount of property which could be taxed for its support, when the records show the fact, that the resolution which provided for taking the statistics, was introduced by a Whig member, [RICE GARLAND,] the object of which was to furnish data and useful information as to the worth of the nation, without reference to the subject, or thought, of taxation. I believe every member of the House supported that resolution. And this is briefly the story of Mr. Van Buren's standing army of 200,000 men. I only name the subject to invite those who may have been influenced by that charge upon the Administration, to examine the charge and see how basely they have been imposed upon. But how ungrateful and unkind was it to charge Mr. Van Buren with an intention to overthrow the liberties of the country and establish a military despotism. Of all men, we have the least to fear from him. He has been tried, and he has been found true and faithful. The whole history of his life, civil, political, and official, constitutes the surest guarantee of his attachments to, and his support of, free institutions and Republican principles. But if any thing more were wanted, we have it in the fact that Congress, at the close of the long session, 25th Congress, with a view to defend our Maine boundary, placed at the disposal of the President ten millions of dollars, and authority to raise fifty thousand volunteers. That was putting the sword and the purse truly in the hands of the President. Well, how did he use this tremendous military engine, thus surrendered to him? Did he wield the purse and the sword to the overthrow of our Republican institutions? Did he organize a standing army, or did he establish a military despotism? No; he did neither of them. What did he do? Why, by his diplomacy, and his skill in international laws, he so far succeeded in compromising the border difficulty, as to make military force unnecessary. And when Congress assembled, he handed back the purse and the sword to the people's Representatives, with his hands as unpolluted, and the sword as unstained with human blood, as were the hands and sword of General Harrison, when he threw down his commission in the midst of the last war, and admonished Congress, in a manner which should be remembered, never to invest the Executive with such power again.

So much for the circumstances united with the factions which were brought to bear to the overthrow of this Administration. I could name others equally unfounded and unjust, but I have not time.

Before I proceed, permit me to give the gentleman on my right some notice.

The gentleman from Massachusetts [Mr. CUSHING] the other day, after mourning for some time, over the distressed condition of our poor country and the wickedness and profligacy of Mr. Van Buren's Administration, suddenly turned his tune and pronounced a eulogy on the gallantry of General Harrison, and consoled himself and his friends, that "the gallant Harrison" would relieve the country. "The gallant Harrison" would secure prosperity to the country. "The gallant Harrison" would do this, and "the gallant Harrison" would do that. I am tired and sick of Tippecanoe songs, and I would like to know what difficulty the country is in that General Harrison's gallantry can relieve it from, and I would also like to know in what his gallantry consists. Does it consist in his having been the commander at the massacre of Tippecanoe, where ten or twelve hundred men, as brave as ever defended a country or faced an enemy, were surprised in the night and one hundred and eighty of their number slaughtered and wounded by four or five hundred Indians, who, after performing the work of death for more

than two hours, retired without perhaps the loss of ten of their number? Or does his gallantry consist in his having ordered the really gallant Croghan to burn and abandon Fort Stephenson, but which order was disobeyed, and thereby one of the most brilliant victories gained over the enemy in defence of the fort that characterized the last war? Does his gallantry consist in his having piled up the public stores and provisions on a frontier border, furnished at vast expense, setting fire to them, and retreating by the light? Does his gallantry consist in his having headed the infantry at the battle of the Thames a mile or more in the rear, while Colonel Dick Johnson, with his gallant regiment, was in death grapple with three times their number, from the beginning to the end of the battle? Or does his gallantry consist in his having thrown down his commission in the middle of the war, when all was darkness, doubt, and danger?

Sir, you may dig from the grave the withered carcass of a General, buried for more than a quarter of a century; you wash his face, comb his locks, dress him in long boots, a chapeau, and epaulets, and plume him with feathers, and a black cockade, but you cannot make a military chieftain of him, only as he has made himself so.

Mr. D. was here called to order by several Whigs, and the Chair reminded him that his remarks were irrelevant. Mr. D. said he was aware of that. It was his intention to be out of order, and he was pleased that he had been called to order. He was desirous of knowing whether order in debate was uniform here or not. He had now discovered that order depended more upon the party passions and capricious feelings of members, than upon any established rules of order; for, said Mr. D. during this debate Mr. Van Buren has been called a jackass, and his cabinet and cabinet officers knaves, fools, liars, swindlers, and thieves, but there was no Whig then to call to order; it was all right, all fair, and all in order. Now, sir, you have my apology and my reason for departing from the rules of order, and I wish to be understood, while I have a seat here, I will meet such abuse and such slander and falsehood, in a manner which they merit. But (muttered some Whig member) you have not long to be here. Yes, said Mr. D. I will be here again. On the first Monday of December a year, if not sooner, I will make my entrance at that door. The Democracy of Old Hamilton will send me, or if not me, they will send a better man, who will as fearlessly defend the Democracy and their principles. I was not defeated by voters. I was defeated by "pipe layers." No Democrat, who is the selected candidate of the Democracy of Old Hamilton, can be defeated by honest and legal voting.

Now, sir, I will proceed in order.

But, on motion, the committee rose, and the House adjourned at 4 o'clock.

Tuesday.—The House met, and went into Committee of the Whole.

Mr. DUNCAN proceeded: Mr. Chairman, I desire to new blaze the landmarks which do now, and ever have divided the two great parties—I mean the Federal and the Democratic parties, for there are no other names by which they have or by which they should be known—and I will be justified in this by the fact that it is every day's practice for the Federalists of this House to call themselves *Jefferson Democrats*! Why, sir, they profane the name, and slander the memory of Jefferson. I will prove this by documents which are as true as Holy Writ. In the days, and in the political life of Thomas Jefferson, the measures and principles which divided the two parties were the same that now divide them. The Federalists then were in favor of a great National Bank, and the Democracy were opposed to such an institution. The Federalists were in favor of a national debt, and an unrestrained credit system; the Democracy were opposed to both. The Federalists were in favor of an extravagant system of internal improvements by the General Government, the Democracy were opposed to such a system of policy, as incompatible with the purposes for which the General Government was formed. The Federalists were in favor of assuming and funding the State debts; the Democracy were opposed to such

a policy. The Federalists were in favor of a high protective tariff; and the Democracy were opposed to any other tariff than what was necessary to secure the requisite revenue for the support of the Government and for national defence. The two parties, I repeat, stand, on all these measures, now, precisely as they then did; and, although the Federal party came into power on no avowed principles, and pledged to the support of no measure, they had not assembled here three days until they showed the cloven Federal foot as broad as ever it was seen. All the Federal measures which I have named, and some that I have not, have been boldly advocated on this floor by every Federalist who has spoken this winter.

I now ask your attention while I read some of the opinions of Thomas Jefferson on those measures which I have enumerated—which I say now divide the two parties—and we will see what approximation the modern Whig principles make towards the standard of Jefferson Democracy. And first as to the system and policy of internal improvements by the General Government. While a member of the United States Senate, Mr. Van Buren introduced the following resolution, viz:

Resolved, That Congress does not possess the power to make roads or canals within the respective States."

This resolution was introduced in 1825, when the Federal party had the ascendancy in Congress, and in the Executive Department, and when Federalism was making fearful strides towards consolidation, and the establishment of Federal measures and Federal institutions. Mr. Jefferson, in a letter to Mr. C. W. Gooch, says:

MONTICELLO, January 9th, 1826.
DEAR SIR: I have duly received your favor of December 31, and fear with you all the evils which the present lowering aspect of our political horizon so ominously portends. That at some future day, which I hope to be very distant, the free principles of our Government might change with the change of circumstances, was to be expected. But I certainly did not expect that they would not over live the generation which established them, and what I still less expected was, that my favorite Western country was to be made the instrument of change. I had ever fondly cherished the interests of that country, relying on it as a barrier against the degeneracy of public opinion from our original and free principles. But the bait of local interests artfully prepared for their palates, has decoyed them from their kindred attachments to alliances alien to them. Yet, although I have little hope that the torrent of consolidation can be withstood, I should not be for giving up the ship without efforts to save her. She lived well through the first squall, and may weather the present one. But, dear sir, I am not the champion called for by the present dangers. I will, however, say one word on the subject. The South Carolina resolutions and Mr. Van Buren's motion show that other States are coming forward on the subject, and better for any to take the lead than Virginia. We shall see what our co States propose, and before the close of the session we may shape our own course more understandingly.
THOS. JEFFERSON.

In this communication, Mr. Jefferson writes expressly with reference to the Federal schemes of internal improvement by the Federal Government, as well as the unconstitutionality of providing the means for such purposes. He deprecates the delusive baits held out to the States, and denounces the whole as a departure from Republican principles, and the purposes for which the Federal Government was established.

In relation to a National Bank and an Independent Treasury, he says in a letter to Albert Gallatin—(Jefferson's works, vol. 4, page 12.)

From a passage in the letter of the President, I observe an idea of establishing a branch bank of the United States in New Orleans. This institution is one of the most deadly hostility existing against the principles and form of our Constitution. The nation is at this time so strong and united in its sentiments, that it cannot be taken at this moment. But suppose a series of untoward events should occur, sufficient to bring into doubt the competency of a Republican Government to meet a crisis of great danger, or to unhinge the confidence of the people in the public functionaries, an institution like this, penetrating by its branches every part of the Union, acting by command, and in phalanx, may, in a critical moment, upset the Government. I deem no Government safe which is under the vassalage of any self-constituted authorities, or any other authority than that of the nation, or its regular functionaries. What an obstruction could not this bank with all its branch banks be in time of war? It might dictate to us the peace we should accept, or withdraw its aids. Ought we then to give further growth to an institution so powerful, so hostile? That it is so hostile we know, first from a knowledge of the principles of the persons composing the body of directors in every bank, principal or branch, and those of most of the stockholders; second, from their opposition to the measures and principles of the Government, and to the election of those friendly to them, and 3d, from the sentiments of the newspapers they support. Now, while we are strong, it is the greatest duty we owe to the safety of our Constitution to bring this powerful enemy to a perfect subordination under its authorities; the first measure would be to reduce them to an equal footing only with other banks as to the favors of the Government. But in order to be able to meet a general combina-

tion of the banks against us in a critical emergency, could we not make a beginning towards an independent use of our own money—towards holding our own bank in all the depositories where it is received, and letting the treasurer give his draft or note for payment at any particular place, which, in a well conducted Government, ought to have as much credit as any private draft, or bank note, or bill, and would give us the same facilities which we derive from the banks? I pray you to turn this subject in your mind, and give it the benefit of your knowledge of details; whereas I have only very general views on the subject.

Affectionate salutations.
Washington, December 13, 1803.

In this communication Mr. Jefferson speaks in the language of prophecy. He anticipated the difficulties which we have witnessed, and are now witnessing, not only in relation to banks, but of corporations in general. And his objections did not more exist upon the grounds of policy, than upon the unconstitutionality of all corporations, but more especially that of a National Bank. I have not time to refer to all his arguments against a National Bank; nor is it necessary. I will, however, ask the Clerk to read one more passage, which is found in his *Annals of Jefferson's Works*, vol. 4, pages 523-7. The Clerk read.

I regret that the length of this expose will prevent me from making it a part of my printed remarks, I hope it will be sufficient to say that it is his cabinet opinion against the constitutionality of a National Bank. His arguments are conclusive and irresistible. I wish every man in this Union could be furnished with a copy of this opinion; he would cease to be a bank man, or wilfully violate the Constitution.

Mr. Jefferson was opposed to a national debt, paper currency, stockjobbing interests, and assumption of States. He looked upon them all as corrupting in their tendencies, and destructive in their effects, both in a private and political sense.

I hold in my hand the "Life of Jefferson." Vol. 1, page 388-9, in a conversation with General Washington, he says, among other things:

"That the two great complaints were, that the national debt was unnecessarily increased, and that it furnished the means of corrupting both branches of the Legislature, as it was notorious to all that there was a considerable squadron in both branches whose votes were devoted to the paper and stockjobbing interests: that on examining their votes they would be found in favor of every Treasury measure; and as most of those measures had been carried by small majorities, they had been carried by those very votes; that, therefore, it was just cause of uneasiness when we thus saw members legislating for their own interests in opposition to those of the people."

On page 355, speaking of the effect of the rise of bank and other stocks, produced by the operations of the United States Bank and its paper issues, he says:

"This sudden influx of good fortune was attended with its usual abuse; a disposition to exchange the regular pursuits of industry for adventurous traffic and whatever business held out the temptations of a lottery."

Mr. Jefferson tells Mr. Gouverneur Morris, (same page.)

"Our public credit is good, but the abundance of paper has produced a spirit of gambling in the funds, which has laid out our ships at the wharves, as too slow instruments of profit, and has even disarmed the hand of the tailor of his needle and thimble. They say the evil will cure itself. I wish it may; but I have rarely seen a gamester cured, even by the disasters of his vocation."

"The effect of the speculations in the funds on the habits and character of the people, especially in the cities and towns, was greater than can well be imagined by one who was not an eye witness."

One more extract, by way of illustrating the Federal party in 1796, 7, 8, which I think will supersede any description of them at this time, except by comparison. If names are the representatives of things, the terms "Whig" and "Jefferson Democrats" are out of joint and out of time and place, when applied to the party opposed to the Democracy. This is a letter which I find in the first volume of Mr. Jefferson's life, page 518, addressed to Mr. Mazec.

"The aspect of our politics has wonderfully changed since you left us, April 24, 1796. In place of that love of liberty and republican government which carried us triumphantly through the war, an Anglican-monarchical-aristocratic party has sprung up, whose avowed object it is to draw over us the substance, as they have already done the forms of the British Government. The main body of our citizens, however, remain true to their Republican principles. The whole landed interest is Republican, and so is the great mass of talents. Against us are the Executive, the Judiciary, and two out of three branches of the Legislature; all the officers of the Government, all who want to be officers, all timid men who prefer the calm of despotism to the boisterous sea of liberty, British merchants, and Americans trading on British capital, speculators, and holders in the banks and public funds. A contrivance invented for the purposes of corruption, and for assimilating us in all things to the rotten, as well as the sound parts of the British model. It would give you a fever were I to name to you the apostates who have gone over to these heresies, men who were

Sampsons in the field, and Solomons in the council, but who have had their heads shorn by the barlot England. In short, we are likely to preserve the liberty we have obtained, only by unremitting labors and peril. But we shall preserve it, and our mass of wealth and wealth on the good side is so great as to leave no danger that force will ever be attempted against us. We have only to wake up and snap the Lilliputian cords with which they have been entangling us during the first sleep which succeeded our labors."

How, Mr. Chairman, do the modern Whig principles measure with the standards of Jefferson Democracy which I have been reading. The blush of shame should mantle the face of him who would call himself a Jeffersonian Democrat, when at the same time he tramples under foot the principles and admonitions of that father of Democracy and patriot of the Revolution. Did Thomas Jefferson now live, and could he describe the Federal party of this day with living lips, their principles and their favorite measures, he would fail to give a better description of them than he has in the extracts which I have read.

It is due to the memory of Alexander Hamilton, the elder Adams, and the other leaders of the Federal party of '98, that their political names should be preserved by those who make their principles their rule of faith. It is due to their memories that those who practise the doctrines of their school, should maintain the name that represents their doctrines. Federalists should be called Federalists. Every thing has a name, and every thing should be called by its name. The modern Whig who calls himself a Jefferson Democrat, defames and slanders the name and memory of Thomas Jefferson, and is guilty of moral depravity and falsehood.

The gentleman from South Carolina, [Mr. THOMPSON,] in the commencement of his speech, asserted that this Administration, from its commencement to this time, had declared and kept up a war of extermination against the credit and commerce of this country, and that one blow had succeeded another until the best prospects of the country have been prostrated.

The gentleman from Tennessee [Mr. BELL] asserted that the extra session (1837) was called to carry out the Independent Treasury scheme.

Every Federalist who has spoken has asserted that it is the withering effect of the Independent Treasury that has blighted and prostrated the country.

All those charges in their turn; but to answer them it will be necessary to go into the history of banking and the Independent Treasury, so far as the Government is or has been concerned or connected therewith. Be the Independent Treasury good or bad policy, Mr. Van Buren is not its author. His credit consists in recommending its revival by law, not in its invention. That system has its root in the Constitution. The framers of the Constitution are the authors of it, and when gentlemen are denouncing it as a corrupt measure, and its author as an ambitious aspirant after power, they are treading upon sacred ground; it is the memories of the Revolutionary patriots that they are denouncing and slandering.

The patriots of the Revolution were the framers of the Constitution; and the Constitution expressly provides that no money shall be drawn from the Treasury except by appropriations made by law. What did the framers mean when they said that no money should be drawn from the Treasury? Did they not mean that there should be a Treasury, and that the public money should be kept in the Treasury; and that it should be drawn out only as authorized by law. What did the framers of the Constitution mean when they provided that nothing should constitute a lawful tender in the payment of a debt but gold or silver? Did they not intend that gold and silver should constitute our national currency; and that the money which should be placed in the National Treasury should be gold and silver? Now, sir, what is the Independent Treasury measure, and what its object? It is that the public money shall be collected in gold and silver and kept in the National Treasury, and paid out for public purposes as appropriations by law may direct. That is the length and breadth, the depth and height of the Independent Treasury. The patriots of the Revolution, and the framers of the Constitution, were (or many of them) the members of Congress in 1789. That

Congress passed a law making it the duty of the Secretary of the Treasury to collect the public revenue in gold or silver, and making it his duty to keep safe the public revenue. They also prescribed the manner and mode by which it should be kept safe until it should be paid out as appropriations by law should direct. So we find the Independent Treasury founded in the Constitution, and practically established by the Congress of 1789, long before Mr. Van Buren had an official existence. When the Bank of the United States was established, in 1792, by a Federal Congress, on the recommendation of Alexander Hamilton, and against the wish and efforts of the entire Democracy in and out of Congress, the public depositories were made in that Bank. That was the first innovation upon the Independent Treasury principle. That was the operation by which a union of Bank and State was effected—and a most unhappy and unfortunate one it was. As Mr. Jefferson says, that union continued until the Bank expired by the limitation of its charter, which was in 1811. Between that time and 1816, I believe, the State banks were used in some instances as depositories of the public revenue. And an unfortunate connection that was, too; for, according to a report of the Committee of Ways and Means of the House, in 1830, the Government lost about thirty-four millions between the years of 1814 and 1817. But in 1816 the late United States Bank was incorporated. By a resolution of Congress, it was made the duty of the Secretary of the Treasury to deposit the revenue of the Government in that Bank and its branches, and to receive its notes and the notes of its branches in liquidation of the Government revenue; thus giving it the use of all the undrawn balances of the people's money, and a credit to its notes far and wide as the Union, and far and wide as the credit of the American Government. I believe the average amount, at all times on hand, of undrawn balances, from 1816 until 1834, the time when the deposits were removed, was near eight millions of dollars. All this the Bank had the use of for the pitiful bonus of \$1,500,000, for the whole time—a sum insufficient as a bonus for the use of the Government credit and revenue for one year. And yet, notwithstanding all these, that Bank came near breaking in less than two years after its establishment. Nothing but the timely interference of the Government saved it from bankruptcy and ruin. It brought more pecuniary ruin and distress on this country and this people than all the calamities which have afflicted us either by our own folly or the visitations of Providence, not even the cholera excepted. I speak of the pecuniary and commercial calamities of 1818, '19, '20, and '21.

But to progress with the Independent Treasury system. In 1834, General Jackson recommended the public depositories to be removed from the Bank of the United States, and branches, and made in the local banks. That was done, not because the local banks were favorite institutions with Gen. Jackson or his supporters, but because the American people had put their veto on the United States Bank. They had said, through the ballot boxes, that it should not be rechartered; but because the commercial and trading community were in the use of the public depositories, and it would have produced embarrassment to suddenly have withdrawn them, Congress, in 1836, passed the deposit act, confirming and approving the order which the President had taken on the depositories. By that act, the Secretary of the Treasury was required to make deposite of the public revenue in the specie paying banks, and to receive the notes of such banks in discharge of the public revenue. Thereby the local banks, which were selected as depositories, enjoyed the same advantages which the United States Bank and branches had; and all the banks were benefited that had the name of paying specie for their notes; for the fact that their notes were received in payment of the revenue, gave them a credit and a circulation coextensive and wide as the Union. What was the result of the deposite connection with the local banks? Precisely what it had been with the Bank of the United States and its branches—overbanking, overtrading, stockjobbing, and universal panic, distress, ruin, and a prostration of commerce

and credit. Now be it remembered that Mr. Van Buren was installed into office on the 4th of March, 1837, and on the 10th of May, in that year, the banks suspended payment; just one month and six days after he came into office. Before Mr. Van Buren performed the first official act of a financial or general character, all the calamity which we have heard so frequently and so pathetically recited, was brought upon the country by the action of the banks, without the agency of Mr. Van Buren or his administration, or the time or the power to control the banks. How do these facts measure with the broad charge of the gentleman from South Carolina, viz: that "this Administration, from the first day of its existence to this time, declared, and has kept up, a war of extermination against the credit and commerce of the country." When this Administration came into power, we owed a commercial debt of upwards of sixty millions of dollars. Commerce was suspended, and credit was destroyed. The banks had suspended, and the Treasury was without an available dollar. And what has been the result? Why, under this Administration, our commercial debt has been paid—commerce has revived—credit is fast restoring—and the banks have resumed payment. The gentleman is welcome to all the credit he may gain with the candid, honest and intelligent part of the community by such charges.

What was the condition of the country and the Government when the banks suspended specie payments? A credit system had been introduced by the bank and deposite system, by which almost all who traded, and all who bought and sold, traded, bought, and sold on credit. The Government revenue was in the banks. I ask, then, what was the condition of the country and the Government? The people were all indebted to each other, and hardly a constitutional dollar to pay a debt with. The debtor was at the mercy of his creditor, to be dealt with as his avarice might dictate. The people's pockets were filled with the ragged promises of the banks, and the gold and silver of the country locked up in their vaults. But what was the condition of your Government? When the banks suspended, I say the Government revenue was in their possession. Your Government was without a dollar. Your Federal judiciary was spread over the Union dispensing justice with not a dollar to pay them with. Your army was spread along your frontier defending your country, and not a dollar to sustain it with. Your foreign ministry were representing you in every civilized court known, and not a dollar to pay them with. Your navy was displaying her canvass upon every sea, every bay, and every ocean where you had commerce to defend, and not a dollar to support her with. Not a dollar with which to pay your Executive officers in the various Departments here or elsewhere, commerce at the time suspended, and the channels of revenue stopped. What was to be done? What was left for the Executive to do? Why, just what he did do. He called Congress together, to devise ways and means by which the Government should continue to perform its functions, or, to use a common phrase, "to furnish Treasury oil for the wheels of Government." That meeting of Congress was the extra session. I ask the candid and the honest man how it could have been avoided? And yet the gentleman from Tennessee [Mr. BELL] boldly asserts here, and to the country, "that the extra session was called to carry out the Independent Treasury scheme." Such an assertion will be rewarded with the contempt and derision of every honest man, when the history of this Administration shall be fairly presented to the country.

The Independent Treasury system was revived by the act of bank suspension, and brought into full force, as authorized by the act of 1789, and as provided for by the Constitution. The deposite act of 1836, under which the Secretary of the Treasury acted, in making the local banks fiscal agents of the Government, required the Secretary to deposite the public revenue in specie-paying banks; but when the banks suspended specie payments, there were no "specie-paying banks" in which he could make depositories. He was therefore driven to the duty of keeping safe the public

moneys as the act of 1789 provided (if there was any to keep safe.) The deposit act of 1836 also required the Secretary to collect the revenue in the notes of specie paying banks; but when the banks suspended specie payments there were no "specie paying banks;" the Secretary was therefore compelled to collect the revenue in gold and silver as the act of 1789 required. So we see the whole policy, and all the principles of the Independent Treasury were revived by the act of the banks, which is to collect the Government revenue in the currency provided for by the Constitution, and to keep safe the public moneys, until appropriations by law shall disburse them.

But what truth is there in the assertion made here by every Federalist that speaks: "That it is the withering effect of the Independent Treasury that has prostrated the credit, the energies, and the commerce of the country?" Let the disasters of May, 1837, answer. When the banks were in possession of the public revenue, and were in its daily use, and when possessed of the credit, the vast and unlimited credit of the Federal Government, they could not maintain themselves—they suspended, and thereby brought upon the country all the disasters and calamities of which gentlemen sing so piteously. So far from the Independent Treasury paralyzing the energies of the country, under that system, I repeat, that the country has been relieved from the embarrassments which never would have existed had the Independent Treasury been in force.

But it is now time for me to illustrate the operations by which the union of the Government with the banks produced the pecuniary and commercial embarrassments that have periodically afflicted the people of this country. One of the conditions of that union has been the use of the public money to bank upon, and the credit of the Federal Government to the amount of the revenue given to the paper promises of the banks. The banks discounted upon the public deposits, as did they on general deposits made by individuals, as well as on the capital paid in. That made paper "money plenty!" and its reception in the collection of the revenue gave any quantity of it which was issued credit, without doubt, or limit, and individual credit ran *pari passu* with the quantity of paper currency. Bank paper and credit were more abundant than the commerce and products of the country required.

The facility with which credit and bank paper was obtained, encouraged a wild rage for speculation among individuals, as well as a wild rage for internal improvements by the States. Speculating in trade, and gambling in State and bank stocks were the orders of the day. A general system of plunder and spoils, extravagance and dissipation, supplanted industry, economy, and sobriety. It was all a system of plunder, and every man, not governed by better motives, put in for a share of it, and dashed headlong like the reckless adventurer, regardless of consequences or "the day of settlement."

Such was the almost universal rush into trade and speculation, stockjobbing, and banking, that in the language of Thomas Jefferson, the tailor was disarmed "of his needle and thimble;" the anvil was deserted, the plane and the hammer dropped from the carpenter's hand, the shuttle ceased to fly, and the "plough was left to rust in the half finished furrow."

The redundancy of paper money raised the price of produce so far above its intrinsic value, that it would not bear exportation to foreign markets, where produce bore a price correspondent with a sound and uniform currency. It would not sell in a foreign market for what it cost the trader here. Again, the quantity of produce of the country was diminished, in consequence of the hundreds of thousands of producers who were withdrawn from the productive pursuits of life to become speculators; and the price of produce was raised still higher above its value by competition between the individuals composing the swarms of speculators, so that your produce was diminished in quantity, until you had but little to export, and what you had, I say would not bear exportation. What was the consequence? Why, exportations in a measure ceased. Importations went on. The

Atlantic was whitened with the sails of importing vessels, but exporting vessels were few and far between. What was the effect of all this? It was to turn the balance of trade against us. What farther? It was to bring upon us a commercial debt of I believe over sixty millions of dollars; and the time arrived in the course of trade, when that debt must be paid; and how was it to be paid? You had no produce or articles of commerce with which to pay it; or if you had, they bore so high a price that they would not bear exportation; but the debt must be paid. Again, what had you to pay it with. Your ragged bank promises would not pay it. As I have said at other times and places, you could not get a dinner or a drink of grog in a hot day with a common basket of such rags in a foreign country. How then was the debt to be paid? It was to be paid in that which all nations regard as the only legitimate and natural currency ever known since Joseph was sold to the Ishmaelites for twenty pieces of silver. That was the currency, or what is its equivalent, and what the modern Whigs deriding and sneeringly call the "Tom Benton humbug;" I mean the yellow boys. The gold and silver was all that you could pay that debt with. So the foreign manufacturer, capitalist, and merchant, called upon the importing merchant for gold and silver; the importing merchant called upon the wholesale seaport merchant to whom he had sold on credit, (for all this was the result of the glorious credit system,) for gold and silver; and the wholesale seaport merchant called upon the country retail merchant for gold and silver; and the country retail merchant called upon his customers, the people, for gold and silver; and the people gathered together their lazaroni rag bank promises and called upon the banks for gold and silver; and the banks, unable to stand the shock, shut down their trap-doors, and that was the suspension of specie payments. This, sir, describes the circle of the bank and credit operations which brought all the distress we have experienced in 1837 and since. It results from the same operations which produced the distress and ruin of 1818, 1819, and 1820. It is a principle in politics and government, as well as in logic, philosophy, and ethics, that like causes produce like effects; and whenever the Independent Treasury is repealed and the Government and banks united, the deposits put into the banks to bank upon, and their notes received in liquidation of the Government revenue, I care not whether the union be with the local banks or a National Bank and branches, the result will be the same as it has been; for, in less than two years from the commencement of such a union and such a use of the public money, we will have another bank bubble explosion, and all the pecuniary afflictions and commercial disasters which we have heretofore experienced. The Federal party promised relief to the people, if they would change the Administration. If that relief is to be attempted by repealing the Independent Treasury, and making banks the fiscal agents of the Government, and thereby make paper currency plenty by banking upon the revenue, I would like to have it in my power to admonish every Democrat in this Union, in peals louder than thunder, to be on the look out for the day of evil. I would admonish him to avoid the snare and the mire which will entangle and swamp thousands in irretrievable disaster and ruin.

I would advise him, too, if he shall be compelled to take for his labor and his honest products the rag promises of the banks, not to let the sacred day of rest pass over without converting them into cash, if the speed of a race horse will carry him to the counter on Saturday evening, where promise of redemption is to be found. A Democratic Administration has been overthrown by foreign and domestic banking and stock-jobbing influences, but if every Democrat is true to himself and his principles, every bank in the United States can be wound up in six months, and the Federal Administration overthrown, for it has no foundation but fraud, falsehood, and rotten borough corporations to stand upon. Such an Administration, composed of such factions, bound together by no ties but hostility to Democratic principles, and at this moment wrangling with each other, and threatening a blow up,

before they have come together, cannot stand; it will crumble, and mingle with the rottenness upon which it stands. Firmness to your principles, and union of your party, Democrats, is all that is wanting to restore the Government, your party, and our free institutions. Fear not—be firm.

I repeat, that this Administration has been overthrown on no principle. The Federal party came into power upon no principle or pledge of measures. They came into power singing

"Tippecanoe and Tyler too."

And now, sir, as I before said, they are flocking from the head waters of "Salt river," as poor and cadaverous as if they had lived on locusts and coon skins during the forty years of their political banishment. The motley groups of spoils hunters who are now besetting this city remind one of the return of the Persian troops from the Scythian expedition, whom hollow hunger and pelting storms had deprived of the countenance and walk of men. Why, sir, when the gathering shall be complete, there will be two thousand for every office there will be to fill, after every Democrat is reformed. Every applicant will demand spoils. Every man will have made himself poor and bankrupt by his expenditures in overthrowing this "wicked and profligate Administration!" Every man, too, will have a wife and nine small, hungry, ragged children, and one at the breast. Sir, feeling myself unable to give a suitable and proper description of this lazaroni gathering in prose, I called upon my poet, as usual in such cases, and he has furnished me with:

THE GATHERING, MARCH 4th, 1841.

With crooked shin and jutting heel,
Comes cringing Abolition,
With blue light Federalist, born to peal
The glories of sedition.
The paper king, and all his spawn,
The soap-locks and the dandies,
The pipe men and the men of Rhawn,
Stockjobbers and the grandees,
And tariff men, who strive to get
A duty for protection,
To pay their pockets back the debt
Occasioned by election.
A noble band, that hand in hand,
Have piped in many places;
Around the dreadful hero! stand,
But scare him with their faces,
And while they chant his simple lay,
They hold their ready dishes,
For seven principles have they;
Five loaves and two small fishes!

My poet has done justice, in his description of the hungry pilgrims of "Salt river." I have said the Federalists came into power singing,

"What has caused this great commotion,

Motion, motion,

Our country through?

It is the hail a rolling on

For Tippecanoe and Tyler too."

They will go out of power on the 4th of March, 1845, singing a different tune, to a different song. My poet, who you see is admirable at description, says they will take up their line of march for the head waters of "Salt river," to the tune of "Row, brothers, row," and the song of,

With broken hearts our Federal bands
In shallops move to barren sands.
Soon as the Western star grows dim
We'll sing at St. James our parting hymn.
Row, brothers, row, the stream runs fast,
Salt river is near and our glory's past.
Steady! our shallop will run aground;
Hoarsely the ripple is heard around.
Listen! our fuglemen raise a song,
And the burden is "Josey, oh Jim along."
Row, brothers, row, the stream runs fast.
Clay, Webster and Tip are veto'd at last.
Money is gone, and our bills are due.
Credit, dear credit, where are you?
Loafers and pipers no music we'll dine
On bacon boiled in Champagne wine.
Row, brothers, row, the stream runs fast,
Corn bread and hard cider are all our repast!
Swiftly we near the arid shore,
Puffing and tugging the heavy oar;
Sady we sit on our threadbare cloth,
Fishing for meat in our coonskin broth.
Row, brothers, row, the stream runs fast,
The humbug of log cabin is all gone past.
Merry we've been in days gone by—
Pleasure has beamed from our lordly eye;
But thankless are they o'er whom we've ruled,
We've been shipp'd off by those we've fool'd.
Rest, brothers, rest, the distance is past,
Salt river is gained, and our shallop's fast.
Here, where the carion crow ne'er flies,
Where want grows poor and famine dies,
We'll eat our shadows, and blow away,
Like mists that hang on the mountain gray.
Die, brothers, die, our day is past,
Salt river will murmur our dirge at last.

Mr. Chairman, the Democracy have been charged with attempting to destroy the banks, and overthrow credit. That charge is without the least foundation in truth. I defy any man to point to the action of the Democracy, which will justify such a charge. True, the Democracy regret that the banking system, on its present plan, was ever introduced, and there is no man, who is not a bank knave or a bank vassal, who makes himself acquainted with the bank statistics of this country, and the stupendous frauds which the banks have practised upon the Government and the people, who will not regret that there ever was a Bank established in the country. But the evil is here; and it has interwoven itself with our institutions, commerce, and credit, in such a manner, that the Democracy are compelled to look upon it for the present as a necessary evil, and to content themselves with attempts to reform it. I have been engaged for some time examining bank documents and bank statistics with laborious attention; and here is the result of my labors in a table, on this small piece of paper. Here is a table, disclosing, in a compressed manner, the frauds, and public and private losses by banks, that must astonish all who may read it. I have the documents and statistics which prove every word of it. I have stated that the Committee of Ways and Means of the House of Representatives reported, April 13th, 1830, the Government to have lost by the local banks, between 1814 and 1817, \$34,000,000 or \$35,000,000.

That report was made by a committee, a majority of which was in favor of the recharter of the Bank of the United States, and was intended to illustrate the necessity of rechartering that institution. It is a Federal expose, and ought to be good against that party and the banks, but I believe it is an exaggerated estimate, and as it is truth I was after in my research, I have not relied on it.

Now for my table. Here it is. It is short, and consists in generals and round numbers not in details and fractions. The number of bank failures in this country since 1789, is about four hundred. The losses by and through banks that have failed since 1789, on their capital, circulation, deposits, and bank balances, are about - \$80,000,000

Losses on depreciation of bank notes on banks which have from time to time suspended specie payments . 100,000,000

I find by the report of the Secretary of the Treasury, Doc. No. 10, made to the House last session in conformity with a call for that purpose, that the Government lost by the banks, between 1814 and 1817, in principal . 8,000,000

Interest from that time to this . 8,000,000

Losses on deposits in banks, and balances due from banks which have suspended, about . 50,000,000

These last losses were effected by the reception of depreciated paper from banks which suspended specie payments, in lieu of gold and silver, or its equivalent, which had been deposited; for it is a part of the system of bank suspensions to pay nothing but bank notes on deposits, however depreciated they may be.

Loss to the Government in expenses by the extra session, occasioned by the general bank suspension in 1837, and other additional expenses and losses in settling with the banks . 300,000

The aggregate amount of which is \$246,300,000

These, sir, are the stupendous losses and frauds which this people and this Government have suffered by the present banking system—losses and frauds which have brought periodical ruin upon this country, embarrassment upon the Government, and sunk hundreds and thousands into poverty and the grave. It is this system of banking that the Democracy are exerting themselves to reform. But the pecuniary embarrassments and losses to the Government and the people are the smaller evils which this system is working. The effect upon our political institutions and individual political rights is a thousand times more to be deprecated and feared.

Let us briefly examine the subject—and I have but time to glance at it. And first let me remark on a truth well known, which is, that all the wealth, comfort, and temporal happiness we enjoy in this country, is dug in toil and sweat from the ground. The earth is the source of our support. The farmer and the mechanic are the operators to whom the country and the Government must look for support in peace and war. There must be so much labor done to furnish the means of support; and any system of policy which may be introduced, that will enable a portion of the community to live without labor, must throw upon the balance not so favored, a greater proportion of labor and responsibility. So, too, in the establishment of institutions, which bestow exclusive privileges and exemptions upon a portion of the community, must deprive the balance, not so favored, of a part of their privileges, which the principles of political equality entitle them to.

What is it that induces an association of individuals to petition a Legislature for a bank charter? It is to secure to themselves, in an aggregate or corporate capacity, a legal right to exercise powers and privileges which the principles of our Government prevent them from exercising in their individual capacity. Here then is an object and a design in the beginning, odious and anti-Republican, and at war with every principle of equal rights. What are the privileges and powers which have been bestowed on associated applicants for bank charters? After they have been incorporated by the provisions of their charter, they have been privileged to subscribe stock. Having subscribed stock, it became the legal duty to pay it. When a requisite amount of stock has been subscribed and paid in, by the present system of banking the association have the right to issue three times the amount of paper promises that there is capital paid in. That is, they have the right to lend three dollars in their paper promises for every dollar in money they have, and receive six per cent. interest on every dollar so issued. We the Democracy think it is unfair and unjust, that one part of the community should receive interest on their paper promises to pay, while all others not so favored, have to pay interest on their debts. We, also, think it unfair, unjust, and inequitable, that an association of rich and moneyed men should be permitted by law to receive eighteen per cent. upon every dollar that they own, while the laboring mechanic, and the farmer, in his individual capacity, can receive but six per cent. for a dollar that he may have to lend, over and above what may be necessary for his maintenance and that of his family; (if he has a family, and if he has not, he ought to have one.)

Without further illustration, it is seen that the present banking system is calculated in its very nature and privileges to make the rich richer, and the poor poorer. It at once creates two orders of society; a privileged order, and an oppressed order, and it provides the means to maintain and support the former, while the same means sink and oppress the latter.

But the members of this bank association are exempt, by their charter, from individual liability for the debts of their corporation. The bank may divide hundreds of thousands of dollars among its stockholders, and it may fail for the amount so divided, and the individual community may hold its rag promises to the amount of its failure, and yet not a dollar can be collected from those who have received the value of its promises. Nothing can be collected from a bank, except corporate property can be found; and this is one of the dangerous, fraudulent, and unjust principles connected with the present banking system. The bank stockholder may possess himself, by his bank advantages and privileges, of a princely estate; he may live in a palace, tread a Turkey carpet, drink the richest wine from goblets of gold, eat the fattest beef, roll through your streets in a gilded carriage-and-four, with his liveried out-riders, and transmit pecuniary independence to his children, while the bank from which he has drawn his wealth and splendor may owe every dollar to the community which has been divided to him and his incorporated associates. He may look with contempt on all below him in

wealth, when the frauds that made him affluent made them poor. This is no supposition or fancy sketch; it is all truth, and thousands who may read me, and thousands who may not, have experienced its sad realities.

But further. Those bank lenders are money borrowers. I have stated they have the power to manufacture three times as much paper money as they have silver money in their vaults, and then they have power to borrow it themselves. They not only monopolize by their charter the prerogative of manufacturing money, but they monopolize its loan. This is in violation of the principles upon which a bank charter is granted, if I have any knowledge of the intention of Legislatures. No one will contend that a bank charter is bestowed for the benefit exclusively of those who constitute the members of the corporation. It is the public advantage that is looked to, but that object is defeated by the bank stockholders, directors, presidents, and cashiers, being the borrowers themselves. Now let us briefly present the evils that this abuse may and has produced. Banks have power to expand or contract their issues as much and as often as they please. Suppose that the pecuniary influence of a local bank covers one hundred miles square, and that its capital paid in is two hundred thousand dollars. On that capital it has power to issue six hundred thousand dollars. Suppose that its paper constitutes the principal circulating medium in the supposed area. That the price of every object of bargain and sale is regulated by the quantity of currency, is a fact well known. Then this bank would have power to raise and lower the price of produce of every description, within the influence of its circulation. Suppose at an early period of the season for purchasing produce for exportation, the directors and stockholders, in place of lending money to others to purchase produce with, monopolize all the loans the bank can make themselves, and become the traders and purchasers of produce. All this the owners of a bank can do. But suppose before they enter into such a speculation, the bank calls in a great portion of its paper, and curtails its issues and its loans to all but its directors, this would have the effect to reduce the price of produce in proportion to the curtailment supposed. The directors would then, being the monopolizers of loans, become the monopolizers of purchases, with money of their own manufacture, and at their own price. It may be said that traders could procure loans from other banks. But perhaps not. The traders and their securities may not be known to other directors of banks at a distance, and before they could make themselves known, the monopoly would be completed. All this the directors of banks can do, and have done; and, by a combination of bank managers for such a purpose, the whole trade of the country may be engulfed and monopolized by bank directors. They may, or they may not, take in, or embrace, the stockholders generally. Then the banks monopolize the manufacture of the currency of the country. Their directors may monopolize the loans of the money they manufacture; and by monopolizing the loans, they monopolize the trade of the country. These are evils that do exist, as connected with the present banking system. They are evils that strike at the root of justice, equality, and every principle of individual rights, anti-Republican and oppressive in their character, which must, and will eventually, overthrow our boasted liberty, and sink our free institutions.

It is by such a system of monopoly, as well of bank privileges and unequal credit as of political privileges and distinctions, which have made two hundred and seventy thousand of England's subjects rich noblemen and haughty aristocrats, but have reduced and ground down twenty-six millions of her subjects to poverty and the dust, and made one-sixth part of the whole population paupers and beggars. That system of monopoly is now undermining our Government, sapping our Republican institutions, and, I repeat, will eventually sink and subvert our boasted liberty.

These are the evils of which the Democracy complain; and it is the correction of these evils that the Democracy mean by bank reform. If

banks must exist, we desire to have them placed upon the same footing with other institutions in the country. If money lenders must be incorporated, we desire to see them deprived of the power of monopolizing the loans of the money of their own manufacturing, for surely incorporated money lenders should not, or need not, be money borrowers. If the rich must be incorporated as money lenders, we desire to see them deprived of the power to receive three times as much interest on their capital as the poor can receive. And last, if banks must be incorporated, we desire to see their stockholders held and made liable for their debts as other individuals are, the laborer who is compelled to take their promises for his work, may have a right of action and process of law to recover the amount of that promise in the currency which the Constitution guarantees to him. This, I repeat, is what the Democracy mean by bank reform. Is there any thing wrong in it? Is there any thing in it that any man would not approve who looks to his own and the best interests of his country? Is there any thing in it that any man but a bank knave or a bank spaniel, without a soul and with less spirit than Baalam's ass, would deprecate?

Mr. Chairman, I wish the American people could have heard the debate on this bill. I wish they could have heard the high-toned Federal doctrines which have been boldly advocated. I think it would have removed the scales from the eyes of all who are not in wilful Federal and party blindness. Never were the Federal doctrines in the Administration of '98 more boldly asserted than they have been during the discussion of this measure. The distribution of the proceeds of the public lands boldly advocated—a high tariff advocated with equal boldness—a National Bank—assumption of the State debts—and an extravagant and reckless system of internal improvements by the General Government, are now urged as a national policy; and it is claimed that this Administration has been overthrown by the people in order that these Federal measures may be carried out. Had such declarations been made before the elections, the result would have been different, we all know. These measures are all of a character, and all lead to one object and one great and fatal political result, which it has been the cardinal object of Federalism to secure, viz: subjection and dependence of the States and consolidated power of the Federal Government. I have no time now to discuss those measures separately, and if I had, I do not know that I would do it. The American people understand them; they have repeatedly denounced them through the ballot box, and they will again do it when they are called upon.

What object can the people have in submitting to a distribution of the proceeds of the public lands, when they know that that distribution must diminish the Government revenue, and that diminution must be supplied either by direct taxation or an increase of duties on imports, which they will have to pay, and which will be no more nor less than a tax, with the additional expenses, both in the distribution and the collection? What object can the people have in a high tariff, when all the additional revenue arising from it must come out of their pockets, together with the expenses of managing such a tariff. What object can the people have in permitting or wishing the Federal Government to carry on an extravagant system of internal improvements, when every dollar that is expended must come out of their pockets? Why not leave it with the States, whose legitimate right it is, and who do, and can, conduct improvements more than fifty per cent. cheaper than can the Federal Government, and who know best the character of improvements they want? What object can the people have in an assumption of the State debts by the General Government, when those debts must be paid by means drawn from their pockets, and at an expense in the management of the trust vastly greater than if the States managed it themselves? What object can the people have in the establishment of a National Bank which they have seen, more than once, shake this Union to its foundation, and bring blight and ruin upon them, and embarrassment upon the Government? An institution or the establishment of which no object can be an-

swered but to engender a system of swindling, a spirit of stockjobbing and gambling, and to provide the means for thousands to live without labor, on the industry of others. I make these inquiries merely with reference to the policy and pecuniary economy of these measures. I have no time to discuss their unconstitutionality and their subverting effects and subjugating tendencies. I can only say that the exercise of all, or any of them, except so far as the support of the Government for national defence is concerned, is a departure from the original object of the Federal Government, and calculated to subvert those institutions which it established to protect.

Mr. Chairman, if I could make an appeal to the American Democracy which every one could hear, or every one could read, that appeal would be to stand to their principles, and the measures which they have ever supported. I wish I could point them to the tottering condition at this moment of the triumphant party. I believe they would see and feel, as I do, a confidence in its downfall and final overthrow within the term of its political power. All the Democracy have to do is to be firm and united—firm as to principle, and united as to men, and their triumph will be certain. If they will once more give the vote that they gave last fall, Federalism will be routed, horse, foot, and dragoons; for such a combination of factions and circumstances never can again be arrayed against them. Thousands of those who have been misled, will visit with vengeance those who have deceived them; and the ten thousand falsehoods, slanders, corruptions, bribes, and frauds, by which the Federalists have gained power, will be made to recoil upon their heads with fearful judgments. I would, then, say to the Democracy, as they value the principles and measures which they have ever considered sacred, and which they have so long, so manfully, and so successfully maintained against the combined powers, factions, wealth, and influence, of Federalism, Stand to your principles, and be united. I would say to them, as they fear and dread, with patriotic horror, the successful efforts of Federalism and the fatal effects of a political combination of a domestic and foreign moneyed bank aristocracy, organized and drilled, and clothed with powers and exclusive privileges, which now give them "a power behind the throne greater than the throne itself," I say, as they fear and abhor these, I would appeal to them to stand to their principles, be united, be vigilant, and triumph will be theirs. If the Federal factions should hang to ether, and survive the commotion in their ranks that now shakes and threatens them with dissolution, the first Congressional elections will give them an earthquake shake, and the elections of 1844 will secure their overthrow more complete and fatal than the Babylonian fall. Once more I say to the Democracy, be united and firm, and triumph will be yours.

When Mr. DUNCAN had finished his remarks, he read from the *Intelligencer* the following, as reported in that paper:

"Mr. W. C. JOHNSON submitted the Chair whether it was in order for an individual to charge General Harrison with cowardice, who had himself been branded as a coward on this floor?"

This paper was put in his hand a moment before he commenced speaking. He had deferred saying any thing on the subject until he should finish his remarks, expecting that some denial would be made, or some correction of the report ordered. But that not being done, he denounced its author (pointing to Mr. WM. COST JOHNSON,) a base liar, a contemptible puppy, a scoundrel, and an infamous coward. Now, sir, said Mr. D. I heard no part of the matter so reported, as applied to myself; and I ask the chairman, who was nearer to Mr. JOHNSON whether or not he heard the member so express himself.

The chairman [Mr. CAMPBELL] responded that he heard no such remark.

Then, said Mr. D. if said at all it must have been muttered, and not intended to be heard.

Mr. JOHNSON rose and said he was correctly

reported that he had made the remark, and justified it. He read a part of a speech which purported to have been delivered in support of the resolution which had been introduced to expel Mr. D. for the publication of certain letters, posting certain members therein named. Mr. J. made some other remarks in justification.

Mr. DUNCAN said that resolution and its support was founded in base cowardice. It was manufactured as he was informed, and had reason to believe, in a caucus; and the object was to relieve the members posted in the said letters from disgrace, which they had not the courage to relieve themselves from. When the resolution was introduced, in was intimated that the publication of these letters was postponed until after the passage of the law against dueling. As soon as that intimation was uttered, Mr. D. said he pronounced the man who imputed such a motive to him, a base scoundrel and a liar. The member from Kentucky, [Mr. MENIFEE] intimated the same; he, too, said Mr. D. I pointed out instantly, and pronounced a contemptible scoundrel, and told him that the duelling law only operated over ten miles square; and in ten or twelve short days we would be out of these ten miles square, and any gentleman who felt himself aggrieved, might call on him: he should be met, and have such redress as he might have the courage to ask. Mr. D. disclaimed having charged General Harrison with cowardice, in any remark he had made; he had presented no fact or statement but what the political history of the country and of the last war warranted and sustained. Those who heard him, and those who might read him, could draw their own conclusions. And to conclude, once for all, said Mr. D. I repeat and fix upon the member [Mr. JOHNSON] the charge I made upon him. He is welcome to make the best of it.

THURSDAY.—When the House went into Committee of the Whole, Mr. DUNCAN rose and asked permission to make a remark or two personal to himself. Leave being given, he said that it was with some astonishment that he had seen a report of some remarks of the member from Maryland, [W. C. JOHNSON] in the *Intelligencer*, denying the charges that he, Mr. DUNCAN, had made upon Mr. JOHNSON on Tuesday last. I will read, said Mr. D. the report as it is in the *Globe*. It is as follows:

"When Mr. DUNCAN had finished his remarks," he read from the *Intelligencer* the following, as reported in that paper:

"Mr. W. C. JOHNSON submitted to the Chair whether it was in order for an individual to charge General Harrison with cowardice, who had himself been branded as a coward on this floor?"

"This paper was put in his hand a moment before he commenced speaking. He had deferred saying any thing on the subject until he should finish his remarks, expecting that some denial would be made, or some correction of the report ordered. But that not being done, he denounced its author (pointing to Mr. WM. COST JOHNSON,) a base liar, a contemptible puppy, a scoundrel, and an infamous coward. Now, sir, said Mr. D. I heard no part of the matter so reported, as applied to myself; and I ask the chairman, who was nearer to Mr. JOHNSON, whether or not he heard the member so express himself?"

"The chairman [Mr. CAMPBELL] responded that he heard no such remark.

"Then, said Mr. D. if said at all it must have been muttered, and not intended to be heard.

"Mr. JOHNSON rose and said he was correctly reported. He had made the remark, and justified it. He read a part of a speech which purported to have been delivered in support of the resolution which had been introduced to expel Mr. D. for the publication of certain letters, posting certain members therein named. Mr. J. made some other remarks in justification.

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disgrace, which they had not the courage to relieve themselves from. When the resolution was introduced, it was intimated that the publication of these letters was postponed until after the passage of the law against dueling. As soon as that intimation was uttered, Mr. D. said he pronounced the man who imputed such a motive to him, a base scoundrel and a liar. The member from Kentucky, [Mr. MENIFEE] intimated the same; he, too, said Mr. D. I pointed out instantly, and pronounced a contemptible scoundrel, and told him that the dueling law only operated over ten miles square; and in ten or twelve short days we would be out of these ten miles square, and any gentleman who felt himself aggrieved, might call on him: he should be met, and have such redress as he might have the courage to ask. Mr. D. disclaimed having charged General Harrison with cowardice, in any remark he had made; he had presented no fact or statement but what the political history of the country and of the last war warranted and sustained. Those who heard him, and those who might read him, could draw their own conclusions. And to conclude, once for all, said Mr. D. I repeat and fix upon the member [Mr. JOHNSON] the charge I made upon him. He is welcome to make the best of it."

The member from Maryland denies that the words in italics were uttered by me. I say they were as reported, word for word, and directed in the member's face, not in a cowardly mutter, but in peals that filled this hall to its remotest corners. And I now endorse the above report, and reiterate what I then said, and pronounce the member now, as I did then, and as I can do at any time or place, a base liar, a contemptible puppy, a scoundrel, and an infamous coward. I hope I am now heard, and I am prepared to prove that I so denounced the member on last Tuesday, as reported; and I have now to add that his sneaking and pitiful effort to change the issue, and shift the responsibility, by a contemptible quibble and a barefaced falsehood, sinks him still lower in my estimation. This he has done by denying the correctness of the report.

Here is the report of the *Intelligencer*, which would surely do him no injustice, in which the *Globe* is sustained in all that is essential, so far as he was denounced.

"Now (proceeded Mr. D.) I never heard this remark made by the gentleman from Maryland, [Mr. JOHNSON.] It was not addressed to me nor to the Chairman of the committee in such a way as to be heard. And I was astonished when it was put into my hands; and if I had had time for reflection, I would have contradicted it through some other medium. I say I did not hear the remark; and I have no hesitation in declaring that the man who uttered it is guilty of a base falsehood, and is himself a liar. And I call upon the Chairman of the committee to say whether such language was used in his hearing."

"When called upon by Mr. DUNCAN—

"Mr. CAMPBELL of South Carolina rose and said: I take upon myself to say that I heard no such expression when I was in the Chair. I had called the gentleman from Ohio [Mr. DUNCAN] to order for irrelevancy, and he had acquiesced. I then understood the gentleman from Maryland [Mr. W. C. JOHNSON] as rising to the same point of order, and my reply to him was, that I had already called the gentleman to order, and that he had acquiesced in the decision. But, I repeat, I did not hear the expression referred to."

"Mr. DUNCAN. I protest against the statement that I had ever said anything against General Harrison except what the history of the country sustained me in saying. I never intimated that he was a coward, nor any thing like it; and no conclusion can be drawn from any thing I have said other than that he was not entitled to that character of a great military chieftain which was claimed for him by his friends."

What more is necessary to prove the member guilty of falsehood in his attempt to deny that he was denounced in the words reported? A single remark, and I am done.

The member from Maryland is the last man who should attempt to shuffle from responsibility by making the question of character an objection

to a demand for satisfaction. I will take some other occasion to present the member's character to the country. It is not my object to make any new issue at this time; I have the member nailed, and I intend to keep him so. I am no duellist; I know but little about the rules and laws of etiquette that regulate duelling, if there be any; nor have I any desire to know them; but I have just got skill, the courage, the power, and the Highland blood, to meet the member, whenever and wherever he may have the courage to invite me, and give him such redress as he may have the chivalry to ask, and I will make the member gentleman enough for that purpose. Let me remark, too, that the duelling law has as few terrors for me as it has for the member. He has nothing to fear through me from the duelling law. I am done. I will trouble the House or the committee no more with this subject. If I appear again in this matter, it will be alone in the columns of the newspapers, unless the member should rally his courage, if he has any, and invite me to some other place.

REMARKS OF MR. BROWN,

OF MISSISSIPPI.

In the House of Representatives, Monday, February 22, 1841.—In Committee of the Whole on the General Appropriation bill, on the amendment of Mr. THOMPSON of Mississippi in relation to the fees of marshals, clerks, &c.

Mr. A. G. BROWN said the proposition of his colleague was the only one for which he could vote. That amendment proposed to reduce the fees of officers in the district and circuit courts of the United States to a standard with the fees of officers performing like services in the courts of the several States; and it further provided that the fee bill in the Federal courts should in all after time conform to the fee bills of the State courts. This was right. The fee bills of the State courts were under the control of the Legislatures of the respective States; and there was not, in his judgment, the slightest danger but that the people would always exercise sufficient control over their immediate representatives to force such a regulation of the fees of law officers as should be acceptable to themselves. He believed there was no community in the Government who would object to pay marshals and clerks of the United States courts the same fees that were paid to clerks and sheriffs of State courts; and he was quite certain that no people would be willing to pay more. Pass then the amendment of his colleague, and you would do all that you ought to do—all that the people command you to do on this subject. You leave the fee bill in the Federal courts to be regulated by local legislation. There was a peculiar fitness in this. Services in some States were worth more than like services in other States. The Legislature of New York was the best judge of what the issuance of a subpoena, or the service of a capias was worth in that State; and the Legislature of his own State (Mississippi) was most competent to adjust all such matters in that State. If Congress undertook to pass a general fee bill, it must necessarily do injustice to some of the States, since that bill, which conforms to the interest of the South, may be much too heavy for the North, where labor is generally much lower; and every one knew it was worth more to discharge the duties of marshal or sheriff, in a sparsely populated country, than in one densely settled. At all events, there could be no harm in leaving this matter entirely in the hands of the respective State Legislatures. The proposition of his colleague [Mr. THOMPSON] proposed to place it there, and to permit it to remain through all after time.

The bill, as reported from the Committee of Ways and Means, he deemed a political enormity. What does that bill propose? Why, sir, not to reduce the fees, but to collect from the unfortunate debtor the enormous sums which you have always forced from him with such miserable twaddle as that clerks and marshals are not permitted to retain the money, but compelled to pay it over to the United States Treasury—as though it was a matter of any sort of consequence to the plundered man whether the money which you had thus forced

from him went into the pockets of an officer or the vaults of a bankrupt Treasury. For one, if this system of legalized plunder was to be kept up, he desired, so far as his own State was concerned, that the clerks and marshals might have the benefit of it. In that event, meritorious citizens in Mississippi would derive some benefit from your cruelty to the unfortunate; and the aggregate wealth of the State would not be diminished. But pay it into the Treasury of the United States, and what goes with it? It is lost to us and ours forever. It goes to build up light-houses, harbors, and to make other improvements in your Eastern States; and the gross amount of the wealth of Mississippi is diminished to the full amount of the money thus unrighteously abstracted from the pockets of his indebted constituents, and strained through the hands of Federal officers into the vaults of the nation. His constituents had asked to be released from this onerous taxation, and you propose to quiet their supplications by taking their money to build light-houses and other things for the benefit of other States. Sir, this is not the relief asked for, and it is an insult to the people thus to respond to their petitions. If you take the money from the poor litigant, let the marshal and clerk keep it. The people of Mississippi had already been forced to pay five times their just quota for the support of Government under the tariff laws and land laws of the United States; and now you propose to levy a tax of seventy-five or eighty thousand dollars per annum, and call it relief. Believe me, Mr. Chairman, my unfortunate constituents have had a surfeit of just such relief.

But, Mr. Chairman, I have another and insuperable objection to the bill as reported by the committee, or as proposed to be amended by the gentleman from Tennessee, [Mr. JOHNSON,] and that objection is one founded on what I deem to be a just and proper construction of the Constitution. If I have read that instrument aright, it secures equality in taxation to all the people of this Confederacy; and what do you propose to do by this bill. Why, sir, to collect off of about 2,000 defendant suitors and citizens of Mississippi, eighty-five thousand dollars in the way of tax on law suits. Of this sum, you propose to give to the marshal ten thousand dollars as the maximum of his compensation, and to pay the remainder into the United States Treasury. Is that equality of taxation which exacts from two thousand citizens of Mississippi, who are so unfortunate as to become suitors in your Federal court, a tax of seventy-five thousand dollars, whilst you exempt from similar taxation the remaining thirty-five thousand who are not suitors in that court? Is that equality of taxation which exacts seventy-five thousand dollars from two thousand citizens of Mississippi, and not one cent from the five hundred thousand who live in Ohio? Is that equality of taxation which exacts of me fifty dollars, because I am so unfortunate as to be sued, and yet exempts entirely my neighbor or my brother, who is not sued? Is that equality of taxation which exacts of the unfortunate debtor thousands and tens of thousands, and not one cent from the unembarrassed and unindebted part of the community? And does any man seriously pretend that this will not be the result if this law is passed? Is it not in fact avowed, in all parts of the House, that this will be the result? And have not defences been attempted to be set up for this political monstrosity?

Sir, you have no authority to raise revenue in this way; and if you had, it would be a monstrous abuse of power to exercise your authority. I would not have one dollar of revenue collected in this way;—such ill-gotten gain—gotten in violation of the Constitution—wrong from the unfortunate debtor—coined, as it were, from the flesh of a tortured citizen, I should expect to turn to slimy reptiles and to hissing adders, that would besmear the vaults of your Treasury with their filth, and sting, as with a deadly poison, each hand that dared remove them. I cannot, I will not, vote for any maximum compensation—to do so is to fix a contingency on the suffering, of which this ill-gotten treasure endures to the nation. You have no authority to fix any such contingency. You have no authority to take one dollar of money collected in

this way, though there were millions wrong from the unhappy citizen. I will vote for the proposition of my colleague, and I shall do so with great pleasure; but when this is done, I shall have done all that I can or will do. I shall not be accused of voting against a *maximum* through party motives, for before this law goes into effect—if it passes at all—there will probably not be a political friend of mine in any office in the Republic within the gift of the Executive, that is worth asking for. I claim to give the vote which I shall give, against the original proposition, and against the amendment of my friend from Tennessee, [Mr. JOHNSON,] in obedience to my sense of justice to my constituents, and my duty to the Constitution, and to these alone.

SPEECH OF MR. BLACK, OF GEORGIA.

In the House of Representatives, February 2, 1841—
On the Treasury note bill.

Mr. BARNARD'S motion to strike out the enacting clause being under consideration,

Mr. BLACK said: He deemed it incumbent on him, at this late period of the discussion, to detain the committee for as short a time as the importance of the subjects introduced into the debate would permit. If the honorable gentlemen who preceded him had confided themselves to the merits of the bill on the table, he would, in all probability, have given a silent vote; but the mere question whether we shall authorize the issue of five millions of Treasury notes to enable the Government to anticipate a portion of its revenues, had been wholly lost sight of. It seemed to be conceded on all hands that the bill must pass; he doubted whether the gentleman himself, whose motion was now pending to strike out the enacting clause, would vote against its final passage; nay, the great difficulty with the *reforming* and *retrenching* Whigs who had marshalled themselves in apparent opposition to the bill, was, that instead of too much, it gave too little. But the issue of Treasury notes, whether considered with regard to the constitutionality or expediency of the measure, had hardly been mentioned for the last week—the tariff, internal improvements by the Government—the distribution of the proceeds of the public lands among the States—a public debt (which they denominated a "*loan*,"") and a National Bank, are the vital and important questions which have absorbed us, since the commencement of this discussion. Never himself a great stickler for "relevancy of debate," he was rejoiced that the leading friends of General Harrison had seized this occasion to show their hands to the people—particularly to the Southern people, who had great interests at stake upon the policy and measures of the incoming Administration. He had never before, from the commencement of the struggles between the rival parties, heard or witnessed, from the opponents of Mr. Van Buren, so bold, candid, and fearless an avowal of policy and principle as had characterized their speeches on this occasion. He ventured to say, if these confessions of Whig faith had been made during the last summer, "*old Tip*" had never been President—at least, if his election had depended on the vote of the State of Georgia.

Sir, said Mr. BLACK, my delegated light is flickering in its socket; my representative career is about to terminate abruptly; and the trappings of office, which I have endeavored to wear meekly, will shortly fall from my shoulders. They will be transferred to an abler, but not more honest or zealous incumbent. But while, in obedience to the voice of my constituents, I willingly resign to the hands of another the high trust, and the representative character with which they endowed me, I am yet "*ONE OF THE PEOPLE*;" of that character, and of the rights which pertain to it, no man can deprive me; and in that character, as one of the sovereign people of the State of Georgia, I claim to be heard on this floor. I avail myself then, sir, of my privilege, not only as a Representative, but as a constituent, to advise my fellow-citizens at home of what is transpiring here, and to warn them that a high discriminating tariff, under the specious garb of a tax on luxuries, is to be saddled on them, and perhaps on their posterity. That a public debt, disguised as a loan, is

preparing for them—that their hard earnings must go to support a splendid system of internal improvements by the General Government. That the proceeds of the public lands, instead of being made to contribute to the reduction of duties on imports, are to be abstracted from that purpose, and divided out among the States in proportion to their population, for the avowed purpose of paying the debts of those States. That this *vacuum*, thus produced, of between three and five millions annually, is to be supplied by increasing the duty on those articles of commerce which depend for their importation into the country *exclusively* upon the agricultural productions of the South. That a National Bank, to which they have ever been opposed, as unconstitutional, as destructive to their own State institutions, and as hostile to their agricultural and commercial prosperity, is to be fastened on the country. These are the measures, sir, which have been openly advanced in this debate—not hinted at or suggested, but boldly proclaimed, as if "*by authority*," to be the measures which are to characterize General Harrison's administration. My object, then, is to give timely notice to the people of Georgia, to Whigs as well as to Democrats, that their day of trial is at hand—that all the evil which it was predicted would follow the election of General Harrison is about to be realized, and that the forebodings which were denounced in certain quarters as the interested misrepresentations of political aspirants, are now about to assume the unquestionable character of passing events. Sir, said Mr. B. I question the motives of no man; I shall not be so unparliamentary as to deny to gentlemen here the same rectitude of intention that I claim for myself; but, at the same time, my rights and interests as a constituent, and my high duty as a Representative, which with me are paramount to all other considerations, constrain me to speak out plainly and audibly, without regard to consequences. When I do this, I shall have done my duty; and the people of Georgia, who I doubt not are equal to any emergency, will most assuredly do theirs.

Sir, my friend from New York [Mr. VANDERFORD] delivered yesterday an able speech in vindication of the present Administration. I listened to it with great pleasure, as a prompt and conclusive reply to the blundering attacks which had been made on the official estimates; but there was one remark of that gentleman which I regretted to hear. He told us he had listened to so much rant and gasconade about Southern wealth and importance, he had almost concluded that Pennsylvania and New York were nothing more than mere colonies, in comparison with some other States of the Union. I cannot but regret to hear these comparisons instituted as to the relative importance of the North and the South. But if gentlemen will talk about it, I insist that justice at least shall be done to the South. She does not urge the comparison; but when Northern gentlemen are making these unprofitable estimates, let me ask them, what would all their boasted commercial importance amount to, without the agricultural productions of the South. If the article of *cotton* was stricken from their commercial vocabulary, what would they export? Could they freight their ships to Europe with apples, potatoes, onions, and wooden nutmegs? Let the production of cotton be destroyed at the South by actual legislation, or the prevalence of the Abolition mania, and what would the State of Maine do with her ships? Instead of employing them, as she now does, in exporting the produce of the South, and in bringing back the manufactured goods with which our raw material is purchased, her merchantmen would freeze in her docks, and rot at her wharves; unless, indeed, she embarked them in the commendable employment of abducting our slaves from their lawful owners. She could, it is true, send a few "*long, low, black schooners*" to Savannah, and down the Southern coast, in command of such men as Philbrook and Kellran, who, under pretence of taking lumber to the East, might stow away our negroes between the interstices of their timber cargo. But however this sort of "*traffic in human flesh*" might approve itself to the philanthropic sentiments of the advocates of "*human rights*," yet I apprehend that in a commercial point of view, the profits of the voyage would not be quite as large as if they had been ho-

nestly employed in carrying our cotton to Liverpool or Havre.

[Here Mr. ALBERT SMITH of Maine interposed, and said that so far from employing "*long, low, black schooners*" in the abduction of slaves from Georgia to Maine, he would be very thankful if the gentleman from Georgia would abduct the 100 negroes from Maine who had voted against, and beaten him in his own district at the last Congressional election.

[Mr. BLACK assured his friend if he would deliver these negroes to him at his plantation, on the Savannah river, at any time after the fourth of March proximo, he would employ them in a much better business than voting against and defeating so distinguished a Democrat as the gentleman from Maine.]

But, Mr. Chairman, I deprecate this sort of discussion, especially with our friends—this unnecessary comparison between the different sections of the Union. All that I have said on the subject has been strictly in reply.

Sir, I take the liberties of this debate to digress for a moment to a topic in relation to which much has been said, not only in this House, but in the newspapers of the day. I allude to the supposed influence of *British gold* in controlling the elections which have just passed. What the extent of that influence was, if it existed at all, in other sections of the United States, I cannot assert of my own knowledge. The charge of corruption has been made, and has been met on this floor by the gentleman from Kentucky [Gov. PORE] only with *silence* and alleged *contempt*. It may be that in the dense and crowded cities of the North, the East, and even in the West, the "*noble art of pipe laying*" was resorted to, to secure the ascendancy of the modern Whigs. It may be true, as I have seen it gravely and circumstantially stated, that in many of the Harrison counties of Ohio they have actually *beaten the census* at the late elections in that State. But whatever may be my opinion as to the truth of these charges, or the manner in which they have been met with regard to other and distant parts of the Union, I am free to declare that so far as they relate to the State of Georgia—to any of my constituents, whether Democrats or Whigs, they are wholly and totally false. It is true the party, with which I am acting, was defeated in October and November last, but it was because the majority of the people was persuaded to prefer General Harrison to Martin Van Buren—because they believed that the administration of the former, if elected, would be strictly conformable to the rights and interests of the South—that we would have no bank—no protective tariff, open or disguised—no internal improvements by the General Government—no distribution of the public lands for the purpose of assuming the State debts, or for any other purpose—that supposed abuses would be reformed, and last, not least, that we should have a *retrenchment* of the expenditures of the Federal Government. Because the people believed that these would be the characteristics of a Whig administration, they thought proper to sustain our opponents and abandon us. We told them then, as I tell them now, that they were deluded and deceived by the false professions of party hacks, and party leaders. But still the people chose to believe, as they had a right to do, in the truth of the professions which were made to them. That belief, honest, I have no doubt, to the full extent of it, and not the appliance of either British or American gold, induced them to the support of the dominant party. Nay, sir, so far from the great mass of the people of Georgia being tainted or touched with the corruption of *gold*, I do not believe that we have even a floating balance of population that could be bought by such vile means; and the charge, when made against *any party in Georgia*, is false, and a slander upon the reputation of the State. By the way, said Mr. B. while I am talking about *bribery*, I may be permitted to allude for a moment to a pictorial representation of two of my colleagues and myself, which is now exposed upon your avenue to the public gaze, and openly vended in the Whig print shops of this city. I mean the base libel which exhibits me as bought over by Federal gold to the sup-

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Treasury Note Bill—Mr. Black.

H. of Reps.

port of Mr. Van Buren. I now denounce it as a *lie* in its inception, a *lie* in its execution, a *lie* in its promulgation. I stop not to denounce the poor artist, to whom it may have been a matter of indifference whether he *lithographed the truth* or a *lie*, but I mean to reach the *author* whoever he may be, of the base unmitigated fraud, and to tell him that not only my neighbors, who have known me, and confided in my integrity from my infancy, but the whole people of Georgia will, as one man, proclaim it to be a *lie*. With many of the frailties of humanity lingering about me, those with whom I am daily associated at home, and who know me best, have never suspected me, nor will they tolerate the charge, of venality and corruption; and the very surest means of vindicating my character from such anonymous slander will be to exhibit this specimen of *Whig lithography* (which I mean to do, if Providence permits me to return) to the people among whom I live, that they may see and know the means which have been resorted to out of Georgia, for the purpose of affecting me at home.

I shall not attempt, said Mr. BLACK, to follow the three gentlemen who led off this debate on the Whig side of the House through the confused and discordant mass of figures with which they sought to impeach the accuracy of the official estimates. The fate which awaited them at their own hands, admonishes me of the impracticability of making estimates *in detail*, without access to the various sources of fiscal and statistical information with which the Secretary of the Treasury must necessarily be most intimately conversant. That functionary is in daily intercourse not only with the different revenue officers of his Department, but with the most extensive and intelligent merchants of our principal emporiums. It is his exclusive business to arrange, analyze, and digest these facts and this information, a thorough knowledge of which is so essentially necessary to an accurate calculation of the receipts and expenditures of this vast Government. The gentleman from New York [Mr. BARNARD] acknowledged this much, when he admitted his information to be necessarily limited and imperfect; and yet he draws largely on our "generous confidence," for an approval of his counter estimates. Why, sir, they can't agree among themselves. They tell us a permanent deficiency exists in the Treasury. Well, what is it? The gentleman from Maine [Mr. EVANS] says it is somewhere between \$7,000,000 and \$10,000,000—the gentleman from Tennessee [Mr. BELL] asserts it to be \$18,000,000—and the gentleman from New York [Mr. BARNARD] out figures them all, and runs it up to \$40,000,000. These are the doctors who are to treat the body politic for the next four years! Settle your differences among yourselves first, gentlemen, before you tender us an issue of deficiency.

But, sir, I take this broad ground; and I call the attention of the Opposition particularly to it. Since 1837, Mr. Van Buren, with a growing and increasing country, and a tariff of duties gradually diminishing, by the operation of the compromise act, has not only paid the debts and preserved the credit of the Government, but has actually reduced the public expenditures nearly ten millions of dollars. This is a *fact*, worth to the people of the United States just ten millions of dollars more than all the cyphering of these discordant arithmeticians. In 1838 the expenditures were reduced from those of 1837—in 1839 they were cut down six millions of dollars—in 1840 they were again reduced between two and three millions. The President, in his last annual message, says:

"The estimates and appropriations for the year 1838 (the first over which I had any control) were somewhat diminished. The expenditures of 1839 were reduced six millions of dollars. Those of 1840, exclusive of disbursements for public debt and trust claims, will probably not exceed twenty-two and a half millions; being between two and three millions less than those of the preceding year, and nine or ten millions less than those of 1837. Nor has it been found necessary, in order to produce this result, to resort to the power conferred by Congress, of postponing certain classes of the public works, except by deferring expenditures for a short period upon a limited portion of them; and which postponement terminated some time since, at the moment the Treasury Department, by further receipts from the indebted banks, became fully assured of its ability to meet them without prejudice to the public service in other respects. Causes are in operation which will, it is believed, justify a still further reduction, without injury to any important national interest. The expenses of sustaining the troops employed in Florida have been gradually and greatly reduced, through the persevering

efforts of the War Department; and a reasonable hope may be entertained that the necessity for military operations in that quarter, will soon cease. The removal of the Indians from within our settled borders is nearly completed. The pension list, one of the heaviest charges upon the Treasury, is rapidly diminishing by death. The most costly of our public buildings are either finished, or nearly so; and we may, I think, safely promise ourselves a continued exemption from border difficulties."

"The available balance in the Treasury on the 1st of January next estimated at one million and a half of dollars. This sum, with the expected receipts from all sources during the next year, will, it is believed, be sufficient to enable the Government to meet every engagement, and leave a suitable balance in the Treasury at the end of the year, if the remedial measures connected with the customs and the public lands, heretofore recommended, shall be adopted, and the now appropriations by Congress shall not carry the expenditures beyond the official estimates."

But, sir, what do we now hear? Instead of seconding the economical suggestions of the Chief Magistrate, these retrenching gentlemen, who last year were for bringing down the expenses of the Federal Government to the point at which Mr. ADAMS had it, (\$13,000,000,) are now taunting us with a close and niggardly parsimony. Instead of responding affirmatively to the recommendation of Mr. Van Buren that "Congress shall not carry the expenditures beyond the official estimates," their cry is "give us more." The gentleman from Maine [Mr. EVANS] tells us we ought to make "liberal and abundant appropriations, and his coadjutor from New York to whom I have just alluded, fills up this broad and indefinite outline, by insisting on vast appropriations for rivers, harbors, roads, and canals—for the Northeastern frontier—for building splendid war steamers—for outfits and salaries for a new set of ministers and charges to foreign courts—for the payment of the 4th instalment to the States—for French spoliation, and the thousand claims for money which crowd your table. And strange to tell, notwithstanding their disgusting clamor last year about Mr. Van Buren's "royal establishment," they are now actually demanding another appropriation to buy more furniture for the log cabin candidate. What I are not the *tabourettes*, the gold spoons, the \$1,500 French bedstead, good enough for *old Tip*? Is the "*old pine table*," on which Mr. Van Buren eat his dinner, to be replaced by costly mahogany, or must you have a more splendid plateau than the one which now adorns the President's table, and about the cost and extravagance of which you descanted *before the election*, so economically to the people? I am aware, sir, that consistency, although a jewel, is not the question now in order before the committee, or I might go on to show the inconsistency between the present demands and the former professions of these admirable retrenchers.

These, sir, are the answers which are now given, by the reform party, to Mr. Van Buren's recommendation that "Congress shall not carry the expenditures beyond the official estimates;" and given, too, in the face of their declarations that the Government is largely in debt. Grant, sir, that there is a deficiency in the Treasury—is this the way to supply or retrieve it? What makes a deficiency? The legislation of Congress; for without the "authority of law" the Executive cannot draw one dollar out of the public coffers. How shall we retrieve this alleged deficit? By "liberal and abundant appropriations" for a wild, extravagant, and splendid system of internal improvements? By voting new outfits for partisan ministers? By laying out millions on millions upon coasts, harbors, fortifications, and steam ships, when there is no necessity for it? By offering inducements to the thousand speculators who crowd your lobbies to revive their exploded claims? By spending another \$20,000 to refit the White House for the reception of the "old farmer," whose chief merit it was, but a few months ago, to live in a log cabin and drink hard cider out of a gourd?

Is this the way to fill up an empty Treasury? Strange and unaccountable as it may seem to the thousands of honest men who were deluded into the support of the Whig party by professions of retrenchment and reform; astounding as it may be to those who are quietly pursuing their daily labor at a distance from the scene which is now passing palpably and tangibly before me—yet it is even so. We are in debt, they say; but with the honorable exceptions of the gentlemen from Virginia, [Mr.

WISE and Mr. MALLORY,] and the gentleman from Georgia, [Mr. ALFORD] who, of the Whig party, during this debate, have even uttered the word *retrenchment*, or offered to cut down the expenditures to the receipts? It would occur to plain, honest, unsophisticated men, that this was the only *practicable way*, without raising your taxes, of filling up this vaunted vacuum in the Treasury. But not content with these extraordinary demands for more money, when they say there is no money, they go further. It is now distinctly proposed by Gen. Harrison's friends, with the above exceptions, to distribute the proceeds of the public lands among the States.

Those whose occupations will not permit them to come here and see and know for themselves, are unwilling to believe that the Whig party intend to effect this distribution among the States; much less do they believe that this Government is about to assume indirectly the debts of the States by this distribution. Why, sir, even intelligent men in Georgia seriously doubt whether this can be so. If the proof of it depended upon my personal knowledge of the fact, it may be that I could not make out a point-blank case; but so far as the proof of party measures depend upon the declarations of leading men who compose the party, there can no longer be any doubt in the minds of those who are willing to be convinced by the truth. I will venture to say that there is no Senator in the other end of the Capitol who has not heard Mr. CLAY, Mr. WEBSTER, and Mr. CRITTENDEN over and over announce this assumption, either directly, or periphrastically. Why, sir, it is the burden of their song; they sing it every day, not only to their old tune of distribution, but to their new variation of "our obligations to the States." Who doubts it in this House? Who will rise and, in the name of the Whig party, deny that it is one of their measures? Did not the honorable gentleman from Virginia, [Mr. WISE] who, even his enemies will admit, is first among the foremost of the Whigs, get up here the other day and not only announce it, but denounce it as such? Did any one of his friends or opponents contradict him? No, sir, not one. Let the people of Georgia know, then, that this is another of the fruits of the tree they planted. Between three and five millions of the proceeds of the public lands are to be annually abstracted from a depleted Treasury, to be given to the States, and the manner in which these gentlemen propose to fill up the vacuum (by an increase of the tariff,) I will endeavor presently to expose to my constituents, when I come to notice the extraordinary speech of my colleague, [Mr. WEBSTER.] But, sir, I am opposed to this distribution because it leads to an assumption by this Government of State debts, and I am opposed to that because those debts amount to the enormous and alarming sum of \$200,000,000—nay, even the annual interest on this extraordinary debt is \$20,000,000. I am opposed to it because, if it becomes the settled policy of this Government, I, as one of the people of Georgia, shall be taxed indirectly, by an increase of tariff duties on imports, to replace the three, four or five millions, or even more, which are thus to be abstracted and distributed. For we have now no surplus revenue, and I hope we never shall have. Therefore every dollar that is now taken out of our already deficient Treasury for extraordinary purposes, must and will be supplied immediately, for the ordinary wants of Government, from that only other source of revenue—a tariff on imports. I am opposed to it because this increase of the tariff, necessarily consequent upon the distribution of the proceeds of the public lands, must fall most heavily on the South—the cotton growing and revenue yielding South. I am opposed to it, too, because while Georgia owes comparatively nothing, she will thus be made to contribute far beyond the proportion of her taxable property and population, to the payment of an enormous debt, for which she never has, and never will, receive a cent of benefit. I subjoin the following table of the debts of the different States, and although I cannot pretend to figure against the gentleman from New York (who foots up the present deficit at \$40,000,000) yet my constituents may ascertain, by calculating for themselves, the amount of their liabilities collectively

and individually, if this Whig measure is made a law of the land.

Stock issued, and authorized to be issued by the States.

Massachusetts	\$4,943,197 92
New York	13,394,018 19
Pennsylvania	27,665,003 32
Maryland	16,407,001 39
Virginia	6,662,089 17
South Carolina	5,753,770 12
Georgia	1,500,000 00
Kentucky	7,369,000 00
Tennessee	1,789,166 66
Ohio	10,630,162 71
Louisiana	23,139,000 00
Indiana	14,717,000 00
Mississippi	7,000,000 00
Illinois	11,600,000 00
Alabama	15,700,000 00
Maine	554,976 00
Missouri	2,500,000 00
Arkansas	3,100,000 00
Michigan	5,340,000 00
Florida	3,900,000 00

\$183,064,385 48

The above table is abstracted from Trotter's *Finances of the United States*, an English book, published in London as long ago as December, 1839. I do not give it as exhibiting an accurate amount of the debts of the States at this time, because, in some instances, a portion of the stocks authorized to be issued by certain of the States, has not yet been disposed of; and besides some time has elapsed since the compilation. However, it will serve to show which of the States are indebted, and will indicate something like the amount of their debts. From the best information I can gather, the present aggregate of the whole debt is considerably over \$200,000,000; and the annual interest thereon, as I have already shown, is nearly \$20,000,000.

Sir, I confess I was astonished and mortified at the speech of my honorable colleague, [Mr. NISBET,] who succeeded the gentleman from South Carolina, [Mr. RHETT.] I do not intend to attack the motives of that gentleman, or to express even a suspicion of his intentions; but while I willingly concede this much to him, and promise to set down nothing in malice, I shall speak plainly and candidly of the position he assumed, and of the consequences likely to result from it. The more I see of that gentleman, sir, the more I am convinced of his firmness and resolution. I will not say that he ever was a nullifier, *eo nomine*; but that he professed to be a State Rights man, and was willing to take the advantages of nullification principles, however he may have found it convenient to shun the odium of the name, he himself will not deny. His old associates, then, for the sake of their principles, to the success of which he is indebted for his present elevation, ought to have been secure from any detraction, either direct or indirect, at his hands. But in his haste to commend himself to his new and unnatural allies, he has the boldness to turn upon his old coadjutors, and, with a small but bitter vituperation, assail them and their principles in an unprovoked attack upon the distinguished Carolinian who represents the palmetto State in the other end of this Capitol.

Does not that gentleman know that the majority of this world has not yet been able to distinguish between measures and men? Does he not know that the eminent statesman, against whom he hurled the shafts of his new-born indignation, has, by his able and fearless vindication of the rights of the States, identified himself with the principles upon which those rights depend? Does he not know that any assault he may make against that statesman, personally, must recoil from the man to the political system of which he is justly regarded as the head and front? Wherefore the necessity of wandering from the question before the House to speak of John C. Calhoun as a political comet, wild and errant in his course, coming from whence he knew not, and going whither no man could tell; as a politician who ought to have a straight jacket; and as a leader whom he could not follow? Sir, I think my colleague ought to be able to tell whence

Mr. Calhoun came on the State Rights question, and whither he went; for the gentleman himself, whatever he may now think of it, was, in that celebrated progress, the travelling companion of the great Nullifier. Although he may have worn no badge by which he might be marked and distinguished, yet he had our countersign, and was certainly at that time in the State Rights camp, wherever he may now be. Notwithstanding all this, he affects to be extremely ignorant of Mr. Calhoun's "whereabout." As a Southern State Rights man, I most decidedly object to this unprovoked attack upon an individual, who, in the hour of our utmost need, defended us and our rights with an ability and constancy equalled only by the patriotism with which he was ready and willing to sacrifice himself for the good of his country. Sir, the gentleman's arrows were well dipped, but his bow was too weak. He may exercise his archery if he will, but his shafts fall, as they ever must, far short of the bright and elevated object at which he would hurl them.

Mr. B. said he had just alluded to his colleague's fortitude; he could not but do so again, for no man as a Representative of the South, could make, such a speech as the gentleman had just delivered upon the "tariff question," without utterly disregarding consequences.

[Mr. NISBET explained. He had no idea that his colleague would intentionally misrepresent him; he therefore asked him to bear in mind that, throughout the whole of his speech, he had protested against a tariff for protection, and that he advocated duties for revenue only.]

Sir, said Mr. B. I repeat again, I do not question the gentleman's motives. I freely concede to him all the benefit of "good intentions." He has a perfect right, as an individual, to choose his position—that I shall not question; but when he speaks here as my representative, I must be permitted to dissent from the doctrines he has thought proper to advance. Nor shall I misrepresent his remarks—I remember them well, for they sounded ominously on my ear. The gentleman did say, more than once, (and I thought he was unusually solicitous to impress it on his hearers,) that he was opposed to a protective tariff, and advocated duties only for revenue. That was his text, but did he stick to it? We shall see.

In the first place, "he advocated duties only for revenue." What sort of a revenue? For a revenue commensurate with the demands of the gentleman from New York, [Mr. BARNARD,] who estimated the deficit of the Treasury at \$40,000,000; to which we must add his estimates for the current expenses, not only of 1841, but of 1842? If my colleague is willing to raise a revenue by means of a tariff sufficient to cover these liberal estimates, I apprehend he will find but few of his constituents who would go with him. This is an important point on which we are left to grope our way through an indefinite generality, and I protest against leaving open any door through which these "liberal estimates" of avowed tariff men may be forced upon us hereafter under the guise of "duties for revenue only."

We are told by the gentleman from Georgia that he will support and maintain the compromise act of March 2d, 1833—for that "it settles a great conservative principle for the South." The only "conservative principle" in favor of the South which that act settles, is to be found in the third section, in these words: "And such duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the Government." So far as that principle is concerned, I am willing to support it myself, but to the two other principles contained in this section, to wit: the cash duties, and the home valuation, I am opposed upon the ground that their insertion in the act was a reservation in favor of the tariff interest of the North, which of itself stamped upon the law of 1833 the character of a "compromise" between the conflicting claims of the high tariff men and those who opposed that iniquitous system. I oppose them because when they shall come into full operation after the 2d June, 1842, they will run up the maximum of 20 per cent. duties on imports, as nominally settled by that act to 50 or 60 per

cent. *ad valorem*. I think the gentleman from New York [Mr. VANDERPOEL] proved that these two conservative principles which my colleague would support and maintain, would have precisely that effect, to wit: that this 20 per cent. duty, when levied, as it must be if this compromise is maintained, after the 2d June, 1842, "in ready money," and that too upon "goods, wares, and merchandise," valued "at the port where the same shall be entered," will be increased to a comfortable tax of 50 or 60 per cent. *ad valorem*, without limitation as to time. For although the act provides for a reduction of duties "in the contingency, either of excess or deficiency of revenue," the expenditures, if we may judge of the future by the "liberal estimates" of the present, will always be made to keep pace with any "excess" of revenue that may accrue.

Let me illustrate these conservative principles which my colleague would maintain, and by the use of a few facts and figures show the effect they will have on the consumers of imports, who with us, for the most part, are the producers of exports, and who, at last, it is conceded, must pay this insidious tax. The committee will remember that the imports of 1840 were much lower than those of any other year since 1832, when they amounted to only \$101,029,266. In 1836, they reached to \$189,980,035. But take the imports of 1840—\$104,805,981—a tariff of 50 per cent. on that amount would produce a revenue of \$52,402,990! Is my colleague willing to sustain a "compromise" that in all probability will produce such a revenue? Let us suppose, however, that the cash duties and home valuation will not increase this compromise 20 per cent. to more than 25 per cent.; even that tariff of duties on the unusually small importation of 1840, will yield to the Government \$26,201,495—this added to \$4,000,000 from the sales of the public lands will give you \$30,201,495 per annum. Is any Southern man prepared to support a "compromise" that will throw this amount annually into the Treasury? (to say nothing of the revenue that would accrue from a tax of 50 per cent. instead of 25 per cent. upon an average importation of one hundred and forty millions?) This estimate is made upon as reduced a scale as any gentleman could require; and even at that rate we should have, in a short time, another surplus revenue to scramble for, besides the burden it would impose upon the people. The public expenditures have, for the last few years, exceeded the usual expenses of the Government in consequence of the extraordinary character of the exigencies which demanded them, but from causes now in operation, as has already been shown, we have a reasonable expectation that they will continue to recede in amount, especially if the retrenchment advised by Mr. Van Buren in his last message, and heretofore promised by the Whigs, be honestly and efficiently carried out by Congress. The expenditures for 1841, for ordinary purposes, are estimated at \$19,250,000; with economy we may hope to find them in a few years down to \$15,000,000, and yet, with this prospect in view, my colleague will support and maintain a compromise which, at the lowest and most reasonable calculation, must yield, in conjunction with the sales of the public domain, at least \$30,201,475 per annum. Against supporting such a compromise, I, as a representative, and as one of the people of Georgia, do most solemnly protest.

The committee are aware that the gentleman from New York has given notice, that if the enacting clause of this bill is stricken out, he will move the imposition of a tax on silks and wines, and other luxuries; this, with the other proposition to tax linen fabrics and pins, leaves no doubt on my mind of the settled determination of the great majority of the Whig party, in this House, to fix upon the next Administration the policy of a high protective tariff. To the tax on French silks and wines, which above all others would be most mischievous to the cotton and tobacco growing States, my colleague gives his hearty assent. Let us see if that assent comports with his declaration that he was opposed to a tariff for protection, and advocated duties only for revenue.

What is the fact with regard to the consumption

of silks at the South? They have grown into general, nay into almost universal use; they are no longer to be looked on as *luxuries*, at least not as luxuries confined to the use of the rich. Almost every man, poor or rich, in the region where I reside indulges his wife and daughter in the use of this elegant and substantial article. To the extent then, sir, to which silks are used at the South, are the cotton goods of Northern manufactories excluded. The manufacturer sharpened by his interest, sees and feels this—prompted by his cupidity, and regardless of our rights and preferences, he is now striking at the imports of silk by attempting to tax them with a duty of 20 per cent. By your existing laws they are free—our farmers' wives and daughters, under this free importation, can afford to wear them as well as the wives and daughters of the wealthy merchants, or the bankers; but raise the duty 20 per cent. almost one-fourth of the value of the article, and tack on to it cash duties, and a home valuation, and you effectually deny to the poor man what the wealth of his neighbor may still enable him to enjoy. The manufacturer thus hopes to expel silks from the South and to fill up the vacuum with his own cotton fabrics. Strange to say, this expulsion of silks has been urged as an "unanswered and an unanswerable argument" why the South should acquiesce in a tax on wines and silks; that in proportion as silk was expelled, the consumption of cotton would be increased. This would undoubtedly be a hard argument in the mouth of a Northern manufacturer; but when used by a Southern man to the South, the reply is evident and conclusive. Although this expulsion of silk might compel us to consume more of the manufactured article, I deny that it would increase the consumption of the raw material, in which the producer is mainly interested, for even as things now are, the home factories are fully supplied, and any increased supply of the unwrought staple in that quarter would glut the market, and still farther reduce its diminished value. In addition to the compulsion upon which this additional consumption would be based, it would not only be destructive of the advantages resulting from *free trade*, but it would be closing a profitable foreign market, from whence our cotton is not returned to us, and substituting therefor a less profitable market at the North from which we should receive payment for the raw material in the same commodity wrought up, being made to pay, in the mean time, the profits of the manufacturer. Is not this a "protection" of Northern manufacturers at the expense of our constituents? And yet my colleague is willing to lend his aid to a measure which will surely effect it. So we see that *protection*, at least in this case, is one thing, and practice quite another.

Mr. Chairman, this tax on wines and silks is a blow struck directly at the South—at the cotton and tobacco growing States. By the treaty of Paris, concluded in 1831, a system of commercial reciprocity was established between the French and this country highly beneficial to both parties, and injurious to no one. Under that treaty our commerce with France, which before was comparatively limited, extended itself rapidly, and was maintained principally by the exports of Southern cotton. For a period of five years past our exports to French ports have varied, in round numbers, from eighteen millions to twenty millions per annum, of which the exports of cotton alone amounted to between thirteen and seventeen millions annually, the balance being of tobacco and rice. Now, instead of sending back to us, as the English do, the greater part of this cotton, in wrought goods, and thus saddling us as consumers with all the intermediate expenses accruing on the commodity from its production to its consumption, the French return to us only about one million of cotton manufactures annually, nearly the whole balance being paid to us in silks and wines. They then consume among themselves, one year with another, an average of quite fifteen millions of Southern cotton, to say nothing of rice and tobacco, for which, as I said before, they pay us with their silks and wines. Now, put a tax of 20 per cent. on these articles, and couple with it, as you must, if you maintain the compromise act, cash duties and a home valuation, and

what do you effect? Why, you close up this outlet for our cotton by taxing, almost to prohibition, the very articles with which alone the French can pay us for our raw material. What further do you effect? Why, you throw back annually upon the hands of the planters \$15,000,000 worth of their cotton. France cannot buy it; England is supplied without it, and, moreover, is preparing to grow her own cotton; you have stifled the foreign market by your legislation, and the Northern weaver steps in and buys it at five or six cents per pound. A propitious state of affairs for the farmer! But, notwithstanding, my colleague is willing, not only to maintain the compromise, but to tax wines and silks, at the suggestion of one of the rankest tariff men in this House.

Again, sir, in proportion as you depress the commerce of France, the friend and supporter of our colonial struggles for liberty and a national existence, you elevate that of Great Britain. These two nations are the only great rivals for our trade; and while I would extend the principles of *free trade*, upon the broad ground of justice and equality, to our Saxon forefathers, I would certainly do nothing to swell her commercial importance over the just claims of our first friend and ancient ally. England at this moment is pervading the whole earth. She is stretching her grasping and powerful arm over the four quarters of the globe. Europe, Asia, Africa, and America are the objects of her towering and insatiate ambition. She has colonized India; she is pushing her trade with the Celestial Empire "by the grace of God and gunpowder;" she is dictating terms to belligerent thrones and rebellious viceroys; she is openly attempting to dismember one of the sovereign States of this Union, and she is silently erecting her standard upon our territory at the mouth of the Oregon. Nay, sir, pretending to suppress the slave trade on the coast of Africa, she has recently boarded and searched, under circumstances of insult and aggravation, an American merchantman, bearing "the broad stripes and proud stars" of these independent and United States. Her Minister near this Government has recently avouched the act of a British subject which resulted in the destruction of the lives and property, within our own limits, of the citizens of New York. With these facts staring us in the face, with this long account unsettled between us and this marauding power, is there an American statesman on this floor who is ready to lend our legislation, however indirectly, to British interests, at the expense not only of our own people, but of the French nation, our old and well tried friends? Sir, I address myself to the South; England has taken her stand in the ranks of the Abolitionists; the proceedings of the World's Convention in London, at which Prince Albert, the personal representative of the Queen, presided, are proof sufficient for us that she waits but a time and an opportunity to invade our rights, and rob us of our property. The English are making strenuous efforts to supplant the great staple of the South by settling cotton plantations in the East Indies—if she succeeds she will glut her own markets with her own produce, and the main source of our wealth and prosperity will be forever closed up. She is thus grasping directly at our slaves—if she fails in the open attempt, she is still endeavoring secretly and insidiously to destroy the value of our property by taking away from us the foreign market for our staple production. Are the countrymen of La Fayette engaged in such a crusade against us? Shall we deal a blow at the Southern people, by striking at their commerce with France, when the comparison stands, as I have stated it, between that Government and England? Let my constituents consult their rights and interests, and then answer these questions. I ask no legislation in behalf of France; I only claim that our trade with that country be let alone—that my constituents may be allowed to send the produce of their labor where and to whom they please. This they will do, and you had better save your credit and our rights by conceding what, in a certain event, we will take, by the help of "the great conservative principle."

Mr. Chairman, I may not repeat the identical

words of my colleague, but the substance of what he said about the *TARIFF* will long be remembered by me. It was noticed by every one around me, particularly by the Democrats, as a most extraordinary speech for a Southern man to make any where, but more especially in the presence of tariff men, and Northern manufacturers. I never heard a speech more thoroughly imbued, in my opinion, with the principles of *protection* and *discrimination*, than the remarks of that gentleman as they were delivered to this House. How they will appear on paper, I cannot say—I only speak of my impression from what I heard. He said substantially, if not in *hec verba*, that formerly the people of Georgia were rabid on the tariff question—that it had been a mad-dog cry among us. He remembered the time when any man who ventured to speak in favor of a tariff would be withered by the indignation of the people of Georgia; but, said he, that day has past, "*thanks to the events of the last summer!*" Now the intelligence of his constituents enabled them to think and speak calmly upon that subject." Ah! the events of the last summer—have they wrought this marvellous "*change?*" Have the events of the last summer cast an oblivion on the old antipathies of the people of Georgia? Sir, in the name of the people of that State, I deny the assertion, and all the deductions that may be drawn therefrom. What changes those events may have made in the gentleman, I cannot divine; but this much I can say, that, from present appearances, he has not only lost his old horror of a tariff, but he has ventured to walk boldly up to the monster. He can now look it coolly and calmly in the face; nay, he even dares to touch and handle it without any apparent concern. Ere long, sir, he may have "his foot in the stirrup and his hand on the mane." Well, that honorable gentleman certainly has a right to mount what hobby he pleases—provided he rides in his individual capacity; but in his official character I protest against the course he has thought proper to pursue. At this critical juncture, when every thing is portentous of "*change;*" when we have an evidence of *change* before us in the speech I have just adverted to, it behoves no man from Georgia to be silent. Where are my colleagues? They are shortly to be my representatives, and I have a right, as it is my interest, to know their present position upon all the great questions (particularly on the tariff question) which have been agitated in this debate. I therefore invite them to come out—to speak plainly and openly, and quiet the hopes and fears of those whose interests are confided to their hands.

Upon the tariff question, the people whom I represent "are now where they ever have been, and where they ever mean to be." If *luxuries* are to be taxed let it be done *indiscriminately*, and if any change is to be made in our revenue laws, let all the imports of this country be taxed equally—no discrimination—no protection. If any imports must be admitted duty free, let the sugar, salt, iron, molasses, coarse woollens and coarse cottons—the absolute necessities of life, be relieved, and let the revenue raised be sufficient only for an economical administration of the Government. With this sort of a tariff, and with no other, (notwithstanding the events of the last summer) will the people of Georgia be satisfied. If they supported General Harrison, and inadvertently brought certain of his friends into power, they assuredly did not do so with the remotest expectation that a protective discriminating tariff, either open, or disguised as a tax on luxuries, was to be fastened on them. And when they find that such a result is likely to follow "*the events of the last summer,*" another "*change*" may come over the spirit of my colleague's dream.

Mr. Chairman, I have no vain regrets for the past; but let us look to the future, and watch closely the shadows which ever precede coming events. Precaution is the safeguard of our rights and liberties; in this spirit only, as one of the people, and as a representative of the people, I sound the alarm. In doing so, I have done my duty; and come what may of it, I shall always be consoled by the recollection that I have suffered no personal feelings to deter me from my post when I had nought to face but a victorious and overwhelming enemy.

SPEECH OF MR. BLACK,

OF GEORGIA.

In the House of Representatives, February 9, 1841—

In Committee of the Whole (in reply to Mr. GIDDINGS of Ohio,) on the Pension bill, and the amendment thereto appropriating \$100,000 for removal of the Indians from Florida.

Mr. BLACK addressed the Committee as follows:

Mr. CHAIRMAN: I had hoped to be permitted to devote myself peaceably and quietly to the performance of my official duties during the short period of time that remains of my public service. I did not expect, when I concluded my speech a few days since on the Treasury Note bill, to be called up so soon to defend my constituents against a most wanton and outrageous attack. I did not dream there was a man on this floor who would dare to advance, in the face of an American Congress, and in the presence of my colleagues, charges so false and calumnious as those which were deliberately uttered in this House, yesterday, against the people of Georgia, by the member from Ohio. For three long hours did that member [Mr. GIDDINGS] impose himself upon your unwilling ear, in the delivery of a violent, inflammatory, Abolition speech, in which he distinctly charged the infamous crime of *negro stealing* upon the people whom I represent. Abolition, anti-slavery, human rights, the oppressed African, Florida blood hounds, and all the miserable cant which makes up the sum total of a modern philanthropist, were the chief theme and burden of his song. Upon a bill providing a scanty subsistence for the feeble and suffering remnant of our Revolutionary soldiers, this crafty and daring Abolitionist, in defiance of the 21st rule of the House, and of all parliamentary order, has managed to ingraft an open and violent attack upon the institutions of the South. What availed it, Mr. Chairman, when I stopped him and told him that his assertions were *palpable falsehoods*? Why, sir, it passed him as the idle wind; and although my colleague [Mr. HABERSHAM,] my friend from South Carolina, [Colonel CAMPBELL,] and myself, repeatedly called him to order, he was as repeatedly pronounced to be in order by the Chair. I do not make this allusion to question the decision of the Chair, for so long as he refrained from actually presenting an Abolition petition, he certainly did not violate the *letter* of the rule, which prohibits their reception; and as for "relevancy of debate," that has long since been banished from this hall. I only desire to remind you and the committee that Southern gentlemen had no agency in pushing this exciting topic into the House. So far from it, we did every thing in our power, short of violence and indecorum, to arrest the incendiary harangue, which we foresaw must end in excitement and reply.

Sir, said Mr. BLACK, we committed an egregious error in the outset, by permitting the chairman of the Committee on Military Affairs to propose an amendment to a pension bill, by tacking to it a measure which, in my opinion, is nothing less than an acknowledgment of our inability to whip the Indians out of Florida. I will vote for no \$100,000 to buy up our peace from the Seminole warriors. I am willing and anxious to do every thing which comports with the honor and dignity of this Government, for the relief of the suffering people of that doomed Territory. If the money is wanted to redouble your forces—if I could be assured it would be expended in exterminating these savage hell hounds from that ill-fated land, and in offering them up as a sacrifice to appease the blood which cries aloud from every hearth stone in Florida, I would freely and joyfully give it. But I would sooner see the whole Territory abandoned by its inhabitants, and sunk in the Atlantic ocean, than vote one dollar to propitiate those whom we ought to conquer.

Whatever, sir, we may think of this proposition, we committed an error by receiving it, in the first place, which you cannot now retrieve without doing injustice to those whose rights have been assail-

ed, and to it we are indebted for this insulting and wanton attack. Under cover of this irrelevant amendment, the Abolitionist has walked abroad with a blazing torch in his hand, ready to light up the path of "human rights" by the conflagration of our peaceful dwellings. I have no idea that the gentleman from South Carolina anticipated such a result; from that suspicion I wholly discharge him. What human intelligence could have foreseen that an Abolition speech could be made upon a proposition to vote money to remove the Indians? And yet it has been done. The member from Ohio has managed, in defiance of the feelings of the CHAIR and the House, to go on his way rejoicing in his love for the negro, and his hatred for the white man. He was not content with innuendoes and vague declamation about the rights of the enslaved African—he pointed directly at the people of Florida and Georgia—he particularized transactions, and alluded to citizens of Georgia as actors in them; and then, in close connection with those allusions, he descanted upon the crime of "negro stealing" in such a way as to leave no doubt of the application he would make of his slanderous charge. Sir, I understood him; every man in this House understood him. It was too plain to be concealed—nay, he took no pains to conceal it—that his speech, which he says was prepared long since, was intended as a regular, systematic attack upon slavery and the slaveholder; and all this he built up on his postulate that "negro stealing" was the prime cause of the Florida war. I cannot sit still under such a speech; I cannot permit any man even to allude, with impunity, to my constituents, or any portion of them, as men who would act in derogation of the high principles of honor, morality, or religion. After the display we have had, I should be faithless to the trust reposed in my hands, if I failed to hurl back upon the slanderer the calumny he would fasten on the people of Georgia. Let other gentlemen pursue what course they please. I intend to reply to this attack in my own way. I will no longer stand upon my dignity, as we have been too much in the habit of doing when Abolition was the theme. I will no longer treat our assailants with silence and contempt. Whatever may be my opinion of the man, as an individual, I am constrained to notice him here, because he represents a population of forty thousand souls; that gives him importance; and if, as we are bound to admit until the contrary be shown, he truly represents his constituents on this subject, it is time that he should not only be noticed, but promptly repelled. Let him not mistake me: I do not mean to argue the abstract question of slavery with him, nor will I discuss the question of Southern slavery in any of its aspects. Upon that subject I have been instructed by my constituents, particularly by the intelligent and patriotic men of my own county. They have told me that their slaves were their *own*; that on this subject I shall hold no argument with Abolitionists; and that if one of these fanatics should dare to present himself within the limits of their county, (Scriven,) they are pledged to bring him to a speedy and condign punishment. And, sir, they are men who have never yet failed to redeem their pledges, at whatever peril. Yes, sir, if that member will go to the county where I reside, or to any other county in the State of Georgia, and dare to utter but half of what he said here yesterday, he would most certainly be subjected to the infliction of *Lynch law*, and he might be happy if he escaped at that.

[Mr. GIDDINGS was understood to say that he hoped never to be found among such people.]

Yes, sir, I admit that discretion in such a case would be more safe than zeal or valor; for I assure the member if he ever comes among us, and dares to utter such sentiments as he delivered on this floor, we would give him an elevation of which he little dreams. Now let him put that down in his book, and tell it at his "indignation meetings" when he goes home.

When we decline to argue the question of "Southern slavery" on this floor, it is not because we are afraid of the discussion. We feel and know that we are fortified on that subject not only by the practice and example of the world, but by the precepts of Divine law. But will a man stop

to argue with an incendiary who is about to stick a lighted torch to his dwelling? Will you waste words in a dissertation on justice and honesty when the thief has his hand in your pocket? Besides, we are tired of all this *talk*; it is sickening and disgusting to those whom it does not inflame. I say to this member, whose fellow-feeling makes him so wondrous kind to the negro—Cease your *petitioning* for the abolition of slavery and the slave trade, against the admission of Florida, and the annexation of Texas. Waste no more words, and if you really think you can effect your darling purpose of robbing us of our property, *come and try it*. We do not seek it, but we are ready for the conflict. We will not meet you then with "paper bullets of the brain," but we will give you a reception that shall *touch your feelings*, and in that way we will convince your judgment much more effectually than any argument we could address to your intelligence here.

But, Mr. chairman, while I will not argue the "abstract question," I will meet the member on his own ground. I will no longer content myself with a mere defence; I will carry the war into Africa, and charge our invaders in their own camp. Yes, sir, I will show from extracts, which I shall presently read from a pamphlet written by the Abolitionist, Jay, that these tender hearted, canting philanthropists, who come here and whine so piteously over the "down trodden slave," are the veriest hypocrites on the face of the earth—that the claims and professions which they are eternally ringing in our ears in behalf of the negro, on this floor and in their newspapers, are as far different from their own practices at home as the poles are asunder. I will show that they say one thing and do another. I will show that while they claim of us to liberate our slaves and give them all the rights, privileges and liberties of freemen, instead of practising their precepts at home themselves, they actually deny to their negroes, whom they have *nominally* freed, all the "human rights" about which they talk so feelingly to us. And this I will prove from their own record.

I have nothing to say to those gentlemen on this floor and elsewhere, who let us and ours alone—who do not disturb the peace of the country by agitating the subject of abolition—and who keep their opinions to themselves, and recognise our constitutional right to our slaves. They are guilty of no false professions, at least so far as we are concerned; nor do they make any extravagant claims on us. They have nothing to do with slavery *here*, nor do they meddle with it in the *South*, nor do they insult Southern gentlemen by abusing and vilifying their constituents as kidnappers, and dealers in human flesh and blood. With their professions and practice I have nothing to do. I will not even utter an opinion as to the propriety or impropriety of their treatment of the negroes resident among them. That is their own matter, so long as they do not interfere with our practices and domestic institutions. It is only to those who would override the Constitution of the country, who would invade our rights of property, and who would compel us to elevate our slaves to the condition and privileges of freemen, that I read these extracts, to prove the INCONSISTENCY between their professions, their claims on us, and their practices at home. Let me not be told that the *anti-Abolitionists* at the North have the power, and are answerable for this treatment of the negroes among them. I hold them to no answer: that portion of our Northern brethren have not exposed themselves to be questioned on the subject; they have not laid themselves liable to be charged by me with INCONSISTENCY—because they repudiate, publicly and privately, all interference with the concerns of the South in this regard; besides, it is not the fact that the anti-Abolitionists control public opinion and the "customs of society" in all the towns and districts of the North and East. And as for the power of majorities, I ask, where is the power of the vast majorities that returned, not only the member from Ohio, [Mr. GIDDINGS,] but his fellow laborer from Vermont, [Mr. SLADE,] and the gentleman from Pennsylvania, [Mr. JAMES,] and the gentleman from Massachusetts, [Mr. ADAMS,] and many other ho-

noble members to whom I could point on this floor. If you say the Abolitionists are not to blame for the treatment of negroes in the non-slaveholding States, because they are a minority, I ask again, where slumbers the power of these majorities to which I have pointed? If their majorities do not extend over the States where they exist, at least they extend over the Congressional districts from which these gentlemen are returned; and if they cannot control the legislation of the whole State, they certainly are competent to model their own society, and give a tone and direction to public opinion within the limits of their private circles, which are sufficiently wide to afford an asylum for their favorite and oppressed people. Many, nay most of the oppressions of which this abolition author complains, are wholly independent of legislation, and depend entirely upon public opinion in their counties and towns, and upon the "customs of society." On the other hand let no man suppose that I complain of this treatment of the negro. No, sir, it is not my business to interfere in that matter at all; I only seize on the fact as it stands stated by an Abolitionist, and hold it up in contrast with their claims on the South, and their professions. The only complaint I have against these fanatics is, not their relations with their own negroes, but their presumptuous attempts to interfere in our domestic relations. They might treat their own negroes as they please—free or enslave them, elevate or oppress them, and we should never open our mouths about it; but when they volunteer to regulate our conduct to our slaves, they give me a right, which I shall exercise, of exhibiting them as men who have neither principle nor consistency, as men who are willing and anxious to impose on their neighbors, that which they will not take practically to themselves. It is to these violent abolition crusaders, then, who have the power in their own neighborhoods to elevate the condition of their negroes, and who are in the habit of taunting the South with slavery, and to no one else, that I make the charge of INCONSISTENCY and HYPOCRISY. And for that purpose, with the permission of the House, I will proceed to read, from a pamphlet written by Mr. Jay.

The author classes the disabilities of the free negroes in the non-slaveholding States under ten heads: 1st. "EXCLUSION FROM THE ELECTIVE FRANCHISE." 2d. DENIAL OF THE RIGHT OF LOCOMOTION. 3d. DENIAL OF THE RIGHT OF PETITION. 4th. EXCLUSION FROM THE ARMY AND MILITIA. 5th. EXCLUSION FROM ALL PARTICIPATION IN THE ADMINISTRATION OF JUSTICE. 6th. IMPEDIMENTS TO EDUCATION. 7th. IMPEDIMENTS TO RELIGIOUS INSTRUCTION. 8th. IMPEDIMENTS TO HONEST INDUSTRY. 9th. LIABILITY TO BE SEIZED AND TREATED AS SLAVES. 10th. SUBJECTS TO INSULT AND OUTRAGE. It is worthy of remark that Mr. Jay charges and attributes, all these exclusions, impediments and liabilities, to the Abolitionists themselves; constantly using in the course of his remarks the pronouns "we" and "our." He an Abolitionist, writing to Abolitionists, charges himself and his co-laborers with what, in his eye, is a crying sin, and to my apprehension is glaring inconsistency, and consummate hypocrisy.

He says in his prefatory remarks, speaking of prejudice against color:

"Were we to inquire into the geography of this prejudice, we should find that the localities in which it attains its rankiest luxuriance, are not the rice swamps of Georgia, nor the sugar fields of Louisiana, but the hills and valleys of New England, and the prairies of Ohio? It is a fact of acknowledged notoriety, that however severe may be the laws against colored people at the South, the prejudice against their persons is far weaker than among ourselves."

"We turn to the free States, where slavery has not directly steeled our hearts against human suffering, and where no supposed danger of insurrection affords a pretext for keeping the free blacks in ignorance and degradation; and we ask, what is the character of the prejudice against color here? Let the Rev. Mr. Bacon, of Connecticut, answer the question. This gentleman, in a vindication of the Colonization Society, assures us, 'The Soondra is not farther separated from the Brahmin in regard to his privileges, civil, in electoral, and moral, than the negro from the white man by the prejudices which result from the difference made between them by the God of NATURE.'"

If we are to believe Mr. Jay, the member from Ohio and all his fellow-laborers entertain a deep-rooted, implacable "prejudice against color," and yet he would impose on us the very thing he so strenuously rejects. What even-handed justice!

Now, let us see how these advocates of "human rights" practise on the right of suffrage. The author proceeds:

1. GENERAL EXCLUSION FROM THE ELECTIVE FRANCHISE. "Were this exclusion founded on the want of property, or any other qualification deemed essential to the judicious exercise of the franchise, it would afford no just cause of complaint; but it is founded solely on the color of the skin, and is therefore irrational and unjust. That taxation and representation should be inseparable, was one of the axioms of the fathers of our Revolution; and one of the reasons they assigned for their revolt from the crown of Britain. But now, it is deemed a mark of fanaticism to complain of the disfranchisement of a whole race, while they remain subject to the burden of taxation. It is worthy of remark, that of the thirteen original States, only two were so recreant to the principles of the Revolution, as to make a white skin a qualification for suffrage. But the prejudice has grown with our growth, and strengthened with our strength, and it is believed that in every State Constitution subsequently formed or revised, [excepting those of Vermont and Maine, and the revised Constitution of Massachusetts,] the crime of a dark complexion has been punished, by debarring its possessor from all approach to the ballot-box. The necessary effect of this proscription in aggravating the oppression and degradation of the colored inhabitants, must be obvious to all who call to mind the solicitude manifested by demagogues, and office seekers, and law makers, to propitiate the good will of all who have votes to bestow."

2. DENIAL OF THE RIGHT OF LOCOMOTION.

"The Connecticut Black Act, prohibiting, under heavy penalties, the introduction of any colored person from another State, is well known."

This law the author says was repealed after being suffered to remain on the statute book for many years; but he complains loudly of an Ohio law, (in the enactment of which perhaps the gentleman participated,) "intended to prevent colored citizens of other States from removing into Ohio," unless they "find within twenty days two freehold sureties in the sum of five hundred dollars for their good behavior, and likewise for their maintenance," and in default thereof he is to be removed by the overseers of the poor; and if any person "harbors" emigrants who have not complied with the above requisitions, he or she is subjected to a heavy pecuniary penalty, and made liable for the future maintenance of the "negroes or mulattoes."

"In 1829, a very general effort was made to enforce this law, and about one thousand free blacks were in consequence of it driven out of the State, and sought a refuge in the more free and Christian country of Canada. Previous to their departure, they sent a deputation to the Governor of the Upper Province of Canada, to know if they would be admitted, and received from Sir Jas. Colebrook this reply: 'Tell the Republicans on your side of the line, that we Royalists do not know men by their color. Should you come to us, you will be entitled to all the privileges of the rest of his Majesty's subjects.' This was the origin of the Wilberforce colony in Upper Canada."

"We have before us an Ohio paper, containing a proclamation by John S. Wiles, overseer of the poor in the town of Fairfield, dated 12th March, 1833. In this instrument notice is given to all 'black or mulatto persons,' residing in Fairfield, to comply with the requisitions of the act of 1807 within twenty days, or the law would be enforced against them. The proclamation also addresses the white inhabitants of Fairfield in the following terms: 'Whites look out! If any person or persons employing any black or mulatto person, contrary to the 3d section of the above law, you may look out for the breakers.'"

Sir (said Mr. BLACK) let us see what these "human rights" gentlemen think of the right of petition in their own country, and then we shall be better able to estimate their sincerity, and the purity of their motives, when they undertake to lecture us for "keeping human beings in bondage." This right of petitioning for the liberation of the slave was the theme of many glorious declamations on this floor last winter, and thousands of dollars of the public money were spent in giving these gentlemen an opportunity to harangue us on the subject, and to slip in every now and then an insult to the South. (Here the Chairman, Mr. CLIFFORD, pronounced that it was not in order to discuss the right of petition.) Mr. BLACK said: I do not intend to discuss the right of petition—I only desire to refer to the practice of gentlemen in contrast with their avowed sentiments on this floor, and this I think I have a right to do, especially as the Chair allowed the member from Ohio to take so wide a latitude of debate as he did yesterday. The Chairman insisting on the order, Mr. BLACK said he would not consume the time of the committee by appealing from the decision of the Chair, but he gave notice he should make the extract in his printed speech.

3d. "DENIAL OF THE RIGHT OF PETITION."

"On the 14th of January, 1839, a petition for relief from certain legal disabilities, from colored inhabitants of Ohio, was presented to the popular branch of the legislature, and its rejection was moved by George H. Flood. This rejection was not a

denial of the prayer, but an expulsion of the petition itself, as an intruder into the House. 'The question presented for our decision,' said one of the members, 'is simply this: Shall human beings, who are bound by every enactment upon our statute book, be permitted to request the Legislature to modify or soften the laws under which they live?' To the Grand Sultan, crowded with petitions as he traverses the streets of Constantinople, such a question would seem most strange; but American Democrats can exert a tyranny over men who have no votes, utterly unknown to Turkish despotism. Mr. Flood's motion was lost by a majority of only four votes; but this triumph of humanity and Republicanism was as transient as it was meagre. The next day the House, by a large majority, resolved that the blacks and mulattoes who may be residents within this State, have no constitutional right to present their petitions to the General Assembly for any purpose whatsoever, and that any reception of such petitions on the part of the General Assembly is a mere act of privilege or policy, and not imposed by any expressed or implied power of the Constitution."

Why, sir, this is the language we hold—that blacks and mulattoes have no right to present their petitions to the General Assembly—for the holding of which we have been subjected to unmeasured vituperation and abuse by the very men who practically adopt our views.

4th. "EXCLUSION FROM THE ARMY AND MILITIA. 'To such an absurd extent is this prejudice against color carried, that some of our military companies have refused to march to the sound of a drum when beaten by a black man.'"

This is going a little ahead of the South, for although a colored man never thinks of entering our "ranks," we very seldom have any body else to beat our drums but negroes. But the liberty-loving member from Ohio, it seems, will not march to the sound of a drum when beaten by his favorite part of creation, a black man!

5th. "EXCLUSION FROM PARTICIPATION IN THE ADMINISTRATION OF JUSTICE."

"But by the law, while any unknown white vagrant may be a witness in any case whatever, no black suitor is permitted to offer a witness of his own color, however well established may be his character for intelligence and veracity, to prove his rights or his wrongs; and hence, in a multitude of cases, justice is denied in despite of the Constitution; and why denied? Solely from a foolish and wicked prejudice against color."

6th. "IMPEDIMENTS TO EDUCATION."

After relating an amusing and edifying instance of the destruction of a school house in Canaan, New Hampshire, upon the ground that it was to be devoted to the use, indiscriminately, of blacks and whites, (200 oxen were hitched to it, and it was dragged a quarter of a mile, and left in ruins,) the author says:

"The transaction we have narrated, expressed in emphatic terms the deep and settled hostility felt in the free States to the education of the blacks. The prejudices of the community render that hostility generally effective, without the aid of legal enactments."

Now, sir, if I had been present at the abatement of this universal school house, I think it probable I should have taken a hand in it myself. But where were the Abolitionists? They were strong enough to build the house and establish the school. Why did they not defend it? Did they slink away from their premises at the first breath of opposition? Mr. Jay says not one word of any attempt on their part to regenerate public opinion, or to remodel the "customs of society" in that patriotic and spirited neighborhood. They might at least have made an effort that way to save themselves from the reproach of inconsistency. They are now, and have been for years past, engaged in a crusade against the South, and in denouncing the customs of our society with regard to our alleged degradation of the negro. Ought they not to have commenced operations at their own doors first, upon the principle that charity should begin at home? We hold our "slaves" precisely where they ought to be—in subjection and obedience to their masters. They are well fed and half worked; they are tended in sickness and supported in their old age; they are instructed in the principles of Christianity, and protected from personal injury. This is the consistent and kind treatment of Southern slaves. The book I am reading shows you the treatment of negroes at the North and East, where the Abolitionists have nominally freed them.

But where is the member from Ohio? Has he abandoned his seat? Cannot he stand this shot out of his own gun? Calculating on our silent contempt, he was wonderfully bold yesterday; when he was attacking us, it was all "blood and thunder, wounds and wonder;" but now, when, contrary to his expectations, I am shooting back his own ar-

rows at him, he retreats, and, like the Seminole, is not to be found. Let him come back, sir, for I am not done with him yet.

After showing the IMPEDIMENTS to the RELIGIOUS instruction of the negro among the Abolitionists, the author adds,

8th. THE IMPEDIMENTS TO HONEST INDUSTRY; and, among other instances, declares that—

"In 1833, a black man, of irreproachable character, and who by his industry and frugality had accumulated several thousand dollars, made application in the city of New York for a carman's license, and was refused solely and avowedly on account of his complexion!"

We are next told that these free negroes are "LIABLE TO BE SEIZED AND TREATED AS SLAVES" by the Abolitionists; and then this evidence of the insincerity and hypocrisy of these pretended friends of human rights is closed by showing how they habitually "subject" the negroes among them to "insult and outrage."

"The feelings of the community towards these people, and the contempt with which they are treated, are indicated by the following notice, lately published by the proprietor of a menagerie, in New York: The proprietors wish it to be understood, that people of color are not permitted to enter, except when in attendance upon children and families."

[When these extracts were being read, much confusion and excitement prevailed in the House. Mr. BLACK was frequently interrupted, and called to order, but was at length permitted to go on in order.]

Sir, (said Mr. B.) I am nearly through. I have other evidences of Abolition insincerity which, however, I will not now submit. We all remember the Amistad negroes. I shall not stop to inquire whether they were "bozals" or "ladinos;" we have had a sufficiency of philological dissertation and learned twaddle upon that grave subject already. But I can show, by his own confessions, that the celebrated "Jingua," the chief of these rascally mutineers, who have their advocates, at least in words, not only at the North, but on this floor—that *Jingua* himself, about whose abduction and enslavement we are so feelingly harangued, was, in his own country, a slave-catcher and dealer, and that he has only had the tables turned upon him by some more successful trader. But, as it will be out of order, I will omit it here, and put it into my printed speech. During the trial of these Spanish slaves in the United States District Court for Connecticut, where they were claiming their freedom—

"Mr. Ingersoll, Clerk of the United States District Court, rose to make a suggestion, it appearing that he also appears on behalf of the libelants. The court said Mr. Wilcox would be allowed to state what Covey had said to him when he first saw these Africans. The Marshal proceeded to say that he called Covey and Jingua aside, soon after the former arrived, and told him to ask Jingua how he came to be taken and sold. Covey asked him. Jingua replied that he owed a man two pounds, (holding up his fingers,) and to pay him he had taken two negroes and sold them; that one of them ran away and the man called upon him for one pound. He had no other negro, and turned him out clothing—that the clothing was turned over to another person, and that the man called on him to pay, and being unable to do so, he was seized and sold to pay the debt."

Sir, said Mr. B. those gentlemen who have been so solicitous to keep me in order, shall have another opportunity presently of exerting their rules of decorum. I intend to read from a book, a few of the detached leaves of which I hold in my hand. It is an ancient, venerable, and venerated book—the oldest, perhaps, since the Christian era, and the wisest and best that the world has ever known—I mean, sir, the BIBLE itself. Now, let gentlemen call me to order with the Bible in my hand, for I intend to become personal to the member from Ohio (whom I see now in his seat) and his coadjutors, by applying to him a passage from that book. I read, sir, (if it be not out of order and indecorous to read the Bible to an Abolitionist,) from the 7th CHAPTER of the GOSPEL according to the holy SAINT MATTHEW—1st, 2d, 3d, 4th, and 5th verses:

"1st. JUDGE NOT THAT YE BE NOT JUDGED.

"2d. FOR WITH WHAT JUDGMENT YE JUDGE, YE SHALL BE JUDGED; AND WITH WHAT MEASURE YE MEASURE, IT SHALL BE MEASURED TO YOU AGAIN.

"3d. AND WHY BEHOLDEST THOU THE MOTE THAT IS IN THY BROTHER'S EYE, BUT CONSIDEREST NOT THE BEAM THAT IS IN THINE OWN EYE?

"4th. OR WILT THOU SAY TO THY BROTHER, LET ME PULL OUT THE MOTE OUT OF THINE EYE, AND BEHOLD A BEAM IS IN THINE OWN EYE?

"5th. THOU HYPOCRITE, (pointing to Mr. GIDDINGS,) FIRST CAST OUT THE BEAM OUT OF THINE OWN EYE; AND THEN SHALT THOU SEE CLEARLY TO CAST OUT THE MOTE OUT OF THY BROTHER'S EYE."

You say that we have a mote in our eye: I deny it. My constituents have no mote in their eye upon this, or any other subject. Therefore the text is not applicable to us, but to you; and if you will insist that we have this mote in our eye, I say to you in the language of Scripture: "THOU HYPOCRITE," first cast out the beam from thine own eye, before you attempt to run your fingers into ours.

PROSPECTIVE PRE-EMPTION BILL.

SPEECH OF MR. LINN, OF MISSOURI,

In Senate, Friday, January 29, 1841.—On Mr. CRITTENDEN's amendment to distribute the proceeds of the sales of the public lands among the States.

Mr. LINN addressed the Senate as follows:

"MR. PRESIDENT: As this seems to be a day of general settlement of accounts and misunderstandings, I desire to say a few words in order to prevent the possibility of any mistake in regard to my course on the important question now before the Senate. The honorable Senator from Kentucky [Mr. CLAY] was in an error when saying that I had remarked, that under no state of things that could present themselves, would I vote for the proposition of the Senator from South Carolina [Mr. CALHOUN] to cede, under certain conditions, the public lands to the States in which they lie.

Now, sir, I have never committed myself thus far against cession, although determined to vote against it when presented as an amendment to the pre-emption bill. But more am I opposed, and decidedly opposed, to the gentleman's [Mr. CLAY] well known proposition for distributing the proceeds of the sales of the public lands among all the States. I will watch, sir, all these different propositions with care and deep interest when they come up as naked questions, and give my vote according to the dictates of my judgment, and the interest of my constituents. Having voted for one distribution bill already, sir, I think it more than probable it shall be the last—events since that time, not very clearly proving its wisdom. When my friend from Kentucky [Mr. CRITTENDEN] moved his amendment or resolutions of instructions to the Committee on Public Lands to report a bill, one feature of which should be the distribution principle, I promptly and instantly rose in my place and remarked that I would move an amendment at the proper time to his resolutions, to dispose of the proceeds of the sales of the public lands for the benefit of the whole country, by appropriating them to the increase of the navy, to the fortifications, and other national defences; for it was my opinion that if they were to be taken from the common fund of the Union, that they should be devoted to high and important national objects, to which I think they justly and properly belong; and should the Senator's [Mr. CRITTENDEN] proposition prevail, it is my fixed determination then to present mine, and press it with all the zeal, energy, and ability, in my power to command.

I do not know, sir, how far a member can go in condemning or characterizing measures, and still not be personal to the mover. There is some delicacy due to others, and some limits, or ought to be,

to the use of epithets, which, although applied to measures, were made often to stick to persons.

The honorable member from Kentucky [Mr. CLAY] this morning, in the course of debate, thought proper to speak of the resolutions against the assumption of State debts, and for which I voted, as wanton, cruel, Danton and Robespierre like, and even traitorous to the States. I should be very sorry to use such epithets, to mark the character of the proposition to distribute the proceeds of the sales of the public lands. But if such epithets and appellations were strictly in order, without meaning any thing personal to an individual, or disrespectful to the Senate, I would be glad to be informed of it, so that I may avoid a breach of order; nor do I wish such information for self-protection against violent or harsh language, for the man that can give harder blows in that respect is welcome to all the advantages he can gain; but this body of grave men should be the last to resort to denunciatory language, and even on this occasion, when there might be some justification for it, I will not resort to harsh words to mark with disapprobation the proposition of the Senator from Kentucky [Mr. CLAY] to distribute the proceeds of the public lands, although presented at a time when the Treasury is empty, and when the aspect of affairs was warlike and threatening on every hand. I know, sir, this is a favorite project of the Senator from Kentucky, and the pivot upon which many political events will be made to turn, and that to sustain it he would strain every energy of his soul; but, in my opinion, this is the last moment in our history that a proposition should be made to alienate any portion of our revenues. Rather, sir, increase them for great national objects.

Mr. President, did not my colleague, a few days since, in the most solemn and impressive manner, say that he would not at this moment permit himself to speak as he thought of the dangers that at present environed us?

I know him, sir, to be one of the bravest men that God ever made, and it may seem something like vanity and presumption in me to say any thing on this subject after such a declaration. But, sir, I must and will speak out now, as heretofore, and warn the country of its danger and defenceless condition. I feel it a solemn and imperious duty to do so. Look for a moment at our condition. Why, you know well that a few years since there were not men enough in garrison in New York or some other large Atlantic city to fire a national salute on the arrival of a French vessel of war in their harbor! Yet a strenuous opposition was then made to the increase of your army; and small enough it is now, after being doubled by the act of 1833. Examine into the state of the English navy; but the following letter from our Navy Department will show it at a glance:

NAVY DEPARTMENT, 18th January, 1840.
SIR: I have the honor to state, in reply to the inquiries contained in your letter of the 12th instant, that in consulting the British Navy Register, it is found that Great Britain had built and building in 1840, 125 ships of the line, 113 frigates, 53 steamers of war, and 287 sloops and smaller vessels; there were also twenty-five mail steamboat packets. It is known that several very large private steamers are all ready, and were about to be employed in transporting the mail from England to other quarters of the globe, but the precise number is not ascertained. By the latest information respecting the number of our Government vessels, it appears they had in 1838, 49 ships of the line, 60 frigates, 30 steamers, and 184 sloops and smaller vessels built and building; and they contemplate increasing the number of steamers to 40 soon. It is not supposed that many of the French passage steamers would form very efficient vessels of war.

I am, very respectfully,
Your obedient servant,
Hon. L. F. LINN,
United States Senate.

J. K. PAULDING,

Fifty-three steamships of war, and some of them of the largest class, and it is in her power to bring one hundred on our coast, as she can, in a very short period of time, convert all her steam packets into ships of war, they being built under that stipulation with the Government. And what man, knowing the state of our relations with that power, and the excited state of feeling along the borders of Maine, and the whole Northern frontier, would dare assert, in his place here, that there was not momentary danger of collision with Great Britain. No member of this body could have the hardihood to deny that, if the soldiery of England were to shoot down half a dozen of the citizens of Maine, war would not be inevitable. It would be as certain as that the Almighty rules the heavens and the earth. No man can permit himself to deny it, however much he may deprecate it, or close his eyes to the conviction; and such a war as it will be, never to end till we are subdued, or they expelled from this continent. Yet, sir, with these dangers staring us full in the face, we are quarrelling about giving away the treasure of these United States!

Look at the red fiery wall which this Government has built up of fierce Indian warriors along your defenceless Western frontier. Turn your eyes to the Gulf of Mexico; thence to the island of Jamaica over which hangs a dense black cloud of danger, which, in due time, will roll itself along our Southern coasts and from its murky folds scatter pestilence and death! to the mouth of that noble river, the Mississippi, which floats on its bosom to the ocean, the rich productions of the magnificent valley of the West. Consider the state of your navy. Thirty millions of dollars would scarcely be sufficient to put it in a condition to defend our coasts, or twenty millions to place it on a respectable footing. Examine for a moment the state of your defences along the line of the Atlantic from Maine to the Mississippi and Sabine rivers, and say if they do not demand prompt attention and care, and yet we are now called upon to distribute five millions annually among the States of the Union!

The Constitution of our common country calls upon us to provide for the common defence and general welfare; this was one of the principal arguments urged in favor its adoption to protect our interests abroad; and to defend the country against foreign aggression. Now is the accepted time to fulfil these great and paramount obligations. We cannot evade, we dare not postpone, without being faithless to the noble trust reposed in us by our constituents; we have had one distribution, and that is sufficient for me. No, sir, I mistake; it was honestly intended, as far as my action was concerned, to be a deposit of our money with the States for safekeeping, rather than permit banks to speculate on it, and flood the country with their paper. But it seems I was behind the age, and it was, and is, considered as a debt we owed, the last instalment of which is to be paid by the passage of a bill (if it does pass) now upon our tables. Make this other distribution, and do you suppose that it will stop at that point? Let this portion of the revenue go, and you will be called upon to yield another, and yet ANOTHER, until we shall be left powerless and helpless; and when, as a nation, we are insulted and trampled on, and our rights violated, it will be too late to call aloud upon the people to provide for the public defence. Awful

then will be their vengeance upon their unfaithful servants.

I repeat it again, now is the accepted time to do our duty in providing for the common defence and general welfare. If I know the feelings that animate my bosom, so help me Heaven, if such a proposition came from the side of the Senate with which I usually act in politics, my American feeling is so strong, that I would throw to the winds all minor and party considerations, and vote, without a moment's hesitation, against it.

Read over carefully all the messages of your Presidents, from the first to the last. They all breathe the same spirit, the same language, in effect, viz: in peace, prepare for war. Examine well the reports from the War Department; ponder over the following sentiments from the Secretary at War to the Senate, in 1836:

"But it is upon our maritime frontier that we are most exposed. Our coast for three thousand miles is washed by the Ocean, which separates us from those nations who have made the highest advances in all the arts, and particularly those which minister to the operations of war, and with whom, from our intercourse and political relations, we are most liable to be drawn into collision. If this great medium of communication, the element at the same time of separation and union, interposes peculiar obstacles to the progress of hostile demonstrations, it also offers advantages which are not less obvious, and which, to be successfully resisted, require corresponding arrangements and exertions. These advantages depend on the economy and facility of transportation, on the celerity of movement, and on the power of an enemy to threaten the whole shore, spread out before him, and to select his point of attack at pleasure. A powerful hostile fleet upon the coast of the United States presents some of the features of war, where a heavy mass is brought to act against detachments, which may be cut up in detail, although their combined forces would exceed the assaulting force. Our points of exposure are so numerous and distant, that it would be impracticable to keep, at each of them, a force competent to resist the attack of an enemy, prepared by his naval ascendancy and his other arrangements, to make a sudden and vigorous inroad upon our shores. It becomes us, therefore, to inquire how the consequences of this state of things are to be best met and averted.

"The first and most obvious, and in every point of view the most proper method of defence, is an augmentation of our naval force to an extent proportioned to the resources and necessities of the nation. I do not mean the actual construction and equipment of vessels only. The number of those in service must depend on the state of the country at a given period. But I mean the collection of all such materials as may be preserved without injury, and a due encouragement of those branches of interest to the growth of a navy, and which may be properly nurtured by the Government; so that on the approach of danger, a fleet may put to sea, without delay, sufficiently powerful to meet any force which will probably be sent to our coast."

"OUR GREAT BATTLE UPON THE OCEAN IS YET TO BE FOUGHT, and we shall gain nothing by shutting our eyes to the nature of the struggle, or to the exertions we shall find it necessary to make. All our institutions are essentially pacific, and every citizen feels that his share of the common interest is affected by the derangement of business—by the enormous expense, and by the uncertain results of war. This feeling presses upon the community and the Government, and is a sure guarantee that we shall never be precipitated into a contest, nor embark in one, unless imperiously required by those considerations which leave no alternative between resistance and dishonor. Accordingly, all our history shows that we are more disposed to bear, while evils are to be borne, than to seek redress by appeals to arms. Still, however, a contest must come, and it behooves us, while we have the means and opportunity, to look forward to its attendant circumstances, and to prepare for the consequences.

"There is as little need of inquiry now into our moral as into our physical capacity to maintain a navy, and to meet upon equal terms the ships and seamen of other nations. Our extended commerce, created and created by those resources which are essential to the building and equipment of fleets, removes all doubt upon one point, and the history of our naval enterprise, from the moment when the colors were first hoisted upon the hastily prepared vessels at the commencement of our Revolutionary struggle, to the last contest in which any of our ships were engaged, is equally satisfactory upon the other. The achievements of our navy have stamped its character with the country and the world. The simple recital of its exploits is the highest eulogium which can be pronounced upon it."

Look at the recent message of the Governor of the State of Maine. He says:

"The correspondence which has recently been communicated to you by my predecessor, discloses another movement on the part of the British authorities, well calculated to arrest attention, and call forth indignant remonstrance on the part of Maine and the Union. If I am correctly informed, in a very short time after the conclusion of the agreement, by which it was in effect stipulated that the British authorities should not attempt to take military possession of what is termed by them 'the disputed territory,' during the existence of that arrangement; a detachment of her Majesty's troops was stationed at Tamiscouata lake, within that territory, and has been continued there ever since. And we are now informed that another detachment has been moved to, and stationed at, the Madawaska settlement, for the purpose of sustaining the jurisdiction and supporting the exercise of authority on the part of the British magistrates. This movement has been made by the Governor General of the

British Provinces, without any prior notification or correspondence, seeking information or explanation from the authorities of this State or the United States; and assuming, as the ground of action, the report of acts and threats of individuals, without inquiring whether those assumed facts, if in any part true, were in pursuance of orders, or justified by the Government of Maine. I cannot but view this proceeding, as my predecessor does, in his reply to Sir John Harvey, as 'a direct and palpable infringement of the subsisting arrangements,' and as taking military possession of that portion of the contested territory. And if the suggestion of Lieutenant Governor Harvey, who seems not to have been consulted in relation to this new act of jurisdiction, and who evidently regards it with regret, if not as an infringement of subsisting arrangements, is disregarded, and the British troops are permanently located at Madawaska, I shall feel it my duty to reiterate the request already made to the General Government, and to urge upon that Government the justice and expediency of taking military possession, on the part of the United States, of the territory in dispute. *The General Government owes it to Maine to move forward in this matter with promptness and energy, with a sincere, and even anxious, desire to preserve peace, but with an equally firm determination to maintain subsisting engagements on our part, and to insist upon a full performance from the other party.* But I will not permit myself to doubt, that prudent and wise councils will prevail, and that the promised termination of pending negotiations will not be retarded or prevented by hasty and unjustifiable movements, in relation to military occupation, during the progress of the surveys and negotiations, intended or a final determination of the long vexed question.

"I would again call attention to our defenceless seaboard and frontier. I need not enlarge upon the topic, for the naked facts are the strongest arguments on the subject. As guardians of Maine, it is your right and duty to set forth our situation and our claims upon the Government; that alone has the power to place us in a proper state of defence against foreign enemies, and I have no doubt you will discharge your duty."

Turn your eyes to the state of your defences on the great lakes and their borders. On these internal seas you have neither steam nor any other vessels of war, whilst Great Britain has both, and, by the Welland canal, can concentrate any number of sloops and small craft, so as to command any and all the lakes, and strike at any point she pleases.

Whilst we have but one or two national steam vessels of war, Great Britain can command one hundred, by the conversion of her steam packets into vessels of war; and, sir, but little is risked, when I assert it as very possible for six steamships of the first class to force their way into the harbor of New York, our great commercial metropolis, bombard and demolish it, or lay it under contribution, in less than forty-eight hours from the time of the attack. Look at the state of your defences on Staten Island. Why, sir, it will take five millions of dollars to fortify properly the city of New York; and yet we are called upon to give away five millions annually of the people's money, entrusted to us for these objects, and for their use, to the States, which have surrendered to us the power and duty of protecting them against foreign assaults.

The eloquent Senator [Mr. CLAY] has told us that this was the age of peace; that there was no danger of war; that war was beginning to be considered disgraceful. I quote his sentiments, not exactly his words. I am aware, sir, of the progress of Christian and Democratic principles over the world; and that they will ultimately rule, it is my serious belief. But ages and ages must roll on before that happy and blissful period will arrive. Come it will, in the fulness of time. But to prove that this happy period has not yet arrived, see the English nation throwing its mighty power upon the far distant shores of China, and carrying destruction and death along her borders, because she will not permit her people to be poisoned by English opium.

Have we no just cause of difficulties with her? Are they not accumulating from time to time, and from the shores of the Atlantic to the Pacific ocean? Are not the causes for war more grave and serious between us than between England and China? And what security have we that she will not be down upon us for some real or fancied wrong? Her con-

duct to China should serve us as a useful lesson, never to be forgotten; Can we, then, say that peace will be lasting? No one will say so. Can we, as American Senators, divert from great national objects the money confided to our care for the holy purpose of our defence?

England has now in Nova Scotia, New Brunswick, and the Canadas, thirty thousand black and white troops, and twenty or thirty thousand Indians, our natural and hereditary enemies, who require nothing but British organization on the Western frontier to make them desperately formidable, and yet we are told there is no danger. At a time like this, and under all the circumstances, I should not have expected such a proposition, or such lulling sounds of peace, from the Senator from Kentucky, [Mr. CLAY,] whose clarion voice, animating his fellow-citizens to battle in the cause of their beloved country during the last war still rings in my ears. He was then all alive to the honor and security of the land which had piled up honors so lavishly upon him; and he will descend to posterity with the recollections of the part he then took clustering around his memory; nor do I now wish to be understood as doubting his patriotism; it may slumber, but will never die. I may differ from the Senator on many important political points, but it is my earnest desire to be just.

The defences of our country lay close to my heart. Sir, the events preceding and during the late war made an indelible impression upon my mind. Who, that was animated by one spark of American feeling, did not witness, with indignation, the insults and the injuries heaped upon us by foreign nations, and in particular by Great Britain? Who does not, even now, feel the blush of shame mantling his cheeks, at the recollection of the facts that our vessels were stopped upon the high seas, and our fellow-citizens dragged in chains on board foreign ships of war, and frequently compelled to fight against their own countrymen? Who can remember, without shame and sorrow, the attack upon the Chesapeake, and the murder of Pierce, in our own waters, and even in the mouth of our harbor? Who cannot recall, in a moment, the burnings, murders, and scalplings, along our frontiers? But enough of this: they are not reverted to in a spirit of revenge, but the history of the past will be the history of the future, and coming events cast their shadows before them.

Yet, it is endeavored to be impressed upon us that this is an age of peace! There is no peace, sir, for this guilty, lost world of ours. Look at the conduct of England, even in the last few years—nay, months. There is scarcely a country on the globe in which she was not at work, with her death-dealing instruments, to accomplish the object she seemed to have in view—of UNIVERSAL DOMINATION. The sound of her cannon may even now be heard reverberating from the shores of the Mediterranean, from Upper India, and from China. It is impossible to deny that she is exerting her influence in our own country through many and various channels—through her literature, which finds its way to the extremest verge of the Republic, and for which I am thankful; but still it is an influence, and a most potent one, even if kept within legitimate bounds—through our language, religion, customs, manners, and laws—through the arts and sciences—but above all, through the medium of trade and navigation, by which we are almost sold to her. And,

sir, it is a melancholy fact to admit, but candor compels the admission, that never, to this moment, have we entirely cast off the swaddling clothes of infancy, or the tattered garments of early colonial dependence.

Mr. President, there can be but two honest political parties in this country. The fragments must be absorbed by the great bodies; and is it saying too much that when these parties are arrayed against each other, and battling fiercely for principle and power, with nearly equal numbers, that British interests and British influence may be thrown into the scales to cause one side to preponderate? And the party in this country which approximates in opinion nearest to her political system, which advocates with zeal her interests in opposition to the interests of powers foreign to us; that party which shall exert its power and influence to secure the payment of the vast sums we owe in England at the expense of crippling vitally the General Government, will have the sympathy and all the incidental aid which can be given without seeming to interfere too openly in our domestic affairs.

The British press and British money will be put in requisition here and abroad to aid this party, and the world must judge which of the two parties in this country was most likely to obtain that aid.

And, Mr. President, I hope this can be said without meaning or asserting that the great mass of the American people have been corrupted by foreign gold. No one has said so, no one has thought so. English emissaries have heretofore penetrated into the heart of the land, and will do so again, to foment disunion; and glided along our frontier, exciting the ferocious savage to rapine and slaughter; and the World's Convention lately met in London for purposes connected with our domestic relations. She is every where insinuated among us; and upon the ocean and upon the land, she now presents the most stupendous fabric of wisdom and power that the world ever saw. Our disputes with her are ripening; they must soon be matured, and when she is ready, she will present the alternative of acquiescence to her wishes, or of war to the knife! Are you prepared for this? No, sir. Then let us be up and doing, for now is the accepted time.

In the remarks made by me on the pre-emption bill, it was my earnest desire to confine myself to its provisions and to its objects. I view it as a measure that will at this moment increase our revenues, make the heart of the poor man glad, augment our national resources by opening the wilderness and the fountains of hidden treasures, and invite emigration from abroad. I desire to see my country great, prosperous, independent, and happy; the asylum of the exiled and oppressed of all nations. I wish to see it a burning and shining light to the world. And in every vote, and in every word uttered, I will endeavor to keep these objects in view.

REMARKS OF MR. DAVIS, OF PENNSYLVANIA.

In the House of Representatives, February 19, 1841—In Committee of the Whole, on the bill to extend for five years the law approved July 7, 1838, granting pensions to certain widows of officers and soldiers of the Revolution.

Mr. DAVIS addressed the committee as follows: Mr. CHAIRMAN: There seems to be some misunderstanding in the committee as to the effect of this bill now under consideration, or at least amongst some of the gentlemen who have

addressed the committee on the subject. It has been stated that this bill will increase the public expenditure; and the honorable chairman of the Committee of Ways and Means [Mr. JONES] informs us that it will require between two and a half and three millions of dollars for the five years. Admit this to be a fact, (said Mr. D.) of which I have no doubt, it is not an increase over your present expenditure to that amount. The bill only revives and extends the act of July 7, 1838, for the term of five years from the 4th of March next, when the present law expires. If a few pensioners or their widows should be placed on the list under the second section of this bill, it will not be equal to the diminution of the number of those now on the roll, embraced in the first section. Some gentlemen seem to be alarmed at the increase of the pension list. So far, however, from its increasing, it is decreasing daily, and agreeably to the course of nature, so far as Revolutionary officers and soldiers and their widows are concerned, it must soon cease altogether.

By referring to the returns of the Commissioner of Pensions, it will be seen that 1,505 deaths have been reported within the last year; 171 of them were widows who were pensioned under the act of July 7, 1838, now intended to be revived. It is believed that many more have died that have not been reported, because there was a balance remaining in the hands of the pension agent's undrawn on the 1st day of January last, of \$561,762 28, of which sum \$401,023 52 was appropriated for the payment of certain widows, embraced in the act which the first section of this bill intends to continue in force.

By referring to the several pension laws, it will be seen that, under the act of March 18, 1818, of 20,000 officers and soldiers placed on your pension list, only 7,947 are now remaining.

Under the act of June 7, 1832, the number allowed pensions was 31,868, of which only 23,207 now remain.

Of the 1,116 persons who were pensioned under the law of May 15, 1823, for the benefit of the officers and soldiers of the continental army who served during the war, only 605 are now on the rolls.

The number of widows who have received pensions under the act of July 4, 1836, is 3,468; and 2,760 of that number are still on the pension rolls, and supposed to be living.

The number of widows who have been pensioned under the act of July 7, 1838, is 5,912, and death has already reduced them to 5,586; and in a short time there will be no more of them left.

The whole number pensioned under the several acts of Congress, of officers, soldiers, and widows, is 62,374; of this number 40,105 are reported to be still on the pension roll, although it is believed that many of them are deceased, of whose deaths no notice has yet been given. From the statement it will be seen that there are about forty thousand names now on your pension roll, out of sixty two thousand; and therefore there is no cause of alarm by appending an increase of your pension list; and if it were double that number (said Mr. D.) I would still make ample provision for them.

The gentleman from North Carolina [Mr. STANLEY] has attempted to make this a party question, by calling on the friends of the coming Administration not to suffer themselves to be burdened with this additional expense.

[Here Mr. STANLEY rose and stated that he did not intend to make it a party question, nor did he wish his remarks to be so understood.]

Mr. DAVIS said, he had so understood the gentleman, but he would take his explanation as given. One thing he was pleased to say, that there was no party in the district that he had the honor to represent, opposed to this bill. If there ever was a law that met the universal approbation of all parties in that district, it is, said he, your laws granting pensions to the officers and soldiers of the Revolution, and to their widows, to keep them from want in their declining years.

Sir, said Mr. D. we owe to that class of our fellow-citizens a debt of gratitude that we shall never be able to pay. To the soldiers of the Revolution

we are indebted for the blessings of the Government. Yes, sir, for the right to assemble in this hall, to discuss their claims; and yet gentlemen talk about dollars and cents, when such claims as these are presented for their consideration.

There are a few widows yet remaining among us, whose husbands not only fought the battles of your country, but wasted their fortunes, and injured their health in doing so. And will you, said Mr. D. now withhold from them this small pittance to keep them from suffering, during the few days that they may yet remain amongst us? An attempt has been made, said he, to make this a sectional question. But by looking over the last returns of the Commissioner of Pensions, it will be seen, however, that they are to be found in every State and Territory of the Union.

Mr. Chairman, said Mr. D. I did not rise to make a speech, but to correct what seemed to me to be an error in the minds of some members in supposing that this bill would increase your pension list, and therefore increase the public burden.

SPEECH OF MR. COOPER,

OF GEORGIA.

In the House of Representatives, February 9, 1841—

In Committee of the Whole (in reply to Mr. Giddings of Ohio) on the Pension bill, and the amendment thereto appropriating \$100,000 for removal of the Indians from Florida.

After Mr. Giddings of Ohio had concluded his speech, Mr. COOPER of Georgia rose in reply, and said:

He felt himself called on by an imperious sense of duty to do what he least anticipated; and, although it had been his purpose to remain silent during the remainder of the session, he was not permitted quietly to sit and hear the people he represented—yes, his very neighbors—slandered and vilified, and the domestic institutions amidst which he had been born and educated, with which his constituents were identified, assailed and denounced as a moral pestilence, that polluted and contaminated all who were in contact with them. No, sir; I should be unfaithful to my trust, if I did not speak out, when sentiments like those of the gentleman from Ohio, and principles such as he advocated, were freely and plainly uttered in this hall, in the hearing of the American Congress—sentiments and principles unwise, imprudent, unsafe, alarming, and destructive of this Government—principles dictated by a false philanthropy, and unsupported by the laws and Constitution or by the reason and justice of the case.

During three long hours, sir, we had sat, hearing and seeing the inflictions which that gentleman attempted to put upon the State of Georgia. Respect for ourselves and for the station he holds, as a member of this House, has procured for him a patient hearing.

I have endeavored to mark with accuracy the sentiments he has uttered and the principles he has laid down; that I might clearly define his purposes, and expose the rule that governs him in refusing or granting supplies to defend his country, when invaded by a foreign or domestic foe.

I think I have not misunderstood him, nor have I erred in the estimate I have put on his purposes. The proposition before the committee is to appropriate \$100,000 to carry out an effort to terminate the Florida war—a conflict which you have been engaged in for five years with savages and refugee slaves—a war unlike any other which has heretofore existed—a foe ever in the field; never seen, but always felt—continually attacking, but never met—one with whom innocent mothers and their babes are as lawful victims as the man at arms.

To this proposition the member from Ohio says he will stand opposed. And upon what ground? The war, he says, was unjust because the people of Georgia and of Florida were the aggressors. He has endeavored to trace the causes of that war with a view to fix this charge on Georgia in particular. He thinks he has traced it to slavery. For he declares that the crime of *negro stealing*, committed by the Georgians, was the cause of the war. He arrives at this conclusion by assuming, that without slavery there could be no negro stealing.

After condemning the war and his Government for being engaged in it—after abusing, in a slanderous manner, the people I represent, for originating it, as he alleges—after pouring forth his invectives and denunciations against the peculiar domestic institutions of my State, he utters loud and bitter complaints that he and his constituents are *taxed* to pay for this war—raises a lamentation and a wailing in behalf of the *poor Indian*, whilst he stands with his tomahawk and rifle over the mangled and bleeding bodies of the defenceless white mother and her child, and declares he will give nothing to defend or protect his country.

This, sir, is the character, the sum and the substance of the philanthropy and benevolence of those who, like the gentleman from Ohio, have such a holy and pure religion in regard to slavery; so much good will for the Indian and the negro—mixed with “scorn and indignation” for the Southern white man. This affords us a measure of his patriotism.

I rejoice, sir, that we of the South have a different and more exalted patriotism—one which is neither measured by our purse, our love of Indians and negroes, nor our love of money. No, sir. Though you were at war for a petty strip of land on your Northeastern boundary, fit only for firewood, Southern products, Southern money, and Southern blood would be at your command. We should not stop to inquire whether your war was just or unjust. We should not attempt to reproach our Government and country for a war, that might have resulted from cutting or stealing wood, as England would say, on her own territory. We should make no such charge against any State. We should hold it to be our country's cause; and for her cause and her honor we would bleed and die. Not so with the gentleman from Ohio. He has no blood to shed, no battles to fight, no money to pay, no sympathy to exercise. Standing on the side of his country's foes, he condemns his country, feels only for the savage, and refuses to pay.

I will not go with the gentleman to inquire into the causes of the Florida war. Much as he is in error, I feel no obligations to put him right. He could not be obliged to me for it. I perceive he has a purpose and an object in view which would be wholly defeated if I should correct him. Let him be indulged in his error. To rectify this would only drive him to hunt up some other. My effort shall be confined to the attempt to expose and repel his false and slanderous charge against the people I represent; exhibiting, as I go, fairly and fully the object he has in view.

I will place a more statement of his principles and rules of conduct in review before this committee and the country. There are a number in this committee, whose views in regard to slavery are understood to accord with the gentleman from Ohio. I have thought I had seen a concerted movement amongst them here this session. I am not permitted to designate those gentlemen by name, but it is well understood, to whom I refer. When I shall repeat in their hearing the principles avowed by the gentleman on this floor, I call on them to say whether they *all* do not agree. And if I misrepresent him, I ask him or some friend of his to correct me.

Sir, the gentleman maintains, first:

“That slavery is a great political and moral evil, and ought to be abolished.”

Secondly: “That his constituents are insulted, that their money has been taken to pay for negroes, and are greatly excited on the subject.”

Thirdly: “That Congress has as much power to abolish slavery as to sustain it.”

Fourthly: “That Congress has no power to take the army to sustain it.”

These are some of the extraordinary and alarming doctrines proclaimed on this floor. I have not mistaken the gentleman. I wrote down his language at the time, and here it stands. Does he or any one for him disavow it? Not at all, sir; he was well understood.

I shall not discuss those portions; I am not here for such a purpose; I put them down as part of the history and signs of the times. There my duty ends.

These views are not peculiar to that gentleman;

I am well assured others here think with him. Else why this silence? Their silence indicates either their *agreement* or their apprehension at expressing a difference, lest their constituents should condemn them. Either fact demonstrates the minds of their constituency. That is the great point. Sir, these sentiments are freely disseminated all over the Union by several of the ablest conducted public journals in New York, Boston, Cincinnati, and elsewhere. They are fast pervading the whole country north of Mason and Dixon's line. This, too, I put down as a part of the history of the times. I should belie my own conscience, and be unfaithful to those I represent, if I should fail here to record it.

The gentleman from Ohio has made one discovery for which I give him credit, because it seems to conflict somewhat with his views and prejudices. It is this: he has at length ascertained that “*negro stealing*” is a crime. It is due to him to admit, however, that to constitute it a crime, he thinks it essential that the offense should be committed by a *white man, living in a slave region*. If committed by a citizen of Georgia amongst the Seminole Indians, it is a great crime, and a just cause of war on the part of the Seminole, for which he excuses and justifies the savage. If committed by the Indian in Georgia, it is excusable, for thereby the negro may escape his master. If committed by a citizen of New York or Maine in Georgia or Virginia, it is not only *not a crime*, but an act of great benevolence and philanthropy, worthy to be aided and abetted by the Legislatures of those two great States.

[Here the Chairman, Mr. CLIFFORD from Maine, called to order.]

Mr. COOPER said, sir, I do not intend to be out of order. I only adverted to these cases by way of illustration.

Mr. EVANS of Maine here rose, and said, he denied that any citizen of Maine had been guilty of *negro stealing*—on the contrary, he maintained that certain persons from Georgia had come to Maine and kidnapped a negro.]

Mr. COOPER said he was apprised that the gentleman from Maine, who thus interrupted him, held the same opinion with the gentleman from Ohio, on this subject of negro stealing; and, in so doing, gave great strength and weight to the gentleman from Ohio, [Mr. GIDDINGS,] by his talents and influence in the ranks of his political associates. He has united in the charge of negro stealing against the people of Georgia—or that which is in Georgia considered equivalent, to wit, kidnapping. And whilst he does this, he maintains also, that a citizen of Maine, going from Georgia, commits no crime in harboring, concealing, taking, and carrying away a slave. But that the master, in pursuit of such property, recovering it in the limits of the State of Maine, is guilty of kidnapping. In this, sir, he agrees with the gentleman from Ohio. So do other gentlemen on this floor; many more, sir, than this House has credit for in the State of Georgia. In this, too, they are both sustained by their political party in Maine, Ohio, New York, and elsewhere.

I stand not here to dispute the point with the gentleman from Maine; whether a citizen of Maine has stolen a negro from Georgia. I leave that issue to the court and jury of Chatham county, where, at least, exists *prima facie* evidence of guilt. Whether a citizen of Georgia has been guilty of kidnapping his own negro, pursued and recovered in Maine, where he had been taken and harbored, is still more foreign to my purpose to investigate. The charge is too slanderous and vile to merit a refutation from me; and but for the fact that it has been wantonly made on this floor by a leader of one of the parties in this House, I would not stoop to notice it. Sir, I have been recently deprived of the power to resent it as I should do, by the act of my constituents. The power of properly resenting such outrages on this floor has been confided to other hands. I confess, however, that, impotent as my arm has been rendered, it is moved by an involuntary effort to return the blow that is given. To my colleagues, sir, who hold here the powers of the scorpion and the spear, I leave the office and the credit of driving back the gentleman from Maine. In my feebleness, I shall probably have

enough to do to repel the attack of the picket guard, commanded by the gentleman from Ohio. I may sink under it when sustained and prosecuted by the distinguished gentleman from Massachusetts, [Mr. ADAMS.] I have thought for some time that he, with others, had a fixed, preconceived purpose to press their views and plans here. See the gentleman from Ohio, with his speech before him, written out letter and word beforehand, ready for any and all occasions. See the impulse now given to this committee. Remember the declarations and threats of the gentleman from Massachusetts, [Mr. ADAMS,] made during the present session. Sir, when gentlemen have wished to turn the force and effect of what the venerable member has said, they insinuated that he is deranged. If he is *deranged*, I feel curious to behold a sane man. If he is deranged, it is the derangement of a masterly intellect, tutored by long experience, fortified by vast knowledge, unimpaired by age, and stimulated by physical qualities peculiar to that gentleman. It is the derangement of a mind which evidently has a giant strength, and the quickness of lightning. He tells you this subject *shall and must* be discussed in this Hall. The evidences that he is right, are daily multiplying.

Mr. Chairman, whilst the crime of negro stealing is acknowledged by the member from Ohio, for the purpose of fixing the guilt of a savage warfare on the people of my State, and that of kidnapping is charged by him of Maine against a citizen of Georgia, who takes his own negro; no charge whatever, as they think, rests on a man of Ohio or Maine who shall entice or take away the property of my constituents, or of the people of Kentucky.

I know the fact, sir, that a negro belonging to a citizen of Georgia was enticed and carried away by certain people in Ohio, and that not for the benevolent purpose of freeing the slave, but for the very *virtuous* intent of pocketing the reward offered for her apprehension. For no sooner than a sufficient reward was offered, they caused her to be delivered safely over on the Kentucky side; for which act, all the parties concerned, including the agent of the owner of the slave, were presented by a grand jury for kidnapping.

[Here Mr. COOPER was called to order by the Chair.]

He said he had no purpose to discuss these topics, but believed it to be right and proper in reply to what had been said, to show how this subject was differently viewed under differing circumstances. I have (said Mr. C.) no notes of my own, save those taken of what the gentleman from Ohio said; and I am strictly pursuing his remarks.

[Mr. BLACK of Georgia appealed from the decision of the Chair. The committee overruled the decision, and Mr. COOPER was permitted to proceed.]

I have said, sir, all I designed to say of negro stealing in Ohio and in Maine. As I before remarked, I will not discuss any point involved in the subject. I shall be content to bring in review before this committee the views of gentlemen proclaimed here, in all their alarming import.

The member from Ohio, magnifies the evils of the Florida war, as he conceives them, and expressly charges that "*slavery was the cause of it*." [Here Mr. COOPER paused, looking Mr. GIDDINGS in the face; Mr. GIDDINGS remarked, "*the gentleman is right*."] I know I am right, sir. And the gentleman arrives at his conclusion in this way: the Georgians stole the Indian negroes; for which reason, the Indians fought. Without slavery, there would have been no negro stealing; therefore, slavery caused the war.

This, sir, reminds me of a certain mode of reasoning which I read about at school; by which, it may be proved, and with about as much propriety, in the conclusion, that a certain *animal*, going on two legs, having the stature and appearance of the gentleman from Ohio, is a *goose*.

Slavery had about as much to do with the Florida war, as had a certain breed of cattle in the lowlands, in causing that harassing border warfare kept up between the Highlanders and Lowlanders of Scotland. About as much to do as the taking of game and fish, or peltry, had in producing the war with Tecumseh and Black Hawk; or about as

much as the stealing of ponies had in producing the Indian wars in Ohio; or that which resulted in the battle of Tippecanoe.

If the gentlemen's reasoning be just, there ought never to have been any Indian war north of Mason and Dixon's Line, west of the Ohio. How stands the fact? It confutes and confounds the gentleman. No, sir, it is not true; and the effort to make it appear, on an occasion like the present, demonstrates his great anxiety to get up an "*Anti-Slavery Indignation meeting*" in this Hall. He and his associates expect the benefits of it; and, so far as mischief is threatened to my people, he and they shall bear the responsibility.

Whilst he knows it to be contrary to rule to discuss slavery here, he has formally and at great length dwelt on the evils of it, notwithstanding he has been called to order by three of my colleagues, [Messrs. BLACK, HABERSHAM, and WARREN.] The first evil alleged by him was a savage, unjust, and iniquitous war waged, as he says, against innocent unoffending *red men of the forest*.

The second, and, as he thinks, the greatest, is that his constituents have to pay for it; and not only so, but have been required to pay for negroes captured in it, thereby acquiring the relation of masters to those slaves.

Thirdly, slavery, he says, has prevented the Seminoles from emigrating.

To make good these serious complaints, he adduces the report of Gen. Wiley Thompson, aid of Gov. Duval; the orders of Gen. Jesup; the memorial of John Walker; and that of an Apilachicola chief. These documents may serve his purpose of getting up "*indignation*" meetings amongst his constituents. They are insufficient for any other. By one of them, he would also implicate two gentlemen of character personally known to me; the one residing in my own town, and the other residing in Irwinton, Alabama, and distinguished for his gallantry in the late Creek war. On such evidence, introduced at this time by the member from Ohio, for such purposes as he has in view, I would not feel it just to those gentlemen even to join issue. If they were here to hear the imputations, or if they were made elsewhere by the gentleman, [Mr. GIDDINGS,] I would not promise to save his person harmless. Sir, it is of a piece with the slander he so freely dealt out in regard to the people of Georgia.

Another evil of slavery he states is: "*That it produced that clause of the treaty of the Indian Springs, which required the Indians to pay for runaway negroes harbored and held by them, from 1802 to 1821, claimed by the people of Georgia.*"

This treaty, he says, caused the Florida war, and to prove it, reads from General Wiley Thompson's report as follows:

"The Creek claim to negroes now in possession of the Seminole Indians, which is supposed to be the first cause of hostility to emigration of the latter tribe, grows out of the treaty of 1821 between the United States and the former."

That treaty, it seems, was the foundation of the Indian title to the Georgia negroes, therefore that treaty caused the Florida war—and hence Georgians produced the war.

This, also, is another specimen of the gentleman's reasoning by syllogism. It measures again his sense of justice, because, from the fact that those Georgia claims were consequent upon the loss of that property, he would have refused to ratify it, or when ratified, would object to its execution, and in case of war, resulting from its provisions, (as he alleges,) he would justify the Indians, and refuse supplies to his Government to prosecute it. For he says that treaty required 250,000, part and parcel of the purchase money paid by this Government to extinguish the Indian title to the lands west of the Ocmulgee, to be applied to those Georgia claims. This is true. And it was so agreed by the Government and the Indians. The gentleman has no ground of complaint, and I presume will cease to complain when he reflects that such application of the money did not increase the burdens of his people one dollar.

But he says, "*the people of Georgia extorted this sum from the Indians.*" This position is taken by the gentleman, no doubt, on the ground that he denies the right of property in negroes. Otherwise, he must know that he asserts what is not true, but what is palpably false.

A balance of this sum—say \$149,000—being unexpended, he says Georgia memorialized Congress to have it paid to claims of a similar kind, and that Congress, by a report of Mr. Gilmer, was directed to apply it to the payment of negroes never born, but which would have been born if their parents had lived.

[Here Mr. GIDDINGS explained, and said he was misunderstood: he referred only to the increase.]

Mr. C. resumed. That may have been his meaning, Mr. Chairman, and I am willing to be corrected. That report of Mr. Gilmer is based on immutable principles of justice: it is able and unanswerable, and can only be withstood by those who, like the gentleman, think no man ought to be paid for a negro that is stolen from his master.

But it is monstrous, he says, that General Jesup should offer to give the Indian property to the captors—still worse, he thinks, that, when captured, the General should declare them to be the property of the United States. These are atrocities not to be atoned for, he would have you believe—not even surpassed by another great evil, to wit, a threat of the General to hang the runaway negroes, who were engaged in the war.

All this, sir, is intended, no doubt, for an "*indignation meeting*" amongst the gentleman's constituents, to excite them against slavery and Southern slaveholders; and for the same purpose he speaks of the bloodhounds. He, sir, knows very little of Indian fighting, and would no doubt much rather attend a dozen such meetings, at the hazard of destroying this Union, than go into one fight of the kind. A very little knowledge or experience would teach and instruct his tender conscience that the best move yet made there was that by Harney, when he hung the Indians, and left them hanging. And so far from attaching blame to Gen. Jesup for such orders, or the Government for sanctioning them, he would at once conclude that the most reasonable complaint would be that those who managed the war did not make it a war of extermination from the beginning. In the end that policy would have proved a saving of much human life, and millions of money.

But to get out of the difficulty, the Government caused the negroes to be sold to Gen. Watson. Here, sir, is a branch of the subject which is one reason that induced me to take the floor—Watson's claims to these negroes. I desire it may be well understood, and that it may not be prejudiced. It is true that he bought these negroes by and with the advice and consent of your Government. The contract was witnessed by its agent—the money paid in his presence. The sum paid was between fourteen and fifteen thousand dollars. It was done to aid the pacific policy of the Government in regard to the Indians, with a pledge at the time by your agents that the negroes should be delivered to Watson, they being there in possession of the officers of Government. It is true, also, that the order to deliver was issued by the Secretary of War, and equally true that an officer of the army, influenced probably by the *benign feelings* that the gentleman from Ohio claims, declined to obey it, by reason of which Watson failed to get possession of the property, and it was removed to Arkansas by your officers, in violation of the pledges of the Government officers, solemnly made to Watson, which pledges alone induced him to pay his money to aid you in carrying out your policy. You have had the benefits of his money. The Indians received it by your consent. Watson paid it at your instance. The negroes you have also, and can deliver if you will. You ought to do it without delay, or promptly pay Watson the damages. Sir, if your Government could be sued, Watson would recover in an action at law the negroes with their increase and hire. Your exemption from suit increases the obligation to pay.

But the gentleman has such a refined sense of right and wrong, that he commands your officer as noble and patriotic, in refusing to deliver the property to Watson, whilst he justifies the Government for violating its faith. This seems consonant with his code of morals. He never can be an object of envy amongst men of strictly honest purposes.

He expresses for his constituents the utmost "ab-

horrence and scorn for the buying and selling of negroes."

And who are his constituents? Who is the gentleman? He is the same who makes it his boast, that his district at the late election gave to General Harrison a larger majority than any district in the Union.

After what has occurred, it is unbecoming in this gentleman and his constituents to make this assault on Georgia and her institutions—ungrateful in the extreme, and particularly *unkind* to my colleagues, who co-operated with him in the late election. What has Georgia done? Has she not united with the gentleman's constituents from Ohio, those of the member from Massachusetts, from Maine, from Vermont, New York, and elsewhere, to elevate this distinguished chieftain? to place their party in power? In doing this, have they not discredited him who now addresses you, with two other of her sons who have faithfully and zealously endeavored to defend her against her adversaries on this floor? Have they not put these three aside, to make room for three others, whose views in that contest more nearly accorded with those of the gentleman?

[Mr. NISBET here spoke from his seat, and said, "No; not so."]

My colleague says no. I say yes, it is so, and will repeat it, that he may not misunderstand. *Have not the people of Georgia put aside three of her sons, to make room here for three others, whose views in that contest more nearly accorded with those of the gentleman?* She has in this—he is for Harrison, and so are they, whilst we are against him. And what is his return? Scoffing, reviling, abuse, and slander. He is lost to all sense of propriety, lost to every sense of justice towards those who aided him in the "great reform," unmindful of the relation her representatives bear to him and his party. Disregarding the obligations of gratitude, he drives his Abolition forces headlong upon them.

I call my colleagues here to bear witness to his conduct. Did I not feebly endeavor to warn my constituents of what is now before us? Did I not name this very man from Ohio, as one that would turn upon them? I did, sir; but I did not expect so soon to see the prediction realized. I did not expect so soon to hear such sentiments avowed in this hall—that he would travel out of his way to publish them; that it should be done on the very eve of General Harrison's advent to this city, before he is duly installed; and that I should be defending my constituents against attack, while the thunder of joyous artillery, bursting forth at the great hero's approach, deafens my ears, and reverberates from these walls, is more than I looked for. I have thought that regard for my colleagues and what they have said, an unwillingness to betray the miserable humbug by which Georgia had been led into a false position, opposed to her own policy, would have induced the gentleman to refrain.

[Hon. Mr. NISBET rose and asked if his colleague meant to intimate that the State of Georgia, in the late election, had been carried by humbug?] No, sir, said Mr. C. I made no such intimations. I spoke plainly concerning the Presidential election. I said what I now repeat, and what impartial history will record. It was carried by the veriest humbug. My colleague surely knows what I mean by humbug. If not I will tell him. I mean not fair arguments addressed to the reason and judgment of men, to settle and decide issues fairly made; but I mean time-serving expedients, resorted to to evade the true issues, and addressed to the *passions and prejudices* of men, to stimulate them to act by these impulses. I need not particularize. But if my colleague wishes to be informed, I commend him to men of all parties, who, since all is over, have taken a sober second thought. [Mr. WADSWORTH of South Carolina, here interposed, and said he regretted to see this revival of a family quarrel, on a question where all Southern gentlemen ought to stand together; and protested against the practice of charging the Whig party with holding sentiments peculiar to the gentleman from Ohio, who was the obscurest of all the obscure members of that party.] Mr. COOPER proceeded.

Mr. Chairman, I have had no purpose to revive a family quarrel or to provoke it. I have

found it so far pertinent to advert to what occurred, that I may make the gentleman from Ohio feel the unworthiness of his conduct. If by so doing my colleague is made to feel, I regret it, but cannot be responsible for it. I disclaim having charged the Whig party, as a party, by word, thought or deed, with holding the opinions of the gentleman from Ohio, and for what purpose this is imputed to me I know not. I merely said that several prominent members of that party here, (besides that member) representing a great number at home, are of his opinion. I so charged, and it has not been disavowed by any but the gentleman from South Carolina, [Mr. WADSWORTH THOMPSON] from whom the disavowal ought not to come. Let those who are known to think with the gentleman from Ohio disavow for themselves.

I further charged, what appeared to me to be evident, a *fixed purpose on their part*, by an organized effort, to urge their opinions on this House; and that was not disavowed.

Sir, I desire to cherish the kindest relations with my colleagues. I have no motive, object, or interest, that could induce me to do otherwise. My political career is drawing to a close. I never expect, never wish, to return here. My colleague knows that my purpose was to have resigned, even if elected. And though the people who sent me here, have not afforded me an opportunity faithfully to represent their best interests, with a chance to show such disinterestedness, I still assert it, because it was recorded at a time when all thought I should be returned. And rather than have my colleagues here think I am aiming a single blow at them, I will suppress all report of my remarks. No, sir; I only design in frankness and candor to point a faithful finger to events as they are turning up during the short period I have to remain.

Mr. Chairman, I have nearly said what I rose to say, and, but for the interruptions, should not have said many things which have been drawn from me. The people of Georgia, I trust, will have sagacity enough to discover their true policy, and firmness enough to adhere to it. But whether, as recently has occurred, I shall agree to disagree with them, I still maintain that whatever, as a people, they may think their interest and happiness require, will be right for them to do. Theirs will be the loss or the gain, and from that judgment I shall never appeal.

But there is one thought I will here present, dictated, as I trust, by an unconquerable attachment for the land that gave me birth. It is this: Whenever her adversaries here, (and by such I mean those whose antagonist interests drive them to a policy injurious to her,) shall desire to carry out any of their great vital measures, interesting to them, but strongly objected to by her, they have but to arm themselves with the leverage of a bank charter, with which to ensnare her people; you will then first establish the decoy, then spread the snare; and after a generous, a patriotic, and confiding people shall have entered into it, draw the cords upon them. Finding them no longer free to act, but closely engaged in extricating themselves from the meshes of your net, you will, with impunity, drive down your stakes all around them. But only let them burst their bonds asunder, and your day of retribution will be at hand.

Sir, I shall oppose this appropriation, but for very contrary reasons from those I have been replying to. I think that to pay money to those Indians to induce them to quit fighting, will be to purchase an Indian war whenever they want money. Such, in effect, is the proposition offered by the gentleman from South Carolina.

And now there remains but one idea more. This, sir, is an important crisis for the peculiar interests of the people of the South. What is transpiring here—in the canvassing—in the State Legislatures—in societies and churches, and conventions, both in this Union, on the ocean, and in Europe, admonishes us to take heed? Now is the time; not to-morrow, next week, nor next year; but *this is the time*, when the happiness and interests of the South demand that they should wisely, gravely, and prayerfully consider what they will do—whether they will demand that this subject be arrested here, or whether they will adopt at

home a domestic policy, which will be adapted to coming events. This much I feel bound to say; whilst I feel satisfied, for myself, to leave the subject in the hands of my constituents—of those to whom the State of Georgia has confided it.

REMARKS OF MR. WELLER, OF OHIO.

In the House of Representatives, February 26, 1841.—On the Naval Appropriation bill.

Mr. WELLER said he had not obtained the floor for the purpose of discussing the various subjects introduced into the debate. He was desirous of correcting some errors into which gentlemen in the Opposition have fallen, and to make an appeal to his friends on all sides to terminate the debate. We have now only four days left for the transaction of the public business, and unless this desultory debate is speedily closed, we must of necessity adjourn without any action being had upon many of the most important bills. These *after-dinner* speeches are usually spun out to an interminable length, covering the whole field of general politics, and, however interesting they may be to the galleries, are of very little use in enabling us to comprehend the subject upon which we are required to vote. The committee charged with the subject, have reported a bill appropriating the sum of \$1,425,000 as necessary for the naval service during the present year. The gentleman from Massachusetts [Mr. SALTONSTALL] proposes to increase that appropriation to \$2,400,000. This question is now fully understood by every man on this floor, and no doubt each member has made up his judgment as to the manner in which he will vote. Why, then, consume the important time of the House in useless debate? No one here has attacked the navy, and yet we have been compelled to sit for hours, and listen to bombastic eulogies upon our naval heroes, the importance of keeping up the navy, and the probability of a war with Great Britain. Gentlemen have displayed as much zeal and eloquence as though we were about to make an appeal to the God of battle. There are times (said Mr. W.) when I could perhaps listen patiently to this windy declamation, but now, at the close of the session, when our table is loaded down with important business, I confess I have no taste for such speeches.

We are all, said Mr. W. the friends of the navy. We all regard it as the right arm of our national defence—the arm upon which we must mainly rely if at any time we should unfortunately be involved in a war with a foreign country; and we are willing to do every thing in our power to preserve and maintain the dignity and importance of that navy. We would have it sufficiently strong and powerful to preserve untarnished the honor and integrity of the Republic. We are in favor of its gradual advancement, but we do not believe that it is expedient in a time of profound peace, to involve the Government in debt for the purpose of increasing it. Before we make large and liberal appropriations of the public money, we should look at our resources, examine the condition of the Treasury and see whether we have the means to accomplish the object. My colleague, said he, over the way, [Mr. MASON] has told us that the Treasury is bankrupt—that we have no money at all to carry on the Government, and very little credit; and yet, sir, we find him and others, who have expressed similar opinions, zealously advocating the amendment to increase the appropriation in this bill five hundred and seventy-five thousand dollars over the estimates of the Secretary of the Navy and of the Committee of Ways and Means! You have told us, said he, that the Government was already deeply involved in debt; and, instead of devising some plan to relieve it from its embarrassments, you propose to plunge it still farther in debt! Is this the course that prudent men would pursue in the management of their own affairs? If your navy requires an increase, next year, when you come to revise your tariff laws, let them be revised with an eye to such increase; but let us now, when our resources are exhausted, confine the appropriations to what the Secretary has deemed necessary. Our vessels are

now found upon every sea, and the stars and the stripes have sufficient power to protect our commerce, wherever it may be found. It certainly is not the policy of this Government to keep up a large and splendid navy in a time of peace.

But, said Mr. W. my colleague [Mr. Mason] has told the committee that our navy was in a "ruinous and dilapidated condition;" that the present and preceding Administrations had most shamefully neglected it. Sir, said Mr. W. my colleague is mistaken; he ought to have examined into the facts before he made this sweeping declaration. I have evidence before me which I trust will satisfy every my colleague that his assertions are unfounded in truth. In 1829, when General Jackson came into power, our naval force in commission consisted of—

One ship of the line	-	-	74 guns.
Three frigates, first class	-	-	44 guns.
Nine sloops, second class	-	-	18 guns.

The whole number of men in active service at this period was 3,875. Now, let us see how it stands in 1841, and then we can readily determine with how much truth the charge has been made against the present and preceding Administrations, of neglecting this important branch of the public service, and suffering it to fall into "ruin and dilapidation." The whole naval force in commission at this time is as follows:

One ship of the line,	74 guns.
Three frigates, first class,	44 "
Two frigates, second class,	36 "
Eight sloops, first class,	20 "
Five sloops of the third class,	16 "
Three brigs,	10 "
Six schooners.	

The whole number of men in actual service in 1841, is set down at 6,000, or nearly double the number employed in 1829. In addition to this, the marine corps was, in 1834, increased from 750 to 1,000. Liberal appropriations have been made every year to the improvement of navy yards, the construction of dry docks, wharves, ship houses, the purchase of ordnance, naval stores, &c. &c. Besides all this, the report of the Secretary shows that arrangements have been made, which will enable the Government, at a very short notice, should the situation of the country demand it, to put in commission—

15 Ships of the line.
18 Frigates.
15 Sloops of war.
9 Steamers.
9 Brigs and Schooners.

The materials for these vessels are being prepared, and whenever a war is apprehended, they can, in a very short time, be put upon the ocean. In a few months a naval force could be set in motion, amply sufficient to defend the American flag, wherever it may be assailed. In the face of the facts which have been given, gentlemen of the other party ask too much, when they require us to believe that the navy is in a "ruinous and dilapidated condition." No, sir, the charge is untrue. The navy has not been neglected, but, on the contrary, has been gradually increasing; and gentlemen will see, if we are involved in a war, another exhibition of that daring intrepidity and unflinching courage, which characterized the American tars in 1812. Your navy has yet many a gallant hero, who would willingly throw himself in as a shield between his country and dishonor. The "ruin and dilapidation" about which we heard so much on yesterday, will be found to exist no where, but in the heated imaginations of vindictive partisans.

I will not (said Mr. W.) undertake to ascribe motives to gentlemen of the Whig party, for the course they are now pursuing; but this much I say, that their constant efforts to extend the appropriations beyond the estimates show conclusively that they have abandoned all their notions about economy, and that so far from reducing the expenditures of the Government, (as they promised before the election,) they intend to increase them. Prior to the late Presidential election, you harangued the people about the expenses of the Government, and no doubt, induced many honest men, who did not understand your propensity, to believe that the present Administration had

squandered the public money. Now, it is said we have been "parsimonious" and "mean;" that we have neglected the navy and suffered it to fall into a "dilapidated condition." These charges are now made for the purpose of justifying you, if possible, in the large appropriations you intend to make. You say you do not ask a tariff for protection, but you will take care to extend the appropriations to an amount sufficient to make it necessary to keep up a high tariff in order to defray the expenses of the Government. When a large national debt is saddled upon the people, or when they are oppressed and crushed to the earth by an onerous tariff, the impolicy of the course you are now pursuing will be made manifest—then your constituents will ask whether this is the reform you promised them before they entrusted you with power. When you shall have increased the expenditures to forty millions the friends of economy will find how much they have made by placing your party at the head of the Government. Two years will be amply sufficient to expose your shallow trickery. But (said Mr. W.) I do not wish to say any thing to provoke farther discussion. My only object in rising was to correct the gross errors of some of the gentlemen who preceded me in relation to the present condition of the navy, and to invoke all parties to suffer the debate to close, and the vote to be taken. The party discussions which interfere so much with the business of this House, ought to be dropped for the remainder of the session. In other words, let us quit talking, and spend the balance of our time in voting.

SPEECH OF MR. THOMPSON,

OF MISSISSIPPI,

In the House of Representatives, January 23, 1841—
On the Treasury Note bill.

Mr. THOMPSON rose and said:

Mr. CHAIRMAN: I have contented myself, heretofore, with giving a silent vote, for the most part, on all the questions which have been brought up for the consideration of this House; nor would I, on the present occasion, deviate from that line of conduct, but that questions were involved in this discussion deeply affecting the interests and welfare of my constituents. I know well the party organization of this House—the blindness, deafness, and stubbornness it engenders; I know the impotence of argument and the futility of reason and principle here; but my constituents do not; and they expect me, frankly and openly, to meet these various questions and maintain their interests. I yield not with the view of exhibiting my poor powers, nor with the hope of winning pro-clytes to my views here; but that they may know, what course duty required me to take on these questions.

The authorizing the issue of five millions of Treasury notes has now become a subject, comparatively, of minor importance. Other great and absorbing questions are now before the committee. Among these, are the present financial condition of the country—its future wants and its future income—involving the distribution and the tariff questions; and, also, the fidelity with which this Administration has carried out the great objects of the Constitution. In my opinion, sir, the debate now progressing in this House is not very unlike that which is taking place at the other end of the Capitol, on a very dissimilar question, in which are involved every great leading principle which has divided the politicians of this country for the last quarter of a century.

The bill before the committee (said Mr. T.) meets my approbation, and shall receive my support, and I shall oppose all the substitutes which have been yet submitted.

The Chairman of the Committee of Ways and Means [Mr. JONES] stated that the revenue of the Government was received very irregularly; that, owing to the credit allowed on customs during the first quarter of the year, the receipts of the Government were usually the smallest, and, during the same time, its disbursements were the largest. This fact rendered it necessary, when the annual income of the Government was about equal to its

annual expenditure, as was now the case, to make some provision to enable the Secretary of the Treasury, on an emergency, when the current revenue was not sufficient to meet the demands against the Government, to raise money to save the honor and credit of the United States. That this is the case during the first quarter of this year, is a fact admitted on all sides. The Secretary of the Treasury has repeatedly asked for a permanent law, to give full and free action to his department; but this has not been granted, and hence the necessity of this bill as a temporary law. But the gentleman from New York [Mr. BARNARD] proposes a plan to obviate this difficulty, to which I dissent altogether; and that is, to keep five millions of dollars always in the Treasury, and that the honor of the Government is not safe without it. Sir, I would be willing (said Mr. T.) if it were at all practicable, that the Treasurer of the United States, at the close of each day, should strike a balance between the debits and credits upon his books. I prefer for him to strain a point to make the ends meet, rather than to luxuriate in plenty, and never apprehend want. I feel unwilling for any set of public officers to hold the money of this Government when there is no probability that, at any early day, it will be demanded. That feeling alone will constitute their strongest temptation to mismanagement and corruption.

The necessity of raising money to meet the exigencies of this quarter being admitted, what is the proper mode of affording relief? By a loan, or in the manner proposed?

All who have addressed the committee on either side admit the power of Congress, under the Constitution, to authorize the issue of bonds, scrip, or promissory notes, as a means of raising money, except the honorable gentleman from South Carolina, [Mr. THOMPSON.] And he, with a singular air of triumph, asserts that his argument as to the constitutionality of Treasury notes, delivered during a preceding Congress, has never been successfully answered.

Sir, (said Mr. T.) it is not my object to answer the argument of the gentleman; but it is my intention to examine this question to a sufficient extent to satisfy my own mind. The Constitution being the power of attorney under which we act, and a strict and uniform adherence to its provisions being our only ark of safety, every argument which takes its rise from that sacred instrument commands my respect. And when that hour shall arrive that consigns to neglect and contempt constitutional arguments, then, indeed, are the days of the Republic numbered.

No provision in the Constitution is more explicit than the power to borrow money; yet, to exercise this grant when the income of the Government was amply sufficient to meet its demands, would be a gross and palpable infraction of the genius and spirit of that instrument. It is the time, the occasion, the emergency, that throws around the act the mantle of truth, and honor, and justice, and propriety. Now, there is an immediate, but temporary, want of money; and to raise that money, we must issue some evidence of indebtedness. We may either issue bonds or scrip, with interest, payable annually, semi-annually, or quarterly, reimbursable at the end of a term of years, or at will; or we may issue our promissory notes, bearing interest to a certain day, and no longer. We may make them both receivable in payment of public dues, and, being once received or redeemed, they both die *ipso facto*. The only difference consists in the different channels in which they will move, after leaving the hands of the Treasurer. In the one case, bonds are issued—they become stock; the capitalist, broker, and stock-jobber rush to obtain them. No sooner are they possessed, than they become the basis of exchange, and soon find their way abroad; and, as the holders will prefer that their bonds should not be paid, no desire will be felt, and no effort will be made, by Congress to make an early provision for their redemption, and thus a permanent debt will grow up insensibly. Whereas, in the case of Treasury notes, they are issued in small sums; they bear interest only for a certain time; they are unsuited to permanent investment; and here a little and there

a little will be taken. And if they should collaterally be used as a remittance from State to State, or as a means of discharging debts between citizen and citizen, this is not a less acceptable service to me, than to be used as a remittance between capitalists at home and abroad. But they are continually knocking at your door for redemption, and create, of necessity, only a temporary indebtedness.

But, it is said, they are "bills of credit." Well, sir, what is a bill of credit? In the case of *Craig vs. the State of Missouri*, which has ever been considered as deciding leading points on this subject, Chief Justice Marshall defines a bill of credit to be "a paper issued by the sovereign authority, and intended to circulate as money." This intention is to be gathered from the face of the act and the phraseology of the bill. The act under discussion, the debate, the cancelling of these notes, and not issuing them when returned, all show the intent to be to raise money, and not to form a circulating medium. Thus, all the argument based upon their being bills of credit falls to the ground. But, even if you consider them bills of credit, it appears, by a note in vol. 3 of Madison's Papers, that the power to issue bills of credit was stricken out of the Constitution, because it was thought useless, as conferring no new power. By remaining in, it might lead to an improper use of them, and serve "as a pretext for a paper currency."

The question of constitutionality and necessity being conceded, the only additional inquiry remains: Is the sum of five millions sufficient?

It is perfectly apparent, from the remarks of the gentlemen who have preceded me on the opposite side of this question, that an extra session of Congress has been determined upon in their party councils, and it is necessary to keep this fact steadily in view, to understand their remarks, and to appreciate aright their singular views and differing calculations. Truth, sir, said Mr. T. is the basis of all excellence; and the unbiassed mind will follow on in whatsoever paths may direct its footsteps. But here a certain conclusion is assumed, a certain purpose must be carried into execution, and, of course, there must be a due adaptation of the reasoning. The lawyer assumes that the cause of his client is just, and directs the energies of his mind to the elucidation of the grounds of its propriety and justice. Every fact that interposes and militates against his purpose is either rejected, or so colored as to destroy its force upon the minds of others. This is the great source of sophistry and false reasoning.

It is in this way alone, we can account for the amazing difference in sentiment, opinion, and principle among mankind. Our feelings, our desires, our interests, control our reasonings and our judgments. Sir, said Mr. T. to my mind my friend from South Carolina (Mr. RUTHERFORD) has demonstrated, with great force and clearness, that neither a new tariff nor a loan is called for by the exigencies of the Government; and that the sum specified in the bill would afford ample relief to the Treasury of the nation. And, from the examination which I have given these subjects, aided by the suggestions of the best informed minds as to the necessary expenditure of the current year, I am free to admit, that, had the Administration been successful before the people, 3,000,000 would have been the ultimatum to which I would have gone in the present instance. But, in providing ways and means for an opposing party, I shall adopt such a course as to cut off all just ground of complaint; and, for all mal-administration, I shall hold them responsible.

I have been not a little amused at the mathematical talent which has been exhibited in this debate. The gentleman from New York [Mr. BARNARD] leads off with the most extensive and varied calculations, showing not only what will be expended, but what ought to be expended, in the year '41; and at length concludes, that the probable deficit in the Treasury, at the termination of the year, will be seven and a half millions. He is followed by the gentleman from Maine [Mr. EVANS] whose learning and ability are acknowledged on all sides of this House. He differs very widely in his estimates. He joins no issue with the Secretary of the Treasury, as to the probable amount of receipts for the current year; but prefers rather to admit their correctness, and, if the appropriations should not

exceed the estimates, or even the expenditures of the last year, the means in the Treasury, with the proposed relief, will be sufficient to meet the current demands. But he objects to what he calls the miserable parsimony of the Secretary; and, in a bold, manly manner, he admits that it has ever been his rule of conduct to vote for the largest appropriations on every subject, for he viewed that as the best policy. Then came the gentlemen from Tennessee [Mr. BELL] who developed a wonderful talent for figures. In early life he must have outstripped all others in this branch of study. He considers them all wrong. He enters into the calculation, and soon the answer is presented: The deficit at the end of the current year must be, he asserts, ten or twelve millions; but more probably fifteen millions.

Sir (said Mr. T.) I have been amused at these calculations; for, however much they differ in the rationale, yet all agree in the result—an extra session of Congress will be necessary. It is not required of me, at this stage of the debate, to make out an estimate for myself. I am neither prepared or willing to do so. Now, sir, the gentleman from Tennessee [Mr. BELL] has commanded my respect and regard since I have been honored with his acquaintance; but, in this instance, the motive, the guiding principle, the *quo animo*, was too apparent not to be perceptible to the most negligent observer. Men's desires, in a great degree, control their reasoning; and the gentleman himself has furnished me with an apt illustration of the principle. In the spring of 1837, just before Mr. Van Buren was inaugurated, when the fortification bill was before this House, that gentleman proposed an amendment, which provided that the balance in the Treasury at the end of that year should be deposited with the States, in accordance with the provisions of the act of 1836, usually called the deposit act. In his speech on that occasion, he is reported in the Register of Debates to have said: "All must admit, not only that there will be a surplus, but that it will be a very large one; and the question is now presented, and must be decided by the vote which we are about to take, whether the fifteen or twenty millions in the Treasury, over and above the demands of the public service, will be more secure when deposited with and distributed among the several States of the Union, or in the State banks." Now, sir, (said Mr. T.) it is a matter of history, that, at the end of that year, not only was there no surplus, but, during the year, the President of the United States was under the painful necessity of calling together the members of Congress, at great expense and trouble, to devise the necessary ways and means to meet the ordinary expenses of the Government. Then, however, the gentleman's calculation was, that there would be a surplus of 15 or 20,000,000 in the Treasury; now his calculation is, that there will be a deficit of 10 to 15,000,000. Then his desire was to make out the largest possible surplus; now his desire is to make out the largest possible deficit. Then he came with 15 or 20 millions of the truth; now, I suppose, he will come within 10 or 15 millions of the truth: which will show a considerable improvement on his part in the sciences of figures.

It is in vain (said Mr. T.) to try longer to destroy the confidence of this House in the integrity and fair dealing of the Secretary of the Treasury. The more his statements are attacked, the more impregnable they appear. Discussion and investigation, as they shed light upon these subjects, demonstrate the more clearly the justness and propriety of his estimates. This circumstance, alone, has great weight in my mind. Last year was an extraordinary commercial year. It was evident that the country was poorly supplied with goods, and reasonable expectations were formed that the imports for the year would be large; but the singular and uncommon fact occurred, that the exports exceeded the imports more than 26½ millions. Yet the estimates of the Secretary of the Treasury came within about two millions of the amount actually realized.

Sir, (said Mr. T.) these calculations must all prove uncertain. To man is not given the power of foreseeing events. He cannot tell what a day, or an hour, may bring forth. At seed time, the

farmer cannot decide upon the extent of his harvest. Nor in the blossom can we determine the abundance of the fruit. Nor can the financier foretell, with certainty, the per annum receipts from impost duties. They are uncertain, and must be so from their very nature; they depend upon the wind and the wave, the caprices of society, the mutations of trade, the fluctuations of commerce, and the intercourse of nations. But the Secretary bases his estimates, I learn, from information derived from the revenue officers scattered all over the face of this continent, and, therefore, is more entitled to credit for his conclusions than a member on this floor, who has not the facts on which his judgment may act; and, therefore, gentlemen must not consider me as calling in question their mathematical talent by adhering to the estimates made by the Secretary of the Treasury. Then the account will stand thus:

The receipts from every source of public revenue will make the whole means for the year 1841,
\$24,723,473

The whole expenditure, including the funded debt for the cities of this District, and the redemption of outstanding Treasury notes, for the year 1841, will be - - - 23,899,200

Balance in the Treasury, at the end of 1841, after all payments whatever are made - - - \$824,273

This is the estimate of the Secretary of the Treasury; I attach more faith and credit to it than any other calculation I have seen. But can gentlemen of the opposing party have the least possible pretext for complaint, when we propose by this bill to give them the power to raise five additional millions. Justice forbids a murmur, and fairness and candor could ask no more at the hands of unbounded liberality.

The gentleman from New York [Mr. BARNARD] enters into a formal and serious complaint against this Administration for endeavoring to cut down the expenditures. He asserts your public works are suspended; your fortifications are neglected; your harbors, and roads and canals, which have been auspiciously commenced, are now going to ruin for the want of appropriations of public money; and, to my surprise, he was followed by the gentleman from Tennessee [Mr. BELL] in the same vein. He accuses the Democratic party of being guided by a spirit of mean "parsimony." Sir, (said Mr. T.) are we in the same House? Is this the same body that met here in council twelve months ago? Is the present or the past all a dream? The profligacy, extravagance, and wastefulness of this Administration, are still ringing in my ears: these walls have scarcely ceased to reverberate the sound. But now, how changed! It is now guilty of a mean "parsimony." Three months ago, the cry of prodigal expenditure was echoed from one end of the nation to the other. It was the charge, above all others, relied upon to prostrate the present Executive before the people. But being defeated, even before he lays down his brief authority, the same lips turn upon him, and accuse him of a mean "parsimony." I will not say, consistency, thou art a jewel! But I will say, oh, shame! where is thy blush? Will the American people endorse all this? No, sir; they will not—they cannot. When they find they have been deceived, they will spurn those arts by which it has been effected.

Sir, before my constituents (said Mr. T.) I admitted that the expenditures of the Government were too large, and accounted for them on the ground that too much money had been collected from the people; for if Congress found the money in the Treasury, they would assuredly spend it—they would not leave it in the hands of the officers of the Government. And however strong their principles of economy might be, and however much the Executive might inculcate the doctrine of a cheap Government, yet the members of Congress would not withstand the seductions of an overflowing Treasury, and the true way to treat the Government was to adopt the practice of the provident parent towards the profligate youth at college—to cut off the supplies. Now, sir, the supplies have been cut down, in pursuance of the

revenue laws which were enacted long before this Administration came into power. For the last four years, the taxes upon the people have been rendered lighter and lighter; your revenue has been gradually diminishing, and they are still in the process of further diminution. These circumstances required retrenchment. At this time, no surplus money is found in your Treasury! Shall we blame the Secretary? Surely not; justice and candor forbid it. On the contrary, he deserves the highest compliment, the gratitude of every patriot, in devising the means of curtailing the expenditures to keep pace with the diminution of the revenue of the Government, without permitting any great interest materially to suffer.

But, sir, there is another word which has been rung through all the changes. The cry was first raised within these walls; the winds caught up the sound, and bore it along over every hill and every valley, over every city, village, and neighborhood, throughout this vast Republic. Upon every party pennant which was flung to the breeze, was written, in bold and conspicuous letters, this word of magic power. It was repeated by day and by night, in the bustling crowd and in the social circle—"reform! reform!" And, sir, what was the meaning of all this? Among my constituents, it assuredly meant the spending of less money. The people, it was asserted, had been unnecessarily taxed, to pamper and feed the office holder; the President was represented as living in princely pomp and splendor; and change was demanded. Well, sir, that change has been granted by the people. What now is the meaning of the word "reform?" The honorable gentlemen who have preceded me, are leading and conspicuous members of the triumphant party, and they have given us their definition. Now they call this Administration "niggardly," straining every nerve to avoid expense; and that your public works are rapidly going to decay. Now reform means a liberal expenditure of the public money, the building up of forts, the cleaning out of harbors, the constructing of roads and canals. If this be its meaning, then have the people indeed been deceived. These things, for the most part, are rejected and forbidden by the well known opinions of my constituents, by the Constitution itself, and by my own convictions of expediency.

The gentleman from New York [Mr. BARNARD] complains of the Democratic party for their refusal to act upon private claims; thus enlarging the necessary expenses of the current year. This charge is gratuitous and unjust. I have seen no party action since I have been a member of this House, on private claims. I speak for myself, when I say that few have been more punctual than myself in attending to this branch of our legislative duties. Some few of my constituents are interested, and I have felt eager and anxious to reach and act upon their cases. But the inference that the Democratic party were opposed to every private claim, would impel us to the conclusion that the Whig party favored and advocated every private claim. And, take either horn of the dilemma, and the whole would seem to be ridiculous.

But another charge of the gentleman from New York, [Mr. BARNARD] which struck my mind with surprise and astonishment—he asserts that the furniture of the President's house is "unfit even for a private gentleman;" and that it should be sold out and other furniture purchased. That this constitutes an additional necessary charge upon 1841. Has it come to this? Are the services of the gentleman from Pennsylvania [Mr. OGLE] so soon to be forgotten? Is this the treatment he is to receive at the hands of friends, who claim to be of the "more decent" order? That gentleman's speech was sent, during the last summer, into every corner of the State of Mississippi. It described the furniture as regal, princely, extravagant! The drivelling politicians were repeating it at every tavern and cross roads; and it was held up as astonishing, that a Democrat should be permitted to live in such pomp and splendor! Now, however, a change has come, a different order of things prevails. General Harrison is called by the people from his log cabin to the *White House*, and the cry is raised, the furniture is unfit for such a man!

Will not the country hold the Whig party responsible for the unhallowed stories which have been circulated abroad? And, if the furniture is to be sold, I ask, will not a sufficient amount be realized from the sale to replace the same? Other Presidents have been content with the furniture; and will the President elect feel himself dishonored by its use? I wish the country to know these facts. I shall be content with their decision.

But still another charge upon 1841, as made out by the gentleman from New York, [Mr. BARNARD;] and the "niggardly" Democrats are to be saddled with its postponement heretofore. They have refused to do justice, because, in doing so, money was required. I allude to the claims of the Choctaws for lands of which they have been deprived by this Government. These Choctaws live within the State of Mississippi. Their petitions have received my special attention; and I am truly gratified that the gentleman has introduced this subject, as a matter of complaint against the Democratic portion of this House, as it will afford me an opportunity of bringing to the notice of this committee the present condition of these claims.

By the treaty of Dancing Rabbit creek, made with the Choctaws in 1830, it is provided, in the 14th article, that those Indians who desired to remain in the State of Mississippi should be entitled to certain land, by signifying their intention to the agent appointed for that purpose. This agent failed faithfully to discharge his duties, and consequently the Government sold the lands to which they were entitled, and they were driven from their homes. These Indians are still in the State of Mississippi, and are insisting upon a due compensation for the injuries they have sustained. In 1837, Congress authorized a board of commissioners to collect the testimony in these cases. That board continued in existence till the 1st day of August, 1838. These commissioners were unable to complete their undertaking. At the succeeding session of Congress, unsuccessful efforts were made to revive the commission. As soon as I took my seat on this floor, I called the attention of this House to this subject; and some time before the close of the last session, the chairman of the Committee on Indians Affairs informed me he was prepared to report a bill. But, sir, he was unable to do so, and no action of Congress was had. At the very beginning of this session I introduced a bill, which will mete out ample justice to the miserable Indians, who are in a state of want and wretchedness; which bill is now in the hands of the Committee on Indian Affairs. I hope for an early report; and then I hope the gentleman will join me in repairing this supposed breach of good faith. Justice to Mississippi, as well as to the claimants, demands early action. My party friends all around me have given me every assurance of their assistance. The departments, time after time, have reported the facts and requested action. I blame no party for this delay: it has grown out of the manner in which we have done business. Moreover, the claim here is not for money, but for land; and we have, as yet, a large surplus on hand. But, Mr. Chairman, why dwell upon these topics of such minor moment? these pretenses to keep out of view the real design? These are but skirmishes on the outposts, to cover the main movements of the army. There is behind all this another question, involving principles of the first magnitude. Already has it appeared before this House as a party movement; and at the other end of the Capitol, a distinguished party leader, who speaks as one having authority, openly avowed it as a leading principle with the incoming Administration. I refer to the distribution of the revenue, arising from the sale of the public lands among the States. This, I believe, is the true cause of the manifestation of a disposition to impose additional taxation upon the people. I will not cloak my fears on this subject. This distribution is but the beginning of a series of measures which, when carried into full operation, will subvert the whole genius of our institutions. In morals, it is the first step alone that costs;—in politics, the importance of a principle depends upon the consequences to which it may lead. The present

condition of the States constrains me to fear the success of that accursed measure.

The gentleman from South Carolina [Mr. THOMPSON] spoke of the public lands as a great electioneering fund, to be used by the ambitious, aspiring politicians of this country. He said, that it was true that they could not, like the Roman Emperors, divide to each man his measure of corn but they were able to do that which was equivalent—give to each man his quota of the public lands. There is another illustration, interwoven with the Roman history by the great master of human passions, better suited to his purpose; for, on that day when the proud usurper of his country's freedom was laid prostrate in the dust, liberty would have triumphed, had not the fortunes of the hour been changed by the proclamation of Cæsar's will, which assigned to every Roman citizen a piece of silver. This dividing the money among the States is not to be compared, in its influence, to your pre-emption laws, your graduation of prices, or your cession of public lands to the States in which they lie; it far outstrips them all.

When I first heard the saying of that distinguished man, [Mr. RANDOLPH] whose voice once struck terror into the hearts of loose constructionists, that the day would come when a gentleman would be considered out of order in this House to quote the Constitution, I viewed it as an idle prophecy. But, sir, I view it as such no longer. We have lived to see that day. I now feel its force on this very question. Where, in the Constitution, I would ask, is found the power in Congress to raise money and divide it among the States? I care not to be shown the specific grant, for we all know that is not to be found. What is there in the genius, the spirit, the nature of this Government, which clothes us with that important power? Why then is this question to be dreaded? Because of the present condition of the States.

Sir, in casting my eyes over the twenty-six sovereignties which composed this happy and glorious Confederacy, and reflecting upon their present pecuniary embarrassments, I tremble for the honor of my country. Already their faith is pledged for the payment of about two hundred and forty-four million of dollars; and the annual interest to be paid to foreigners, is more than twelve millions of dollars. If the difficulty is now so great to meet the interest, how will that difficulty be enhanced when the principal is to be paid. Does it never occur to the minds of honorable members, that posterity will inquire, what have we received for all this? Do they not discover in all this stock being held abroad, a fruitful source of future jealousies and dissensions? The revenue derived from the public lands will fall far short in meeting the demands upon the States. The residue must be supplied from taxation: Yes, sir, onerous and grinding direct taxation; unless this Government takes one step further, which will be an easy one; this being taken, to pledge the revenue arising from imposts to pay this interest. That being done, this Government assumes the payment of the State debts indirectly, when all deny it the power to do so directly.

The proposition to assume the debts of the States is not openly advocated by any respectable portion of either of the great parties of this country. All deny our constitutional power to pledge the faith of this Government for the payment of debts contracted in the execution of local objects. But wonderful discovery this, that while we have not the power to assume, we have the power to place in the hands of the States the means of discharging their debts.

Mr. Chairman, kingcraft and priestcraft have had their day; witchcraft and brankcraft have lost their influence. A new era has dawned upon the world, and is characterized by the craft of politicians; and it is perceptible in nothing more clearly than in this great political movement. It resolves itself into this; we cannot undertake, but we can pay the debts of the States; and I shall now endeavor to prove, that we have the same power to distribute among the States the revenue arising from our tariff laws, as we have to dis-

tribute the revenue arising from the sale of public lands.

In the adoption of the articles of confederation by the original thirteen States, the first difficulty which presented itself, was the waste unappropriated lands in the Western country. The State of Maryland refused to ratify the articles of confederation, until there was a prospect of quieting that question. Shoulder to shoulder with her confederates, she had will nigh gone through the war of the Revolution, before she had sanctioned the articles of compact between the States. In 1789, the Continental Congress urged upon the States, a liberal surrender of their waste lands, for the use and benefit of all the States. On the first day of March, 1781, New York patriotically stepped forward and executed her deed of cession for all her waste territory west of a designated line, "for the use and benefit of such of the United States as shall become members of the Federal alliance of the said States, and "for no other use or purpose whatsoever;" and on the same day, the State of Maryland ratified the Articles of Confederation. On the first day of March, 1784, Virginia executed her deed of cession; Massachusetts does the same, April the 19th, 1785; and Connecticut, September the 14th, 1786. On the 4th of March, 1789, our present Constitution having been ratified by a sufficient number of the States, went into operation; and in that instrument is found this section:

"The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory and other property belonging to the United States."

Is it not as clear and evident as language can make it, that the waste lands which are here referred to are recognised as the absolute property of the United States; and being the property of the United States, can it, or the money arising therefrom, be disposed of, but for objects in which this Government, as separate and distinct from the respective State sovereignties, are interested? It seems to me that the proposition is self-evident; and to prove it, by a regular process of reasoning, would be as unnecessary as in mathematics to attempt to demonstrate the axiom, that the whole is equal to all its parts; it is such a truth, as all men's minds should readily assent to it upon a naked statement.

But a common error has prevailed, that the Government is a mere trustee of these lands. That they were ceded to this Government merely for the purpose of meeting the debts then existed against it, and that these liabilities, having now been discharged, the States, in their individual capacity, have a right to demand their respective shares of this public domain. Nothing can be more unfounded or unjust.

Let us recur, for one moment, to the causes which led to the adoption of our present happy form of Government. The money power is the greatest in every Government. In England, for ages, Parliament possessed scarcely any other effective power than to raise the necessary means of carrying on the Government; and at that very time her people boasted of their freedom. Under the articles of confederation, the common Treasury was supplied by each State, in proportion to the value of all land within the same surveyed for any person. This system was found unoperative. The Federal alliance incurred debts, but was not possessed of the power of raising the necessary funds to discharge them. The amount realized from the public domain under the Confederation was trifling. Hence the patriotic men of that day (and purer and wiser men never lived in any age or country) sought to enlarge the powers of the Federal alliance; and the States came forward and surrendered to the General Government the power of laying impost duties. For what purpose? To enable that Government to pay the debts already incurred, or to be incurred in future. In 1790, Congress passed an act, entitled "An act making provisions for the debt of the United States," in which they pledge the faith of the United States, the revenue arising from customs, and the revenue from public lands, for the redemption of the debts of the United States.

Now, sir, those debts have been paid; and by the very same process of reasoning by which you take

the money derived from the sale of public lands, and give it a broad cast among the States, you can show that the proceeds from impost duties may be distributed. And, I repeat, commence this system, and you bury your Constitution. You do violence to its plain meaning, and letter, and intent. Many of the States are now hungering and thirsting for their share of the spoil. Their appetite's keen. Their local politicians have loaded the States with grievous and foolish indebtedness, and they have not the nerve and fairness to face their constituents and ask them to pay their debts. They are directing the eyes of the people to Congress, to hide the enormity of their own conduct. Let the States once feed upon it, and their voracious appetites will not be easily appeased.

But, let it not be said that I distrust the honor or the patriotism of the States, or their ability to discharge all their liabilities. This Government is the work of their own hands; they created it for their own mutual benefit and protection; they invested it with sufficient power to carry out the great leading purposes of its creation. But once admit the idea that any portion of the revenue of this Confederacy can be seized upon by the States, and used by them individually; once grant that the property of this Government, held by the States in their federative capacity, can be sold, and the money appropriated by them severally, and you destroy all restriction upon the powers of this Government. The metes and bounds of the Constitution having once been broken down, they can never be erected again. If you can sell your ships of war, or the public lands which lie beyond the Mississippi, and divide the money among the States, then there is no limitation upon the discretion of Congress in the use of the public money. And, is it not easy to perceive how State politicians can convince their several constituents of the facility of this Government to take money from impost duties? Direct taxation is an abomination in the sight of such men, because the people then know and mark every cent which is abstracted from their pockets by Government. This leads them into too close a scrutiny of their prodigal appropriations. Few men understand the operation of our system of taxation, and the people do not know how much they pay for the support of the General Government. It is on this account that I dread the introduction of this principle.

But, sir, there are other objections to this distribution. One of the Revolutionary principles was, that taxation and representation went hand in hand. This constitutes one of the main pillars on which our free institutions rest. This distribution will practically overthrow that principle. By this, Congress will become the collectors of money—the State Legislatures will appropriate it. Now, sir, the true meaning of the principle above referred to is, that every legislative body should collect the money which they spend. He who takes the responsibility of using the people's money should also incur the responsibility of raising that money from the people. Sir, this distribution will be demoralizing in its tendency, ruinous in its practice, unjust in its operation, and will terminate in a vile, contemptible scramble, among politicians, for the spoils of this Government.

But, Mr. Chairman, there is another ground for a large deficit in the Treasury at the end of '41. It was stated by the gentleman from Maine, [Mr. EVANS,] that he had no doubt that, during the succeeding Administration, the third instalment would be paid to the States.

[Here Mr. EVANS interposed, and said he had stated no such thing.]

Mr. T. then said: It is unnecessary to be so technical. I mean the fourth instalment; and I certainly could not have misunderstood the gentleman in that particular. But it matters not. One of his own party, the gentleman from North Carolina, [Mr. STANLY] has brought forward a bill to pay this fourth instalment to the States. This amount is about nine millions. The money requisite to pay this sum is not now in the Treasury, as it is admitted on all hands. It must be raised by taxation. Gentlemen may say that this Administration has squandered this money. I will not go into that subject now. Enough for me to know, at present,

that the money is not in the Treasury. And are we now to be taxed to raise this fourth instalment for the States? In 1836 we had a large surplus collected from the people under a most iniquitous tariff. For the safety of the fund, we deposited twenty-eight millions of this surplus with the States, with the pledge of the faith of the States that it should be returned whenever wanted by this Government. Now, it is alleged, we want the money; but instead of calling on the States for what they have already received, it is proposed to raise (for we must raise it before we can compass the object) nine millions of dollars, to be paid over to them. And why? Because, in 1836, we believed we were able to deposit with them thirty-seven millions of dollars. This is sufficient to convince us of the danger which besets our path in dealing out largesses to the States.

It is proper, before I leave this part of my subject, to remark, in relation to the gentleman from Georgia, [Mr. NESBITT] that I am truly rejoiced to hear him denounce the distribution. And did I believe that the President elect would be guided by his counsels, and those of his friends who agree with him, I should be slow in taking any position in advance, in opposition to the coming Administration: for that gentleman agrees with me in opposition to the distribution, internal improvement by this Government, a National Bank, and in opposing a protective tariff, though we may differ somewhat as to the amendment under discussion. It is said, none are so blind as those who will not see. Is it not apparent to that gentleman? Do not the developments of every day in this House, at the other end of the Capitol, convince him that the hour is at hand when he is to be read out by his party? One of two things is inevitable: either he is to deny his principles, or desert his party. And why, I ask him, in all kindness and sincerity of feeling, will he longer tarry and strengthen the hands of the adversaries of his principles?

Having thus examined the real or supposed liabilities of the Treasury, it is now proper to go one step farther, and inquire into our resources.

I again repeat, so that I may not be misunderstood, that, with the passage of this bill, the means of the Government will be amply adequate to meet all demands falling upon the year '41, without changing or amending, in any the slightest degree, the revenue laws of the country.

The gentleman from Tennessee [Mr. BELL] spoke of the proposed graduation and pre-emption bills, as bills of revenue. I agree with the gentleman; but little, if any, additional income was to be expected from their passage. I do not know, however, that the friends of pre-emption placed their support of that bill on any such basis. They believe, and I am sure I could not misunderstand their view, that its provisions are founded in justice and sound policy; that it secures to the emigrant his humble home, facilities and accelerates the settlement of your desert wastes, strengthens your frontier, develops the resources of your country, enhances the value of your public lands, and promotes the general good.

I am aware, however, that some of my political friends have placed the graduation bill on the ground of a revenue bill. And from the results in the Chickasaw nation, where this principle has been in operation, there is some just ground for such a position; but the reduction of price, as proposed in this bill, is so slow, and the lands on which they would operate have been so long in market, and so thoroughly culled, that I do not expect a large increase of revenue from the passage of this measure. I base my advocacy of that bill on other and higher ground. When this Western domain was ceded to the Federal Government, the thirteen original States agreed with themselves, and, of course, with the States then *in fieri*, to divide this territory into States of suitable dimensions. They agreed, furthermore, that, "whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever."

And again: "That the States so formed shall be distinct republican States, and admitted members of

the Federal Union—having the same rights of sovereignty, freedom, and independence, as the other States."

Here, sir, is the covenant. I call upon you to keep your vows, redeem your pledges, abide by your compact. Long, long have the new States waited for their promised redemption. The hour of deliverance like the ignis fatuus, seems to recede as we advance. Is it not mockery to say that Mississippi is "sovereign, free, and independent," "on an equal footing with the old States," when more than one-third of her soil is held in *manu mortua*, on which she can levy no tax, and over which, without permission, she can run no public road? It requires no argument to illustrate my meaning. The words themselves, interpreted by plain common sense, will lead every mind to the same conclusion, that you have failed to do your duty to the new States. I know we consented to this arrangement. But how was this consent extorted from us. You made it the condition, the price of our admission to the enjoyment of our acknowledged rights. Well, sir, hitherto we have submitted without a murmur. Mississippi has not only abstained from taxing the public lands, but for five years after these lands have been purchased by individuals, she has levied no tax upon them; because this Government being a very kind landlord, she has claimed this privilege for those who deal with her. These lands have been in market ten, twenty, thirty years, and longer. No one has been found to give the price demanded. Time and again she has asked for the reduction of these prices. She desires to extinguish your title. If your good lands are worth no more than one dollar and a quarter, it is idle to ask the same for your refuse lands. But pass your proposed distribution bill, and nothing but a bold and decisive assertion of our rights will wrest these lands from your miserly grasp. In future, the inquiry will not be how we may conduce to the settlement of these lands, and the strengthening of these States; but in what way we can wring from these new States the last dollar. You must then have the pound of flesh; but take heed in that event, that you do not take the blood also.

The new States on an equal footing with the old States! No, sir. Our fathers of the original thirteen paid but a paltry pittance for their right of soil; they received it, as usually expressed in the old charters, from the "abundant grace" of the king; but we have been required to pay the uttermost farthing.

[Mr. LINCOLN said: The Indian titles to the whole of the lands of New England were extinguished by the contract of the settlers. There was not an acre that was trod upon by the white man, but what had been purchased. Mr. LINCOLN only wished the gentleman to know that the people of New England purchased the fee simple of their lands by treaty with the Indians, for which was paid the full value by that portion of our country.]

Mr. T. resumed: I thank the gentleman for the information. All I ask for the people of the new States is, that they may be placed on some ground approaching the same footing of the old States. If the Eastern people paid for their lands the Indian price, which, in those days, was a mere trifle, surely they cannot complain of us, after we have freely paid so much more than the Indian price, when we ask you to reduce, to a reasonable rate, the price of your refuse lands.

But one remark of the gentleman from Tennessee [Mr. BELL] seemed to me to be unlike himself. For him I have ever entertained the highest respect and defence; and he is one of the last in this House of whom I would speak in terms of disparagement. But I must be true to myself. In speaking of pre-emption and graduation, he said the advocates of these measures do not desire their passage, but prefer to keep them up as electioneering hobbies. This remark, when applied to a large and worthy portion of this House, is harsh, unjust, and, in my opinion, unjustifiable. But I advocate those measures. I think their passage is demanded by every dictate of a sound and liberal policy; and, if the gentleman intends to give his remarks a personal

application, I pronounce them false and slanderous.

But the main source of revenue to this Government is derived from impost duties: and a proposition is now before us, to increase that revenue by levying an increased duty on silks, wines, bleached and unbleached linens, &c. which is to meet the deficiencies in the Treasury which will be created by the distribution of the income from lands and the payment of the fourth instalment to the States.

I regret that this disturbing question of tariff is again to be raised. There is no method yet devised by man, by which the legislator can so adroitly thrust his hands into the pockets of his constituents and steal away from them their substance, as is found in this system of taxation. To tax a people under any circumstances, is by no means a pleasing task. But under this ingenious device—this legislative legerdemain—you impose heavy burdens upon the people; you fill to overflowing your public coffers, and strip them of the profits of their labor; and then turn, and, with apparent candor and fairness, attempt to flatter them into the belief, that it is for their good to submit to the tax; that they will prosper in business more when they pay, than when they do not pay, their duties. Sir, there is no power in the Constitution which is more liable to abuse, ay, which has been more abused, than that simple grant to lay and collect imposts. It operates secretly and deceptively. The laborer and the planter know not at the end of each year what amount they have paid for the support of Government; they do not perceive and mark, that when they buy a pound of iron, or a bushel of salt, or a yard of cloth, a portion of the consideration goes in to support Government; they do not perceive and mark, that the importing merchant paid the duty, and added it to his bill as the original cost; that he makes a profit upon that duty, selling it to the wholesale merchants; that the various hands through which the article may then pass, till it reaches the consumer, each add their per centum; and thus he pays his tax to the Government with fourfold interest. Yet he knows it not; he submits to it cheerfully; and politicians are ever ready to impose it upon him. Its indirectness constitutes its charm. It is circuitous—felt in its results, but not seen in its operation. The tax gatherer stands behind the curtain; and, though his exactions may be heavy and oppressive, yet few understand, or undertake to trace, the ramifications of trade; and room is ever left to the wily Representative to argue with his constituents that others, and not they, bear the burdens of this kind of taxation; or what they pay the Government with one hand is reimbursed into the other hand by the operations of the system.

But it is right and proper to deal fairly and candidly with the people. Nearly all the States are involved in debt; and domestic taxation is heavy now, with a fair prospect of an oppressive, if not ruinous increase. Will, then, the Federal Government be in haste to increase her taxation, and thereby aggravate the present unavoidable pecuniary difficulties of the people of the States? Shall we, when no necessity is laid upon us, be in eager haste to impose additional taxes? Is it not best to let this tariff question alone till we can possibly ascertain what shall be the salutary effects of the reform demanded by the people?

In a Government embracing every variety of interest, agricultural, commercial, and manufacturing, like ours, inherent difficulties will always exist in fixing upon a proper and equal system of taxation. If all party distinctions could now be wiped out of the public mind as with a sponge, society would again immediately divide into tax-paying and tax-consuming parties, and interest, no doubt, would be the controlling principle. The North and the South, I fear, will never agree in their financial policy. I hold that the following constitutes the first principle of a sound political economy, on which all just and equal legislation is based:

That it is the duty of Government to leave capital free to seek its own investments; giving protection and security to all—advantage to none. Thus each citizen will reap the reward of his own skill and industry, and envy not the success and prosperity of his neighbor. Capital, in a free Go-

vernment, should be left untrammelled, unmolested, undirected, by legislative enactment: like water, it will seek its own level; like air, it will always rush it, to fill a vacuum.

With us in the South, we consider it a settled maxim, that the exports of the country suffer by the duties upon imports. And those who grow the exporting staple, had just as well pay the duties upon the articles for which their staple is exchanged in going from home as in returning into our own ports. I will endeavor to illustrate.

The State of Mississippi produced, in the year 1839, as it appears by the late census, 685,568 bales of cotton; which, at ten cents per pound, (and this I consider less than an average price,) is worth near twenty-seven and a half millions of dollars. But it is due to remark here, that there must be some mistake, either by the marshals or their deputies, in making out this amount. I am confident that this is too large an estimate; but, sir, I will suppose that Mississippi was separated from the Union, and stood, an independent Government. I will suppose, for convenience, that her exports are worth twenty millions; on a fair circulation, it is right to suppose that she will import twenty millions, which is obtained as an exchange for her staple. The rate of duties agreed upon in the compromise act is twenty per cent, ad valorem. Suppose Mississippi imposed an indiscriminating duty of twenty per cent, as before stated, then she would receive, as a Government revenue, one-fifth of the whole imports; and the citizens of the State would receive sixteen millions for their twenty millions of exports. This tax the people of Mississippi could the more cheerfully bear, as it would be expended, for the most part, in improving their rivers, in constructing their public roads, and in educating their children. With a revenue of four millions per annum, in the course of ten years, with a prudent expenditure, Mississippi could not fail to bloom as the garden of the world. But, sir, she is a member of this Confederacy; she loves its institutions; and though its burdens fall heavily upon her, thus far she submits quietly to its exactions. If there be truth in this reasoning, and she pays even the half of what she appears to pay, how great are her sacrifices for the sake of the Union! Her representation on this floor is so small in number as scarcely to be felt. When money is to be disbursed, she scarcely receives a crumb that falls from your table. It is true, however; that many years ago, out of your great munificence, you erected a light-house on the bluff at Natchez; but, sir, of so little consequence and utility is that favor, that it is seldom, if ever, lighted up by the citizens. If this reasoning be true, or even approaches truth, how unjust, and unequal, and impolitic, to take the money which arises from the sale of public lands, which comes equally from all the people of the Union, divide it among the States, and supply the deficiency thus created in your Treasury, by this unequal and burdensome system of taxation. It is our inability to trace, to ascertain, to define the extent of these ills, that makes the system tolerable. We submit; and it would be honorable for us to submit, only on the principle that

"He who is robbed, not wanting what is stolen,
Let him not know it—he's not robbed at all."

Now, Mr. Chairman, said he, a great difference of opinion has been expressed by those who have preceded me in this debate, as to the compromise act. Such were the peculiar and striking circumstances under which that act became a law, that I hope there is no portion of this body, or of this country, who would disregard the principles therein contained. But, so strange and so singular have been the constructions placed upon that act, that it is but due to myself that I explain to this House, and through this House to my constituents, what interpretation is to be placed on that act; what was its object, and how we ought to meet this great question; which will soon be upon us.

Previous to the passage of that act, the Southern people were contending and protesting against the principle of protection. They believe the lightest duties for the people would be those derived from taxes upon luxuries. On the other hand, the tariff party not only advocated protection, but averred that the sudden overthrow of the system would

destroy expectations, and prove ruinous to capitalists who have made investments in manufacturing establishments. Such was the condition of the country, when, in the latter part of the year 1832, the gallant State of South Carolina, appealing to the genius of our free institutions, solemnly vowed before Heaven that she had submitted to the oppressive burdens of that accursed system till submission ceased to be a virtue; and that a passive acquiescence in its unjust exactions was no longer to be expected. This independent avowal presented an awful issue to the Congress and people of the United States; either the protective system or our beloved country must fall. Congress met the crisis, and the compromise act was passed. In that act, the South yielded much. They conceded to the continuance of the protective principle till the month of June, 1842; unwilling, by its sudden overthrow, to afford any ground of complaint to the manufacturers. They conceded to the admission of sundry articles of luxury into our ports free of duty; because the revenue arising from protected articles alone, under their first arrangement, was considered sufficient for an economical administration of the Government. And what were they to gain? 1st. That, after 1842, no duties were to be imposed, but with an eye single to revenue; and that "such revenue as may be necessary to an economical administration of the Government." 2d. No duty on any article shall exceed twenty per centum ad valorem. It is further provided in that act, that, in case of excess or deficiency of revenue before 1842, the remedy shall be to lower or raise the duties on articles which bear a less rate than twenty per cent. ad valorem. This act has remained undisturbed by any movement from any quarter, till we are now within less than eighteen months of its limit. And my determination now is, no act of mine shall be such as to be tortured into a plea for the tariff men to refuse to carry out the principles of the compromise act.

Some difference of opinion, however, exists among honorable members as to the necessity of a revival of our revenue laws before 1842. Sir, said he, I contend that no one can read the act itself, the speeches which were delivered on the occasion by its prominent advocates, or understand the circumstances of its passage, and not freely admit that the compromise act was merely preliminary; setting forth principles, and leaving details for future adjustment.

Section third of that act begins thus:

"And be it further enacted, That, until the 30th day of June, 1842, the duties imposed by existing laws, as modified by this act, shall remain and continue to be collected."

The residue of that section is taken up in setting forth the principles of all future acts on this subject.

"And from and after the day last aforesaid, all duties upon imports shall be collected in ready money, and all credits now allowed by law in the payments of duties shall be, and hereby are, abolished; and such duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the Government; and from and after the day last aforesaid, the duties required to be paid by law on goods, wares, and merchandise, shall be assessed upon the value thereof at the port where the same shall be entered, under such regulations as may be prescribed by law."

A fair interpretation of this section inclines me to the adoption of the opinion expressed by my friend from South Carolina, [Mr. RHETT], on yesterday, that, after the 30th day of June, 1842, not a dollar could be collected from duties on imports, unless there was a re-enactment of the present existing revenue laws, or some other.

But to return to the act itself. The fifth section, after enumerating a long list of articles which shall be admitted to entry free from duty after the 30th day of June, 1842, thus concludes:

"And all imports on which the first section of this act may operate, and all articles now admitted to entry free from duty, or paying a less rate of duty than twenty per cent. ad valorem, before the said thirtieth day of June, one thousand eight hundred and forty-two, from and after that day, may be admitted to entry, subject to such duty, not exceeding twenty per cent. ad valorem, as shall be provided for by law."

And again: In the sixth section, power is reserved to guard against excess or deficiency of revenue till the 30th of June, 1842; leaving Congress to be guided after that date by the principles contained in the third section.

From all this, the inference to my mind is inevitable, that the compromise act of 1833 was con-

sidered as settling principles merely, and contemplated other legislation to fix the details.

This conclusion is strengthened greatly by the remarks which were made by Mr. CLAY and Mr. CALHOUN, who have ever been considered the high contracting parties on that occasion. A short extract from the speeches of each will be sufficient to settle that question.

In the remarks made by Mr. CLAY, when he introduced this compromise act, we find the following:

"What was the principle which had always been contended for in this and in the other House? That, after the accumulation of capital and skill, the manufacturers would stand alone, unaided by the Government, in competition with the imported articles from any quarter. Now, give us time; cease all fluctuations and agitations for nine years, and the manufacturers in every branch will sustain themselves against foreign competition. If we can see our way clearly for nine years to come, we can safely leave to posterity to provide for the rest."

Again: Mr. CALHOUN on the same question remarks:

"There may indeed, at the termination of the series, be a question raised likely to produce some excitement. He meant that of the distribution of the duties under the maximum rate of duty of twenty per cent. as fixed by the bill. But he had no fear that even then, with the light of our present experience, any will dare attempt to propose any distribution which shall not act with substantial justice between the great sections of the Union and the country."

Now, sir, it must be obvious that this question of tariff must soon be met. The principles of the compromise I trust will be held as sacred as the principles of the Constitution. But I regret to see this attempt to interfere with that question at the present session. In the first place, there is no necessity for it. In the second, we have not sufficient time to discuss and settle the details of a bill which I hope, when adopted, will prove perpetual. And, in the third place, the Democratic party, which is supposed to be in a majority in this House, (but certain indications on this subject, which I have lately observed, have led me to doubt that fact,) being in a minority before the country, ought not to undertake, from a due regard to the popular will, as evinced in the late elections, to settle this great and vexed question. And, in the fourth place, an overflowing Treasury is the bane of economy. The incoming administration has promised reform, and a straitened revenue will be the surest guarantee for the faithful performance of that promise. Before we adjust this tariff question, it is but right and proper to wait till we ascertain how far reform and a "vigorous reduction" will diminish the expenses of the Government.

But if we must go into this question now, I have insuperable objections to the plan proposed. The Opposition raise the cry, tax articles of luxury; the poor people do not consume silks and wines, and therefore they will not feel a tax upon these articles. Gentlemen need expect to get no advantage of me on this subject. Whenever it is proper to touch this subject, I will go as far as he who goes farthest in taxing luxuries. That has ever been the favorite policy of my constituents. For every cent which they will agree to take off of an article of necessity, I will give them two on an article of luxury. For every cent taken off of salt, I will give them two on silks; so that the humbug of the poor people shall not redound to the advantage of one side, at the cost of the other.

But of all the articles, which are admitted free of duty, why are silks selected? Are not teas as much articles of luxury? From my observation, I consider that the poor people consume as much of the one as the other. If ten per cent. on silks alone will raise sufficient revenue to satisfy the wants of gentlemen, two or three per cent. on all articles of luxury now admitted free of duty would raise the same amount, and interfere less with the regular course of trade. This, it seems, is to be a shot aimed at France and French trade. And what has France done to justify this movement; this attempted punishment? What was the reason which led to the present admission of French silks, free of duty, into our ports? Mr. Clay, in his speech on this very compromise act, makes known the real motive. He says:

"By the bill now proposed, the duty on French silks was proposed to be repealed, leaving the others untouched. He would frankly state why he made this distinction. It had been a subject of anxious desire with him to see our commerce with France increased. France, though not so large a customer in the great staple of our country as Great Britain, was a great growing customer. He had been much struck with a fact going

to prove this, which accidentally came to his knowledge, which was, that within the short period of fourteen years, the amount of consumption in France of the great Southern staple of cotton had been tripled."

Upon observing this remark, I was induced to refer to the statistical tables to ascertain the effect of that law which went to the encouragement of French commerce with this country; and I was truly struck with the result. The following table shows the quantity of cotton exported to France:

			Pounds.
For the year ending 30th Sep. 1832			77,467,807
Do.	do.	do. 1833	75,119,894
Do.	do.	do. 1834	78,080,047
Do.	do.	do. 1835	99,586,448
Do.	do.	do. 1836	100,155,742
Do.	do.	do. 1837	98,551,299
Do.	do.	do. 1838	119,624,822
Do.	do.	do. 1839	89,109,737

This table clearly shows a fulfilment of that Senator's wishes. It shows, that as we have enlarged our consumption of French silks, she has enlarged her consumption of our cotton. I have carefully examined these ponderous tables of our exports to, and imports from, France, and the results are most favorable to the principles of "free trade." All commerce is but an exchange of the productions of one country for those of another, and unless we take French silks and French wines, she cannot and she will not take our cotton. The tendency of this measure will be, as I believe, to diminish the demand for cotton; (for it must be remembered, that fifteen-sixteenths* of our whole exports to France consists of raw cotton;) to depress and injure its sale; and consequently, to affect seriously the interests of my constituents. Therefore I deprecate the passage of this proposed tariff on silks at this time. It aims a blow, without adequate necessity, at a good and profitable market for our staples.

The gentleman from New York [Mr. BARNARD] joins issue with the President in a remark he makes at the opening of this session, that, during his administration, "the great purposes, for the attainment of which the Federal Government was instituted, have not been lost sight of." And, after enumerating a long list of objects which involve heavy expenditures of money, which have been withheld during this Administration, in all of which we differ, *toto calo*, he concludes, that it is the duty of this Government to regulate the State banks, and furnish to the people a sound uniform currency in the establishment of a National Bank, which has been neglected. On this subject history will do justice to this Administration. In a moment of great pecuniary pressure and difficulty, when ruin and bankruptcy stared us in the face on every side, when the stoutest heart began to quail, and the firmest nerve to tremble, it met the crisis and restored the Constitution. It would be a reproach to the wisdom of our ancestors to suppose, that in the formation of our Constitution, they had been silent on the subject of the circulation of this Government, which is the life-blood and soul of every society. They have not been silent. They say, "Congress shall have power to coin money, regulate the value thereof, and of foreign coin;" and, also, "no State shall coin money, or make any thing but gold and silver coin a tender in payment of debts." This is the sum and substance of all the power they deemed it safe to entrust into the hands of Congress over this delicate subject. They repudiated a National Bank when asked for in the convention, "as incompatible with the rights of the States and the liberties of the people." They declare that all power not conferred by the Constitution on the General Government, is reserved to the States and to the people. This, then, is the whole range of the authority entrusted to us to furnish the people a sound and uniform currency. The line of duty is plain. Let us but walk in the path prescribed by the founders of our institutions, and happiness, prosperity, and liberty, will be our rewards. Depart from it, and we enter a dangerous sea, without bounds or shores. Congress has no power to bank, directly or indirectly. We are bound to fix a standard of value, to coin money, and regulate the value thereof. Having done this, we have reached the terminus beyond which we dare not go without usurping power

from the States and the people. We have twenty-six sovereignties. These can make banks at will, and unmake them when they fail to effectuate the objects of their creation. But they can never make their paper, money, or receivable as money, but with the consent of the citizen. Thus, by discharging our duty, and no more than our duty, the people will be induced to repudiate all paper promises which are not convertible into specie. And thus the framers of the Constitution intended Congress to aid in securing to our people a sound, uniform, and stable currency. Thus we will leave to all the States the full possession and enjoyment of all their reserved rights. But create your National Bank to regulate your State banks, and furnish a paper currency, (it may, and perhaps will, do it, if you will confer upon it plenary powers;) but, in so doing your trench upon State sovereignty, in creating an engine whose object is to control and govern the institutions of the States. You imply that the States, who have the power to create banking corporations, are unable to rule and manage the workmanship of their own hands; to restrain and keep within metes and bounds their own offspring. You create a master to regulate with stripes, with the infliction of condign punishment, the freaks and caprices of these disorderly and unmanageable children of the States. Well, sir, suppose I admit the State Legislatures cannot regulate the State banks, in which I fear there is some truth, does not the question recur, Who will regulate a National Bank? Let every citizen in this wide spread Republic ask himself, what authority can or will regulate a National Bank? Can you depend upon this House? I intend no reflection upon this body; but create this mighty giant, whose strength, and power, and influence can, almost in a day, reach and pervade the remotest corner of this vast continent, and, instead of being regulated by Congress, it will regulate Congress.

But suppose you create a bank with the capital and power contemplated; (and to make it efficient you must clothe it with these powers,) you put into its keeping the money of the people, and thereby you confer upon it the whole credit of this Government. Its notes will be received as specie; perhaps will be preferred. These notes will find their way into the vaults of all the State banks, and become the basis of their issues. Instead of specie, the local banks will redeem their circulation in United States paper. Gold and silver will not be wanted, and will be considered an inconvenience and an incumbrance; and, obeying the necessary laws of trade, will disappear from our country, and find their way to that nation where they are in demand. When the sympathetic chord is once arranged—and, to reach that point, most afflicting will be the pecuniary distresses of the country—when the National Bank expands, the State banks will expand; and when the National Bank contracts, the State banks will be forced to contract also. Thus, in practice, in point of fact, the notes of the National Bank will become the standard of value. What principle will guide the movements of that bank? Avarice—the soul, if it has a soul: the ruling principle of every banking corporation is avarice. Thus, as it may suit the interest, the views, or the policy of the majority of the stockholders, money in this country will be plentiful or scarce. The standard of value is to be changed at the will of selfish speculators and stockjobbers. Is this your stable, uniform currency, which to-day stands at fifty millions, to-morrow at seventy, and next day at one hundred millions, and on the fourth day returns to fifty millions? Would that be considered a stable, uniform measure, which to-day measured three feet, to-morrow six feet, and on the third, measured only two feet? From such a currency, when the makers of it will feel interested in its variability, may Providence save my country. It will be as changeable as the wind; as fickle as the "shade of the aspen leaf."

On this subject the gentleman is surely mistaken. This Administration has done its duty, and deserves the thanks of the people; and I doubt not will receive them, for adhering, in the most trying emergencies, "to the sacred obligations of law;" in executing all Government contracts "according to

the requirements of the Constitution;" and thus, in presenting, "when most needed, a rallying point by which the business of the whole country has been brought back to a safe and unvarying standard."

The great purposes for which this Government was created, are few and simple. To conduct our intercourse with foreign nations, to provide and maintain a navy for the protection of our commerce with the world, to raise and support an army to guard our defenceless frontier from the incursions of the ruthless savage, to coin money and fix the standard of weights and measures, constitute the main objects designed by our Revolutionary ancestors in the formation of this confederacy. Where is the just ground of complaint under these heads?

Exports to France.

	1835.	1836.	1837.	1838.	1839.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
Exports	20,075,066	21,441,200	19,750,253	15,822,405	18,336,854
Cotton	17,460,415	17,519,787	15,265,679	12,360,073	13,323,142
Tobacco	937,129	954,846	723,842	1,232,410	810,093
Rice	245,817	413,548	274,625	139,525	320,911

The wisdom, firmness, and forbearance, which have characterized our foreign intercourse, have challenged and received the approbation of all parties. Our navy has enlarged and strengthened; and though our commerce has increased, and the canvass of our trading vessels whiten every sea under the canopy of Heaven, yet our flag is honored, and our name respected every where. Our army has proved sufficient for the defence of the country; and the constitutional standard of value maintained under the most trying circumstances.

My ideas of government evidently differ widely from those of the honorable gentleman. They are drawn from the writings and sayings of the great Republicans who have gone before me, "A splendid Government, and an impoverished people," such as we find in Great Britain, I abominate. In my estimation, the following constitute the outlines of a perfect Government, and consequently light taxation; and a pure and speedy administration of justice.

Though I have detained the committee longer than I intended, it would be considered unpardonable in me to conclude these remarks without noticing the reference of the gentleman from Maine [Mr. Evans] to the present embarrassment of the State of Mississippi. In speaking of the present condition of the country, he asks, can Mississippi be in a state of prosperity when, but a year or two since, the United States marshal received \$37,000 for fees? I take it for granted that this reference was made in no spirit of unkindness to that people. Every representative, I presume, feels proud of his constituents; but no member on this floor has stronger reasons to entertain that sentiment with heartfelt sincerity than the humble individual who now addresses you. For intelligence, energy of character, enterprise, noble bearing, a lofty sense of honor, and a generous confidence in public agents, my constituents stand second to no people on earth. And I will seize this occasion to explain their present condition and future prospects.

I begin with the odious tariff of 1823, as the fruitful source of all the ravages which have swept like a tornado over this fair country, leaving the most palpable and striking marks of their severity with the people I have the honor to represent. The immediate consequences of that act were felt in the diminished demand for exports. Our cotton was carried abroad, and instead of being exchanged for the productions of other countries, it was sold for American funds, which were brought into this country and invested for the most part in American manufactures. This enabled our banks to enlarge their issues, our circulation became enlarged, the cost of producing domestic articles enhanced, till, at last, our merchants were able to pay the price of foreign articles, import them into this country, add on the heavy duties, and then successfully compete the market with domestic manufacturers. This state of things began about the year 1832, four years after the passage of that tariff law which constitutes an era in the history of this Government. Simultaneous with which, was the enactment of the tariff law of 1832, which was

modified by the compromise act of 1833, which caused a progressive reduction of duties on foreign articles. This was followed by an increased demand for the products of this country for exportation. The importation from foreign countries increased *pari passu*. Cotton being the chief article of export, invited capitalists from every quarter. Mississippi lands were in high demand, and the production of that article increased with a rapidity unparalleled in the growth of this country. To prove this, it is but necessary to cast our eye over the following table:

The exports of cotton in 1829 were -	\$26,575,314
" " in 1830 -	29,674,883
" " in 1831 -	25,289,492
" " in 1832 -	31,724,682

It is yet in the memory of all those who were engaged in the growth of that article, that, during these four years, their crops yielded them a less amount than at any period of four years, since cotton has been an article of any consequence, previous to or subsequent to that time. Both land and negroes were at a remarkably low price, and all business in the Southern States pined and dwindled. But take another period of four years.

<i>Exports of cotton.</i>	
1833 -	\$36,191,105
1834 -	49,448,402
1835 -	64,961,302
1836 -	71,284,925

Thus it will be seen that in four years, the production of cotton was more than doubled. It will be recollected, however, that the demand was increased, and the prices greatly enhanced. Mississippi now became the centre of all moneyed operations; it was viewed as the El Dorado of the South. Your Southern and Western highways were thronged with emigrants to that fair land. Men congratulated themselves when they were able to place their foot upon Mississippi soil. Fortune was thought to be there, freely dispensing her favors to all her votaries; and the ardent fancy saw boundless wealth blooming in her cotton fields.

But, sir, it is necessary to notice in this connection two other events which have had a material bearing upon the State of Mississippi. In 1830, the Government of the United States made a treaty with the Choctaw Indians, by which it acquired 7,796,000 acres of cotton lands. In 1834, a treaty was concluded with the Chickasaw Indians, and more than 6,000,000 acres of land were brought into market; all in the State of Mississippi. These lands opened a wide field for speculation, and had a direct influence upon the legislation of the State. Capitalists, as it was before stated, gathered in from every quarter in flocks and swarms, to purchase fresh cotton lands. At home, the want of money was felt by our citizens, to compete with citizens from other States in the purchase of these rich and fertile lands. The reasoning on the part of our Legislature, under the principles which then obtained, was most natural to induce them to create capital for the use of their own people. They made banks to make money to buy lands, and thus enrich their constituents; for it must be remembered that, in those days, it was the received opinion of many, however ridiculous that opinion may now appear, that the creation of a bank was bringing into existence of so much additional capital. In hot haste bank charters were obtained; in hot haste these banks were put into operation; in hot haste the money was loaned out to adventurers. The loss of an hour was considered well nigh the loss of a fortune. The discounts were had; wild lands were bought, farms were opened, negroes and stock were purchased and placed upon them, and all went on most prosperously. Cotton alone was produced, however, and every thing else was obtained from abroad. But, as long as the banks could expand their issues, all was well; all was life and animation, and prosperity and happiness. Rumor was ever busy in pointing to some lucky wight who had grown rich by a fortunate turn of speculation. This led on hundreds in eager pursuit. It is true, morality suffered. Mechanics, though they received the most ample reward for their labors, deserted their trades; the various professions neglected their pursuits. The toil and pains-taking which distinguished our frugal ancestors were subjects of

ridicule. A nearer road had been found, by bank makers, to the attainment of the great desideratum of our people: the philosopher's stone had been discovered. Speculation was the secret.

But, in the spring of 1837, the cord was snapped, and reality burst upon us. The delusion which had enwrapped our senses, suddenly vanished. The banks had strained their credit till public confidence was destroyed. Consternation was seen in every countenance. The hope which buoyed up the heart of the parent, and the bright prospects which delighted the fancy of families, in a moment were swept away. The cup which had been all sweetness and exhilaration was now dashed with gall and wormwood. And then it was that the fees of our marshal reached the enormous sum of \$87,000.

But, sir, I verily believe the crisis is passed. We have sowed to the wind, we have reaped the whirlwind. We have experienced the bitter fruits of our own misdoing. And, in many instances, our legislation has been unwise, without question. By such a reverse, any other people would have been thrown back for years in their onward march. We have tried, to the uttermost, legislative relief and bank relief, but all in vain. Energy, industry, enterprise, and honor, yet remain; dear-bought experience has taught us salutary lessons of economy and frugality. Our genial climate, our fertile soil, and our rich staple, are all our own. On these we base our hopes. On these and a kind protecting Providence we rely. Nor will our reliance be in vain. It must be evident to all, that with an annual production of a surplus staple worth twenty millions in specie, without unjust and prejudicial legislation on the part of the General Government, Mississippi must ere long become the fairest daughter of the South.

BANKS OF THE DISTRICT OF COLUMBIA.

IN SENATE,

TUESDAY, February 23, 1841.

The bill to revive and continue in existence the charters of the banks of the District of Columbia being taken up,

Mr. CLAY of Alabama rose to propose an amendment. He moved first to strike out the figure two in the 9th line of section and to substitute three, thereby extending the existence of the charters to the fourth day of March, 1843, instead of the same day of 1842. He next proposed to strike out all after the section and insert as follows:

Provided The said banks shall each for itself redeem all its notes and specie liabilities in specie when demanded from and after the passage of this act, and throughout the whole period for which the said several charters are hereby extended. And in the event that any one or more of said banks shall decline to meet its liabilities in specie as aforesaid, or having commenced to pay a specie, shall, hereafter, during the period aforesaid, cease or fail to do so, any bank so declining, ceasing, or failing to pay in specie, shall, *ipso facto*, forfeit its charter, and shall proceed to wind up its concerns under the provisions of the law passed on the 3d of July, 1840, entitled "An act to continue the corporate existence of certain banks in the District of Columbia for certain purposes," which said act is hereby made applicable in all its provisions to every of said banks failing as aforesaid, for the period of two years from the date of any such failure or neglect to pay in specie. And any attempt by the officers of any of said banks so as above said forfeiting its charter, after any such forfeiture, to exercise any of the banking privileges conferred by this act, shall subject such officers to all the penalties of illegal banking.

The object he had in view would be apparent on reading the amendment; it was to continue the corporate existence of the banks for two years from the fourth of March, but it was on consideration that they pay specie on demand for their notes under the penalty of a forfeiture of their charters.

Mr. MERRICK said that circumstances connected with this subject had recently occurred, which were very different from what they were when this bill was reported by the Committee on the District of Columbia—many important changes had taken place in the banks and the currency, since that time, of so important a character that he was now induced to think that the amendment was better than the original bill; and he had risen to say that he should offer no opposition to its adoption.

Mr. PRENTISS made a few observations, which were not distinctly heard.

Mr. MERRICK was understood to reply that the bill of last session would still be applicable, and compel them to wind up their affairs.

The amendment was then agreed to.

Mr. WRIGHT desired to make a further amendment to the bill, to prohibit the banks discounting and paying out notes not their own—of banks that were not paying specie, and of railroad companies, that were not redeemable in specie.

Mr. CLAY of Alabama would agree that the banks should not pay out, but he objected to a provision that would prevent their receiving such notes.

Mr. WRIGHT submitted his amendment in the following terms:

Sec. 2. *And be it further enacted*, That neither of the said banks shall, by virtue of any thing in this act contained, be authorized to issue or pay out any note, bill, check, or draft of any bank company, incorporation, association, or individual, which said note, bill, check, or draft, shall not be payable and paid on demand in specie at the place where it is made payable; and any violation of this restriction shall be, *ipso facto*, a forfeiture of all the rights, powers, and privileges conferred by this act in the manner specified in the first section thereof as to a failure of specie payments.

Mr. MERRICK was sorry this amendment had been offered. He desired to restore the banks to the condition of those in the surrounding districts, but their business was limited, and he did not wish to place them in a different condition than those in the adjacent country of Virginia and Maryland. He wished them to be specie paying banks, but he did not wish them to be restricted from the use of paper, which was commonly received by the people of the District. He was sorry that any gentleman should be disposed to make a distinction in the mode of doing business between these and surrounding banks.

Mr. WRIGHT did not desire now, at this late stage of the session, to occupy much time on the subject of these bank charters. He had very settled views in reference to proper charters for banking institutions, but it was not his intention to present them here. The proposition before the Senate as now amended by the honorable Senator from Alabama [Mr. CLAY] was simply to renew, or rather revise the charters of these institutions, and extend them a sufficient time to enable a new Congress to act permanently upon the subject of banks for the District. He did not, in reference to legislation so temporary, wish to discuss the general subject of banking and bank charters. If he could see simple provisions adopted which would make the institutions safe, and their currency sound for this short period, he should be content. Such was the provision and the object of the amendment of the honorable Senator which had been adopted, and such was his object in offering the amendment now under consideration, to prohibit these banks from paying out irredeemable paper. The amendment of the Senator was good as far as it went, and made the banks specie paying banks in terms, but it did not go far enough. If, while compelled to redeem their own notes in specie on demand, these institutions were permitted to issue and pay out at pleasure the notes of other banks, of railroad companies, and the like, which were not redeemable, and not redeemed in specie, the specie paying provisions of the honorable Senator would be useless in fact, and in practice, though sound in principle, and unexceptionable in form.

Look at the banks of Maryland. He did not know that any of them were specie paying banks now, even in form, but he had seen that, by a recent law of the Legislature of the State, they were all authorized to pay out the notes of the Baltimore and Ohio Railroad Company; a company which has no other power to issue notes to circulate as money, than a blind and doubtful implication from the provisions of a charter, intended simply to confer the power to construct a railroad; and which, assuming banking powers upon such a basis, he believed did not make its notes, even in form, payable on demand in specie, and certainly did not either so redeem them in fact, or even make the pretence of doing so. With such notes for the currency of the banks of Maryland, of what use were specie paying provisions in their charters? To the public, for whose benefit the banking powers were conferred, or should have been conferred, none whatever.

In reference to these District banks the Senate was not without abundant experience. These charters had been several times extended since he had been

a member of the body, and what sort of a currency had they commonly paid out? The notes of this very Railroad Company, the notes of the corporate cities of the District, and various other descriptions of irredeemable paper. Indeed, much of the currency which had been heretofore circulated by these banks was not in fact redeemed any where, and could not be collected by law any where. It was the paper of incorporations declaredly insolvent, and as unable, as apparently unwilling, to pay.

Were they then constituting specie paying banks, with the right to issue and pay out such paper? With the right to furnish to the community such a currency? Would the Senate delude itself by so preposterous a supposition? But gentlemen urged that the banks ought to be permitted to take uncurrent and irredeemable paper upon deposit, and so receiving it, to pay it out upon the checks of depositors. What broader power than this did the banks want, or could they wish, to enable them to transact all their business in irredeemable paper not their own? Certainly none. The moment this authority was given, nothing was to be done but to make their arrangement with the Railroad Company, or any other corporation or individual, for the use of a sufficient quantity of irredeemable notes, place them in deposit in the bank to the credit of its officers or clerks, and pay them out at pleasure upon their checks. Thus the banks would be in fact, what the Senate does not intend to make them, irredeemable banks of the worst character—banks of issue of an irredeemable paper which they do not even promise to pay, nor make themselves legally liable to pay at any time, or in any manner. Instead of issuing their own notes, which they are bound by the bill to pay on demand, and in gold and silver, they will merely issue paper which is not simply irredeemable, but absolutely uncollectable.

What was the honest and practical banking rule upon this subject every where? That a bank refuses to receive all paper which is uncurrent, or not equal to its own, whether offered in payment, or for deposit, or receives it at par? Surely not. It receives such paper at its value and gives credit for that value, not for the nominal amount. It is not the custom of solvent banks to receive uncurrent paper as par and pay it out again at par. The value of the paper is fixed before it is received, and the depositor has a credit for that value as for a deposit of current paper or specie. His own experience had been extensive upon this point. His residence was upon the frontier, where the paper of the Canada banks had always had an extensive circulation, frequently as great as that of the banks of the States, and yet it never was current. All the banks upon the frontiers take that paper at its market value, either in payment, or for deposit, the value being agreed upon when the paper is received, and none of them have ever thought, nor have the citizens, of going to the Legislatures of their States for authority to pay out this uncurrent foreign paper. The citizens would not endure such a law, because it would retain the uncurrent and depreciated paper among them and make it their exclusive currency. The sound rule takes it from them. It centres in the banks and is sent home for redemption.

Is the practice under this sound rule injurious to the just interests of any of the parties? It seemed to him not. The depositor loses nothing, because he receives the value of his uncurrent paper. If he sustains loss at all, it was sustained when he took the paper for more than it was worth, or because it has depreciated in his hands, not because he sells it for money and for what it is worth. The bank loses nothing, because it merely pays the present value for depreciated paper. So far, therefore, the transaction is equal and just. How then is the great interest affected? The community? Most beneficially. The uncurrent paper is taken from circulation, and its value, in gold and silver, or in paper which is convertible into gold and silver, is substituted in its place, as a part of the currency. The sound rule, then, is safe to all parties and essentially beneficial to the whole public. The mischievous operation of the opposite one, that of permitting banks to receive uncurrent paper upon deposit and again pay it out upon checks, has been

glanced at; and the experience of the last few years, and the condition of the banks of the country at this moment, supersede the necessity of further remarks upon it.

In but one way could this view of the case be obscured. It might be said, if the depositor were permitted to deposit his uncurrent paper as at par, and check upon the bank for it, he would sustain no loss. This might be true in fact and in practice, but it could only be so because the depositor would, by this legerdemain of legislation, be able to throw off his loss upon his creditors; and in that case, upon what class of his creditors would the loss be likely to fall? Not upon the wealthy, for they would not receive his check payable at the bank in uncurrent funds in payment of their debts. They could command dollar for dollar and would have it. Upon what class then? The laborers. They must have their pay to obtain bread, and the question of time with them was more material than that of loss upon depreciated paper. They must take the checks, because they must eat.

It was this very consequence which he wished to avoid, and he could not tolerate the idea that the wealthy were to have a deposit of spurious funds in the banks, out of which they were to be permitted, by the express terms of our laws, to compensate the poor for their sweat and labor.

A desire for special deposits of this character seemed to exist. Permit them to any extent. As he understood special deposits, they may be made of any thing; of plate, of valuable papers, of pictures, as well as of that which is called money, and in any shape are only to be returned to the depositor. In that shape let uncurrent and irredeemable paper be deposited, and he would not object to it. If there were those who wished to preserve such paper, he was not one of them, nor was he an enemy to them. If the vaults of a bank were requisite for the preservation, while he could not doubt the power of any bank in the world to receive such a special deposit and return it, he would be the last man to refuse the right, in legislating upon the subject; but to check upon special deposits was, to his mind, like a proposition to check upon the title deeds of an estate, upon family pictures, or upon any other property of the like character. And the authority to check upon uncurrent money, as such, in deposit is a bank, was merely to ask general authority for the bank to issue uncurrent notes as a currency.

His amendment did not interfere with the receipts of the banks. He would not, if he could, prohibit them from receiving, upon their own terms, any circulating paper, however uncurrent; but he would not, by his vote, permit them to pay out any other than a currency of gold and silver, or a currency of paper convertible into those metals at the pleasure of the holder. This was the mixed currency he was prepared to favor, and no other, and this was a limitation of banking powers which he could not forego, for any time, or upon any consideration.

If a different course could foster the true interests of the people of this District, about whose helpless condition they were accustomed to hear so much, and so eloquently delivered, from the honorable chairman of the Committee on the District, he was unable to see the legislation in that light, and, therefore, could not be a party to it. His impression had been, that, if these institutions were to benefit the people in their currency, their most useful agency was to consist in the fact that any thing which passed into them, in the shape of currency of an uncurrent character, was never to pass out from them in the same character. In this sense the utility of banks was to him apparent; but if they were to be mere institutions for the issue and circulation of uncurrent and irredeemable paper, to circulate as a currency, he should be ready to deny their utility, and to consent to their perfect termination at the earliest possible period. If banks were to be revived for this declaredly poor District, which should be authorized by our law to flood the markets of the District with a paper, called money, which mortal man cannot collect any where, and any how, he must be pardoned for refusing his assent to their existence for an hour, much less for months or years.

His impressions had ever been, that one of the

most useful offices of sound banks was to take the uncurrent paper of the bad ones, and of the other irredeemable incorporations and associations, as well as individuals, from circulation, and to substitute a currency of value in its place. If this was not to be so in future, he should be compelled to call upon the friends of banks for some further grounds for their utility before he could favor them.

His earnest object was to give these banks life for the shortest period, which would fairly enable the new Congress to act permanently upon the whole subject, and to have that brief life given upon principles which could be sustained in the permanent action, and which, in any event, would not compromise his settled views upon the great question involved.

Mr. MERRICK said it would be observed that under the bill as amended by the Senator from Alabama, [Mr. CLAY,] the banks could not pay out any thing but specie, unless by consent of the person receiving it: they would be compelled to pay on demand all their liabilities in specie. But the amendment goes further, and denies them the right to pay what the citizens were willing to receive as a currency. He had been told that the paper of specie paying banks of the District, as compared with notes of non-specie paying banks of Baltimore, was at one per cent. discount; and there were many cases in which the notes of other banks would be much more valuable to persons having a debt to pay in Baltimore. He thought they had given the citizen all he could require when they gave him specie on demand for the issues of the banks.

Mr. CLAY of Alabama said the proposed amendment of the Senator from New York would act as an inhibition of the banks receiving the notes of non-specie paying banks at all; for if he were to bring notes of non-specie paying banks of Alabama—and unfortunately there were such banks in Alabama—and wished to deposit them with the banks here, he could not do so under this proposed amendment, as it would prevent him from drawing them out again. He therefore proposed to amend the amendment by the addition of this proviso:

Provided, That nothing contained in this section shall prohibit either of said banks from receiving the paper of any non-specie paying bank of special deposit, and returning the same to the depositor on his check.

The honorable Senator's amendment distinctly prohibited the paying out of non-specie paying bank notes, no matter how the banks became possessed of them. He (Mr. CLAY) might deposit with them notes of non-specie paying banks in Alabama, and this amendment would deprive them of the right to pay him back his own money, as the banks would be prohibited from paying out the money of an individual which was not of the description contemplated. Now, to some persons it would seem, from what he had understood some days ago, that the paper of the non-specie paying banks of Baltimore would be better than the paper of Virginia now paying specie; and, therefore, as well as for the reasons he had before given, he hoped his amendment would be adopted.

Mr. WRIGHT said, if the words "on the payment of his check" were stricken out, he did not think the amendment would amount to any thing, and, therefore, he should not oppose it. He was as willing that the banks should take irredeemable paper on special deposit as the honorable Senator could be, but he did not wish to see it paid out again. Now just see the effect of the honorable Senator's amendment—and he would detain the Senate but for a moment. Suppose that he, as a business man, deposited ten thousand dollars of irredeemable paper with these banks, and he then gave his check to a friend for five thousand dollars, and another check to his honorable friend for the residue of the ten thousand dollars, was not this a distribution of that irredeemable paper amongst the community, as much as if it were paid out by the bank? But what did the honorable Senator tell them? Why in effect that the charters were good for nothing without the privilege. But would they call it a special deposit, and yet direct that it should be paid out on his check? Why it would thus become as general a deposit as can be made in a bank. If it were made as a special deposit,

it must be returned identically to the depositor; but the moment they authorized it to be checked upon, they authorized it to become the currency of the country.

Mr. CLAY of Alabama explained that the usual practice was to pay out even special deposits on the check of the depositor; and he hoped the motion of the Senator from New York [Mr. WRIGHT] would not prevail.

Mr. SEVIER desired to ask his friend from New York [Mr. WRIGHT] a single question, to which he hoped the honorable Senator would, in candor, say yes or no. Would the honorable Senator from New York vote for the bill, if his amendment were adopted?

Mr. WRIGHT. Yes.

Mr. SEVIER. That was better than he had expected; and he should therefore make no speech.

After a few words of explanation between Mr. MERRICK, Mr. BENTON, Mr. WRIGHT, and Mr. CLAY, the words objected to by the Senator from New York were withdrawn; and in that shape the proviso of the Senator from Alabama was adopted without a division.

The question then came up on the amendment proposed by Mr. TAPPAN to strike out all after the enacting clause, and insert as an amendment a bill embracing the following features:

Every stockholder shall record his stock in the clerk's office, the schedule of the same to be published every three months in the newspapers of the District; every sale and transfer to be placed on record, and published within ten days.

To issue no notes of less than \$20, under a penalty of five hundred dollars.

If specie be refused, enabling any justice to enter up judgment with 20 per cent. damages, and cost of suit.

Making the passing of any note by any individual, of less than \$20, liable to a forfeiture of double the amount of the note.

That if any person shall establish a bank and issue notes as money, without means of redeeming the same in current coin, he shall be deemed guilty of a misdemeanor; and on conviction shall be imprisoned not less than three nor more than ten years.

Mr. CLAY of Alabama hoped the Senator from Ohio would now consent to withdraw his amendment.

Mr. TAPPAN rose, and spoke in support of his amendment at length, ultimately giving way for a motion to adjourn.

REMARKS OF MR. CARR,

OF INDIANA.

In the House of Representatives, March 2, 1841.—The House being in Committee of the Whole on the bill "making appropriation for surveys and other purposes."

Mr. CARR said he was desirous of offering an additional section to the bill as an amendment, if it were in order so to do; and in order that the CHAIR might judge whether the amendment he desired to offer would be in order, he would send it to the Clerk's table to be read, and it was read as follows:

'And be it further enacted, That the sum of five thousand dollars be appropriated for the purpose of making a survey and examination of the Louisville and Portland Canal as to its capacity to do the business required, and also as to the propriety or impropriety of expending money to improve the same, with a view to suit the state of trade and commerce of the country, and the coast thereof.

Also, a survey and examination of the Indian chute through the falls of the Ohio river, with a view of judging of the propriety or impropriety of improving the navigation through the falls. And also a survey and examination, with a view of judging of the propriety or impropriety of constructing a canal round the falls of the Ohio river on the Indiana shore and the probable cost thereof; suited to the state of the trade and commerce of the country, said surveys and examinations to be made under the direction of the Secretary of War."

which amendment was decided by the chairman [Mr. WISE] to be in order.

Mr. C. went on to state that he had been induced to offer this amendment upon an estimate made by the chief of the Topographical Bureau, and the recommendation of the Secretary of War, sent to the chairman of the Committee of Ways and Means, in favor of such appropriation, for the purposes designated in his amendment, which estimate and recommendation of the Secretary of War were made in pursuance of a letter which he had the honor to address to the Secretary of War; which letter and answer were read as follows:

WASHINGTON, June 4, 1840.

Sir: I beg leave to present to you the amended bill, as reported to the Senate by the Committee on Roads and Canals, having for its object the improvement of the navigation at the falls of the Ohio river, and which provides that the money expended shall be done under the direction of the Secretary of War, and

It further provides for an examination, survey, and report, but that no expenditure for improving the navigation, at the point mentioned, shall be incurred until an examination, survey, and report thereof be made.

I also enclose to you the letter and answer of Mr. Anderson of Kentucky to twelve questions propounded to him, relating to the above mentioned subject. There are many other statements made by gentlemen of high standing, relating to the same subject, which have been presented to Congress, and referred to the committee in the Senate having charge of the subject, with the reading of which I do not desire to trouble you, all expressing a desire that something may be done to relieve the commerce from the burdens now imposed upon it, by improving the navigation at that point in some way, either by improving the present canal, or the navigation through the falls of the river, or to improve both, or to construct a canal on the Indiana shore.

This is a subject of vast importance, in which a large portion of the people of the United States is deeply interested; near one half of the whole number of the States of the Union are directly interested in it.

From the advanced period of the present session of Congress, it is feared by many who feel a lively interest in this matter, and who desire that something may be speedily done, that Congress will not find time to act upon the before mentioned bill during the present session; I therefore most respectfully inquire, in the absence of the passage of said bill, if the Secretary at War would have the power to cause such survey and examination to be made during the present season; and if not, I beg leave to suggest, if, in the judgment of the Secretary it be deemed proper, to furnish the Committee of Ways and Means with an estimate, with a view to an appropriation for the making said survey, examination, and report, to wit: as to the capacities of the present canal to do the business required, also as to the propriety or impropriety of expending money to improve the same, with a view to equal the state of the trade and commerce on that river, and the cost thereof; also, as to the propriety or impropriety of improving the navigation through the falls, and the probable cost thereof; and also as to the propriety or impropriety of constructing a canal on the Indiana shore, suited to the state of commerce of the river, with the cost of constructing it; which appropriation might be engrafted on some of the appropriation bills yet to be acted upon, and passed during the present session; then the survey and examination might be made, and a report made the next session of the present Congress, when the members could act understandingly upon the subject.

I have the honor to be, &c.

JOHN CARR.

Hon. J. R. POINSETT,
Secretary of War.

BUREAU OF TOPOGRAPHICAL ENGINEERS,
Washington, June 11th, 1840.

SIR: In reference to the letter of the 4th instant from the Hon. J. Carr, I have the honor to report:

The letter desires information if, "in the absence of the passage of said bill, (a bill to authorize the purchase of stock for the United States in the Louisville and Portland Canal Company,) the Secretary of War would have the power to cause such survey and examination to be made during the present season; and if not, I beg leave to suggest, if, in the judgment of the Secretary it be deemed proper, to furnish the Committee of Ways and Means with an estimate, with a view to an appropriation for the making said survey, examination, and report, viz: as to the capacity of the present canal to do the business required; also, as to the propriety or impropriety of expending money to improve the same, with a view to the state of trade and commerce on that river, and the cost thereof; also, as to the propriety or impropriety of improving the navigation through the falls, and the probable cost thereof; and also as to the propriety or impropriety of constructing a canal on the Indiana shore."

The foregoing extract states so fully the object of the survey that further remark in reference to the same is unnecessary. The power of the Department to order it is embarrassed only by the want of funds, of which there is at present none at its disposal admissible of such an application. The cost of such a survey has, in my judgment, been estimated judiciously in the bill before referred to, at \$5,000: which amount I respectfully recommend to your consideration as necessary to make the survey indicated, and as requisite to be appropriated before the survey can be made.

Very respectfully, &c.

J. J. ABERT,

Colonel Topographical Engineers.

Hon. J. R. POINSETT, Secretary of War.

WAR DEPARTMENT, JUNE 12, 1840.

SIR: In answer to your letter of the 4th instant, asking if, in the absence of the passage of the bill now before the Senate, to authorize the purchase of stock for the United States in the Louisville and Portland Canal Company, the Secretary of War would have the power to cause a survey and examination to be made, having for its object the improvement of the channel of the Ohio river at the falls of the Ohio, and offering certain suggestions, I have the honor to inform you that the power of the Department to order it is embarrassed only by the want of funds, of which there is at present none at its disposal admissible of such an application. The cost of such a survey has, in my judgment, been estimated judiciously in the bill at five thousand dollars, which amount is thought to be necessary to make the survey indicated, and requisite to be appropriated before the survey can be made. The matter will, however, be brought before the Committee of Ways and Means for its consideration and action.

Very respectfully, your obedient servant,

Hon. JOHN CARR,
House of Representatives.

WAR DEPARTMENT, JUNE 12, 1840.

SIR: I have the honor to transmit you a report of the Colonel of Topographical Engineers, prepared in answer to a letter of the Hon. J. Carr, of the House of Representatives, on the subject of an appropriation, to be expended in causing an examination and survey to be made of the nature and extent of the improvement of the channel of the Ohio river at the falls.

In transmitting this report, I beg leave to state that the subject is deemed of sufficient importance to justify the Depart-

ment in asking an appropriation for it to the amount mentioned in the report, (\$5,000), and I therefore respectfully ask, through you, the consideration of the Committee of Ways and Means in bringing the matter before the House.

I have the honor to be, &c.

J. R. POINSETT.

Hon. J. W. JONES,

Chairman Com. Ways and Means, House of Reps.

Mr. CARR went on to show that the agricultural, and, in fact, all interests of the country, were heavily burdened in the way of tolls levied and collected for the passage of boats and tonnage through the canal; that it was important that something should be done to relieve the community from the burden now imposed. He said he believed it was limited that the present canal was not capacitated to suit the state of the trade and commerce of the country; and inasmuch as there was great diversity of opinion as to the best and proper mode to improve the navigation at that point, and to reduce the burdens now imposed, he had been induced, by the petition and solicitation of very many persons interested, to take the course he had taken in this important matter, and to ask for an appropriation for the purposes designated in his amendment. When this was done, and a report made, Congress could act understandingly on the subject. Mr. C. trusted, inasmuch as this was a matter of much moment, the appropriation being small, and having been recommended by the Secretary of War as being proper, that no objection would be made to it.

SPEECH OF MR. STEENROD,

OF VIRGINIA.

In the House of Representatives, February 18, 1841—

On the bill making appropriations for the civil and diplomatic expenses of the Government for the year 1841.

Mr. STEENROD rose and said:

Mr. CHAIRMAN: I had hoped that, after the Presidential election was over, the partisan warfare would, at least for a time, be suspended; that the public mind would be satiated with the past, and return to its accustomed pursuits and engagements; and that we would reassemble here, at this session of Congress, to see carried out these principles of reform and economy, for which certain gentlemen professed so much regard. I do not believe, sir, the professions of gentlemen here, in favor of economy and reform, are supported by the principles which they advocate and sustain. I have heard advocated on this floor, the proposition for an extra session of Congress: that may require State Legislatures to be convened, to order special elections; that will call the people from the fields and workshops at an unusual time; and will require the members of Congress to meet here in the dog-days, (as remarked by my colleague, Mr. Wise,) at an extraordinary public expense. I hear advocated the proposition to distribute the proceeds of the sales of the public lands among the States; when we are told by the same gentlemen, that the Treasury is bankrupt. I hear advocated the raising of the revenue of the Government, and increasing the expenditures for the public service. Each and all of which propositions, I deem alike opposed to economy, and the genius of our institutions. Now, the economy with which the people of this country expect this Government to be administered, is of no vague and uncertain character. It stands defined on the statute-book; it has passed the ordeal of the people's scrutiny, and become, by public approval, interwoven with the past policy of the Government. It is to collect no more revenue—to impose no more taxes on the people—than are necessary for an economical administration of the Government, and to limit the expenditures for its acknowledged constitutional purposes, to the smallest possible amount consistent with the public interest. This is the policy established by the preceding and the present Administrations.

In 1829, when the Republican party were restored to power and place, they found the country in debt, and taxed to the highest point of endurance, for purposes unwarranted by the Constitution, and unknown to its Revolutionary framers. The then President's aim was to restore the Constitution, and to put the Government again on its

Republican track and destination, to confine it to the few and simple purposes for which it had been instituted, and to leave the State authorities free and untrammelled, to guard the rights and the municipal interests of the citizen. The course then recommended to effect this policy, was to reduce the revenue of the Government to the wants of an economical Administration; and this policy was adopted by the act commonly known as the compromise act. I do not now mean to refer to that act as reconciling the great and opposing interests of the manufacturer of the North and the planter of the South, which had so long agitated this country with its earthquake-like commotion, and not only portended a dissolution of the Union, but threatened to deluge the land with blood, and crowd the scaffold with some of the country's most gifted and distinguished sons. Nor do I intend to refer to that act as having reduced the revenue of the Government during the last and present Administrations, nearly one hundred millions of dollars, on those articles which entered into the daily use of every consumer; nor do I design to refer to that act as the pre-eminent indication given by this nation of its purpose to sustain and advance the doctrines of free trade, in opposition to the restrictive policy of the nations of the old world. But I would refer to it as a declaration of policy by the Government, that the revenues shall not exceed an economical administration. This is the pledge given to the tax-payer: that the Government will not extort from him; that it shall not have unlimited control over the earnings of industry; that it will not require any more taxes from him than what are necessary for an economical Government. That is what I conceive the most valuable in this act—the declaration of the policy—the establishment of a principle by the Government which has been sanctioned here, and approved by the constituency. I said, sir, that the declared policy of this Government was, that the expenditures for the acknowledged constitutional purposes of the Government, should be limited to the smallest possible amount consistent with the public service. Here, sir, permit me to invite your consideration to the deposit act of 1836. There you see, sir, that, while the other nations of the globe were scheming and planning to impose the utmost farthing of taxation that human industry could endure, to sustain large standing armies, superb systems of fortifications, magnificent naval forces, and the splendor and idleness of privileged orders; this Government we see planning to return back to the people, by constitutional means, money collected by the Government, that was not needed for an economical and constitutional expenditure. And we there see, by this act, that, instead of making large and extravagant expenditures for acknowledged constitutional purposes, the surplus revenue was ordered to be deposited with the States, for the use and benefit of the people, until required for the public service, or the defence of the country. That economy, which was deemed one of the chief virtues in a Republic, might not be perilled; that great patronage in any one of the departments, which is dreaded as one of its chief vices, might not be here fostered by the expenditures of large sums of money for the public service; and that the burdens of Government might rest lightly on the citizen, it was deemed wise policy to deposit this money with the States, until it should be required for the defence and service of the Government.

Am I not right, then, Mr. Chairman, in saying that the declared policy of this Government consisted, in an eminent degree, in a revenue for an economical Administration—in an expenditure, limited to the smallest amount consistent with the public interest?

All gentlemen here say that these acts, which have given peace to the country, and satisfaction to the people, should remain undisturbed—that they should be held inviolable. I have heard no one on this floor say he would disturb the one act, by asking for protective duties; nor the other, by asking that the revenue deposited with the States be demanded, and required to be returned. But gentlemen here strive secretly to undermine this policy, by asking that the proceeds of the sales of

the public lands may be divided among the States; and that the revenue may be increased, to make up the deficit which would be caused by this distribution; going to work to figure the country in debt, in opposition to the statement of the Secretary of the Treasury, and asking more revenue to meet the emergency. And they tell us that, under the "niggardly policy" of the past and present Administrations, the army and navy, and the fortifications of the country, have been neglected; and demand more revenue to build up these interests, and to meet the desired increase of the public expenditures for them.

Mr. Chairman, has the public service been thus neglected? Is not our navy now sufficient to protect our commerce in every sea on which it floats? Have not liberal appropriations been made to improve our fortifications? And have not our army, and its interests, been as well observed, as was required by the policy of our institutions? which does not regard a large standing army as the safest means of protection; but a well organized militia, as the proper constitutional bulwark of public liberty.

Here, sir, is a letter in reply to one which I addressed to the Secretary of the Navy, propounding to him several inquiries in relation to the naval service:

NAVY DEPARTMENT,
February 4, 1841.

SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant, enclosing a series of queries addressed to this department, and requesting as full an answer as possible at the earliest period convenient.

Answers to the three first queries have been prepared, and are herewith enclosed. The information required in the others will occupy much time in its preparation, and will be given in substance in reply to a call of the Senate. The papers containing it are on file in the office of the Navy Commissioners; and their whole force is now employed in compiling the document ordered by the Senate.

I have the honor to be, your obedient servant,

J. K. PAULDING.

Hon. LEWIS STEENROD,
House of Representatives.

A part of the information enclosed in the letter of the Secretary, is as follows:

Statement of the naval force in commission, with the number of men in active service in 1829 and 1841.

NUMBER AND RATE OF SHIPS IN 1829.

One ship of the line - 74 guns.
Three frigates, first class - 44 guns.
Nine sloops, second class - 18 guns.

NUMBER AND RATE OF SHIPS IN 1841.

One ship of the line - 74 guns.
Three frigates, first class - 44 guns.
Two frigates, second class - 36 guns.
Eight sloops, first class - 20 guns.
Five sloops, third class - 16 guns.
Three brigs - 10 guns.
Six schooners.

The number of men in active service in 1829 was - 3,875

The number of men in active service in 1841 is - 6,000

This statement exhibits the increase of our vessels and naval force; and the Secretary of the Navy, in his last annual report, says: "Neither the persons nor property of our citizens have any where suffered outrage or wrong for the want of due attention in affording the means of protection and redress."

Within the period referred to above, the apprentice system has been introduced into the navy; which, we are told, in the report of the Secretary, "continues in operation, and thus far its results are highly satisfactory. The conduct of the young lads is generally exemplary; and such is their rapid progress in the art of seamanship, that, by the time they are of age for sea-service, our commanders generally prefer them to older seamen. I take this occasion," he says, "to recommend that this system be fostered to the utmost extent of which it is susceptible, being fully of opinion that it presents one great means of partially, at least, remedying that increasing scarcity of competent petty officers and able seamen, which greatly embarrasses the operations of the navy, delays the sailing of our public vessels," &c. The marine corps has been increased, under the act of 1834, from seven hundred and fifty privates to one thousand; besides many commissioned and non-commissioned offi-

cers; and the pay of the navy has also been increased.

In addition to this, great expenditures have been made for the improvement of the navy-yards, dry-docks, wharves, buildings, machines, shops, ship-houses, materials, and naval stores.

I have here a statement, showing the increase of the army within the period heretofore referred to; from which it will be seen, I think, that this branch of the public service has not been neglected.

STATEMENT

Showing the increase of the army by the acts of 1832, 1836, and 1838.

Date of act.	Department or corps increased.	Total Increase
April 6, 1832	Re-establishment of the ordnance department -	1
June 15, 1832	Organization of battalion of mounted rangers -	1
June 25, 1832	Medical department increased -	1
May 23, 1836	2d regiment of dragoons raised -	1
July 5, 1836	Medical and pay departments increased -	1
July 5 and 7, 1838	Quartermaster's department increased -	1
	Sustenance department increased -	1
	Medical department increased -	1
	Corps of topographical engineers increased -	1
	Corps of engineers increased -	1
	Ordnance department increased -	1
	Pay department increased -	1
	3d regiment of infantry raised -	1
	4th regiment of infantry increased -	1
	Seven regiments of infantry increased -	1
	Total	6
	Deduct	6
	Total Increase	6
	Colonels	1
	Lieutenant colonels	1
	Majors	2
	Captains	10
	First lieu tenants	6
	Second lieutenant	6
	Third lieu tenants	6
	Surgeons	14
	Assistant surgeons	15
	Paymas ters	4
	Chief mus icians	5
	Musicians	43
	Sergeants	214
	Corporals	136
	Artificers, farriers, & blacksmiths	22
	Privates	6,718
	Commissioned officers	182
	Non-com missione officers, musicians, &c.	613
	Aggregate	6,946

NOTES.

1. Figures marked with an asterisk, (*) show the reductions made.

2. By a law of March 24, 1833, the army was increased by 9 officers and 55 privates; but not being embraced in the call, no mention thereof is made in the tabular statement. This increase, and the battalion of mounted rangers, constitute the present 1st regiment of dragoons.

3. Six assistants adjutant general, eight additional assistant quartermasters, and four additional commissaries, were authorized by the act of July 5th, 1838; but being of the line, and not increasing the aggregate of officers, no account is taken of them in the table.

4. Chaplains, not to exceed twenty in number, and wagon-masters, not exceeding twenty in number, were also authorized by the law of July 5, 1838.

L. THOMAS, Ass't. Adj. Gen.

ADJUTANT GENERAL'S OFFICE,
Washington, Feb. 2, 1841.

In addition to this statement, permit me here to read an extract of a letter from G. Bomford, Colonel of Ordnance, in reply to some inquiries put by me to the Secretary of War:

"With regard to the second inquiry, viz: 'Has there been any increase in the several kinds of ordnance and ordnance stores since 1829?' I would state that there has certainly been a great increase since that period, the annual appropriation devoted to that object having always been expended. To furnish a detailed statement of each item which has been increased, would require a long time to prepare, and would make a document too voluminous to be of material use to the interrogator. I therefore beg leave to refer, for a detailed statement under that head, to tables C and G, which accompany the annual report of this Department each year to Congress, with the exception of the year 1840, where the papers B and C furnish the same information."

"With regard to the last inquiry, viz: 'Has there been issued to the States, for arming, &c. of the militia, since 1829, the estimated amount under the law of 1808?' I have to state, that the annual appropriation, under the act of 1808, for arming the militia, has been regularly expended, and the proceeds distributed to the several States for the use of the militia thereof, according to the returns made by the proper officers to the Adjutant General, as required by law. These distributions have generally been made within the year, except in cases where the States interested chose to let the arms accumulate for a longer period."

To this may be added \$1,572,585 10, which has been appropriated for the improvement of the two armories, fourteen arsenals, and one depot, existing in the year 1829, and subsequently to that period; since which period, there has been expended, in constructing six new arsenals and one depot, \$658,375 31. There has been expended on the fortifications on the Atlantic and lake shores, finished and under construction, from the 4th of March, 1829, to the 1st of February, 1841, \$8,014,342 24.

While I am free to confess that the appropriations for these great interests have not been exorbitant, I maintain that they had not been "niggardly," but have been such as accord with the policy of our institutions.

If it be the policy of England to have one hundred and twenty ships of the line, one hundred and thirteen frigates, fifty-eight steamers of war, and two hundred and eighty-seven sloops, her immense standing armies, her superb fortifications, her numberless foundries, armories, and garrisons, and her standing police—more than sufficient to do battle to all Europe; to keep in subordination the citizens, under the burdens imposed to support this magnificent policy—our policy has been, in time of peace, to impose light burdens on the citizen; to foster our national resources; and should war come, every citizen will pour out his humble store, and every State its might, for the protection and defence of the country that has been so lenient in its burdens, and so economical in its guardianship of the public good.

But, sir, the gentleman from Kentucky, [Mr. GRAVES,] who addressed the committee on last evening, has charged that the number of officers and the patronage of the Government have greatly increased under the past and present Administrations, under the policy which I have been endeavoring to sustain.

It is the duty imposed upon the President, to see the laws faithfully executed. The framers of the Constitution deemed it wise to confer on him this authority. But he cannot nominate or appoint any officer, nor create any office, that is not authorized by the Constitution, or by laws made in conformity with it. And as the great principles of this Republic become developed, as our commercial and agricultural interests extend, as our population advances, as our immense and boundless domain passes from the Government into the possession of the citizen, as our innumerable rivers and lakes become covered with the living throng in the engagements of trade and commerce, as State after State is added to this Republic of Republics, when all here is prospering and advancing, the power, patronage, and officers of this Government must increase, must go on, must advance. The immense number of acres of public lands, which this Government has thrown into market, requires officers to survey and dispose of them; your revenue laws require ports of entry, and officers to prevent smuggling and to enforce the revenue laws. Since the year 1829, there have been erected one hundred and thirty-two light houses and beacons, and four monuments. These require keepers, superintendents, and other officers. The extension of the judiciary to the new States, and over the increasing population of our territory, has increased the number of judges, marshals, and other officers of the courts,

The branch mints, too, which have been established to coin money, and to furnish the country with a constitutional currency, require superintendents, and other officers to conduct them. In carrying out various treaties and engagements with the Indians, agents of the Government were necessarily required and employed. We have now forty four thousand pensioners, to whom this Government will pay, this year, two millions forty-eight thousand and sixty-three dollars. To perform these duties, offices are created and agents are appointed by the Government. The post routes now covered by mail service, as near as can be ascertained by the Postmaster General, amount to one hundred and fifty-five thousand seven hundred and thirty-nine miles; and the annual transportation on them is about thirty-six million three hundred and seventy thousand seven hundred and seventy-six miles. This extension of the mail routes to almost every section of the country has required the increase of the post offices, since 1829, from 7,651 to 13,638.

The gentleman from Kentucky [Mr. GRAVES] should recollect, that, while this policy of our institutions has been sustained, it has not been by imposing additional taxes on the people; but under reduced duties, and a system of economy which has extinguished a debt of fifty-eight millions of dollars, and returned back to the people, by depositing with the States, twenty-eight millions of dollars.

Mr. Chairman, the gentleman from Massachusetts [Mr. ADAMS] told us, a few days since, when addressing the committee on another bill, then under consideration, that the late election had proven that the people were not satisfied with the present Administration, and that he himself was not satisfied with it. And is this to be the reason for changing the past policy of the country? for legislating into existence all those bastard and dangerous principles forbidden by our Constitution, and condemned by our Revolutionary fathers in framing our free and equal institutions? Is this Government now to commence its municipal and local legislation, encroaching on the province of the States; and have ascribed and conferred upon it the same powers over the fortunes of the citizen, that it has over the general concerns of the States and the foreign relations of the nation? Is the Constitution to be legislated away, to administer to that spirit of gain that thirsts for place, and for that desired favoritism in legislation, with which the public mind was imbued during the last Presidential canvass, that then seemed resolved on oversweeping public justice, public liberty, and the limits of the Constitution?

The propositions I have here heard advanced and sustained by the members of that great party which, in the last Presidential canvass, was triumphant, are portentous of this, and will be alarming to the friends of the Constitution.

What, then, are they? The propositions to increase the revenues on certain articles. For what? Necessary revenue? No. For protection? No. To take off a corresponding duty on the necessities of life? No. But to supply the deficit in the Treasury, which would be caused by the distribution of the proceeds of the sales of the public lands among the States. This is what was stated by a gentleman in the other end of the Capitol, [Mr. WEBSTER,] who is soon to take his seat as a member of the new cabinet. Thus the taxing power is to be employed to extort revenue from the citizen, to enable this Government to be a bountiful alms-giver to the States. But not only the taxing power is thus to be employed, but the money power is to be seized upon; not to coin money, and regulate the value of foreign coin—no, sir; but we are asked to strike down your branch mints, by withholding the appropriations necessary to sustain them. And thus are we to have the paper system permanently fixed on this country, by the creation of a Bank of the United States, which shall be the fiscal agent of this Government, and have the use of our revenues to bank upon; shall have its notes receivable and paid out for all public dues; shall have its paper the exchangeable measure of value of the property and the labor of the entire country; and this power, too, is to be exercised by this Government. But, sir, it is

not only the taxing power of this Government, and the money power that are to be employed, but the appointing power of the Executive is to bring the citizen in more humiliating subjection to the powers of this Government. Yes, sir, we have been told by a distinguished gentleman, one of authority in the land, that all the officers of the Government who are the friends, the partisans, if you please, of Mr. Van Buren, are to be displaced, and the partisans of General William Henry Harrison appointed in their places. Sir, these strong powers were conferred upon this Government by the friends of liberty with great reluctance; and this threatened abuse of them will alarm the people for the public safety, and the security of the citizen. It must humble the State Governments, by invading their power; destroy the constitutional guard of the citizen, by rendering him dependent on the caprice of authority; and peril the public liberty, by the infraction of its only security—a written Constitution; and build up here a great central power, a consolidated Government, that must ultimately settle down into a despotism.

Mr. Chairman, I opposed the coming in of this Administration with all my poor, but best exertions, at the sacrifice of my health, and at the peril of my life. I feared the overthrow of the past policy of the Government, and the introduction of principles alien to our institutions and disastrous to the country. This was the cause of the extent of my opposition to General Harrison. I hope, sir, that these apprehensions may not be realized. I sincerely hope that he may so demean himself in his high office as to prove himself entitled to the confidence of this great, free, and gallant people. I hope he will call around him able and patriotic advisers—men in whom the people confide, and whose lives abound with testimony of fidelity to the country. I hope that he will administer the Government as one with limited and specified powers, as one whose institutions are free and equal, and as one whose burdens should be just and light. Then, sir, all the friends of the country—all good men—will gather round him, and support him; and History will record his name on her impartial page with her favorite sons. But if he should not do this, and select as his chief adviser one who is suspected by many of being opposed to the interests and liberties of this people; one who, in a dark hour of the country, when our free institutions were in peril, and a merciless foe were within our borders, sacking our towns, pillaging our country, murdering our people—one who, in a season like this, refused to vote protection to the people and defence to the country;—if he should do this, and administer the Government on those principles which will encroach on the rights of the great masses, bearing heavily and burdensome on the people; then, I say still, for one, in honor to the people, in deference to one they have honored, and in clemency to the infirmities of age, spare him; but banish, banish his advisers for ever from place and public confidence.

REMARKS OF MR. COOPER,

OF GEORGIA.

In the House of Representatives, February, 1841.—In reply to his colleague, [Mr. NISBET.]

Mr. COOPER rose and said:

Mr. CHAIRMAN: I feel a little surprised that my colleague, who has just taken his seat, should have risen with a fixed and deliberate purpose to inflict what he supposed would amount to a chastisement on me; that this should have resulted from a candid and sincere effort to do my duty, by repelling the slanderous attack of a member from Ohio, upon our common constituents and their domestic affairs, in which I made no allusion to my colleague without a proper explanation. He has spoken at length, and with more warmth than he is wont to do. He evidently designed to be severe to the utmost of his ability. To avail himself of the advantage of his position, for the exertion of his utmost power, he has not hesitated to contrast himself and his position with mine. He has referred to the results of the recent election in our State, with a manifest air of triumph. He has not scrupled to define and designate what he conceived to be my purposes.

He has assigned to me a purpose and an object disclaimed by me when I spoke a few days ago; which disclaimer was accompanied with a reference to his *private knowledge* of my views of which he could not be dispossessed. I have not misunderstood him. His manner, his matter, and his words, establish what I say. He said my position and his were the antagonist of each other; that I was seeking to wield public opinion against him; that I was preparing the people of Georgia to believe, that the Whigs of that State were advocating a tariff; that I was seeking to put myself up, and him and his party down. He claimed for himself by contrast, an ardent zeal, in a statesmanlike manner, to promote the Southern interests. He says that his colleagues (meaning, I suppose, those to whom he directed his reply, ALFORD, BLACK, and myself) shall not claim to be the exclusive friends of the South; that I assume to school him—I, against whom the voice of condemnation had gone out, who have been disbelieved by the people, and who, he says, will be disbelieved again. Finally he said, in regard to Southern interest, there is a power in esse north of the Potomac, on which he will throw himself for aid; and whenever that power should manifest a disposition to meet him, he would not stand off on the rigid rules of party, and refuse to co-operate, but would meet them on common ground.

I ought to feel humbled, sir, in presence of my colleague, and, in spite of his physical dimensions, I should realize the necessity of looking up when I would behold him; but the considerations which have elevated him would place me lower than I now am. He has procured that elevation by an abandonment of his policy; I have lost it by a refusal to do the like. The same power that elevated him refused it to me, because I could not, like himself, compromise my opinions. He must feel the consciousness of versatility, and for that reason must think less of himself as he ascends; whilst I never knew what it was, and hence am not required to think any worse of myself, whatever your elevation may be. You are never so low as when you have lost confidence in yourself.

In this attempt to elevate himself by lowering me, my colleague is not entitled to the credit of originality, since the committee now know no more of my discredit than it learned from me when I last spoke. I was more happy in the voluntary admission than he can be in the charge.

In conceding to him the advantage of position, I have reference only to that accidental promotion which, with all a man's merit, often happens to him by force of circumstances, which he has but little merit in controlling, and which, for that reason, in the present case, may very soon place my colleague a little below the level of his starting point. That he won the prize, is true; but, in winning it, he lost that, which to me is of greater value, and therefore not to be parted with.

He says, I have endeavored to "wield public sentiment." How small this seems to me! That I should wish to wield public opinion. Would my colleague do me injustice? By no means. Why then make this charge? Why can't he understand me? Why not comprehend my movements? He has had the fairest opportunity to know me thoroughly. We were schooled together—have descended from a common ancestor. My life is all before him, in whatever station I have acted. He knows it all. Why then has he not perceived the very little respect I have ever paid to that "public opinion," which can be wielded by any man? Why has he omitted to observe, I have ever maintained that the only legitimate or reputable agents, with which to control or wield public opinion, are the facts as they exist, and the principles of right and wrong applicable to them? Why fail to remark, whatever act of my life shows, that I have not only been unwilling that it should be wielded by myself or others on any plan than this; but have refused to accept the benefits of a change induced by other means?

But, he says, I am seeking to wield it "for the purpose of elevating myself, and putting him and his party down." This is still more remarkable. It is unauthorized and unjust. If he and his party "are what they have been," I could not put them down without going down with them. I have preferred

to set them up, though I might remain down. I would not have them up for any purpose not avowed in 1833, when they organized. I could not wish them down, therefore, except to establish their own views and policy. This, sir, is what certain *practicable* gentlemen are pleased to call an "*abstraction*," which renders me *impracticable*. Nevertheless, it is with me a pleasing "*abstractish*," one that I cherish as I love truth and rectitude.

Put this colleague of mine down? No, sir. He is bone of my bone and flesh of my flesh. For that, and other reasons, I do not wish to see him prostrate. His errors I would gladly put down in him, not through him. I feel too much interest in him, to see him made the instrument of effecting mischief: hence the freedom, the candor and fidelity I have always exercised towards him, above all others.

He says I endeavor to prepare the people of Georgia to believe that he and his party are advocating a tariff. In this he has made a mistake. He must allude to the gentleman from Virginia, [Mr. WISE,] and two other of his colleagues, [Messrs. BLACK and ALFORD,] each of whom *directly* charged him and certain others from the South, who spoke with him on certain questions, with yielding to tariff influences, and of indirectly supporting a protective principle. Why does my colleague forego the reply to those gentlemen, (two of whom are still in his own party alignment,) to make a thrust at me? I have made no allusion to the subject, being absent during that debate. But having seen my colleague's speech, I take occasion here to say, that the sentiments it contains, connected with what is doing and saying here, satisfy me that the charge made by those gentlemen is not without foundation. I regret that he made that speech. It shows too great indifference to the *protective principle*. In it he said just what the friends of protection wanted him to say. To make it safe for him to say this, they venture to aver that they no longer wish a *high* protective tariff. Here is the common ground of union; and when Southern members shall have gone thus far to meet the "*power in esse north of the Potomac*," another compromise will be necessary to distinguish between a *high* and a *low* protective tariff, and to enable Southern members who have taken this "*power in esse*" for their "*auxiliary*" to persuade the people at home, that a *high* protective tariff is within the compromise.

Again, sir: that speech shows too great indifference to the views of a very large portion of that party in Georgia to which I belonged, and still belong, if there be one such, called the State Rights party. I know there is none such, however, since it has dissolved. From Flint river to the western border of Georgia, almost every man of that order agrees with me, and differs from my colleague in this: they make no distinction between the doctrine of State Rights and Nullification, and do not expect him to claim the "*exclusive*" title of State Rights representative, and rise here to disparage the Nullifiers: they are identical. By his speech he shows a willingness to sink those principles, for the mere gratification of disparaging one distinguished name connected with their history, and is prepared to go out of his way to strike the blow.

But who does my colleague mean by "*his party*?" Does he mean the *Whig party* here? If so, I do charge, and would make the people of Georgia believe, (and my colleague also, if I were not sure he knows it,) that his party are the advocates of a protective tariff, and the only party that does advocate that policy. And I now claim the right, as a constituent, to address him, and tell him he must abandon all the policy heretofore supported by him and myself, or quit that party. I cannot too much admire the very upright view presented by the honorable member from Kentucky, [Mr. UNDERWOOD,] who said "it is useless to try to argue when there are vital differences on principle; there must be a split or a yielding of principle." Take the ground of the gentleman from the Norfolk district, [Mr. MALLORY,] lay down your cardinal points, and say if the Harrison party oppose there, I oppose them; if they support these, I support them. Then my colleague and I could agree; for, if the *Whig party* sustain the measures proposed by that gentleman,

[Mr. MALLORY,] I am willing to go with them. I know my colleague and his party are opposed to a protective tariff; but, with all his opposition to it, he is indirectly sustaining that policy by promoting and sustaining in power the only party who advocate it. He surely does this knowingly. How, then, can he object to their course, or to them, when they shall enact what every one knows to be their policy?

He says "I have attempted to school him." How? When or where? Not by my speeches—not on this floor. No, sir; that can't be said. It is true, that since 1832, he and I have been politically intimate, and always personally so. With a freedom and candor that was authorized and demanded by our relations, I have placed my views, and the reasons for them, before him, but never in a manner unkind or unbecoming those relations. Being of the same family, I had a strong desire to see him at all times in the position of strength—one that I could always sustain. Within the last twelve months, however, the prospect of realizing that has vanished. It has been put out of my view by the exhibition of a certain pliable material in him, which caused him to yield certain points I never expected him to surrender. But I have not attempted to "school him." So far from it, I made no allusion to him in my remarks in reply to the gentleman from Ohio, [Mr. GIDDINGS,] it seemed to suit his purpose, and that of others, to convert it into a "*family quarrel*," instead of joining me and my colleagues in repelling the attack of the members from Ohio and Maine. If my colleague had joined me in the defence, the entire forces of the assailants would have showed themselves, from Ohio, from Maine, from Massachusetts, from New York, Connecticut, Vermont, and elsewhere; and we all should have had enough to do. Instead of that, he chose to conciliate and keep down the assailant's forces, by turning upon his colleagues. In a very short time, his colleagues will be entitled to their discharge, leaving only him and those who agree with him the battle field. He will then have full scope for his "*zeal for Northern interests*." And we shall see how he will manage to silence the fire of the enemy's guns; and after taking them to his boom, and giving them the vantage ground, how he will repel their attack. We shall also learn what that "*auxiliary in esse north of the Potomac*" will avail him.

My colleague claims the peculiar office of representing State Rights men. We know, sir, he was sent here for that purpose; but why does he sit silent on this floor, opening not his mouth, whilst a host, with bitterness on their tongue, in the ranks of his own Whig associates, are daily abusing, reviling, and scoffing at the Nullifiers and their doctrines? Why does he unite with them and travel out of his way to ridicule and bring into disrepute what he and others call "*Southern abstractions*?" Why does he attempt to blend, confuse, and confound the principles of the State Rights party with those of the Federal party? Why does he give his sanction to the profession that Federalism is a State Rights view of our system? If this be representation, then indeed he will be perfectly in order to represent anti-tariff constituents and defend a *protective tariff*.

He says he is a "strict constructionist," "a Pharisee of the Pharisees;" and yet, to make himself *practicable*, he is practically yielding all construction. To avoid being called "*rigid*," he will meet the "*power in esse north of the Potomac*" on common ground.

What does he mean by this "*power in esse north of the Potomac*?" Will he designate it by measures, or interests, or the names of men? It is incumbent on my colleague to define his position. It is his error, or his weakness, that, amidst the flowery of rhetoric and the charms of oratory, he becomes conspicuously obscure.

He says I intimated in my reply to the member from Ohio, that my colleagues were missing. In this he is wholly wrong. Nothing was further from what I did and said. On the contrary, I gave evidence of their presence, by turning to them and asking them to bear witness to the grounds taken by the members. They were all present, and, as I thought, they prepared to repel the attack, and I

doubt not would have done so, but for an apprehension that it might make the battle too conspicuous. We are glad they yet have influence enough by *entreaty* or otherwise, to silence a part of the enemy's artillery. It will at least enable those of us who have been in the front of the engagement, to retire, wounded, as we are by our adversaries in front, and our friends in the rear. We hope the post of honor will be soon assigned to our colleague, and that, freed from the annoyance of missiles from a friend at his back, he may have the glory of the victory. He asks you "who I am?" and answers his own question by saying, I am "one against whom the voice of condemnation is gone forth; that my constituents have not believed me, and will not believe me again." He states truly, in part, but, you have been told before, is not entitled to the credit of giving you the first information. He would not have repeated it, but to purchase to himself a *momentary gratification*, which being abstained from, would have done his heart and his head more credit. That my constituents have not believed me is admitted, but for that they are not to blame. If there shall be a loss, it is theirs. They are in pursuit of their own happiness, and should pursue it in their own way. They should effect it by agents of their own choosing. It would have been unwise in them to have attempted to effect their object by an agent who differed from them as to the course to be adopted. It is not for me to decide whether they have acted wisely in selecting one who has no policy of his own touching their happiness, that he may not yield, for the honor of serving them, no opinions which he holds too rigidly, to prevent a meeting between him and his "*auxiliary power in esse north of the Potomac*."

Whether they "*will disbelieve*" me or not, I have never stopped to inquire, nor do I now. So long as the duties of a station assigned to me by them require me to declare what I know, and testify to what I see, I shall not ask whether I shall be believed. It is my part to state truth—theirs to believe or disbelieve. Neither can I ever consent to remodel or mystify the truth, for the credit of being "believed."

My colleague says, "his is wholly the antagonist position to mine in politics." I am only surprised at the candid avowal on this floor. If he had said it twelve months ago, my surprise would have proceeded from another cause. But how is it we are antagonists? Is it in reference to our views of government? the principles of Jefferson, put forth by our party in 1833? I apprehend it is; and I hope he will deal as candidly with all his constituents as he has with me. I still hold to them, and act on them. If he is my antagonist, he has become so by an abandonment of them since we were elected. When we came here in 1839, we agreed also in measures. If we now differ, he has changed. Especially did we agree in the purpose to oppose the Whig party and their measures, Bank, tariff, internal improvement, national debt, etc. How is it he now is my antagonist? The fact that he chose Harrison, and I Van Buren, did not make us so, since by the former he expected to accomplish the same which I proposed through the latter. He was told before making that declaration, that if the Whig Administration policy should prove what he once thought, and what a State Rights Virginia member, [Mr. MALLORY,] a Whig, still thought; I, for one, should sustain it as freely as I had Mr. Van Buren's. This difference, therefore, can never make us antagonists; and I can now assure him, that if he is sincere in his profession of "strict construction," the State Rights principles of '98, in his opposition to a United States Bank, protective tariff, internal improvements, and a public debt in time of peace; I will consent not to yield these measures and principles, either to be "*believed*" at home or to conciliate "*a power in esse north of the Potomac*." He will find it impossible to be antagonistical to me, unless there can be an antagonist who is not an opponent.

What I have witnessed at this place, sir, reminds me forcibly of a remark once made to me by one of Georgia's most gifted sons, now no more—one who was eminently distinguished for the clearness of his conceptions, the brevity and force of his

language, the eloquence of his manner, the power of his intellect, and the conclusiveness of his reasoning—one who, during a protracted service here, stood conspicuous for his zeal, his ardent devotion to, and consistent support of, the Republican policy: I mean the late Thomas W. Cobb. Speaking of this city, this Government and their influences during one of those moments of freedom in conversation, when he was wont to relax into a familiarity of expression, peculiar to himself, he concluded by saying: "By shot, Mark, we send Republicans to Washington, and they come back Federalists."

DEFERRED PROCEEDINGS.

HOUSE OF REPRESENTATIVES,

THURSDAY, February 25, 1841.

The House being in Committee of the Whole on the Naval Appropriation Bill, Mr. SALTONSTALL moved to strike out \$1,425,000 and insert \$200,000 for the increase, repair, armament, etc. of the Navy.

Mr. SALTONSTALL spoke in support of his motion at considerable length. The appropriation reported in the bill was, he said, wholly insufficient for the demands of the Department. It is so, said he, in the opinion of the Board of Commissioners. That appears in every part of their reports to the Secretary of the Navy. The estimates presented to Congress were not the result of their own judgments, founded on their knowledge and experience, but were cut down so as to bring them within a certain amount, to which they were restricted. This was the course the last year as well as this. The Secretary of the Treasury forms the best conjectural opinion he can as to the amount of revenue for the year. This is reported to the President, and then it is parcelled out among the different departments and branches of the service. The Board say expressly, that their estimates were made "under the restriction that the whole estimate, exclusive of marines, shall not exceed \$5,025,000." This is all wrong, said Mr. S.; the head of the Department, with the aid of the Commissioners, ought to state that the present condition of that great branch of our Government, the Navy, and the amount of appropriation required. I do not say that their opinion should be conclusive. There is a tendency in all boards of officers to magnify the importance and the wants of their respective departments. But they should make the estimates, in the first instance, and these should be submitted to the examination of the President or the Cabinet. Mr. S. then remarked on the duties of the Board, their experience, and the great consideration to which their opinions are entitled.

Mr. S. then referred to the act of 1840 which placed under one head appropriations which had before been made under several, and referred also to the report of the Commissioners to show that, after deducting from the amount appropriated in the bill the sum which the experience of twenty-five years had proved to be necessary "to preserve a value in vessels and stores equal to the original cost" the sum of \$100,000 only will be left for the increase and improvement of the Navy.

One hundred thousand dollars for the increase and improvement of the Navy! Who will say that this is sufficient? It is a pitiful sum for the service for which it is required. Besides, we owe a large sum to the Naval appropriations. We have borrowed from the appropriation for the gradual improvement of the Navy, which was to be applied to other purposes, \$670,000 for the two steam vessels now nearly completed. This ought to be restored; this House did restore it in the appropriation bill of last year, but it was struck out in the Senate, as was also an appropriation for beginning a third steam vessel, on account of the state of the Treasury. They applied to the Naval bill the process of incision, and annexed to the Army and other bills the extraordinary *proviso* submitting to Executive discretion a large portion of the appropriations.

Mr. S. then referred to the acts passed from time to time, by which at least \$500,000 had been annually appropriated for the increase and im-

provement of the Navy since the year 1816, the last of which expired in March, 1840. The appropriation, said he, is wholly insufficient. No one can read the documents from the Navy Department and have a doubt about it. The Commissioners tell us what they want to do with the money; they want to complete the two steam frigates "if the necessary appropriation is made;" they want to build a third steam vessel to be propelled by Ericsson's propeller by way of experiment, and they say that "they were prevented from including this in the estimates for 1840 by the supposed necessity of limiting the estimates to a certain amount;" they want to complete the frigate Congress, a 60 gun ship, on a new model, the success of which it is important to try before building other vessels of the same class; and they are desirous of replacing the Guerriere, a name which excites a thrill in every American bosom, as it is associated with our first naval battle and naval victory—a name which ought to be forever preserved in our Navy. One hundred thousand dollars for all this! It is utterly inadequate. They must either stop and not go on to do what the good of the country requires, or they must draw the funds from other branches of the service, and of course throw additional burdens on the next year. Is this wise? Are we reduced so low as to render this necessary?

Mr. S. then spoke of the importance of the Navy; its importance was admitted, it had been ever since the last war. Time had been when the Navy had its enemies, but it had long since passed. It had gained universal favor by its gallant conduct—by the glory it had acquired for itself and the country. He referred, also, to what other nations were doing for the enlargement of their navies, their steamships, &c. What would be our situation (he asked) in case of sudden war?—not that he apprehended it. He trusted that we should be saved from such a calamity. But now was the time to prepare for an event to which we might be liable. But a navy (said he) is not required for war alone. It is essential for the protection of our vast commerce spread over the globe. That was one of the reasons for its original establishment. Our Navy is our best representative every where, and our best protection from insult and injury. We ought to have a naval force in every sea, where other maritime nations have established naval stations.

Mr. S. then adverted to the late seizures of vessels belonging to his constituents on the coast of Africa, and contended that if a proper naval force had been there, the outrages in all probability would not have occurred. Then why did not the gentleman agree to the proposed amendment?

The only reason which can be given is, the state of the Treasury! The money is all gone! Is this a good reason? Will the country so consider it? No. Let us, said Mr. S. issue Treasury notes, or resort to a loan, in any mode, rather than suffer our Navy to languish. Not a permanent loan, for I deny that there is now, or ever was, a party in this country in favor of a permanent debt upon principle; or a conflict of parties on this subject, as has been asserted in a high quarter. Think of the resources of this great country; with its immense commerce, its vast agricultural products, its swelling population, and such a population, so intelligent, so enterprising. Let us not then make stinted appropriations for our Navy. Let us grant all that the Department really needs. We owe it to the navy; we owe it to our country.

Mr. S. expressed the hope that no party feelings or considerations would be permitted to mingle in the debate, or to effect the decision of a great national question. Let one institution be preserved from the contamination of party strife—let that be our gallant Navy.

Mr. JONES of Virginia, chairman of the Committee of Ways and Means, replied, and expressed his entire concurrence in the sentiment that the Navy was a most important arm of the national defence; but said that it was necessary, in legislating in regard to it, to look further than this. What had the Department, whose duty it was to superintend the whole subject of the expenditures of Government, submitted as an estimate of the amount necessary to be appropriated to this branch

of the service for the present year? \$1,425,000. The Committee of Ways and Means had not reduced this amount by a single dollar, but had inserted it just as it stood in the appropriation bill. It was true this amount did not comport with the opinions of the Board of Navy Commissioners; but that alone was not to govern the House. If the wishes of those concerned in the expenditures of each Department should be complied with, the expenses of the Government would be enormous indeed, exceeding by millions any heretofore known. The gentleman from Massachusetts [Mr. SALTONSTALL] who proposed to augment the appropriations under this single item by the amount of \$575,000, was himself the man who had the most loudly and thoroughly condemned the expenditures of the existing Administration as extravagant, and had promulgated that sentiment throughout every quarter of the country. So had his political friends. But the moment the estimates were brought down to a more reduced scale, they were the first to cry out and denounce the Administration for its parsimony. What would suit the honorable member? The estimates were carefully made up from a view of the whole subject. The President and the Secretary of the Navy had had the full benefit of the report of the Board of Navy Commissioners, on which the gentleman mainly founded his amendment; they had been in possession of the fullest information, and had acted on a deliberate consideration of the whole. The gentleman was mistaken if he supposed the Secretary of the Treasury alone was concerned in submitting the estimates of public expenditures to Congress. The estimates from the other Departments were not submitted to his correction, but were laid before a joint meeting of the whole Cabinet; they had agreed on the sum inserted in the bill; and what was opposed to it? The naked opinion of the Board of Navy Commissioners.

The estimates which had heretofore been submitted, under various heads, in separate sums, were now directed to be summed up under one head of the present item. The Commissioners now told Congress that 14½ per cent. of the whole value of the Navy was required for its repairs; but they had changed their opinion on this subject, having formerly considered 10 per cent. sufficient. In the British service, the rate allowed was 12½ per cent. but heretofore, in our service, 10 per cent. had been allowed, and it had proved to be sufficient. A large amount of the sum appropriated last year remained still unexpended, and the bill now added to that amount \$1,425,000 more.

[Mr. BARNARD here inquired of the chairman on what data it had been that the Secretary of the Navy directed the Board of Navy Commissioners to graduate these estimates in such a manner, so that they should not exceed, in all, the amount of \$5,025,000?]

Mr. JONES replied that he had not inquired into the reasons of the Secretary. Congress were in possession of the most ample means of ascertaining the resources of the Government. Mr. J. supposed that five millions were deemed as much as could be afforded to be applied to this particular branch of expenditure. But they were told by gentleman that they must not look to the means of the Government, but simply have regard to what amount of money it was desirable to expend, and go on forthwith to appropriate it. If the money was not in the Treasury, or to come into it, the Government could borrow; and why not? But could such a course be deemed wise in a man's private concerns? Prudent individuals, before running into debt, looked first to their means of payment; and the same rule would apply to the affairs of Government. Many gentlemen were ready to make appropriations to any and every amount that could be asked; esteeming a national debt a national blessing; but Mr. J. did not belong to that school; he considered a national debt a national curse, and never to be incurred save under the most urgent and unavoidable necessity. If we were at once to go on, and build up a navy that should compete with all the navies of European powers, it was not twenty, nor forty, nor one hundred millions that would pay the price of it. The gentleman had complained that a large

portion of the regular fund for the gradual increase and improvement of the Navy had been diverted from that object; but who had done this? Congress. The fund had accumulated to the amount of \$1,500,000; and Congress thought it best to take a part of the money, which would have gone back into the Treasury, and apply it to the building of two steam frigates. There were ample materials on hand; and contracts had been entered into for the means of constructing 15 ships of the line, 18 frigates, 15 sloops of war, 9 steamers, besides copper and iron, &c. These contracts were authorized by law; and it was ascertained that, in applying the money of the fund, no inconvenience would be sustained. The present bill allowed \$750,000 for the gradual increase and improvement of the Navy, and it was founded on safer data than the suggestions of any individual member.

HOUSE OF REPRESENTATIVES,

MONDAY EVENING, March 1, 1841.

After the recess,

The House being in Committee of the Whole on the fortification bill, reported by the Committee of Ways and Means,

Mr. POPE resumed his remarks. He urged the committee not to insist, at this time, on any new measures of defence: it was better to postpone it entirely for the new Administration, and let them take the entire responsibility. He was entirely without authority to speak for that Administration, but should lend it his honest and hearty support. He gave credit to Mr. Van Buren for the pacific course he had pursued. He warned gentlemen not to tell the nation they could not be kicked into a war: it was dangerous language to so excitable a people. Give the new Administration fair opportunity to ward off the national dangers if it could be done with honor and propriety. He should make no war speeches and no war reports. He concluded by advising his friends to suffer the bill to pass.

Mr. LINCOLN addressed the committee at some length in favor of an increased appropriation for Boston harbor.

Mr. HAND was opposed to amending this bill by inserting the items from another bill. Mr. H. was one who believed we should have war. England could not sustain herself long without it; he deprecated, however, all excitement of feeling. He hoped the conduct of the people on the borders would not be rashly condemned; they certainly had received great provocations. He believed the new improvements in war were no objection to forts; England did not think so, for she was repairing old ones and building new. What we chiefly wanted was sufficient fortresses and well-stored arsenals. This lesson was taught us by the experience of the last war. (He here paid some compliments to the militia, not very plainly heard by the Reporter.) Mr. H. observed that the whole sum needed for the entire system of fortress defence would cost us but sixteen millions. He pleaded the necessity and expediency of a fortress in his own district.

After some remarks from Mr. JAMESON,

Mr. STARKWEATHER of Ohio, gave notice that he should discuss the question at large, and should not address this committee alone, but the nation at large. It had been said the Northern frontier was at the mercy of her Britannic Majesty; but young Ohio was ready to meet her Majesty; they had there a fortification which she could not overcome, no, not with the aid of Russia and France. She invited the foe to come, and she would make a slaughter-house and burying ground of her soil. The East were a nation of beggars; a pale-faced people, who ran behind a fort; the people of the West meet the enemy on the open field. The American people have never yielded their stripes and stars to the British lion; (he meant on the water.) Perry had covered the whole lakes with glory. Mr. S. said he intended to speak the balance of the session—not on the question before the committee, for he did not know what that was. Connecticut gave him birth, and what little bringing up he had, he got there. He complimented their enter-prise, but charged them with a love of gain.

The CHAIR called the gentleman to order, and required him to confine himself to the question.

Mr. S. insisted he had a right to speak on the prospects of war, and the necessity of defence. He derided the idea of defending Maine, because one Cape Cod fisherman could whip twenty British sailors on the ocean; so could one Ohio ranger do the like to twenty British soldiers on land. We had now a hero in the chair—a hero at the head of the nation; he would whip them as he did at Tippecanoe. The Indians had carried away their scalps, but it was confidently said that thirty were killed. This hero was to fight—with whom? With a woman. Without money and almost without men he had whipped the British; and yet now it was said we should be whipped to death. No. Americans never were whipped with equal advantages. With General Harrison at our head, no nation dare attack us. He was a son of the mother of States, but he had lived in Ohio; they knew him when he was the clerk of a counting-house; and he had burnt more wigs which were deserted than any man living. This argument was conclusive. The House must be convinced; it was now time to convince the galleries. He here quoted some verses, and then said he should address himself to the fairest and most beloved portion of our people. Freedom of action and of speech were constitutional right, (this was an episode;) and if he had the power of keeping the committee in order till the 4th of March, he wished to reply to some remarks made three weeks ago. He had so no nation dared attack us with our beloved hero at the head of the nation. It had been said that the election of Gen. Harrison settled the question that a tariff law was to be passed.

The CHAIR interposed and reminded Mr. S. that the tariff was not in order.

Mr. S. insisted that it must be, to show how the money in this bill was to be raised. Some believed that a called session was necessary to pass a law laying duties on silks and wines.

The CHAIR again called Mr. S. to order.

Mr. S. said it had been said there was a deficiency in the Treasury; it had been full—was now empty, and did not contain money enough to jingle on a tombstone; yet gentlemen now asked more money to fortify a country that needed no fortification, and to increase a navy which, when not half its present number, whipped the navy of England. The treasures of the country had been squandered, it was said, in erecting palaces of more than Eastern magnificence.

Mr. S. was then about to speak of the inconsistency of the Opposition in relation to the furniture at the White House, when

Mr. EVERETT here called to order on the ground of irrelevancy.

Mr. BEATTY. Yes, that is always the case. When any of our party are about to tell gentlemen things they do not like, they always shout "order."

Mr. S. said he would relieve the committee of all unpleasant feeling. He had sat here for three months subject to the same inconvenience. If he believed that others, who could not speak a whit better than he, could be stopped in like manner, he would take his seat; but otherwise he could assure gentlemen he should speak till the blushes of the 4th of March appeared.

The question on the amendment of Mr. SMITH, proposing to insert \$6,600 for Forts Preble and Scammel, in Portland harbor, and \$4,000 for repairing forts at Wiscasset, Damariscotta, Castine, and Eastport, in Maine, was then put and decided in the negative.

Mr. CROSBY moved an amendment for Fort Wayne, \$50,000. He earnestly pressed the necessity of such a work. The Indians were already much embittered against the Government; and if they saw it neglecting the frontier, would be emboldened to make an attack. They were not then in a condition to repel invasion; and the Government was bound by treaty to preserve peace among the Indians, and between them and the settlers.

Mr. JONES opposed the amendment. The present bill applied only to works begun; the army bill contained some provisions for the Western frontier; this bill was not the proper place for them. The

site of this fort was notoriously unhealthy, and it was proposed to remove the site of the fortifications.

Mr. CROSS urged his point, saying that it would be destruction to that region for the Government to withdraw from points now fortified.

Mr. WILLIAMS of New Hampshire opposed the amendment in a speech of some length. The object embraced in the amendment, he said, was not of sufficient importance to justify an increased expenditure. He had, at all times, labored to keep down expenditures as low as practicable, with a proper regard to the public interest, and to preserve a financial policy simple and economical; and he could not now, just at the time the people had been seduced into a belief that the expenses of the Administration were extravagant, vote to increase them, until the true character of the past expenditures were better understood by the people. He then proceeded to show that the expenditures of the Administration for the ordinary and permanent purposes of the Government had been reduced below that of any preceding Administration, and to defend its general measures, policy, and principles.

The question being put on the amendment, it was negative.

Mr. KEMBLE moved an amendment for fortifications at the outlet of Lake Champlain, \$50,000.

Mr. KEMBLE moved an additional section, allowing the President power to transfer the appropriations in the bill.

Mr. EVANS moved to amend the bill by adding thereto the following section:

"For reappropriations of several amounts carried to the surplus fund for the objects hereinafter named:

"For continuing works at Buffalo harbor, \$5,869.

"For erecting a mound or sea wall along the peninsula separating Lake Erie from Buffalo creek, \$3,463.

"For the sea wall for the preservation of Fairweather island, and repairing the breakwater of Black Rock, in Connecticut, \$2,800.

"For the construction of a road from Tallahassee to Iola, in Florida, \$9,500.

"For the military road from Fort Crawford to Fort Howard, \$232.

"For Wilmington harbor, Delaware, \$2,411.

"For the improvement of the inland channel between St. Mary's and St. John's, \$6,102.

"For the improvement of Dog river bar and Chocaw pass, in Mobile harbor, \$7,134.

"For the removal of obstructions at Ashtabula creek, Ohio, \$369.

"For the improvement of Cleveland harbor, \$1,166."

Mr. EVANS explained the amendment to be for the reappropriation of certain small amounts which had gone back into the Treasury. It had been earnestly recommended by the War and Treasury Departments. The Secretary of War had been about to draw the money, but was dissuaded from doing so by the persuasions of the Secretary of the Treasury, under the assurance that it should be reappropriated. The sums were small, and were chiefly intended to keep in preservation the public property, now so exposed that the Department of War had not a dollar to pay a man to take care of tools. If this prevailed, Mr. EVANS should move a general sum of \$50,000 for the preservation of public property in various other portions of the country. This was a mere reappropriation.

Mr. JONES inquired for Mr. EVANS's authority for what he had said relating to the understanding between the War and Treasury Departments.

Mr. EVANS replied that his authority was that of the Head of the War Department, from whom he quoted a letter in his hand.

Mr. JONES submitted whether this amendment was in order on an appropriation bill, to appropriate for roads, harbors, &c.

The CHAIR ruled the amendment to be out of order.

Mr. JONES moved that the committee rise and report the bill; but withdrew the motion at the request of

Mr. W. THOMPSON, who moved an amendment for the preservation of the site of Fort Johnson, harbor of Charleston, South Carolina, \$16,000; the case was precisely similar to that in an amendment which had been adopted.

Mr. T. read documents from the Department showing the need of the appropriation.

Mr. HOLMES explained the facts and supported the motion of his colleague, urging the necessity of a speedy application of aid to save the fort from being undermined by the sea. He protested, in the name of a commercial people, against the meanness and parsimony which had marked the proceedings of the Administration on these subjects. He was a friend of that Administration, but he could not approve of this. Mr. H. said he did dread a war; and he reproached the committee with their inertness in making preparations to meet the case.

Mr. THOMPSON moved an amendment for the purchase of an arsenal in Charleston. In that city there was neither arsenal nor custom-house belonging to the United States. If this opportunity was lost, the building used would be bought by a private individual.

Mr. JONES objected to the amendment, and the CHAIR ruled it out of order.

The question now coming up on Mr. KEMBLE's amendment, giving the President power to transfer appropriations,

Mr. LINCOLN said it was unnecessary, the President having that power already by law.

The amendment was withdrawn.

Mr. JEMESON moved to add an appropriation of \$25,000 for Fort Leavenworth. He supported the motion by some remarks, observing that it was founded on an estimate. Fort Leavenworth was the key of the Missouri frontier. Why it was overlooked by the Committee of Ways and Means, he could not conceive.

The amendment was negatived.

Mr. HABERSHAM offered an amendment of \$5,000 for a fort at Savannah, to preserve it in some state of repair. The Department had recommended \$50,000.

The item was rejected.

Mr. CRANSTON moved \$13,000 for completing a dyke for the light-house on Goat Island. He stated the great want of the completion of this work. The want of it was a great annoyance to the commerce, not only of Rhode Island, but from all other quarters.

The amendment was ruled out of order.

Mr. CROSS moved an amendment of \$10,000 for a military post on the western border of Arkansas.

Ruled out of order.

Mr. JONES moved for the rising of the committee.

Which prevailing, the committee rose and reported the bill and amendments to the House.

Mr. WELLER moved the previous question; which was seconded, put, and carried.

The amendments to the bill were read.

The item for Fort Macon, North Carolina, having been read, and the question being on concurrence, the yeas and nays were demanded and ordered; and, being taken, resulted as followed: Yeas 79, nays 53.

So the amendment was carried.

The other amendments having been then agreed to—

The bill was ordered to its third reading, read a third time, passed, and sent to the Senate.

Mr. JONES sent a resolution to the Chair, suspending the joint rule of the two Houses which provides that "no bill or resolution that shall have passed the House shall be sent to the Senate for concurrence on either of the three last days of the session," so far as the Army, Navy, Indian, Fortification, Military Academy, and two other small appropriation bills which passed the House on Saturday night, are concerned, which resolution was agreed to.

Mr. WILLIAMS of North Carolina moved to adjourn, but withdrew the motion.

DISTRICT BANKS.

Mr. W. COST JOHNSON moved to suspend the rules to take from the table the Senate bill to

continue the corporate existence of the Banks of the District of Columbia.

Mr. CAVE JOHNSON demanded the yeas and nays.

Mr. W. COST JOHNSON said he would not debate the bill; all he wished was, that a silent vote be taken.

Mr. WELLER moved to adjourn at a few minutes before 8 o'clock, p. m.

Mr. WILLIAMS of North Carolina asked the yeas and nays; which were ordered.

Mr. WELLER withdrew the motion, but it was immediately renewed by another member.

The yeas and nays were taken, and resulted as follows: Yeas 39, nays 103.

So the House refused to adjourn.

Mr. VANDERPOEL moved a call of the House.

Mr. LEWIS WILLIAMS moved to adjourn.

The yeas and nays were demanded, but refused. And thereupon the House, at a quarter past eight o'clock, adjourned.

REMARKS OF MR. NICHOLSON, OF TENNESSEE.

In Senate, February 16, 1841.—The amendment offered by Mr. Hubbard to include trading and other incorporated companies in the "bill to establish a uniform system of bankruptcy," being under consideration—

Mr. NICHOLSON addressed the Senate as follows:

MR. PRESIDENT: I have no disposition to protract the debate, which has already been continued until it has lost much of its interest in the Senate. I should be content with giving silent votes against the bill and the proposed amendment, but for the fact that such votes might be subject to misconstruction. Without troubling the Senate, therefore, with an elaborate argument, I will only tax its patience with a brief statement of the reasons which will govern me in voting upon the measure under discussion.

Nothing but the high obligation imposed by a sense of duty could restrain me from gratifying my own feelings, by supporting a proposition which appeals so powerfully to our humanity. If evidence were wanted of the immense amount and extent of the distress and suffering which exist in every portion and in every rank and condition of our country, enough to satisfy any mind may be found in the memorials which are daily presented here, calling upon us to interpose relief by passing a bankrupt law. There are high considerations of public policy, as well as of humanity, which strongly incline me to lend a favorable ear to these numerous appeals. I am satisfied that whilst the passage of a bankrupt law would open a speedy way to the deliverance of thousands of honest, but unfortunate, debtors, who have fallen victims to the abuses of the credit system, it would, at the same time, restore their energies, and enable them to become again valuable members of society. I hold that, in too many cases, the man who is bowed down under a weight of indebtedness, from which he cannot hope to relieve himself by his own exertions, is worth but little to himself, his family, or his country.

But whilst I thus frankly acknowledged the force of these high and humane considerations, duty demands that I shall not forget the true nature and character of the remedy proposed for relief. We are called upon to step in between the creditor and his debtor, and, by the exercise of an extraordinary power, to annul their contracts entered into voluntarily, and upon valuable considerations. We are appealed to for relief, by pronouncing bonds, entered into with all formality and solemnity, null and void: to enter the very temples of justice, to close their door against the creditor, and even to vacate the very records of the courts; and all this we are called upon to do, without the consent, and even against the remonstrances of the creditor. That such a power exists in Congress, and in Congress alone, is conceded, at least so far as the trading part of the community is concerned. But the history of our country proves that it has laid dormant in the Constitution, with the exception of about three years, during our whole existence as a Government. I infer from this fact, that there

is a settled repugnance in the American character to the exercise of a power which interferes with individual contracts. Our history is marked with periodical revolutions in the monetary affairs of the country, attended, time after time, with a degree of suffering and bankruptcy equal, at least in amount and extent, to that which now exists. In every such instance, except one, the native energies of our countrymen have enabled them to recover from their embarrassments without the interference of this Government. On one occasion only was a bankrupt law resorted to; and then, although enacted to continue in force for but five years, it was permitted to stand in force for but three years.

But there is another consideration connected with the subject, which goes far in determining my vote. Amidst that heavy mass of memorials under which our tables are groaning, I find not one from the State which I have the honor, in part, to represent. The citizens of that State have not escaped the calamities which have fallen upon the enterprising in other portions of the country. They, too, have pushed the credit system to an extreme point, and they, too, are reaping the bitter consequences. But, so far, they are enduring their fate silently, and, I trust, are appealing successfully to the resources of industry and economy for relief. It is certain, at least, that their voices have not been heard in this chamber.

Under the influence of such considerations, I cannot, at this time, consent to exercise a power so delicate and responsible. But, in coming to this conclusion, candor requires me to state, that if, upon more mature consideration, I shall become convinced that the exercise of this power ought to be resorted to, and especially if the developments of public sentiments in my own State shall indicate a wish for such relief, I shall not feel myself so committed by my present course, as to preclude me from acting differently hereafter.

Having said thus much in explanation of my vote on the original bill, I will now proceed to examine the amendment proposed by the Senator from New Hampshire, [Mr. HUBBARD.] That amendment proposes to place banking and other trading corporations on the same footing with individual traders. If they are at any time unable or unwilling to redeem their notes with specie, and, upon demand made, refuse so to do, they are by this amendment to be declared bankrupt, and be placed in the hands of commissioners, their affairs wound up, and their effects distributed amongst their creditors. It is designed to operate as a preventive measure against the frequent recurrence of those fatal expansions and contractions of the bank paper currency, which lie at the bottom of the ruin and distress which never fail to follow these abuses of the credit system.

It cannot be denied that such a restriction would go far towards checking and limiting the issues of banks. That it would secure an entirely stable currency would be more than could be reasonably anticipated. So long as that radical defect in our system of banking continues, of uniting in the same corporation the right of lending and of creating currency, expansions and contractions to some extent must exist. Our whole experience fully demonstrates the necessity of adopting some some remedy which will limit the ruinous tendency to constant fluctuations in the currency of the country. On this question there can be but one sentiment in this country. The disasters which have from time to time befallen every interest in society, arising from rapid changes and vacillations in the prices of property and the rewards of labor, produced in every instance by sudden contractions of an expanded currency, have been so many powerful arguments, going to strengthen and confirm this sentiment.

The only question now open with the people is that which relates to the best means of securing some degree of stability in the currency.

A portion of the present Opposition party maintain, that a National Bank would furnish the most effectual remedy. In support of their proposition, they have a stereotyped argument, which they have urged for years with unceasing zeal and with no little effect. That argument is, that a National

Bank is needed as a head to the banking system, to control, restrain, and regulate the operations of the State institutions. We deny that such an institution would have the disposition, even if it possessed the power, to restrain and regulate the State banks. We maintain that, from its very nature and organization, it would have the same interests, and would be actuated by the same motives; and would, consequently, follow the same line of policy which has characterized the operations of the State banks. Instead of acting as a regulator, we maintain that it would set an example, and lead the way, in expanding and contracting whenever its interest, or the interest of its political friends, dictated either course; and that the State banks would follow the example either from the same motives of interest, or because of their inability to resist the influence of the example. We maintain that the history of the late United States Bank, both as a National and State institution, fully sustains our positions.

The American people are jealous of a great central moneyed power, the leading recommendation of which is its capacity to control the State institutions. They see in it the power of regulating, without restraint or responsibility, the value of their property and their labor, whilst its political energies would be irresistible. Hence it is, that the friends of a National Bank succeed best in times of panic and embarrassment in urging their proposition. Seeing no other immediate prospect of relief, the people relax their antipathies to a National Bank, and lend a favorable ear to the appeals of bank men. But whilst we thus confidently controvert the efficacy of the measure proposed by our opponents, still we agree with them in the sentiment, that some remedy is necessary for our disordered and defective system of currency. One of the chief recommendations of the Independent Treasury system to the people, was the promise which it held out of restraining, to some extent, the excessive issues of State banks. Whilst that great measure rests for its claims to support upon other principles, I doubt whether it did not receive the public approbation mainly because it promised to operate as a partial regulator of the State banks. When the constitutional Treasury system was presented to the people as an antagonist measure to a National Bank, the condition of the times gave to our opponents a decided advantage in that issue. The people saw the bank paper rapidly withdrawing from circulation, the prices of property and of labor rapidly sinking, with ruin and bankruptcy following in the train of the contraction of the currency. They desired relief—more circulation. We presented the Independent Treasury system as a means of safety to the Government; but we did not propose relief by increasing the currency. Our opponents presented a National Bank; and with that they promised to afford relief, by gratifying the wishes of the people for an increase of circulating medium. Amidst the panic and pressure, the great purposes of the Independent Treasury were either overlooked or grossly misrepresented; whilst the National Bank interest was strengthened, because that measure was more in harmony with the feelings of the times. These two measures are by no means necessarily, or even properly, antagonists of each other. If a National Bank is ever established, I hope it will not be intrusted with the custody and the use of the public money; but that such an institution may be disconnected from the Government, and operate within its proper commercial sphere.

I have referred to the late issue between the Independent Treasury system and a National Bank, by way more fully of establishing the proposition, that the whole people, of every political division, are united in the sentiment that some effectual preventive against the disorders of the currency ought to be applied. Our opponents have proposed their remedy—it is a great central bank. We have proposed no remedy—literally none—which holds out the promise of a corrective.

Can it be wise to wait longer on the States? Surely we must now be satisfied that the States either cannot or will not apply the corrective to their banks. Upon the doctrine that their charters

of incorporation are contracts between the States and the corporators, it is certain that the States, in very many instances, have surrendered the power of reforming their banking institutions. If they still possess the power, they can never act in concert in adopting the necessary measures. In the present condition of things, we must either submit to the creation of a National Bank, with all its dangers, or we must await the inevitable destruction which must, sooner or later, befall the present banking system, and then take our position on an exclusive metallic circulation; or, which would be worse, we must give ourselves up to a permanent inconvertible bank paper system. For my own part, I have no intention to abide by either of these alternatives. I believe the power exists in Congress to apply a remedy to the State banks, and I hold it to be our duty to exercise that power.

I know that there are some who cherish a jealousy towards the exercise of Federal powers, which amounts, in some cases, almost to fastidiousness. I do not yield, even to them, in my devotion to the reserved rights of the States; but, at the same time, I feel myself under obligations, equally as high, to maintain the powers delegated to this Government. But is the application of a bankrupt law by Congress to trading corporations any encroachment upon the rights of the States? If these corporations were parts of the machinery of the State Governments, and were constituents of the body politic, there would be plausibility in the objection. But they are private companies, organized for individual purposes of trade, endowed by legislation with certain peculiar franchises, to enable them to prosecute their trades with more convenience and benefit to themselves. They have been termed by some gentlemen "emanations of State sovereignty," and by others "creatures of sovereignty;" as if there was some great magic in these vague expressions. Why are corporations supposed to be endowed with attributes of sovereignty? How do they differ from other "creatures" or "emanations" of legislative power? In no respect, except that, according to the prevalent doctrine of the day, they are above the reach and beyond the control of the powers that gave them being. Upon this doctrine, they are not merely "emanations" of sovereignty, but they are genuine *sovereignties*—so far, at least, as the States are concerned. Do they derive this high endowment from the States? Most unquestionably not. They are made to assume the character of contracts; and hence, under the Federal Constitution, they are shielded and protected from State interference. That principle, then, which is supposed to attach to corporations the attribute of sovereignty, is not derived from the States, but from that Constitution whose powers we are called upon to exercise. Take from them the protection of the Federal Constitution, and you sink them to the level of all other State laws, subject to State legislation and control, and stripped of all pretensions to sovereignty. But if the doctrine be correct, that neither the State nor Federal Government can interfere with corporations, then this whole land is checkered over with thousands of sovereignties, in which are concentrated a vast amount of the wealth of the country, above law, and capable of giving law to the Union. How baseless, then, is the objection, that a bankrupt law applicable to trading corporations is an encroachment upon State rights. So far from being true, the measure is designed to curtail the high prerogatives of these little sovereignties, and to bring them down to subordination to law. It is the exercise of a power which comes in aid of the rights of the States, which are rendered inefficient and impotent from having surrendered the right of impairing contracts. How very little of State sovereignty is left *unemanated*, if the tens of thousands of corporations for various trading purposes are subject neither to State or Federal control.

But the great objection to this measure, which has been pressed with uncommon zeal and ability, is, that it is not warranted by the Constitution. I acknowledge the doctrine, that whenever Congress proposes to exercise a power, those who support it ought to be prepared to show their

delegated authority. In compliance with this cardinal doctrine, I point to the power in the Constitution which authorizes Congress to "pass uniform laws on the subject of bankruptcies." I shall not stop to inquire whether the framers of the Constitution used the term "bankruptcy" in its limited and technical sense, as applicable only to "traders;" or whether they used it in its broad and ordinary acceptance, as synonymous with "insolvency." This inquiry is unnecessary for my present purpose. In the limited and technical sense of the term, by the English law, and in our own country at the time of the formation of our Constitution, all individual bankers and traders were embraced as proper objects of the bankrupt laws. This is conceded on all hands; and it is further conceded, that Congress now has the power to include in a bankrupt law individuals who are or may be engaged in banking or trading in their individual capacities. But the argument is, that so soon as these individuals are vested with corporate powers and privileges, they are withdrawn from the operation of a bankrupt law, and may claim exemption under their charters of incorporation.

It becomes important to inquire for that peculiar principle in a charter of incorporation, which throws this impenetrable shield around the corporators. They have a common name, by which they transact business, and by which they sue and are sued. This privilege is given, merely to enable them to carry on business with more convenience. The magic principle cannot be located in the name. They have perpetual succession. This privilege is designed to avoid the consequences of the death of any of the members of the company, and surely communicates no peculiar right of exemption from the operation of a bankrupt law. They have a common seal—it will not be contended that there is any virtue in this privilege. The individual property of the corporators, in many charters, and protected from State interference. That principle, then, which is supposed to attach to corporations the attribute of sovereignty, is not derived from the States, but from that Constitution, whose powers we are called upon to exercise. Take from them the protection of the Federal Constitution, and you sink them to the level of all other State laws, subject to State legislation and control, and stripped of all pretensions to sovereignty. But if the doctrine be correct, that neither the State nor Federal Government can interfere with corporations, then this whole land is checkered over with thousands of sovereignties, in which are concentrated a vast amount of the wealth of the country, above law, and capable of giving law to the Union. How baseless, then, is the objection, that a bankrupt law applicable to trading corporations, is an encroachment upon State rights. So far from being true, the measure is designed to curtail the high prerogatives of these little sovereignties, and to bring them down to subordination to law. It is the exercise of a power which comes in aid of the rights of the States, which are rendered inefficient and impotent from having surrendered the right of impairing contracts. How very little of State sovereignty is left *unemanated*, if the tens of thousands of corporations for various trading purposes are subject neither to State or Federal control.

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But it must be admitted, that there is one principle connected with trading corporations, as the law is generally understood, which is peculiar, and endows them with singular rights. I allude to the principle, that by our law, trading corporations are endowed with the dignity of *contracts* and being contracts entered into with sovereign States, they are placed beyond the control of those States. Hence, the inference may be, that they are also beyond the interference of the United States. I will test the efficacy of this high principle of corporations, by a few familiar illustrations.

Brokers are a class of traders, who come strictly within the design of a bankrupt law. In some States, the trade of a broker is a franchise. It can only be prosecuted by those who pay a specific sum to the State for the privilege. When the specific sum is paid, the State issues a license authorizing the broker to follow his trade for a specified time. Here is a contract between the sovereign State and an individual, by which, for a valuable consideration, she parts with a small "emanation" of her sovereignty, and confers it upon a broker. Will any one contend that this broker could claim an exemption from a bankrupt law, upon the ground that he carried on his trade by virtue of a contract with the State? He could claim such exemption, with the same reason, and upon the very same grounds, on which it is claimed for corporations.

I next take the case of the merchants: they have ever been the peculiar subjects on which bankrupt laws have operated. In many States, they buy and sell goods, wares, and merchandise, under contracts with these States. They, too, are endowed with a small "emanation of State sovereignty," in the shape of a license to merchandise. I ask if they cannot claim an exemption from a bankrupt law, by virtue of their contract with the State, with the same force with which trading corporations can set up the claim?

But, I will take another illustration, which I think is still more forcible. Unincorporated bankers have always been subject to bankrupt laws. There is now, and has been for many years, in the State of Tennessee, a private bank without any corporation, whose notes have circulated as freely, and whose standing is as good as our incorporated banks. I refer to the Bank of Yeat-

man, Woods, and Co. in the city of Nashville. The bill now on your table, if passed into a law, will operate upon this bank. It has no common name, no common seal, no perpetual succession, and the owners of the stock are liable, to the full extent of their property, for all its debts. Yet, this bank exists and trades under a contract with the State of Tennessee, by which the owners of the bank agreed to pay to the State, annually, five hundred dollars for the privilege of banking. This privilege is secured by an act of the General Assembly of the State, which is just as irrevocable, on the doctrine that it is a contract, as the charter of an incorporated bank. What one reason can the stockholders of the Union Bank of Tennessee, which is incorporated, set up, by way of exempting themselves from a bankrupt law, which cannot be urged with the same force by the Bank of Yeatman, Woods, and Co.? Both banks exist by virtue of acts of the State Legislature—both have a subsisting contract with the State—yet, that one which has the fewest privileges from the State, is admitted to be subject to a bankrupt law, whilst that which enjoys extraordinary privileges from the State, is said to be thereby exempted from a bankrupt law. To make the case still stronger: will any one contend, that if the Legislature of Tennessee were to authorize the Bank of Yeatman, Woods, and Co. to have a common name, and a common seal, and exempt the individual property of the owners from the debts of the company, that they could any more claim exemption from a bankrupt law than they can now?

If it be true that the incorporation of a company of individuals, for trading purposes, renders the bankrupt power in Congress inapplicable to them, then are brokers, merchants, bankers, and all other traders, who trade under license, also exempt, and the granted power becomes a dead letter. Under such a doctrine, the State Legislatures have the power of exempting every class and species of trade and occupation from the operation of a bankrupt law. They have but to extend over them acts of incorporation, and they completely annihilate the bankrupt power of Congress.

The question which I am now considering, has been discussed with great ability by the Senator from South Carolina, [Mr. CALHOUN.] That I may not do his argument injustice, by attempting to state it, I will read a paragraph from a speech made by him in 1840, in the Senate. He then said:

"But we have not yet reached the real difficulty. If the power was ever so appropriate, and the only one that was—if precedents were innumerable—it would only prove that this Government would have the right of applying the power to incorporations of its own creating. It could not go an inch beyond, and would leave the great difficulty untouched; the right of Congress to include State corporations in an act of bankruptcy passed by its authority! Where is such a power to be found in the Constitution? It seems to be forgot that this and the State Governments are co-ordinate Governments, emanating from the same authority, and making together one complex, but harmonious and beautiful system, in which each, within its allotted sphere, is independent and co-equal with the other. If one has a right to create, the other cannot have the right to destroy."

The paragraph which I have just read, contains the whole argument condensed and compressed, within a half a dozen lines. In the general principle laid down by the honorable Senator I fully concur. It is clearly true, that the General and State Governments are co-ordinate; and, within their allotted spheres, independent and co-equal. In framing the Constitution, the founders of our Government were too wise not to foresee, that, in exercising the powers of the respective Governments, there must necessarily be constant danger of serious collisions unless the harmony of the two systems should be secured by providing, in advance, against such contingencies. This harmony was attainable only by giving supremacy to the laws of one or the other system, in all cases of conflict. This supremacy was given to the laws of the General Government on that clause of the Constitution which provides that the Constitution

and the laws of the United States, which shall be made in pursuance thereof, shall be the supreme law of the land. It was impossible that any reach of human wisdom could have made an enumeration of delegated powers so definite and minute as wholly to avoid the danger of occasional conflicts. Conscious of its impracticability, the framers of the Constitution wisely provided against such emergencies, by giving supremacy to the constitutional laws of the Union. But to give to the laws of the General Government this supremacy over a conflicting State law, that Government must be clearly in its allotted sphere, exercising either specifically delegated powers, or powers necessary and proper for the execution of some one of those specifically granted.

I am thus peculiar in defining the sense in which the great principle assumed by the Senator from South Carolina is admitted to be correct, because I apprehend that the great error in that Senator's argument will be found in his having applied the principle in a wrong sense. He seems to regard the independence and equality of the two Governments as arising from the fact, that there are certain *specific* powers delegated to the General Government, whilst he would contend that all other powers are reserved to the States. I maintain, that not only the *specific* powers which are enumerated in the Constitution are delegated, but that *all other powers necessary and proper for the execution* of those specifically enumerated, are also *delegated* powers; and that laws passed in pursuance thereof, are as supreme as those passed in pursuance of the specifically enumerated powers. Whilst he will admit that State laws, coming in collision with United States laws passed in pursuance of delegated powers, must give way to their supremacy, he maintains that United States laws, passed in pursuance of the power to pass necessary and proper laws for the execution of the enumerated powers, must give way to State laws when they conflict. In this, consists the difference in our opinions as to the manner in which the two Governments are co-ordinate and co-equal. He regards one portion of the United States laws (those passed in pursuance of specifically delegated powers) as supreme; another portion, (those passed to execute specific powers, although constitutional, as he admits,) he regards as subordinate to State laws, when they conflict. I regard all the laws of the United States, passed in pursuance of powers granted in the Constitution, whether specifically enumerated or not, as supreme over all State laws coming in conflict with them. I know of no authority for assigning different degrees of dignity to different classes of United States laws passed in pursuance of the Constitution.

I come now to the inference which the Senator from South Carolina [Mr. CALHOUN] draws from this great principle. Because the two Governments, within their allotted spheres, are co-ordinate and co-equal, he infers that, "what one has a right to create, the other cannot have a right to destroy." The States have the right to create banks; hence, his argument is, that the United States cannot have a right to destroy those banks. In this position, the honorable Senator takes it for granted that a bankrupt law is a measure of destruction to the State banks. I will hereafter show that, in this, he wholly mistakes its operation. For the present, I will test his argument, even upon the supposition that it is a measure of destruction. I admit that the States have the right to create banks; but, at the same time, it must be remembered, that Congress has the right to "pass uniform laws on the subject of bankruptcies." This is one of the specifically delegated powers; and, even upon the argument of the Senator, must be supreme. If a State creates a bank, which, by becoming insolvent, subjects itself to the legitimate operation of a bankrupt law, can any proposition be clearer than that the bankrupt law, which is supreme, must take its course, even though it is destructive of the bank. This consequence results necessarily from the supremacy of the bankrupt law.

But I am far from admitting that the operation of a bankrupt law involves the destruction of the banks, and other trading corporations to which it

may be applied. It proposes to mete out to them the same remedy which it applies to other traders. If they become insolvent, and are unable to pay their debts, or if they become dishonest, and refuse to pay them, the bankrupt law takes hold upon the property of the corporation, winds up its affairs, and distributes the effects amongst its creditors. It does the same things with brokers, merchants, and other traders. The broker, or merchant, or private banker, can as well argue that the law destroys their trades, as can the corporation. It leaves them all with their franchises and privileges unimpaired. The broker has the same right, under his license, to resume his trade after his effects have been given up, as he had before. So also the merchant and private banker, and so also the incorporated bankers, have all their franchises left unimpaired. Their common name—their common seal—their right of succession—the exemption of their individual property—all these, which constitute their corporate being, remain in full force and existence—none of them are impaired, much less destroyed. If their effects are gone, they have still the right to proceed upon their charter, procure other capital, and again commence operations under the same corporate existence. The body corporate still exists, with all its immunities, faculties, and functions, as well after the bankrupt law has spent its force as before.

My conclusion is, that the argument of the Senator from South Carolina is unsound, in the first place, in denying to a bankrupt law that supremacy to which it is entitled, and, in the next place, in regarding the bankrupt law as the exercise of a right destructive of the right of the States to create corporations.

But there is still another argument somewhat relied on to show that we have no power to apply a bankrupt law to corporations. It is said that, up to the time our Constitution was formed, no instance is to be found, either in England or America, in which a bankrupt law had been applied to corporations. Hence it is inferred that the framers of the Constitution did not design to include corporations. The fact may be, and I believe is, true, that no such instance can be found; but it by no means follows, that an exemption of trading corporations is the necessary consequence. It could hardly have been anticipated by the framers of our Constitution, that in little more than half a century, nearly a thousand banking corporations, and tens of thousands of other trading corporations, would spring up under the patronage of State authority. The true question is, whether, if they had foreseen the evils that were to arise by the abuse of corporations, they would have granted to them a special exemption from the operation of the bankrupt power. It is indisputable, that trading corporations come within the scope and purview of the bankrupt policy, and it is altogether probable that, if the present state of things could have been foreseen, instead of exempting, they would, with even more clearness, have granted the power.

The result of my reflections on this subject is, that the power to include banking and other trading corporations in a bankrupt law is clearly delegated. I regard it as a power of great value, and the only one in the Constitution which enables this Government to furnish a corrective to the abuses of State banking. I regard it as unfortunate for the country, that it has been suffered to lie dormant so long in the Constitution. Much of the distress which the country has suffered from time to time from the excesses of paper currency, might have been averted by the application of this remedy; and, I trust, the time is not very remote, when it will be called into exercise, to operate as a permanent check upon the acknowledged evils of our banking system.

But, as well satisfied as I am of the existence of this power in the Constitution, and of its great value, I would be far from making an application of it at the present moment. Whatever excesses the banks may have been guilty of in times past, and however much we may be disposed to censure their misconduct, we cannot shut our eyes to the fact, that, in their excesses, they but went along with the spirit of the times. That they stimulated the public mind, and fur-

nished the means for speculation, cannot be denied; but, at the same time, it must be admitted, that the state of the public mind seemed not only at the time to justify, but even to demand a liberal policy of discounting by them. In their present crippled condition, and in the present embarrassed condition of the country, it is a serious question, whether any measure should be taken to coerce the banks to a speedy and rigid collection of their debts. They are suspended, and unable to resume, because their debtors are suspended, and unable to pay to them their debts. A bankrupt law, either to take immediate effect, or to commence at a future day not remote, would inevitably operate to increase very largely the existing embarrassments of the people. A system of prompt and rigid collections would necessarily commence with the banks against their debtors, and, from them, extend throughout the whole community. It is estimated that the debts now due to the banks in the United States amount to about five hundred millions of dollars. It is impossible to calculate the immense distress which the sudden enforcement of the collection of this vast amount of debt would produce. There is no remedy for the distresses of the country which can be furnished by legislation. Any attempt at it must aggravate the hardness of the times. The establishment of a National Bank would but increase the present embarrassments. The passage of a bankrupt law applicable to banks would have the same effect. Mutual forbearance, renewed industry, and rigid economy, are the only certain remedies for the recovery of the country from its present distressed condition. When these infallible remedies shall have effected a restoration of the times, and enabled the solvent banks to resume in good faith, then, in my judgment, would be the proper time to subject them to the operation of a bankrupt law. It would then operate, not to the destruction of the State banks, or to the aggravation of existing embarrassments, but as a check on future banking excesses, and a preventive of future suspensions. If I should be called on, under such circumstances, to decide upon a bankrupt bill, I shall most cheerfully give it my support. But, at present, I cannot consent to exercise even that valuable power, when the consequences would be so fatal.

APPENDIX.

Since the foregoing speech was delivered, my attention has been drawn to a report, submitted to the Senate by the Secretary of the Treasury on the 12th of February, 1841, showing the losses of the General Government and of the people of the United States, from the use of banks and bank paper. The facts contained in this document present the evils of our banking system in so strong a view, and prove so conclusively the necessity of some measure that will regulate or check the abuses of that system, that I feel myself justified in appending the following statements, called and condensed from that document:

TABLE A.

<i>Losses sustained by the Federal Government, by the employment of banks and bank paper before the year 1837, and since.</i>	
Loss on the depreciation of bank paper prior to 1837	\$5,500,000
Loss by banks as depositories prior to 1837	900,000
Loss by using banks as depositories since 1837	100,000
Loss on bank notes taken and not redeemed prior to 1837	80,000
Loss on bank notes taken and not redeemed since 1837	40,000
Computed interest on aggregate losses	8,672,000
Total principal and interest	\$15,492,000

In 1830, the Committee of Ways and Means in the House of Representatives estimated the loss on the depreciation of bank paper received prior to 1817, at \$34,000,000. In this estimate, the committee are supposed to have taken into consideration the facts that, after August, 1814, loans were made to the Government in irredeemable paper, at a high premium, and which loans were finally discharged in specie, or its equivalent.

TABLE B 1.

<i>The number and capital of banks which have failed in the United States since 1789.</i>	
Capital of 20 banks failing before 1811	\$3,000,000
Capital of 195 banks failing from 1811 to 1839	36,787,309

Capital of 150 banks failing from 1830 to 1841	12,000,000
Whole number 395, and their whole capital	\$96,787,309

This computation does not include the United States Bank, which suspended whilst the report was preparing. If this third suspension turns out to be a failure, as many believe, an addition of \$35,000,000 must be made to the above amount of \$96,787,309.

TABLE B 2.

<i>Losses by the banks which have failed since 1789, computed on their capital circulation, deposits, and balances owing.</i>	
Loss on capital	\$72,592,481
Loss on circulation	18,147,620
Loss on deposits, and balances to banks	18,147,620
Total	\$108,886,721

TABLE B 3.

<i>Loss by the community, through depreciation of bank paper, in cases of suspension of specie payments.</i>	
Loss by the suspension from 1814 to 1817	\$22,500,000
Loss from 1817 to 1833	44,000,000
Loss from 1839 to 1841	22,500,000
Loss at other times by depreciation	6,000,000
Total	\$95,000,000

TABLE B 4.

<i>Aggregate of losses since 1789 to the people, through the existence of banks, and the use of bank paper.</i>	
Losses by bank failures	\$108,886,721
Losses by suspensions and consequent depreciation of paper	95,000,000
Losses by destruction of bank notes by accident	7,121,000
Losses by counterfeit bank notes beyond losses by coin	4,444,444
Losses by fluctuations in paper currency, affecting prices, &c. &c.	150,000,000
Aggregate computed	\$365,451,495

TABLE C.

<i>Amount paid by the community to the banks, annually, the last ten years, for the use of banking institutions.</i>	
The result of this estimate is, that the whole payments made to the banks for the use of them, their capital, &c. during the last ten years, has been, in the aggregate	
This would be, annually, an average of	\$282,000,000

The income or gross profits of banks are derived not only from loans of the capital, deposits, and circulation over and above the specie on hand, but from exchanges, and a larger interest than 6 per cent. in all cases; and hence, it is estimated, that the annual gross profits must average 12 per cent. on the capital. For the last ten years, the estimated average bank capital, yearly, has been \$235,000,000; on this amount, a profit of 12 per cent. per annum gives \$282,000,000 each year, and \$2,820,000,000 for the ten years.

TABLE D.

<i>Whole bank capital in the United States owned in foreign countries.</i>	
Of the stocks in the United States Bank there is owned abroad	\$24,405,500
Of other banks, there is estimated	11,250,000
Total	\$35,655,500

REMARKS OF MR. PIERCE,

OF NEW HAMPSHIRE.

In Senate, January 28, 1841.—On the following resolution:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into expediency of changing the rates of postage on newspapers which are sent less than thirty miles from the place of their publication.

Mr. PIERCE said he desired to say a single word upon the resolution which had been submitted, not upon the suggestion of the proprietors of newspapers alone, but in consequence of letters received from other persons equally, perhaps more deeply, interested, although in a different way. He regarded the subject as important, and desired to draw to it the attention of the chairman, and ask as early consideration on the part of the Committee on the Post Office and Post Roads as they could with convenience bestow. Alterations in the existing laws were doubtless required far beyond that contemplated in the resolution. Changes in the rates of letter postage, so far at least as to strike off the vulgar fractions, the quarters, halves, and

three-quarter cents, and substitute for the present rates the Federal currency, although trifling in amount, would be productive of great convenience, and, without sensibly diminishing the revenue, would probably save in the Auditor's Office 10,000 dollars annually in clerk hire. Changes in the rates of postage on newspapers and periodicals, having reference to weight as well as distance; changes in relation to the franking privilege, which was becoming so broad in practice as now greatly to embarrass the Department, not only by an almost incalculable diminution in the receipts, but by becoming itself a heavy and increasing charge, were manifestly demanded by views of sound public policy, by considerations of private justice, and what was more, by the distinct and unequivocal tone of public opinion throughout the country. Whether the franking privilege had or had not been abused, was a question upon which he expressed, and desired to express no opinion. Some facts disclosed in the Postmaster General's report, struck him with no little surprise. There were no data for determining the number of free packets conveyed in the mail, because a large portion of them were not entered on the post bills; but an account kept at the post office in this city for three weeks during the last session of Congress, shows that there were sent out during that short period, 435,669 free letters and packages, weighing more than sixteen and a half tons. Taking this as the average of a session of thirty-three weeks, the two cents allowed to postmasters for the delivery of free letters sent from this office alone, would amount to \$95,627. How could a Department, depending wholly on its own receipts, and asking nothing from the Federal Treasury, be expected to sustain itself with the imposition of such burdens, especially with such draughts upon its ordinary accruing revenue? He ought not, perhaps, to expect that a resolution like that which he had moved—which, while it affected individuals of all classes and conditions in life, could have no political bearing—would receive much consideration here. If he had embraced the whole subject of the rates of postage—practical as it would be in its character, and interesting to every body—he would regard any final action at this session as utterly hopeless. He had, therefore, restricted the inquiry to a single point, embracing an object so manifestly for the advantage of the citizen and the Department that he would venture to hope that it might be taken up at some lucky moment and find favor. Since it was not only admissible to depart from the subject immediately under consideration, but so particularly in order that a Senator thought it incumbent on him to give notice yesterday that he would take care not to be out of order by speaking to the question, he (Mr. PIERCE) would avail himself of the privilege of digression, and state some of the reasons why he had not more confidence in securing final action upon this and other matters both of individual and general interest. In doing so, he would save a vast amount of labor, to which he would otherwise be subjected, in replying to numerous letters from his plain, practical, common sense constituents, who found it difficult to understand why it was that measures, the justice and expediency of which were unquestioned, could not receive the prompt consideration and definite action of Congress. He would give them the result of his nearest observation of the course of business here, and the chief obstacles which lie in the way of despatch. And they would judge, if, indeed, that judgment was not already made up, whether there was not too much evidence that elevated patriotism and an anxious desire to accomplish that legislation which was unequivocally demanded by the honor and the interests of the whole country, were absorbed in devotion to party purposes, and promptings of personal ambition. Without alluding to the character of debates, or to scenes that might have occurred elsewhere, calculated to wound the moral sense and the pride of our citizens at home, and to bring our admirable institutions into discredit abroad, he might, he trusted, without offence to either side of this Chamber, be permitted to say that party principles—the application of those principles to legislative measures—party action, and party triumph

had, within the last few years, constituted the great stimulants to effort, and called out the speaking talent in both ends of the Capitol. It was quite immaterial what leading question happened to be brought forward at an early day; it was the one upon which the battle royal in either House was sure to be fought. The provisions of the bill might be simple, and its principles embraced within a narrow compass; not so the debate—like the circle created by casting a pebble into the smooth waters of a placid lake, it expanded and expanded until it embraced within its broad circumference all sorts of topics, and every great political question that had ever been agitated from the days of General Washington to the present hour. It did not become him to complain of this. To himself personally it had been edifying and instructive, and so it must have been to any person, provided he had not read the debates that occurred many years since upon the same subjects. He found no fault with it, but on this ground. A debate of a party character, springing up at the beginning of a session, was almost certain to exclude all sober and judicious legislation upon most of the great subjects involving the interests of the country. It was notorious that even the general appropriation bills were crowded into the last hurried hours of the session. And what was, if possible, still worse, it excluded the demands of honest claimants, who had been waiting and knocking for years at the doors of Congress. Hardly a day passed that he was not asked by some of these meritorious persons why this or that claim—a claim indisputably right, the justice of which no one could deny—had not been disposed of? And what was his answer? It was, that, which he now gave once for all, action upon matters of public concernment and private interest was deferred to debate upon political questions, and to party wrangling. The short session had usually been a session of business; and he took leave to say that, although they might disregard measures of public utility like that contemplated in his resolution, and set popular feeling at defiance, it was cruel to thrust aside the just demands of individual claimants. Some most extraordinary facts might be adduced on this subject. He could point to claims still upon the calendar, which had been presented to both Houses, favorably reported on in each, that had come down unliquidated through a period when there was an almost interminable debate upon the question what should be done with \$40,000,000 surplus revenue; at that time individuals, honest and injured, had complained to him that while they were waiting for tardy justice, they were suffering not only pecuniary loss, but the deepest mortification from being unable to fulfil their engagements; because they were denied here that which was honestly their due. It was just so now. Yet here we were with a battle royal going on in both Houses—at one end of the Capitol on Treasury notes; and at the other on the public lands. When either would probably terminate, he believed no gentleman ventured to hazard a conjecture. During all this he had been forcibly struck by an impression made on his mind years ago, when he had heard little of politics and read less, that the habits of debate were from year to year growing worse and worse. It had come to that at last, that the powers and usefulness of gentlemen seemed to be estimated, not by what they said, but by the time they occupied. The usual announcement in the morning papers was, (after taking good care not to allow the singular ability and surpassing eloquence of the speaker, who is sure to demolish all the previous arguments of his antagonist, to go unnoticed,) that Mr. — spoke one, two, or three hours; one, two, or three days; and, upon this announcement, his mark upon the scale of merit was established. He believed that a happy change was taking place in popular opinion upon this subject, and that that scale of merit was likely to give place to another and a better standard. It might not perhaps retard this change in its progress, or be lost upon the younger aspirants for distinction, to remember that all the reported speeches of the most accomplished and dexterous debater of modern times, Charles James Fox, from 1768 to 1775, in the British House of Commons, were embraced in twenty-nine pages; less

than the volume of one single Congressional speech of modern times.

He recollected with perfect distinctness some remarks made by that noble philanthropist, profound jurist, and sagacious statesman, Mr. Livingston, be believed during the year 1830. He would thank the Secretary to send him the volume of debates upon Foote's celebrated resolution.

The remarks of the distinguished Senator, pronounced in this Chamber ten years ago, were so apposite, so perfectly in point at the present time, that he would read a few paragraphs. After a brief exordium Mr. Livingston proceeds:

"The multiplicity and nature of the subjects that have been considered in debating a resolution, with which none of them seem to have the slightest connection, and the addition of new subjects, with which every speaker has thought it proper to increase the former stock, has given me, I confess, some uneasiness. I feared an irruption of the Cherokees, and was not without apprehensions that we should be called on to terminate the question of Sunday mails, or, if the Anti-masonic convention should take offence at the secrecy of our Executive session, or insist on the expulsion of the initiated from our councils, that we should be obliged to contend with them for our seats. Indeed, I had myself serious thoughts of introducing the reformation of our national code, and a plan for the gradual increase of the navy, and am not yet quite decided whether, before I sit down, I shall not urge the abolition of capital punishments. In truth, the whole brought forcibly to my recollection an anecdote told in one of the numerous memoirs written during the reign of Louis XIV. too trivial, perhaps, to be introduced into this grave debate, but which, perhaps, may be excused. A young lady had been educated in all the learning of the times, and her progress had been so much to the satisfaction of the Princess, who had directed her studies, that, on her first introduction, her patroness used to address her thus: 'Come, Miss, discourse with these ladies and gentlemen on the subject of theology. So—that will do. Now talk of geography; after that, you will converse on the subjects of astronomy and metaphysics, and then give them your ideas on logic and the belles lettres.' And thus the poor girl, to her great annoyance and the greater of her auditors, was put through the whole circle of the sciences in which she had been instructed. Sir, might not a hearer of our debates for some days past have concluded that we, too, had been directed in a similar way, and that you had said to each of the speakers, 'Sir, please to rise and speak on the disposition of the public lands; after that, you may talk of the tariff; let us know all you think on the subject of internal improvement; and, before you sit down, discuss the powers of the Senate in relation to appointments, and the right of a State to secede from the Union; and finish by letting us know whether you approve or oppose the measures of the present or the six preceding administrations.' The approximation, sir, of so many heterogeneous materials for discussion must provoke a smile; and most of those who have addressed you, while they lamented that subjects unconnected with the resolution had been introduced into debate, rarely sat down without adding to the number."

Mr. P. said he had no intention whatever to reflect on the course of any gentleman. It was not for him to dictate; but when he was importuned from day to day respecting measures in which the people whom he had the honor in part to represent were deeply interested—when they were continually asking him why the Post Office reform was not effected—why their private claims were not considered, he chose to state the true and only reason—one which no gentleman here could gainsay or controvert.

His people were not a complaining people; but they knew what was just and reasonable, and they usually insisted upon it. He would ray a word with regard to New Hampshire, not in a spirit of boasting, but to silence the scoffs and taunts of weak men and wicked men, of buffoons and petty politicians, whose jests and slanders had found their way into the partisan press under the caption of the "dark corners." That which had drawn upon her reproach was precisely the distinguishing characteristic of which every son worthy of the soil that gave him birth should be most proud—the sturdiness and inflexibility with which she had adhered to her political principles. In war, she had sent forth from her thousand hills vastly more than her proportion of men, with strong hands and stout hearts; to do battle for the common country; and, as their blood upon many a well fought field, both in the Revolution and the late war, would testify, they had not disgraced the land of their nativity. In peace, she called her sons to the ballot-box to stamp the seal of her reprobation upon miserable mummery of electioneering shows, and to smile back defiance upon any appeals made to them not supported by truth and reason.

"The dark corners!" She obnoxious to the charge of darkness and ignorance! He would not ask gentlemen to look at the number and condition of her literary institutions of the highest class—at her sixty-three academies, in which the languages and the higher branches of education were taught,

with nearly six thousand scholars—at her two thousand common schools, all supported at the public expense, with more than eighty-one thousand pupils—at the circumstance that the means of education was brought, as it were, to every man's door—there being a place of public education to every one hundred and thirty inhabitants; but he would state a single fact, ascertained by the late census—it was this: that, with a population of 284,481 souls, there were only 927 persons over twenty years of age, foreigners included, within the limits of the State, who could not both read and write; and on that fact alone he would hold her up in the sunlight of her intelligence. He instituted no comparisons, but he might safely challenge them from others. So much, by the way of digression, which he had not only desecrated upon, but *illustrated*.

The Post Office Department itself presented a striking illustration of what he had said in relation to the course of business here. A few years ago, the condition and management of that Department were regarded as the salient points of party debate in both Houses, and a steady fire was kept up for weeks. The country was told that there was no such thing as hope of effecting a salutary reform. The Administration was thoroughly corrupt and profligate, and must be put down. The operations of that Department had been constantly enlarging, its revenue had risen from one million to four millions of dollars, and yet, from that day to the present, we had heard scarcely a word of abuse, or proposed reform there. Why? Because it was not material to the party issue made up before the people. He desired not to be misunderstood. He claimed no exemption from party feeling. He was ardently attached to the party with which it was his pride to be associated, not more from the force of education than from thorough and confirmed convictions of right; but he was assured that his constituents would be better satisfied with reform where reform had been constantly sounded, and was, in many respects, most needed—in Congress, by action, by reasonable despatch in the transaction of the people's business.

Thus much he had thought due to the subject, due to the people whom he had the honor, in part, to represent, and to the unfortunate claimants who had so long been waiting here for justice. He would only add, that the worst kind of a tax that could, by possibility, be imposed, was an onerous tax upon knowledge—upon the means of knowledge—upon the means of exchanging thoughts—upon letters, newspapers, and periodicals.

He had no doubt that a considerable reduction might be made in the rates, of which the whole business community would feel the great benefit without any sensible diminution of the receipts. The single change which he proposed might seem of trifling importance, but it was not so in fact. It would a great relief to printers of small sheets in the country, and to their patrons. Under the existing law, they were compelled to pay as much for a newspaper that had to travel but five miles to reach their door, as if it came one hundred, and for a little country sheet, as they would pay for Brother Jonathan or the New World. What was the effect? A law so palpably unjust was constantly evaded, and the papers found some other conveyance than the public mail. Limit your postage to papers coming from beyond the lines of the county, and have some reference to weight as well as distance, and you not only consummate justice, put a stop to the violations of the law, and secure more postage, but you will relieve both the printer and subscriber from a dependence upon the accommodating spirit, or, it may be, the caprice of mail contractors.

DEBATE IN THE SENATE.

PROSPECTIVE PRE-EMPTION BILL.

WEDNESDAY, January 20, 1841.

The bill to establish a permanent prospective pre-emption system in favor of settlers on the public lands being again taken up as the special order of the day—

Mr. HUNTINGTON said that, before the Senate adjourned last evening, he had suggested that

he wished to offer certain amendments to the bill; and, as they were now in order, he would proceed to propose them. When, on a former day, he had made some remarks upon the general provisions of the bill, he had intimated it as his conviction that there was a majority of the Senate in favor of a pre-emption system of some kind, and the votes given since the present bill had been under discussion showed that opinion to be correct; he had further observed that, in his judgment, the bill, as it had been reported from the Committee on the Public Lands, was such a one as ought not to pass; and that he would, when the proper opportunity should present, make an effort to have it amended. The Senate, as Mr. H. understood it, had now settled certain principles on the general subject; in the first place that they would not adopt the plan of cession, as proposed by the Senator from South Carolina, [Mr. CALHOUN]; and again, that they would not adopt the amendment offered by the Senator from Kentucky, [Mr. CRITTENDEN] attaching the principle of distribution to that of pre-emption; and in the third place, that they would not assent to the substitute proposed by the Senator from Vermont, [Mr. PRENTISS], making pre-emption retrospective and not prospective. These points he considered as now settled; and the amendment Mr. H. wished to propose would not interfere at all with these decisions.

There were some provisions in the bill which he thought should not remain there, and some others which might with advantage be modified, and some new ones which should be added, the better to secure the nation and honest settlers from fraud and imposition. The design of the amendments he should offer would be to carry out the professed object of the bill, which was to give the honest *bona fide* settler the prior right of purchase of a quarter section of land he had settled upon, and they went to carry out the spirit of the pre-emption law of 1838—a statute which has been continued and the principal provisions of which are now in force. This had not been particularly alluded to, but so is the fact. We are now under the pre-emption law of 1838; it is, with some alterations, at this hour the law of the land; it was revived in 1840, and extended to 1842; and the present bill is a departure from that law, not merely by making the system prospective instead of retrospective in its operation, but by omitting important parts of that law, and altering essentially some of its provisions. On what grounds are pre-emption laws defended here, and in the nation? On the two principles of public policy and of private justice.

Is it not said to be justly due to the honest *bona fide* settler that he shall be protected in the enjoyment of the fruits of his industry? Are we not told that if a foreigner leaves his country and comes here, or one of our own citizens leaves his residence in an old State, and goes on our public domain, and erects a log cabin on it, justice requires he shall be covered by a pre-emption law, and secured in the possession of his land? Is not this assumed, everywhere, as the equity on which a pre-emption law is founded, so far as it respects the individual? And, with regard to its public policy, is it not said that such laws encourage the settlement and sale of the public lands? that they raise the price of the lands, and give an impulse to population, thus bringing strength to the country, and adding to the public wealth? Am I not justified in saying that these are the two principles on which the pre-emption system is made to hinge? Gentlemen may differ as to the expediency of the system, but its friends put it on the two grounds I have stated. If these be indeed the principles on which alone the bill can be defended, I hope its advocates will support them, as they are assumed and embodied in the amendments I shall offer, which go to protect the *bona fide* settler, and him alone.

With these views I offer the following amendment to the bill, and ask the Senate to compare it with the bill, and judge whether it is not in accordance with the principles on which any pre-emption law can rest, and ought not, therefore, to be adopted.

Mr. H. here read the amendment, as follows:

"Sec. 5. After the word 'divided,' in the third line, strike

out to the word 'no,' in the fourth line, and insert: 'equally between them, but neither shall have any claim, by virtue of this act, to any other land; and' "

The bill now reads:

Sec. 5. And be it further enacted, That where two or more persons shall have settled on the same quarter section, the same shall be divided between them, and the deficiency made up to each out of the contiguous vacant ground; but no wilful intruder on the known claim of another shall be entitled to any benefit under this section.

If the amendment shall prevail, the section will read:

"That where two or more persons shall have settled on the same quarter section, the same shall be divided equally between them, but neither shall have any claim, by virtue of this act, to any other land; and no wilful intruder on the known claim of another shall be entitled to any benefit under this section."

The bill, in its present shape, declares that if two or more persons shall settle on the same quarter section, the land shall be divided between them, and each settler shall be entitled to so much from the contiguous vacant land as shall be sufficient to make up to him the full quantity of a quarter section; but that no wilful intruder shall be entitled to the benefits of this provision of the law. It gives to every settler (not a wilful intruder on the same quarter section) an equal right in that land, and also a right of pre-emption to what is equivalent to a whole quarter section. He is not merely to have his interest in the quarter section with the rest who unite with him in seizing upon it, but enough is to be taken from the adjoining land to make up a quarter section to each. Will not this prejudice the interests of the *bona fide* settler, and promote those of the speculator? It does not prohibit the settlement on a quarter section by more persons than one; any number may agree to associate and unite in fixing themselves on a single quarter section, and thence spread themselves over all the contiguous lands. Will half a dozen individuals settle on one quarter section of land, if they all intend to become permanent residents or the soil. If they enter on the land with a sincere desire of making themselves homes in the wilderness, they will each take his quarter section and begin to improve it; but, by this bill, a family may go on one, and improve it together, and then when the time of sale comes, each of them embraced within the provisions of the bill will be entitled to a separate quarter section at the Government price. Nor is this all. If it were only families that could do this, their taking a tract together might furnish some evidence of an intention to settle permanently on the property. But what is to prevent a company of speculators from going on the land and inhabiting it, and raising one log cabin, to furnish a shelter for them all, and as soon as the pre-emption right is to be perfected claiming, each one, his separate tract of land, at a dollar and a quarter, and immediately selling it at a great profit? I have no disposition to benefit settlers of this description; and the pre-emption right should be confined to those who, in good faith make settlements with a view of becoming permanent residents. And this amendment effects this object, and therein carries out the principles avowed by the friends of the bill. Such was the provision of the act of 1828, and such is now the law of the land.

Its provision is, that if more than one person shall settle on a quarter section, each of the persons so settling shall have an equal share of the land, but shall have no claim to any other land whatsoever by virtue of that act. Such a bill became a law, and by an act passed in 1840, it has been continued in force two years longer. I presume the clause was introduced expressly to guard against the evils I have mentioned. I am disposed to carry out this policy. I wish to insert the guard which our predecessors thought it proper to adopt that they might shut out the rich man and the speculator, and bestow the benefits of the bill on non but *bona fide* improvers of the soil. I trust this amendment will not be objected to.

Mr. CLAY of Alabama said that there were two ways to destroy a bill: one was to vote it down and another was to talk it down. He regretted that the gentleman had not brought forward his amendment sooner, when the bill was in progress of amendment, but after the bill had been rendered as perfect as it could be, a proposition had been brought forward to recommit it with instructions

then another amendment had been offered to that, and now the whole ground was to be gone over again. What danger could reasonably be apprehended from the section of the bill as reported by the committee. It was rather retrospective in its character, and intended to refer to cases where several individuals had settled on the same tract. There might be a very good spring at a particular spot, and half a dozen families might settle around it for the sake of the water, while they cultivated elsewhere. Did the Senator desire to confine them all to the same quarter section? The section gave them no floating claim, but confined them to land immediately contiguous. In this respect it was more restricted than the law of 1830, for that allowed them each a floating claim. It had been said that great frauds had been perpetrated under cover of these floats, and the evil was not corrected by the most illiberal law Congress had ever passed. The gentleman apprehended great danger from speculators uniting to settle on a single quarter section; but it would be most extraordinary should a man come all the way from the old States, settling woods and making improvements, for the sake of the profit he might make on one single quarter section of land. Mr. C. adverted to the small profit gained by the Government from the auction system, and the advantage of parcelling out the land among numerous settlers. He demanded the yeas and nays on the amendment.

Mr. HUNTINGTON repelled the idea of offering amendments for the sake of impeding final action on the bill, and insisted that his amendment would be preventive of much fraud, and that it went no further than the law of 1838.

Mr. CLAY of Alabama said the gentleman was mistaken. He supposed the law of 1838 to be the last pre-emption law, and that it was only revived in 1840; but the law of 1840 was supplemental, and was more liberal in its provisions than the law of 1838.

Mr. CLAY of Kentucky said that the honorable Senator from Connecticut had called the attention of the Senate to the fact that a general pre-emption law, retrospective in its character, had been passed in 1840, to continue for two years, thereby demonstrating that there was no pressing necessity at all for acting on the subject of pre-emption at the present session. He had risen to express his thanks to the Senator for the amendment he had now proposed, and, unless gentlemen did actually intend that the bill should operate in a manner different from that which it professed on its face, he hoped the amendment would pass. Mr. C.'s objections to pre-emption laws were founded on the abuses to which they always gave rise. They became, for the most part, mere instruments of speculation; the poor man, for whom they were professedly passed, derived little or no benefit from them. The benefit ensued to the speculator alone. How would this bill work in practice? A new and fertile tract of land had just been purchased from some Indian tribe. From the fertility of its soil and the advantages of its situation, it offered a most inviting prospect for settlement. The Indian title had been extinguished, but the land had not yet been surveyed. What would be the effect? A company of speculators would employ a number of men to go on this fresh and rich land, put up a log building by a spring, and thus obtain pre-emption rights to each man. The company will immediately purchase from them for a trifle, and, distributing their rights on the adjacent land, would thus possess themselves of a choice tract of the best land at Government price. The Senator from Alabama, however, had insisted on the limitation that the settlers must take their rights only from contiguous land; but could any thing be more vague than this? Suppose a hundred men should be employed to settle, and it should be found that they could not get their hundred quarter-sections on land immediately adjoining that on which they set themselves down, would they not spread themselves through the township, or over into a contiguous township? for the provision in the law must be interpreted so as, if possible, to satisfy the right of the party claiming under it; and if they could not lay their pre-emption on lands immediately contiguous, they must do

the next best thing to comply with the law, and take their lands somewhere in the neighborhood. Such he was very confident would be found to be the practical result of this bill, and Mr. C. would here predict, in regard to the present law, as in regard to all other laws, so far as they departed from our old, venerable, and excellent land system, that it would redound to the benefit of speculators. As the amendment offered by the honorable Senator from Connecticut was in the very spirit of the arguments advanced by the friends of the bill, he trusted that they would now demonstrate that they were not insincere in the grounds they had taken.

Mr. CLAY of Alabama now withdrew the call for the yeas and nays; and

Mr. CLAY of Kentucky insisted on the call.

Mr. CLAY of Alabama read to the Senate a section of the law of 1840.

Mr. HUNTINGTON observed that the section of the law just read had no reference to his amendment. His design was to provide that, if a number of persons should agree to settle on one small tract, they should not thereby entitle themselves, each, to a quarter section of land. There was land enough, which might be embraced by the term "contiguous," to extend this privilege to a thousand individuals.

Mr. HUBBARD briefly opposed the amendment, and could not conceive why gentlemen should be opposed to a provision, the sole object of which was to get the land settled.

Mr. KING of Alabama said he was prepared to go as far as any gentleman in favor of the pre-emption system, but he could not approve of that section in the bill now proposed to be amended. It was going back too much to the old system of "floats," under which frauds innumerable had been perpetrated and proved. The amendment was proper in itself, and he hoped it would be adopted without insisting on the yeas and nays.

The call for the yeas and nays was thereupon withdrawn, and the amendment was agreed to.

Mr. HUNTINGTON now offered an amendment, which proposed to strike out the word "eighteen," and insert "twenty-one," thereby confining the benefits of the bill to heads of families, widows, and single men over the age of twenty-one years. He said he thought the bill, in its present form, with the provision for minors, would be highly inexpedient. It was likely to produce one of two evils, and perhaps both. It would either encourage minors, who were under parental government, and who had not the capacity in law to enter into a valid contract, prematurely to leave their native home, under the temptation of getting a pre-emption right in the public lands; or, if an individual who went upon the land was the head of a family, and had sons over eighteen years, instead of obtaining a single quarter section—which was the benefit the bill professed to give him—he might, through his sons, obtain two or perhaps three quarter sections more. He believed that it had never before been proposed to grant tracts of the public lands to any but adults, unless they were heads of families. The law of 1838 confined its provisions, as to single persons, to such as were over twenty-one years of age, and Mr. H. was for following in the same path.

Mr. NORVELL said that he could not see any great necessity for the amendment, or any great danger from the bill as it stood, because there could not be very many minors in the same family between the ages of 18 and 21. Every body acquainted with Western habits knew that nothing was more common than for young men to leave their homes before they were of age.

Mr. HUNTINGTON demanded the yeas and nays on the amendment.

Mr. CLAY of Alabama suggested that young men at the South were in the habit of marrying earlier than in the colder climate of the Senator from Connecticut. They often married before they were twenty-one, or at least had a contract on hand.

Mr. HUNTINGTON said that undoubtedly the gentleman was correct; but, if his object was to provide homes for young gentlemen who married so soon as this, why was not the clause of the bill confined expressly to such cases?

Mr. PRENTISS said that he was in favor of the amendment, and hoped it would be adopted: for, although he was opposed to the principle of the bill, he wished to render its provisions as unexceptionable as possible. In the remarks he had taken occasion to make in the commencement of the debate, he had expressed his opinion upon the policy of pre-emption laws in general, and especially upon the policy of this particular bill—a bill, he was obliged to repeat, new and unprecedented in its character, and most extensive in its operation. While all former laws upon the subject had been retrospective and temporary, this was to be prospective and permanent. It not only enlarged and extended the pre-emption policy beyond all previous precedent or example, but in fact introduced new principles into the system. Not content with subjecting the whole public domain, surveyed and unsurveyed, to the operation of future pre-emption, without any limitation of time, the bill broke in upon the relations of parent and child, and invited minors, young men under age, to desert the family roof before their maturity, and seek their fortunes in the wilderness of the West. If the bill must pass, it was to be hoped, at least, that it would be divested of this very objectionable feature.

The bill, Mr. P. said, proposed a new and untried experiment, and he feared that it would be as mischievous in its consequences as he deemed it unsound in principle and disorganizing in tendency. An honorable Senator had yesterday, in justification and support of the bill, referred to certain laws which existed in some of the States of New England. The honorable member seemed to think that between these laws and pre-emption laws there was a striking analogy, and that both rested essentially upon the same principle. Nothing, in the opinion of Mr. P. could be more erroneous. The laws to which reference had been made were not of a mere arbitrary character, as was supposed, but derived their origin from an ancient and approved principle—a principle as old as the system of equity itself—as old as the code of the civil law. They were little more, in substance, than the enactment into the form of law of a well known rule of equity, making that a legal which was before essentially an equitable right, and providing for it a simple, cheap, and expeditious remedy. They allowed a party entering upon land under color of title, supposing himself to have a valid right, but whose title, on the trial of an ejectment, turned out to be defective, to recover compensation for his improvements, or rather, for what he had made the land better. But, to entitle himself to compensation, the party was obliged to show that he had entered under a deed, under a claim of title apparently good. The laws gave no relief, nor afforded any favor to mere naked, wilful intruders, nor did they hold out any inducement or encouragement to lawless invasions or wrongful intrusions upon the property of another. They were never *prospective*, but always *retrospective*, applying only to past cases, and were enacted from time to time, as the purposes of justice seemed to require. Nothing could be more just than that, if the legal owner would lay by, without asserting his title, and suffer a purchaser, for a valuable consideration, under a supposed but mistaken right, to expend labor and money upon his land, and thereby augment its value, he should not be allowed to turn the innocent party out of possession without remunerating him to the extent of the real worth of his improvements. Such was, in substance and effect, the laws which had been referred to, and it was quite a mistake to suppose that they afforded any countenance or support to pre-emption laws, and especially to a law like the one proposed by this bill.

If (said Mr. P.) there was no other objection to the bill than the powerful temptation it held out to emigration, that objection alone would be sufficient with him. It might be well to look into the statistics of some of the old States, and see what had been the progress and what was the present state of their population. That would enable them to judge whether it was wise or just, by acts of legislation, to create motives and inducements which could not fail to give a new and active impulse to emigration. He would ask attention to the condi-

tion of his own State. In 1820, the population of Vermont was over two hundred and thirty-five thousand; in 1830, over two hundred and eighty thousand; and now, a little short of two hundred and ninety-two thousand. It would thus be seen that from 1820 to 1830 the increase was about forty-five thousand, while from 1830 to 1840 it was only about eleven thousand. And how did the account stand in regard to the neighboring State of New Hampshire? In 1820, the population of that State was two hundred and forty-four thousand; in 1830, two hundred and sixty-nine thousand; and now, about two hundred and eighty-three thousand. From 1820 to 1830 the increase was full twenty-five thousand, while from 1830 to 1840 it was only about fourteen thousand. In some of the towns in Vermont, the population had diminished in the last ten years, and there was reason to presume that such was the case in New Hampshire. Had it not been for the manufacturing business, which, though greatly depressed of late, had built up considerable villages in different parts, it was probable that the aggregate of population would not have been augmented at all in either State, but might have been diminished.

In view of these startling facts, Mr. P. said it was quite impossible for him, representing, as he did, an old State, to give his support to a measure which offered a bounty, and a most tempting bounty, too, to emigration. While he would impose no restraints upon emigration, but leave every one to go where he pleased, he would give it no extraordinary facilities or encouragement, and especially such encouragement as this bill held out, and which no one could fail to see must operate very injuriously upon the old States. Emigration to the new States was rapid enough; and one would think that they ought to be satisfied with the surprising and almost incredible accumulations their population was annually receiving, without exacting new facilities and new encouragement at the expense of the old States. This was what their true interest did not require, and what they had no right to demand. At any rate it was what, coming as Mr. P. did from an old State, and meaning to perform his duty faithfully in the station he had the honor to occupy, he was not willing to yield.

Public attention (Mr. P. said) was awakened to the great and momentous subject of the public lands. The statesmen and patriots of the country were beginning to see and feel the importance, and even the necessity, of adjusting the question, and that speedily, too. It was not difficult to see that the public lands, if not made or used as a bribe for votes, would become, more and more, a cause of jealousy and collision of interest between the old and new States, tending not only to conflict of opinion, but to alienation of feeling. Every one knew, and well knew, that the question had already entered, more or less, into the politics of the country, and exerted a powerful, if not a corrupting influence in elections; and unless the question was soon disposed of, it would not only create a combination of interest, attended with concert of action, of a nature and aspect at once alarming and threatening, but engender a sectional spirit, fostered and inflamed as it might be by interested and ambitious politicians, of fearful influence, and most dangerous tendency. The Senator from South Carolina [Mr. CALHOUN] had been so deeply impressed with the nature and extent of the evils which threatened the country from this source, that he had felt it his duty, as a public man, to bring forward a proposition for settling the question, by ceding away and disposing at once of the lands themselves. While Mr. P. agreed with the honorable Senator as to the necessity of a speedy adjustment of the question, he could not agree with him as to the mode of doing it. He did not think that the proposition to cede the lands to the States in which they were situated, would remove any of the evils they had reason to apprehend from suffering the question to remain open and undecided. Passing by all other objections to the proposition, it was enough that the cession proposed would create the relation of debtor and creditor between the new States and the General Government; a relation, above all others, to be deprecated and studiously avoided. Besides, if the new States, without a cession, would insist, as had

been said, without even a plausible pretence of right, upon having all the lands to themselves to the exclusion of the old States, they would be quite as likely, after a cession, to insist, against right, upon keeping to themselves all the money which the lands produced.

In the opinion of Mr. P. the only plan which seemed to be at the same time practicable, constitutional, and likely to settle the question finally and satisfactorily, was a distribution of the proceeds of the lands among the States. A division in fair and just proportions among all the States could not fail to command general acquiescence, to secure general approbation, and give general satisfaction. It would put an end at once and forever to a dangerously disturbing and distracting question. There would no longer exist among politicians any motive for agitation on the subject. It was moreover the only conservative measure—the only measure which would preserve the public domain, save this great interest of the country from spoliation, and secure permanently, and for generations to come, its benefits to all the States.

It has been said, among other things, in opposition to the measure, that if they took from the Treasury the revenues arising from the public lands, for the purpose of distribution, they would be obliged to provide in some way for the deficiency it would occasion; and that it would be idle and foolish to distribute the money among the States, and then impose taxes to supply its place. Mr. P. would frankly admit that the reasoning of gentlemen would be unanswerable, and he should feel himself bound to vote against distribution, if, in his opinion, Congress had the right either to distribute or retain the proceeds of the lands at its discretion, and the question was simply a question whether so much money should be retained or distributed, and nothing more. In his view, the question went far beyond that, and involved other and higher considerations. It was a question which agitated and distracted the councils of the nation, and affected the peace, tranquillity, and harmony of the Union. It was on high considerations of public policy, for the sake of settling the question, and at the same time giving to the States what rightfully belonged to them, that he was in favor of distribution. It was his deliberate opinion, long since formed and settled, that the States were fairly and justly entitled to the proceeds of all the public lands embraced in the compacts of cession. He had given the reasons for this opinion on a former occasion, and he did not know that he could add any thing, either new or material, to what he then said. He then considered, as he now considered, that the question depended upon the terms of the deeds of cession, connected with certain provisions of the Constitution.

The deed from Virginia, the leading and most important deed, and the only one material to be noticed, declared that the lands ceded "shall be considered as a common fund, for the use and benefit of such of the United States as have become, or shall become, members of the Confederation or federal alliance of said States, *Virginia inclusive*, according to their usual *respective proportions* in the general charge and expenditure; and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever."

It would be difficult, giving to language its fair and legitimate sense, to make this clause any thing more or less than a declaration of trust in behalf of the respective States composing the Confederation. Such was its obvious import and meaning. The words "*for the use and benefit of such of the United States, &c. Virginia inclusive*," could be regarded as nothing else than a declaration in terms that the cession was a grant to the use of the several States. But not only was the use declared to the States as *States*; the proportion in which the States should share in the use was also declared. A rule was given for apportioning the fund among the States; and the insertion of a rule of apportionment, of itself, necessarily implied a several, separate interest in the States in the common fund. They were to share in it "according to the usual *respective proportions* in the general charge and expenditure;" that is, they were to share *respectively* in the fund, each State to have its proportion, its

distributive share, according to the ratio prescribed. This was the plain import of the language used, and there was nothing in the words "*common fund*" which at all varied or in any way qualified the meaning. In the case of a grant to A, in trust for the use and benefit of B, C, and D, the fund would be a common fund, whether so declared or not, but the beneficial interest would be several. Nor was the meaning at all affected, as some had contended it was, by the words in the concluding clause, "and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever." Disposed of for what purpose? The words referred to an antecedent member of the sentence, and supposed the substantive object of the grant to have been previously declared and stated. And what was it? Why, to form "a common fund for the use and benefit of such of the United States, &c. *Virginia inclusive*," &c. That was the declared purpose of the grant, and that was the purpose for which the lands were required to be sold. The words "according to the usual *respective proportions* in the general charge and expenditure" were used not to designate the object or purpose of the grant but to give a measure of apportionment, and limit and fix the respective interests of the States in the fund. The short and true reading of the deed then was, that the cession was a grant to the Confederation by one member of it, for the use and benefit of itself and the several other members of it, respectively, to be shared by them in the proportions specified. Such was clearly the nature and effect of the cession under the Confederation; and had the substitution of the present Constitution and Government in the place of the Confederation worked any change in the rights of the States to the fund? Whether it had or not, would be seen from the Constitution itself:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claim of the United States, or of any particular State."

"All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation."

These provisions of the Constitution, which were the only ones having any bearing upon the question, instead of extinguishing or impairing in any degree, the obligation of the compacts of cession, saved and confirmed all the antecedent rights springing out of them. The new Constitution superseded the old Confederation, but the trust continued a subsisting and binding trust, and the beneficial interest in the lands remained, as before, in the States. If it had so happened that the trust could not now be executed in the precise manner designated and directed by the deed of cession, then, according to well known and established principles, it was to be executed as nearly in that manner as was practicable, or in such other way as would give effect to the trust. Congress could not apportion the fund among the States in the mode specified and prescribed, it was bound to adopt such other course as would approximate in its results the nearest to this mode.

Such, Mr. P. said, was his reasoning upon the question at the last session, and what he had now said upon it was little else than a repetition, in substance, of what he then said. Distribution, he would repeat, was, in his judgment, the right of the States. Justice not only required it, but it was demanded by considerations of policy of the highest and most weighty nature. He thought the thanks of the country were due to the honorable Senator who originally brought forward the proposition. It was a wise, just, and conciliatory measure; and Mr. P. would venture to say that among all the measures which the honorable Senator from Kentucky had originated, and which had rendered, and would, in future history render his name signally conspicuous, the measure of distribution, above all others, would be regarded by posterity as the highest and strongest evidence of his wisdom, his sagacity, his enlarged and enlightened patriotism.

Mr. P. said there was one other topic, not very intimately connected, it was true, with the subject before the Senate, upon which he wished to say

word or two. It was a topic which had arisen rather incidentally in the course of the discussion, and he noticed it, not because it had any immediate bearing upon the merits of the main question, but on account of its general importance, and for the purpose of expressing his dissent from some of the doctrines which gentlemen had taken occasion to advance upon it.

It had been said that the States had the unqualified and exclusive right to determine and fix the qualifications of electors, and might by their Constitutions or laws admit whomsoever they pleased, whether citizens or aliens, to vote in elections either of State or Federal officers. To that doctrine Mr. P. could by no means agree. It was not only, in his opinion, repugnant to sound, acknowledged principles of national policy, but was incompatible with the express provision and plain object and intention of the Constitution of the United States.

The Constitution gave to Congress the power "to establish a uniform rule of naturalization." The power thus given was, from its very nature, national; and, though not made so in express terms, was of course exclusive, as much so as the power to regulate commerce, or the power to declare war. The States being one nation under the Constitution, and these powers being all equally and strictly national in their nature and character, they could be exercised only by the National Government. It would be inconsistent with the nature of the Union, and the objects of the General Government, to allow either of the powers to be exercised by the States. Congress was empowered to establish a uniform rule of naturalization, and for the purpose of securing uniformity on a subject of such high national concern, the power was surrendered by the States and vested in the General Government.

It was to be borne in mind that no one could be a citizen of any State without being a citizen of the United States. The Constitution declares that "the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States." A citizen of any one State, therefore, must have the rights and privileges of a citizen in every other State; and this consideration alone, if nothing else would do it, demonstrated the utter repugnancy and incompatibility of the exercise of the power by the States. It was true that it was once supposed, and indeed even held by the judiciary, that the States possessed a concurrent authority in the matter of naturalization; but, considering the nature and purpose of the power, and that such concurrent authority would render the power entirely nugatory and wholly defeat its policy, the error which prevailed for a time had at length given way to sounder reasoning and more comprehensive and enlightened views upon the subject, so that it might now be considered as settled and established that the power was exclusive.

The power of naturalization given in the Constitution, Mr. P. said, necessarily implied that no one could be a citizen, or enjoy the full rights of a citizen, who was not such by nativity of birth, except by naturalization. Every one, therefore, was an alien who was not a citizen, either native or naturalized; and the question was, could the elective franchise be given to aliens, to persons who owed no allegiance to the country, but were bound by allegiance to a foreign country, which was the legal condition of every alien? If the States could not exercise the power of naturalization, could they confer all the essential civil and political rights and privileges which naturalization gave? If they could not directly, in a legal and constitutional sense, make an alien a citizen, could they give him all the rights which belonged to a citizen, and thus indirectly, but substantially, exercise the power of naturalization? It appeared to Mr. P. to be very plain that they could not. The Constitution of the United States was the supreme law of the land, and it was hardly necessary to say that every State Constitution or law which was repugnant to any of its provisions was of no validity, and could confer no rights. If an alien, without naturalization, could have and enjoy all the rights, civil and political, which properly appertained to a citizen, he would be, to every intent and purpose, a citizen in

every thing but in name. There would be nothing left of his alienism but a mere abstraction.

Mr. P. said it was very clear to him that the right to vote in political elections could only be bestowed upon citizens, native or naturalized. The supreme power, according to the theory of the American Governments, rested wholly in the citizens, or, in the language of the Constitution, in the people—a word evidently used as synonymous with citizens—and it might be assumed, as an elementary principle in our political institutions, that the exercise of the powers of Government could be delegated by none but citizens, and only to citizens. Citizenship, on the general principles of law and reason, was essential to the capacity of an elector. Though every citizen might not be an elector, no one could be an elector who was not a citizen. It was true, the States might superadd, or dispense with, other qualifications; but they could not give, of dispense with, the fundamental one of citizenship. They might, perhaps, repeal the common law, which disabled an alien to hold lands, and give him all the rights of property; they might, perhaps, remove other disqualifications, and allow him to be a juror, or to enjoy other civil rights depending on municipal regulation and of mere municipal concern. But when they added to these civil rights the political privileges which belonged only to a citizen, such as the exercise of the elective franchise, which was the highest function of a citizen, and was of general and national concern, the constituency of the State Governments being the constituency of the General Government, they did that in substance, if not in form, which was palpably at variance with the meaning, spirit, and policy of the Federal Constitution.

Mr. BUCHANAN said that, as he was very friendly to early marriages, he could not consent to vote for the amendment; and, indeed, on a little reflection, he was persuaded the Senator from Connecticut would never find it in his heart to deprive a young fellow who was under twenty-one, and had an affectionate wife of eighteen, from getting a pre-emption right and settling down in life. As to our Western boys, he believed many of them were disposed to marry early, and he thought that those who did so, ought not to be discouraged from going into the new country. Give them a fair chance; and even those who were not married, let them go and erect a log cabin, and get it ready to accommodate a wife immediately after they should be twenty-one. He thought it would be rather a reflection on the Senate should they refuse so small a boon. The provision in the bill could do no harm, and he could not consent to strike it out.

Mr. SMITH of Connecticut said his colleague had proposed an amendment which he deemed a very proper one, and that he should have given his vote for it with great cheerfulness, had a vote been taken upon it; but he did not feel disposed to sustain the one now offered by him. He remarked that if the settlement and cultivation of the new lands were primary considerations with the people of this nation, collectively or individually, he thought the people of the old States would feel as deep an interest in the disposition as those of the new; and it was his opinion that the inhabitants of the old States, and especially those of the Eastern States, would be quite as much benefited, if not more, by pre-emption laws, than those of the new. Had there not been (said Mr. S.) great inducements to the enterprising people of the Eastern States—and none were more enterprising than the people of Connecticut, whom he, in part, had the honor to represent—to emigrate and settle upon the new lands at the West, there would probably have been as dense a population at this time in many of the old States, or nearly so, as in the most crowded European States; and he was not disposed to check the spirit of emigration, by which they were so signally marked, and from which so much personal benefit had been derived; and he was disposed to give them every advantage that they could have by emigration, not as an inducement to go, but, if they were disposed to go, as a compensation for the many sacrifices they were compelled to make, in leaving a well cultivated land, with all the conveniences and comforts it afforded them, for a wild

and uncultivated country, where deprivations and hardships surrounded them for many years. Often families moved with only the means of carrying them there, and without any thing to purchase or pay for bread after their arrival. Pre-emption rights, in such cases, would be very valuable to them, and often equal to a small capital. They had only to select a farm and go to work, and before they were called upon for payment, their farms were sufficiently cleared to enable them, not only to support their families, but raise and spare produce enough from them to pay for the land. Pre-emption rights will enable a great many worthy citizens to move into a new country, where they will soon rise with the country, from poverty to wealth; they are there enabled to take rank among their neighbors, and in society which is gratifying to their ambition, and to give full scope to useful talents which otherwise might have lain dormant, and been smothered and stifled by the cold chills of poverty. A young man without means, by hiring himself out for a few years, as was the custom in the New England States, could earn money enough to buy him a good farm, upon which he could rear a respectable and useful family, and make him a valuable home for life. The impulse that is given to society by such citizens, the rising West furnishes us with the most ample evidence. It was no uncommon thing to see those who had thus commenced in life, eventually become prosperous and wealthy. There were men in the Western country now worth fifty, sixty, and even a hundred thousand dollars, who had gone to that country with an axe, and when they went were not worth the clothes they wore. By hiring out and laboring for others, at ten or fifteen dollars a month, they earned and saved enough to buy them a piece of land, and by industry and integrity, and strict attention to business, had gained for themselves valuable reputations, and were among the most valuable and respectable of our citizens. A man in the Eastern States, who had a family which he found it difficult to maintain, would move to the West, bringing with him his family, and among them, frequently, sons, healthy, and with good constitutions, between the ages of eighteen and twenty-one: it was a common occurrence. When he arrived at the West, the services and labor of the sons would command high wages; and they were not backward in taking advantage of it, and would hire out and labor for others, while the father would clear and subdue a piece of land for himself, and in a little while the sons, from their wages, would be enabled to purchase and own farms of their own. Thus pleasant neighborhoods were formed, having similar and congenial habits; and there were nearly whole towns in the Western country which had been settled by people originally moving from the same neighborhood in the Eastern States; and though far removed from their native land, were in the full enjoyment of all the social relations and pleasures that are so endearing to man.

The young and inexperienced members of the family, thus settled and established near, and in the vicinity of the parents, could easily avail themselves of their experience, and receive their advice and friendly aid. The advantages derived from society thus formed and constituted, both to individuals and the public, Mr. S. said, were too apparent to be doubted; and he had a strong desire to aid them in their prosperity, and certainly should not knowingly do any thing to prevent it.

Mr. HUNTINGTON said he wished the honorable Senator from Pennsylvania [Mr. BUCHANAN] had furnished a more practical commentary than he had done on his own doctrine of early marriages. Mr. H. had no desire to prevent the prosperity of enterprising young men, who chose to marry early; and they were embraced in that provision of the bill which gives the right of pre-emption to "every person, being the head of a family;" but he could not consent to give this privilege to minors who were yet single, as this bill does, under the description of a "single man over the age of eighteen years." In regard to the latter class, he was inclined to "follow in the footsteps" of our "predecessors," esteeming their policy on this subject to be a wise one.

Mr. MANGUM, said that after the last votes

which had been given in favor of this bill, he presumed it was to pass, and was desirous to make it as perfect as possible. He was willing that a young man over eighteen and under twenty-one should have a pre-emption right, provided he was married, and the head of a family; but, if a similar provision was extended to other minors, he appealed to gentlemen to consider what was the effect likely to be produced on the domestic relations of life. Inviting young men from the homestead of their fathers, conferring property on them before they were of age, and settling them in masses in a new country—what must be the effect of this on themselves, as well as on the community into the midst of which they were thrown, without being bound to it by any of the ordinary social ties? It went to break up family relations, and tempt young lads to a breach of the duty they owed their parents. Was it wise thus to stimulate emigration, and throw young and inexperienced boys into circumstances where they would be exposed to all manner of imposition? What right had such young men to enter on our public domain and erect themselves a log cabin or other building without the consent of their parents? By the laws, he believed, of every State in the Union, their personal services, until they were of age, belonged to their father. Would gentlemen tempt them to desert their duty—to deprive their parents of the aid on which they leaned, and to which, by the laws of the country, they were entitled, and which they might claim under a law of far higher origin and far more sacred obligation?

Mr. NORVELL suggested that, by the laws of the General Government, young men of 18 could become purchasers of the public land. There was no law to prevent it; and why, if he went on a piece of wild land with the intent to make it his home—if he cultivated the soil, and erected on it a dwelling, ought he to be placed on a worse footing than others?

The question was now taken on the proposed amendment to strike out 18, and insert 21, and decided in the negative, as follows:

YEAS—Messrs. Bayard, Clay of Kentucky, Clayton, Crittenden, Dixon, Graham, Henderson, Huntington, Ker, Knight, Mangum, Merrick, Nicholas, Phelps, Pierce, Prentiss, Preston, Roane, Ruggles, Smith of Indiana, Southard, Webster, White, and Williams—24.

NAYS—Messrs. Allen, Anderson, Benton, Buchanan, Clay of Alabama, Fulton, Hubbard, King, Linn, Lumpkin, Monton, Nicholson, Norvell, Porter, Robinson, Sevier, Smith of Connecticut, Sturgeon, Tallmadge, Tappan, Walker, Wall, Wright, and Young—24.

The Senate being equally divided, the President gave his casting vote in the negative.

So the amendment was rejected.

Mr. HUNTINGTON now offered another amendment, proposing to strike out from section first the words "has been or shall be distinguished," and insert "shall have been extinguished at the time of such settlement." So that if the amendment be adopted, it will read, "on any of the public lands to which the Indian title shall have been extinguished at the time of such settlement."

He said that he proposed it merely with the view of making the bill more explicit, and of preventing misconception, especially as the registers and receivers were to have power to decide in a summary manner and definitively all questions arising under the act. As the bill stood, it might be so construed as to apply to land to which the Indian title had not been extinguished. The object of the amendment was to prevent this. Instead, therefore, of the words in the bill, "the title to which has been or may be extinguished," he proposed to substitute the words, "shall have been extinguished at the time of such settlement."

Mr. CLAY of Alabama said he concurred in the amendment.

Mr. HUNTINGTON. I am glad there is one amendment which the gentleman can approve.

Mr. CLAY. And I am glad that there is one of the gentleman's measures which I can approve.

Mr. HUNTINGTON rejoined, that, although he was pleased to have the support of the Senator from Alabama in this amendment, he thought it

more important to have a majority of the Senate to concur in this, as they already had done in another amendment which he had proposed, and to which the gentleman from Alabama had objected.

The amendment was agreed to.

Mr. HUNTINGTON said he would propose to the Senate another amendment, the object of which, as in the last case, was to render the provisions of the bill more explicit. He could not suppose it was intended that the pre-emption right granted by the bill should be extended to any other land than the quarter section on which the pre-emptor settled, but, as the bill was drawn, it must be manifest that a person who settled on a quarter section, and brought himself within the scope of the bill by making improvements, &c. might claim a pre-emption right to any other quarter section open to pre-emption. To prevent this, Mr. H. proposed to insert in the 12th line of the 4th section, after the word "land," the words "so settled upon;" so that, if amended, it will read "shall be entitled to a pre-emption in the purchase of a quantity of the public land so settled upon, not exceeding one quarter section."

Mr. LINN inquired whether his friend from Connecticut would exclude a man who had settled on a fraction containing 170 or 180 acres. The Senator was aware that in the survey there were some fractional sections, one quarter of which would not always be 160 acres. This had produced some difference of opinion in Missouri. At some land offices a man was allowed to enter such a fraction, and at others not. In consequence, an appeal had been made to the land department at Washington, and there it had been decided that the settler must confine himself to the exact amount of 160 acres. This was productive of great inconvenience. Part of a man's farm might have been on such a fraction, and he was thus prevented from entering it. Such cases could be provided for in this bill, and he should be sorry to see it prevented.

Mr. HUNTINGTON said that the case supposed was already provided for in the bill, and his amendment did not, in his opinion, interfere with it.

The question being put, the amendment was agreed to.

Mr. HUNTINGTON now offered as a further amendment a new section to the bill as follows:

"Sec. 10. And be it further enacted, That before any person claiming the benefit of this law shall have a patent for the land which he may claim by having complied with its provisions, he shall make oath before some person authorized by law to administer the same, which oath, with the certificate of the person administering it, shall be filed with the register of the proper land office when the land is applied for, and by said register sent to the office of the Commissioner of Public Lands, that he entered upon the land which he claims to his own right, and exclusively for his own use and benefit; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatever, by which the title which he might acquire from the Government of the United States should inure to the use or benefit of any one except himself, or to convey or transfer the said land, or the title which he may acquire to the same, to any other person or persons whatever, at any subsequent time, and if such person claiming the benefit of this law as aforesaid, shall swear falsely in the premises, he shall be subject to all the pains and penalties for perjury, forfeit the money which he may have paid for the land, and all right and title to the said land; and any grant or conveyance which he may have made in pursuance of such agreement or contract as aforesaid shall be void, except in the hands of a purchaser in good faith, for a valuable consideration without notice. And the certificate, which shall be filed with the Commissioner as aforesaid, shall be taken to be conclusive evidence that the oath was legally administered."

Mr. H. said that his intention in this amendment, as in the others, was to carry out the professed object of the law, by preventing frauds and securing the honest, *bona fide* settler in the possession of his land. By the bill in its present form, any individual was not only not prohibited, but was permitted to enter on land for the benefit of others, instead of himself. Now, if the design of the law was to grant a pre-emption right to the *bona fide* settler only, was it not reasonable to require his affidavit that he was such? This was the security which the Government had against frauds, and, however frail, it was some security. Did Western gentlemen want others to get the boon? Did they desire individuals to go upon the land for the benefit of speculators? As the bill now is, a man might openly and professedly enter on a quarter-section for the benefit of some rich speculator, and obtain for him the right of pre-emption. Mr. H. said that he followed, in this amendment, the

law of 1838; and though he admitted that it would prove a very inadequate security, still it would be some. Good citizens would not refuse to take the oath.

Mr. CLAY of Alabama said the friends of the bill had no wish to allow men to enter on the lands for the benefit of others; and, hoping that the amendment, if adopted, might possibly have the effect of reconciling some gentlemen to the bill, he should not oppose it.

The amendment was agreed to.

Mr. HUNTINGTON now said that, as the gentleman from Alabama had gone thus far, he hoped to have his concurrence in the amendment he was about to propose. The law was not only prospective but permanent. He desired so to amend it as that it should expire by its own limitation; and it would be open to renewal if, on trial, it should not be found to be productive of evil. He wished, therefore, to provide, as in former pre-emption laws, that the law should continue in force for a limited time only; and with that view he offered the following amendment:

"Sec. 11. And be it further enacted, That this act shall be and continue in force two years, and no longer."

On this amendment, Mr. HUBBARD demanded the yeas and nays.

Mr. LINN said he wished to offer a few words on this amendment. If, said Mr. L., we are to open a pre-emption discussion every two years, he predicted that it would cost this Government ten times as much as it will ever gain by the abolishment of the pre-emption system altogether, and putting the lands to the highest bidder, which, as has been conclusively shown, amounts only to the difference of a few cents. He did not entertain a doubt of it. Why, sir, have we not seen, from time to time, Congress engaged, day by day, gravely discussing, at an immense expense to the people, the question whether you would pass laws to permit the earliest settlers of the wilderness to purchase their lands at one dollar and twenty-five cents the acre? He considered the money thus spent as absolutely squandered. He had voted for the Senator's amendment [Mr. HUNTINGTON'S] requiring an oath to prevent fraud; but he must be permitted to say that there have been an almost infinity of charges of fraud brought against the settlers on our Western lands which were nearly destitute of foundation. There was scarcely ground enough of fact for a man to plant the sole of his foot upon while fulminating the thunders of denunciation and abuse which have been heard here and elsewhere.

I believe (said he) there is more false swearing in the custom-house of one of our large cities, in foot upon while fulminating the thunders of denunciation and abuse which have been heard here and elsewhere.

I believe (said he) there is more false swearing in the custom-house of one of our large cities, in one day, than would be sufficient to damn the whole world—certainly a thousand times more than exists on the whole line of our frontier, in relation to pre-emption rights, in a year. It has become almost proverbial to charge the people of the new States with a want of moral sense. I fling back the charge on those who make it. I know it to be unfounded. I stand here openly to deny it, and I aver that, save in a very few cases, the charge of frauds is wholly without foundation. How was this system of accusation employed against Louisiana? It was said that the speculators there had seized upon the fattest and most beautiful land in all the country, and by fraudulent practices had appropriated it to themselves. Well, the Government employed an agent of character and experience to go to the spot and search into the truth of the charge. He did so; and what does he report to you? That he always heard reports in relation to some other neighborhood, but never was able to light on a spot where the existence of fraud was found. As he approached the ground, the charge receded before him: it vanished, it evaporated, and never proved to be tangible, except in a very few cases. And he would venture to say, that if similar charges, which have been made elsewhere, shall be subjected to a thorough investigation, gentlemen will almost feel ashamed that they ever entertained even a suspicion of their truth.

I do not deny that fraud may have been perpetrated, but I do say that it has occurred as seldom as ever will be possible under a merely human law. The system of floats did, I admit, give occasion to much wrong to the United States, and the Government, by that means, lost some of its best lands; and yet it was not fraud, but all originated from a construction given to the law by the land department here. He said he was opposed to that construction at the time, and should be still. The object of the pre-emption system is, that the new States may get an accession of good, moral, industrious settlers. And here I must be permitted to say, on the subject of land stealing, that, while very little has been committed against the General Government, the United States have been guilty of no small amount of it, as regards some of the United States. By the treaty of Paris of 1803, you acquired possession of the magnificent territory of Louisiana, stretching from the Gulf of Mexico to the sources of the Mississippi, and by contiguity to the great Western Ocean. With the country was transferred into the bosom of the American family many thousand souls, mostly ignorant of our laws, customs, and manners. This Government was bound by that treaty to respect that property. But did we not see that they refused for many years to confirm any tract over one league square, or any tract containing a lead mine or salt spring. Was this just or right? And, sir, have we not seen these same lands sold and the money pocketed by the Government, and title still refused to the claimant? and, when taken from him and afterwards confirmed, you force him to take the same amount from your picked and refuse public domain subject to sale at private entry.

This you call carrying out a solemn treaty in the spirit in which it was made. But, sir, I do not charge this Government with intentional wrong in this matter, notwithstanding it did steal some of these strangers' lands. But I do say that more rank injustice has been committed by the Government, and by gentlemen who stood here and saw it done before their eyes, than has ever been committed by the people of the whole State in relation to your public domain.

When the whole of the State, during the last war with Great Britain, between the Missouri and the Mississippi rivers, was left to defend itself by a population who had settled on the lands in defiance of your laws, these very squatters proved to be your best soldiers; and such they ever will be. And when the old States shall be sunk in follies and crimes, and shall have become a Government of mere property, there will still be found on the frontier a gallant band of hardy agriculturists, among whom the love of liberty will still survive, and whose virtue and patriotism will be the preservation of our free institutions. God forbid that any unkind feeling should be excited in my bosom by the acts of this Government in reference to Missouri. I am an American citizen, thoroughly and truly such, as my votes will prove; but I confess I do feel nettled, at times, when I hear my constituents charged as they have been on this floor; and if I am driven to carry the war on this side the mountains, in their defence, I promise it will be in no measured terms. And if the question is to be made of comparative morality and of simple republican integrity, well do I know on which side the balance will rest.

Mr. CLAY of Kentucky said that the amendment was one of greater importance than at first view it might appear to be. In all the pre-emption laws heretofore passed, a clause had been inserted limiting their continuance to two years; and the question for the Senate now to decide was, whether they would deviate from the uniform course of legislation, and now pass a pre-emption law which should be interminable in its duration. It seemed to him that there were so many considerations in favor of the Senate's listening to the amendment and giving force to the arguments in its favor, that they could not well refuse to adopt it. What was the system which it was proposed to enact for a period wholly unlimited? It was a system new, untried, and perilous in the extreme. It went to open to the right of pre-emption the whole of the lands of

the United States on which the Indian title had been extinguished; all that were subject to private entry; and all that had not yet been surveyed and put up at auction. It invited settlers to seize upon the land before it had been surveyed. It was a virtual repeal of the auction system, for when all the good land should be taken up, what would there be left for the auction to operate upon? Nothing. It amounted to a total alteration of our land system, which had been in successful operation for more than fifty years; a system under which Ohio, from being an uncultivated wilderness, had sprung up, as if by enchantment, into a densely settled State, numbering a million and a half inhabitants, while other States through the entire West had advanced with a progress not less rapid. Is it wise (said Mr. C.)—let me put it to the Senate—let me put it to the country—is it wise to put this matter out of reach of our hands, until we are perfectly sure that it will work well? Let me put a case to the friends of this bill. Here is a new district of lands opened, lands of the most inviting character, containing exactly the proper proportion of prairie and timber, beautifully situated, and of the highest degree of fertility. You then issue your proclamation to all the world, inviting all who choose to rush upon the fresh and virgin soil, under the promise that they shall have a pre-emption right; and they come at your call. Now, by the provisions of the present land system, you declare that the sixteenth section in every township shall be reserved for purposes of education. By the effect of this bill, that section is gone; it is gone. Who does not foresee that such a settlement as is here invited, must lead to scenes of violence and contention in regard to land titles, on which no patriot eye can look but with sorrow and dismay? Under these circumstances, what is now proposed by my friend from Connecticut? It is merely to bring the act under review at the end of two years, when it shall have undergone some trial as to its practical operation. And is this a new proposal? have not all our pre-emption laws heretofore been limited in point of time? Not one of them has been, like this, universal in its range, and unlimited in its duration.

Something has been said about the tediousness of legislation, and the great consumption of congressional time, occasioned by our debates on subjects connected with the public domain; but have gentlemen attended to the facts on this subject? I say that, but for the series of experiments which has been so fatal in its operation on the whole country and on all its interests, the sessions of Congress, instead of increasing in length, have shown a constant tendency to diminution. I have before me a very curious document on this subject, embracing every session of Congress from 1789 to the present time, being fifty-two annual sessions. And what are the results it exhibits? That the two first sessions of Congress, after the Government went into operation, were among the longest of any—one of them continuing two hundred and twenty-one days, and the other two hundred and ten. I know it has been said, and truly said, that this is to be accounted for from the fact that our whole system had then to be organized; that the first Congress had to put the new and vast machine of the new Constitution, with its multitudinous parts, into motion. But I find that in the fourth Congress there was a session of one hundred and ninety-seven days; and in the sixth of one hundred and ninety days. Another session exhibits one hundred and twenty-one days; and another one hundred and seventy-seven. And what do you suppose was the longest session (not including that in which war was declared against Great Britain) since the Government went into operation? It began in November, 1797, and ended in July, 1798—occupying 246 days. The next longest was the session during which we went to war with England, and which continued 245 days; and so the list goes on, the long sessions gradually diminishing in their extent until Gen. Jackson came into power. They commenced a new system of legislation—the attacks on banks, the removal of the deposits, the multiplication of graduation and pre-emption bills, with all the other wild and reckless and ruinous measures which have prostrated the business and prosperity of the country.

Away with the idea that we are to be frightened into the adoption of the present bill from any hope of relieving ourselves from labor and from those high responsibilities and sacred duties which have been imposed upon us by the Constitution. It has no foundation in fact. The whole consumption of time, of which gentlemen make such heavy complaints, has been caused by their own impatience under the operation of our most admirable land system. All we ask of them is that they will forbear, that they will submit to a system which has been so long and so successfully tried, and there will be a gradual diminution of the time consumed from year to year in the discussion of land debates. Yet, after all the complaints, the longest session we have ever had was within twelve years from the commencement of the Government. The next longest was that in which we declared war, and the other long sessions have happened since Gen. Jackson came into power.

Now, I ask, shall we, as wise men, as safe, judicious men, cast behind us all the advantages of an old, and long tried, and advantageous system, which has worked well and produced the happiest results, and subject ourselves to a new, untried, and interminable scheme like that proposed in the present bill? What will be its effect in a financial point of view? The Government is now aground. The cry for Treasury notes! Treasury notes! is the only remedy sounded forth from the head of the Treasury Department. The denouncers of banks, and bank paper, and the credit system, now cry in our ears for more, and more, and yet more paper money. I call the attention of the Senate to one of the reports from the Secretary, from which it will be perceived that there is a labored exertion throughout to diminish the charges upon Government, and to augment the receipts of the current year. And this extravagant Administration, in its expiring moments, begins to preach economy—a word which has been heretofore rigorously excluded from their political vocabulary. Look at his estimate of the product of the customs during the present year. He sets them down at 19,000,000; and on what data? On none whatever. Only because it was convenient to swell the income to that amount. The product of the last year was but 13,000,000, and why does he estimate that of the coming year at 19,000,000? Simply because those figures would enable him to show a little surplus in the Treasury at the end of the year; and if for that purpose an estimate of twenty-five millions had been necessary, it would have been so set down. Look at his report, and what does he say? Why, that there is a "strong illustration of the probability of a conjecture." Yes, we have the "strong illustration of the probability of a conjecture." This language reminds me very much of the expression used by a friend of mine now not living, but then a member of the Legislature of Kentucky. Rising to speak to some matter in debate, he said that he thought "he had a sort of a sign of a symptom of a sensation of an idea on the subject before the House." And really that seems as good to me as the Secretary's "strong illustration of the probability of a conjecture." And after all, what is this "strong probability?" It is a naked estimate of the honorable Secretary that the receipts from the customs will amount to nineteen millions.

I see, in a certain paper sent by him to another part of this Capitol, that the Secretary tells us this overabundant, overwhelming revenue for the first quarter of 1841 will amount to \$3,000,000. Where does he get the other \$16,000,000, and what do you propose to do under such a miserable, wretched state of the finances as that in which the present Administration is about to leave the Treasury? A gentleman possessed of the feelings of honor and self-respect, if he were about leaving a building and delivering it up to the occupation of others, would be careful to have it put in the nicest order. He would have the locks repaired, the painting and whitewash renewed, all the fastenings of the house overhauled, and the entire premises scrubbed, washed, and put in a state of complete and creditable repair. But what have we here? The Administration who are about to surrender the public Departments to the possession of those whom the

people have chosen to be their successors, are leaving every thing topsyturvy, and in a state of the utmost confusion, dilapidation and decay. The financial effect of this bill will be to diminish the current expenses of the year by every pre-emption that shall be sold; and I here I predict that the greatest amount derived next year from the public lands will be from sales to pre-emptors; and, as they have a year's credit, the money will not come into the Treasury till the year following.

But I have been drawn aside from that which tempted me to trouble the Senate on the present occasion. I intreat gentlemen to forbear, and to give a fixed limitation to the operation of their bill, and not send forth, with a census yet untold, and with elect members on Congress not in their places, a measure which may operate most injuriously, and which, if it shall operate well, will, without doubt, be continued.

Mr. CLAY of Alabama, said he should not now attempt any reply to what had been said by the Senator from Kentucky, on the subject of the Treasury notes. He had risen to correct the Senator in an important matter of fact. That gentleman had said that the practical operation of the bill would be to deprive the new States of the benefit derived from the reservation of the sixteenth section in every township for purposes of education. Mr. C. regretted that the memory of the honorable Senator should be so conveniently short in reference to the provisions of this bill. The subject of these reserved sections had been adverted to; the objection had been brought forward, and Mr. C. had, in consequence, offered an amendment declaring that, if a pre-emption was found to interfere with a sixteenth section, it should be removed, and that section left untouched. Did not every one know that, by the law which was the foundation of our land system, these sixteenth sections were to be reserved? And were they not excepted by the bill? And yet the Senator could rise and tell the Senate that the effect of the bill would be to take away the land reserved for common schools.

As to the clearness of the language employed by the Secretary of the Treasury on the subject of the revenue, Mr. C. could not perceive that it had any very intimate connection with the present bill. Nor could he perceive the necessity of going aside to make an attack on a distinguished individual now retired from public life, but who, like some evil genius, seemed to be ever present to the mind of that honorable Senator. And why? Had not the Senator told the Senate that after the 4th of March his political friends would have the possession of power, not only in the Executive, but in both branches of the Legislature? And suppose the bill should be ever so injurious, would they be afraid to repeal it? That would be a question for them to consider. But if they chose to do it, they would certainly have the power. The Senator had said that this bill was to be irrevocable, and to prevent this he argued for its limitation. Now one of the first lessons Mr. C. had learned in the study of Blackstone had been, that one Parliament possessed no power to control and bind a subsequent Parliament. How then could the law be irrevocable? Might it not be repealed as soon as that gentleman and his friends got into power. But that Senator could see nothing good in the bill, and had in fact been at war with that section of the country from which Mr. C. came ever since he had enjoyed the honor of a seat on that floor. It must be perfectly obvious that there was no force in the objection of the Senator in regard to the sixteenth section. That section was not in the least danger; if it were Mr. C. would be the last man to vote for the bill.

Mr. PORTER said that, from the looseness of the requirements contained in this bill, as to occupancy and settlement, the pre-emption right would be open to abuses which would operate greatly to the injury of the class for whose benefit it purported to be framed, and he feared, too, to the injury of the State he represented.

This bill has been truly stated to be, in effect, the granting of a credit to one class of land purchasers, and although this credit, in respect to surveyed lands subject to entry, can in no case exceed

one year, and in some cases it may be less, yet it is not so as to lands unsurveyed. The occupant of them may assert his pre-emptive right at any time before they shall be proclaimed for sale. Now, under the provisions of this bill, what constitutes a settlement? Simply, the inhabiting, the building of a log cabin, and the improving. No continuity of occupancy is required; and these evidences of an intention to make a settlement may be of the most trifling character, affording no ground for the belief that a permanent occupancy is contemplated. Where the settlement is on lands subject to entry, I admit there is no motive to this system of sham location; for, in that case, the purchase money must, in general, be paid within a year. But, in respect to lands unsurveyed, and which are not subject to entry, the obligation is different, and this difference may be illustrated by a reference to the fact that, in some instances, the Indian title to lands has been extinguished from four to five years before they have been surveyed or brought into market. A credit, in the form of a pre-emptive right, might then be acquired to these lands for that length of time. It is not of this length of credit to an actual settler on the public lands that I am disposed to complain—and were this bill so guarded in its provisions as to limit its benefits to him only, I should be content at once to withdraw this amendment, for I am willing to give him even this extended credit; but I fear it is not so guarded, and my aim is to protect him from a system of forestalling, which, under the general and loose terms of "inhabiting," "log cabin," and "improving," may be successfully practised against him by the mere speculator.

By the treaty of Washington with the Ottawas and Chippewas, in March, 1836, the Indian title was extinguished to from twelve to fifteen millions of acres in the two peninsulas of Michigan. Nearly one-half of this is yet unsurveyed, and has, of course, at no time, been subject to entry. Suppose the bill now before the Senate had then been the law of the land. Under its mere log cabin requirements, as to settlement, hundreds of persons, having no intention whatever to become actual settlers, might at once have secured their pre-emptive rights there, which would have endured to this day. And how? Merely by each of them erecting on his location a miserable hovel, sleeping one night and boiling his pot in it, and, to complete the mockery, by grubbing away a few bushes around it and throwing down a handful of turnip seed, so that he might swear to an "improvement." This having been done, and on the site, too, perhaps, of a magnificent water-power, of incalculable value when properly improved, the pre-emptive right, under such a law as this, would have been acquired. The hut would have been abandoned to rot in the wilderness until the land should be surveyed and brought into market. Meantime, the location has been withdrawn from the reach of the honest pre-emptor—the real pioneer, whose labors in the making of permanent and useful improvements would have added value to contiguous lands and induced their settlement and cultivation by hardy adventurers like himself.

That this will be the practical operation of this pre-emption bill, should it become a law, I very much fear. The pre-emptive right will not be restricted to that meritorious class for whom I believe it to be our imperative duty to provide, unless some provision like this I have proposed shall be adopted in respect to lands not surveyed—unless some reasonable duration of residence is required as an earnest of the intention to make a settlement on such lands.

Should this amendment be rejected, however, I shall still vote for the bill, because of the general benefits it will confer on the State I in part represent, under the hope that, should the evils I apprehend be found to exist in practice, they may hereafter be remedied.

Mr. BUCHANAN said his opinion in regard to the existing land system of the country was, that it was based on the soundest principles of wisdom and of policy. He was as much attached to that system, and as much disposed to adhere to it with unshaken fidelity, as the Senator from Kentucky

himself, [Mr. CLAY.] He was in favor of no new experiments upon it, for the experience of half a century had proved that no wiser or better plan could be devised by human ingenuity. But, while these were his conscientious convictions, he was, nevertheless, of opinion that the Senator from Kentucky was alarmed at spectres. Mr. B. had witnessed with admiration the gigantic efforts of that gentleman against pre-emption at former sessions, and yet he had never begun to fear, nor did he now indulge the slightest feeling of alarm in regard to this subject. I think (said Mr. B.) that the time has now arrived when the pre-emption principle may, with the utmost safety, and with perfect justice, be engrafted on our excellent system for the management of the public domain. Does the introduction of that principle vary, in the least degree, any material portion of that system? Nor at all. Does it go to reduce the price of the land? Not, at the utmost, more than than three or four cents an acre. What is its nature? Gentleman should take an extended view of the whole subject before they made up an opinion as to its merits. We own a vast wilderness of unsettled lands subject to sale, and at times there have been attempts on the part of speculators to monopolize it: fortunately, however, they have never yet succeeded. No fortunes have been realized in this way, so far as I have heard. In this state of things, is it not our duty, our interest, and our truest policy to encourage the settlement of the new States in the West by a hardy, industrious, and moral population? And in what does this pre-emption system trench upon, or in the least interfere with the established land system of the country? It only allows the poor man, who wishes to establish himself in a permanent home, to buy for himself a quarter section of land at the full Government price. There is the whole of it. In consideration of the expediency and desirableness of filling up this new country with a hardy, and active, and enterprising race of settlers, we do—what? Give them the public land? No; but first receive from them for it a dollar and a quarter an acre, and then convey it to them in perpetuity. The difference in the receipts at the Treasury from what would be obtained for the same land at an auction sale has never been estimated higher by any person than six cents an acre; and if it amounted to that, and even more, in an enlarged view of the bearings of the entire subject, this consideration presents no objection in my mind. There are such vast quantities of land, and such a wide and ample choice, that the speculator will never be obliged to give much more than the Government price. And as to all the lands taken up by pre-emption rights, they are, when compared to our entire domain, but as a drop in the ocean. Such, at least, has been our past experience. Heretofore, we have been very cautious to pass none but limited pre-emption bills, and we have wisely determined to put down forever the practice of granting what are called "floats," which was certainly productive of many and great frauds. We have confined the extent of the pre-emption grant to a single quarter section of 160 acres of land; and it is now proposed to make this right of pre-emption prospective and perpetual. The amendment of the Senator from Kentucky [Mr. CRITTENDEN] proposes to extend it in regard to every man whose property does not exceed \$1,000, not merely to 160, but to 320 acres of land. And I now venture to predict that, when the long proposed distribution bill of the Senator from Kentucky, [Mr. CLAY] shall become a law, (and I presume that day is not far distant,) there will be incorporated into it a provision granting to the actual bona fide settler a pre-emption right to at least 160 acres. Even in his own bill of 1839, unless my memory fail me, and if it does he will correct me, there was a provision in favor of pre-emption. I repeat that, while I am in favor of the settled land system, such as it now exists, pre-emption has no terrors for me.

The honorable Senator has thought proper to say something of the "wild, reckless, and ruinous legislation" which prevailed under the Administration of General Jackson; and informed us that, during that period in our history, the sessions of Congress were protracted to an unusual length. I

was not a member of the Senate when what he referred to as the longest session ever known was held; but, I ask, what was the cause of the protracted length of that session? If any one would know, let him look at the volumes—I think there are not less than six—yes, six large volumes of “panic” memorials—which were then sent up and flooded both Houses. And let him remember the long and eloquent speeches which, for the most part, accompanied their presentation, intended to convince the American people that they were the most oppressed, impoverished, and ruined nation that ever existed. And all for what? Why, simply with a view to have the deposits restored to the United States Bank. And are we to be charged with the protraction of sessions of Congress when the true cause is so manifest? General Jackson has now retired to the Hermitage, and may perhaps live to have the judgment of posterity as it were passed upon him. He was an able, sagacious, and truly patriotic man; and I now say that those of us, if there be any such, who shall survive during a quarter of a century longer, will live to see the day when Jackson's name and fame shall be cherished alike by persons of all political parties. During the late tremendous Presidential canvass, amidst all the thousand speeches which were made, who denounced him? Not one, at least in my part of the country; and I personally know at least one, and he a man formerly opposed to General Jackson, who then lauded him to the very echo. Were that distinguished man now in power, I would not speak of him the high opinion I entertain; but now, when praise from me or any one else can no longer be suspected to proceed from selfish motives, my heart dictates to me to do him the fullest justice which my tongue can accomplish.

And now, as to the extravagance of the present Administration, have we not repeatedly called on gentlemen who so loudly urged the general charge, to specify particulars? Mr. Van Buren inherited the war with the Indians in Florida. He came into power incumbered with an immense debt for the removal of the Indian tribes west of the Mississippi, and he entered on the Presidency just at the commencement of a great fiscal revulsion, which, affecting the business concerns of the whole country, dried up the sources of revenue. He had to encounter every conceivable obstacle to a prosperous financial administration of the Government. The Senator from Kentucky [Mr. CRITTENDEN] can very readily give us the aggregate of expenditure which has accrued; but that is not the question. If the expenditure of a large sum was rendered necessary by the state of the country, who is to blame? Nobody. If the gentleman can go to the records, which are all open to his inspection, and point out extravagant and illegitimate charges on the Treasury, the Administration must answer for it. But whilst he merely deals in the gross, without rendering any bill of particulars to prove that the various expenditures were wasteful and extravagant, his charge falls harmless to the ground. General, indefinite accusations of this kind amount to nothing. If this country were engaged in a just and defensive war, the expenses attending it would no doubt be enormous; but would their mere magnitude constitute in itself a just charge against any Administration? Surely not. The charge of extravagance in the present case is advanced in the very face of documents going to show that the regular expenditures of the Government over which the Executive has had any control, have been in a course of gradual diminution from year to year. I sincerely hope that in this respect General Harrison may “walk in the footsteps of his predecessor.” I make no war on General Harrison in advance—it is not my nature. I will judge of his acts fairly; and if he shall go out of office, after four years, with as little just complaint, on the ground of extravagance, as Martin Van Buren will do, I shall consider his administration a most fortunate one in this particular.

On the doctrine of pre-emption, I find myself sustaining the opinions of General Harrison against his friends here. He gave the strongest evidence, by his action when in the Senate, that he was then the friend of pre-emption.

Mr. BENTON. He professed the same thing in his letters written last summer.

Mr. BUCHANAN. I do not know any thing as to what he may have written last summer.

Mr. BENTON. I do.

Mr. BUCHANAN. If he adheres to his principles, he is in favor of pre-emption still.

In regard to the Secretary of the Treasury, although politically his friend, I may say that my intercourse with him has not been very familiar. I shall not enter on the question of the merits of his style as a writer; but I think I can see very clearly, from what he states, how our revenue from imports during the year may amount to \$19,000,000. The public papers state that the business of the country is reviving; that there have been more arrivals lately than during the same period for several years past; and can it be otherwise? From the indebtedness of the country for some time past, it was out of the question to extend our importations. The laws of trade and the interests of individuals alike forbade it. We were obliged to pay up our old debts before we could contract new ones. That time has now passed away. We are not now in debt, as a people, to Europe, except for the accruing interest on State bonds. The shackles have been fallen off from our foreign commerce, and it now floats freely. The country is exhausted of foreign goods, and now importations will naturally increase to fill up the vacuum. Commerce from abroad will naturally pour into our seaports, and the revenues of the year are, in my judgment, likely to reach \$19,000,000 at the least, and I have paid no small degree of attention to the subject. I have no wish to embarrass the administration of General Harrison by leaving on his hands an empty Treasury, and I am free to say that I would rather we had been distinctly informed by the Secretary of the Treasury, at the commencement of the session, that we must provide \$5,000,000; but ought our successors to complain of the issue of Treasury notes to this amount? They have now all the benefit of this argument against us, and they will have the advantage of the money also. We shall make provision for giving to General Harrison's administration a peaceful and prosperous commencement; and I think the Senator, when his friends enter into power, will find that we have swept out the house, and left it in a comfortable condition for his reception. And, so far from clearing out the Treasury, we shall give our successors \$5,000,000 to commence housekeeping upon.

I conclude by repeating that I am in favor of this pre-emption bill, and equally in favor of the old and long-tried land system, and that I have yet seen no new project which will induce me to depart from it.

Mr. CLAY of Kentucky said he should be much obliged to the distinguished Senator from Pennsylvania if he would furnish the Senate with some of those strong reasons which went to “illustrate the probability of a conjecture” that there would be \$19,000,000 of revenue received at the Treasury during the present year. The honorable Senator, said Mr. C. has referred to the papers of the day as declaring that a considerable revival of business has already taken place. So there has, thank God, since the result of the last election has been known. But I greatly doubt whether the revenue will at once start up from \$13,000,000 to \$19,000,000 within a single year. It is too great a leap, considering the condition in which the Treasury was left us; and, before I can believe it, I must have some specification of the grounds on which to build such a belief.

The honorable Senator spoke of Gen. Jackson, and made that an occasion for pronouncing a eulogy upon his friend. Now, I said not a word concerning Gen. Jackson personally, but directed what I had to say to his Administration. The Senator, however, has said, and the declaration is to his honor, that the eulogy he pronounced was prompted by his heart. That the late Minister to the Court of the Emperor of all the Russias should feel some emotions of gratitude towards his distinguished patron, was to be expected, and the Senator would certainly be to blame if it were not so. I certainly shall be the last to find fault with him for giving expression to that gratitude.

It seems, however, according to the honorable Senator, that poor Mr. Van Buren came into power under very disadvantageous circumstances. It may be so; and, what is still more unfortunate, these disadvantageous circumstances have been aggravated during every year since by an excess of \$8,000,000 a year in our expenditures over the receipts at the Treasury. But this was only the poor gentleman's misfortune. The honorable Senator tells us not to confine ourselves to general charges, but to go into the items of the account. That we will do when we get the papers. We have called on the Secretary of the Treasury and on the head of the Post Office Department in vain; there is in their possession a great class of papers which are not to be seen, but such as the most prodigal Administration ever known in England could never have dared to withhold from the investigation of Parliament. Give us the papers, and we will present him with items enough, and will show to him and to all the world the immense and extravagant expenditures of the Administration now going out of power. But the common sense of the people is guided by no such induction of particulars. They cannot go into all the minute items of a long account. They will look at the footing of the bill; they will compare the present with the past, and promises with performance. But if the honorable Senator challenges us to items, I could occupy days together in showing more than, perhaps, he would like to see. It is true that Mr. Van Buren was very unfortunate; he was a sort of codicil to a previous Administration, and, though most willing to “follow in the footsteps of his illustrious predecessor,” has sometimes mistaken the path, and has been unable to regain it. Why, my God! can the Senator be serious in asking Gen. Harrison to follow in the footsteps of Martin Van Buren? If he should, one event would follow which the gentleman, perhaps, would be delighted to see—the footsteps would lead him to just such another result as we are now witnessing. But, for myself, I hope for Gen. Harrison better things. I trust he will avoid those devious and downward paths in which his predecessors have walked. I hope he will blaze for himself a new way in the forest. I hope he will put an end to those multiplied abuses which have prostrated the institutions of the country and brought the country itself down to its present low, weak, degraded, and miserable condition. I trust he will better fulfil his promises and pledges as to a wise and prosperous administration of our public affairs.

The Senator tells us that he is a great friend to our old and well-tried land system; that he will not disturb it; but is it no alteration of that system to sustain a bill which goes to supersede some of its most important provisions? He tells us that Gen. Harrison is a pre-emptioner, and that he is advocating the doctrines of Gen. Harrison against his friends here. But where, I ask, is the evidence of his friendship for our land system and his unwillingness to disturb it, when he opposes such a just and reasonable restriction as is now proposed, and leaves the bill almost boundless in its application and interminable in point of time?

The Senator over the way, (Mr. CLAY of Alabama,) thought no part of my objections worthy of the least notice but that in reference to the loss of the sixteenth section reserved in every township for the purposes of education. He says my fears on that subject are groundless, and my representations deceptive, because the sixteenth section is already reserved by a provision in the bill. That is matter of construction. It is not reserved by the words of the bill. Suppose a man should settle on the sixteenth section, (and how are you going to prevent him?) When it is found that that is a good section, and has been settled on, you will be immediately applied to to change the school section in that township for another. Have we seen nothing like this in times past?

But the Senator said that I had always warred against the new States, and against the people of his State in particular. I deny it; I repudiate the charge. It is his interpretation of my course; but I plead to his jurisdiction, and I deny the truth of his accusation. No, sir; it is the Senator himself

who is warring against the interests of his own State. It is the Senator who is willing to give up the share of that State in the rich and fertile lands of Missouri and Arkansas, for a parcel of wretched, miserable pine barrens. For these he is ready to barter away the inheritance of his own Alabama, in all the rich and abundant regions northwest of the Ohio. No, sir, no; I have been the true friend of the new States, as, I hope, of all the States. In offering a just and liberal distribution among them all, of the proceeds of the the public domain, and in consideration of the peculiar situation of the newer States, I have proposed to add twelve and a half per cent. to their shares in this distribution. Is this the part of an enemy? If the Senator chose to say that, in his opinion, I was warring against the interests of his State, it would have been another thing; but I deny his right here, or that of any other Senator, to pronounce, as *ex cathedra*, that I am the enemy of the new States, and am warring against them. The fact is directly the reverse. I have been consulting their true interests by urging a just, liberal, generous system of policy, which would at once advance the interests and secure the ultimate prosperity of every State in the Union. I regret that the Senator should have taken occasion to make this remark. It was unnecessary; it was uncalled for. If the Senator differs from me in opinion, let him differ like a man, in an open, fair, dignified, and courteous manner. Because he opposes my course in reference to the public lands, does it therefore follow that I am hostile to the new States? I trust not; and I hope, in future, that the honorable gentleman will manifest a little more of toleration and of courtesy in his speeches here. The Senator chose to use the word "irrevocable," as applied by me to the provision of this bill. I never used the word. I said the bill was *interminable* in point of time; and in its present form it is interminable, until the requisite authority shall interpose to repeal it.

From a view of the whole subject, I am opposed to the bill, as impairing the amount of revenue to come into the Treasury during the present year, thereby augmenting a deficit for which provision ought long since to have been made, and as fraught with evils passing all imagination, from the disputes and contests for title among that flood of settlers which is invited from all the quarters of the known world to rush in a mass upon our public domain. I have made, and shall continue to make opposition, as heretofore, with this difference, that, whereas formerly I opposed pre-emption bills, though only retrospective in their operation, and confined to a particular district, I oppose this the more as being prospective, interminable, and reaching to the entire extent of the public domain. And, most marvellous of all, it is yet said that all this involves no interference whatever with our admirable, our venerable, and long-tried land system, which has been so justly lauded on the present occasion.

Mr. BUCHANAN said it was not his purpose to interfere in the dispute between the two Senators of the same name, though on opposite sides of the Senate and of the question. He should leave them to fight their own battle. I gave my reasons (said Mr. B.) for believing that the revenue during the present year will be much greater than that of the past, and is likely to reach \$19,000,000.

Mr. CLAY. (Interposing.) Will the Senator be so good as to tell us, if the matter stands as he has just represented, how it happens that the Secretary of the Treasury has estimated the first quarter of the present year at no more than \$3,000,000?

Mr. BUCHANAN said he should before he took his seat. The Senator from Kentucky has expressed an opinion contrary to mine. Mine is based on some facts, at least. His, so far as appears, is founded upon none.

Mr. CLAY. None except the product of the last year.

Mr. BUCHANAN. Yes; but I have shown a distinction between our circumstances during the last year and the present. The Senator speaks of the revenue of the first quarter. Why, sir, we have entered but twenty days in that quarter, and what estimate can as yet be formed as to that?

Mr. CLAY. The Secretary has made one.

Mr. BUCHANAN. The receipts of this quarter will mainly depend on last fall's importations, not on those of the present year. You cannot, as yet, estimate, with any degree of accuracy, what the results will be for this year. There have been great and unusual storms on the ocean, and great destruction of property; but so many arrivals have already taken place, as to justify the expectation that the amount of duties at the custom-house will be largely increased. Every body can see that the receipts for the first quarter must, of course, fall short, because they depend chiefly on the importations of last year, and there has not been time, as yet, to show whether the Senator's estimate for the whole year or my own may prove to be correct. I calculate that there will be \$19,000,000 of revenue, because the importation will probably be large, and no reduction of the tariff will occur under the existing laws till the last day of next December. But vast importations, though they augment the revenue, furnish in themselves no evidence of national prosperity. On that subject, our history runs in one eternal cycle. One year, we import too much, and have more goods than we can pay for. We become alarmed at this, and the next year import too little; and hence the history of our foreign commerce is a history of expansion and contraction, and of perpetually recurring revulsions.

The next thing I shall refer to in the remarks which fell from the honorable Senator, was, that his good taste and his good nature did not induce him to forbear from some remarks upon my poor mission to Russia.

[Mr. CLAY, (speaking across.) You filled it so well that you ought not to complain of me on that account.]

That, to be sure, is a sugar-plum, which in some measure corrects the acidity of what went before. It comes in very timely, and prevents some remarks in which I might otherwise have indulged. I can, with great truth, say that mission was wholly unsolicited by me, and that it was as unexpected as any event, the most improbable, could have been, nor was it desired by me.

[Mr. CLAY (across.) No bad thing though—not a thing for a man to turn up his nose at.]

It was not refused, it is true—but only for the reason that it was pressed with so much earnestness by the distinguished man then at the head of the Government. I accordingly yielded and went abroad; and I can say, for the benefit of any gentleman (if such there be) who may be looking forward to a foreign mission as some great thing, that he will most assuredly be disappointed, unless, indeed, he happens to be a millionaire.

I am glad, on one account, however, that I accepted the mission. The precedent may do some good to my friends on this side of the House. It requires no prophet, to predict, that in appointing members of Congress to office, General Harrison will at least follow in the footsteps of "his illustrious predecessor," and may probably leave him far behind. It would be hard indeed to deprive him of the services of so many distinguished Senators and Representatives, and equally hard to deprive them of the pleasure of serving him, by acting upon a political principle which would exclude them from office. I am happy to believe that there is no danger of any such unpleasant result. If I read the signs of the times aright, whatever objections may have existed against General Jackson on this score, they will at least be equally well founded against his illustrious successor; and if any of his friends here should happen to be looking out for "loaves and fishes," all I can say is, that I wish them God speed. I might add, if it did not weaken the force of the precedent, that the mission was not offered to me, until after I had retired from Congress, and become a private citizen.

The honorable Senator says that the time has not yet come to investigate the extravagance of the Van Buren administration. Well, I hope it may come, and I now venture to say that those who attack it will not be able to show, in the whole course of that Administration, any items of censurable extravagance. If any such exist, the opportunity to investigate them is always present. Every particular of expenditure, down to the last cent, is

open before you. What act of Congress has Mr. Van Buren violated? In what has he departed from those economical principles we all profess, and which I hope we shall all practice? I know of none. We have called on gentlemen to specify particulars, but the Senator from Kentucky says that he goes only for aggregates. He looks only at the footing of the bill. Can he defend such a course? With all his ability and eloquence, can he show that this is a fair mode of judging? The question depends not on the gross amount of expenditure, but whether the expenditures have been kept within the proper limits; whether they have been wisely directed. If a man buys what is very valuable, he must pay proportionally, and no money has been expended by this administration which was not sanctioned by Congress.

On the subject of pre-emption, I think I am perfectly safe, for, although I am menaced by the giant arm of the Senator from Kentucky, yet I am shielded by that of General Harrison, the distinguished "military chieftain" who is soon to take the head of the Government. We have heard that he goes the whole for the pre-emption principle. Would it, then, not be well for the Senator from Kentucky to reconsider his opposition? Let him not attack the bill as hostile to the great principles of our land system, because it does not trench upon them at all. It does not reduce the price of the land. It proposes to keep that up at \$1 25 per acre. Its whole effect is to give to the industrious and honest settler an opportunity to buy for himself a home, provided he contents himself with a quarter section of land—a small island indeed on the existing land system—a system to which I am quite as much devoted as the Senator from Kentucky.

Mr. CLAY of Alabama said he should not protract the debate, but would occupy as little time as possible, for he sought to hasten the engrossment of the bill. He was, however, called up by the remarks of the Senator from Kentucky, [Mr. CLAY.] He had been unfortunate enough to excite that Senator's ire, because he had controverted the two alleged facts on which the Senator relied as objections drawn from the bill. The one was, that the bill destroyed and utterly took away the sixteenth or school section in every township; in contradiction to which, Mr. C. had referred to the law of the country which reserved the sixteenth section beyond the reach of danger. As to the term which the Senator had applied to the bill, Mr. C. had quoted it as "irrevocable;" it was probably "interminable;" but Mr. C. considered the two words as much the same. He should like to know the practical difference between them. If the bill was "interminable," did not that deny the power of Congress to repeal it just as much as if it was "irrevocable?" Mr. C. said he was disposed to treat the Senator from Kentucky with courtesy, but when a measure, in introducing which Mr. C. had taken an active part, was assailed in an unwarrantable manner, he felt bound to defend it. The Senator complained of Mr. C. for charging him with warring against the new States. He had made such a charge, and he thought himself warranted by facts to do so. The Senator, however, plead to his jurisdiction; and yet, in the very next breath, undertook to defend himself against the charge. Mr. C. did not claim to be the Senator's judge; he was not the judge, nor did he claim jurisdiction over him; he was the complainant, the Senator was the party to be tried; the true judge in the case was the country, and to its decision Mr. C. would leave him. The Senator might attempt to constitute himself a judge in this as in many other matters, but Mr. C. should appeal to the people of the United States, and the memorials of their Legislatures. What did they say? They had applied to Congress to have the lauds of inferior quality placed upon their proper basis; they had remonstrated against and censured the policy which that Senator advocated. They had passed upon the question; they had repeated their remonstrances and memorials for these fifteen years past, which fully confirmed Mr. C. in the opinion he had expressed. Had not the Senator advocated principles directly in contradiction to the prayer of these memorials? Had he not opposed the reduction of the price even of the swamp

lands of Mississippi? The people even of the old States could see into the justice of this. Mr. C. would be willing to appeal to them; he was ready to make them his judges. But the appeal came too late; judgment had been already pronounced upon the Senator—not by Mr. C. but by his constituents, as well as by all the Senators representing the new States.

The Senator had talked about the effect of this bill in reducing the public revenue, which he represented as most ruinous; but did the honorable Senator forget that he had himself voted to distribute the entire revenue among the States? Would that have no effect in impoverishing the Treasury? Mr. C. denied the Senator's position in all its bearings. But it was most manifest that the Senator's own scheme of distribution was open to the very objection he urged against this bill in a still greater degree. The Senator seemed to have forgotten the policy he had himself been advocating and urging on the country for the last eight or nine years. Mr. C. it seemed, was already judged by the Senator for truly representing the interests and sentiments of his constituents. He was not willing, however, that the Senator from Kentucky should be his judge on that subject; he was not responsible to him. The Senator had imputed to Mr. C. the warring against the interests of his own State, when, in fact, he was but obeying her voice.

As to General Harrison, did the Senator doubt that he was pledged, both by his votes in the Senate and by his letters since, in favor of pre-emption and graduation? Did the Senator doubt this? At one time, in 1838, the Senator had a very distinct impression on that subject. When injurious epithets had been used by the Senator against the pioneers of the wilderness, the friends of General Harrison had deemed it necessary that they should speak for him as to his views on that subject; and the editor of the Commercial Bulletin, a paper published in Missouri, adverted to a letter of General Harrison, which was very laconic and to the point, stating that he was in favor of pre-emption, and had always been so. When Mr. C. read the letter he was gratified; and he presumed that he need not assure either the Senate or the gentleman from Kentucky that this avowal, together with his former votes in favor of graduation and pre-emption, went very far toward obtaining for General Harrison the amount of votes he had received. It had been very truly said by the honorable gentleman from Pennsylvania [Mr. BUCHANAN] that the professed friends of General Harrison here were at variance with the votes and opinions of General H. himself; and yet they complained of Mr. C. and his friends, who were engaged in an effort to establish, in advance, the very principle which the coming President avowed. Mr. C. could not see any plausible objection to the measure; it merely allowed honest settlers to take up a small quantity of land, in preference to speculators and rich monopolists, who would otherwise get possession of the lands and hold them up from sale.

Mr. CLAY of Kentucky said he would add but two or three words in reply. Nothing was further (said Mr. C.) from my purpose, in what I said when last up, than to intimate that the worthy Senator from Pennsylvania, my chairman in the Committee of Foreign Relations, did any thing improper in accepting the offer of his late mission to Russia; far, very far from it. I know what was his standing with his party, which no doubt induced the offer of such an appointment; nor do I doubt that, in accepting it, he yielded to the earnest and pressing solicitations of his worthy chief, a former President of the United States. I said that the motive which led to the eulogy pronounced by him on General Jackson was a sense of gratitude, and this feeling must doubtless have been greatly increased by the circumstances to which he referred. Besides, a foreign mission, and that a mission to Russia, is not a thing to be sneered at. No doubt the worthy Senator, in fulfilling his distinguished appointment, may have suffered much in his family affairs, and his separation from those to whom he may be bound in tender ties; and if he went, it was merely to oblige his friend and patron, who urged the appointment upon him.

A word to the Senator from Alabama. He says that I have been condemned in my views of policy by all the nine new landed States. Ah! the Senator no doubt is very correct! What says Ohio? She has been anxious for the policy I advocate for these eight years past. The Governor, in his message to the State Legislature, sanctions and recommends it. What says Indiana? Her Legislature is in favor of my distribution policy by a majority of sixty votes; and Missouri is not much behind her. And I now predict that, when that measure shall be presented to this body, there will be scarce a Senator from the new States but will be in favor of it, recommended as it is by all just and generous principles and considerations which address themselves to the mind of a patriot and a statesman.

Mr. CLAY of Alabama explained. He had referred to the opinions expressed by the new States during the fifteen years last past. He might have been mistaken as to Ohio for a few years. In the existing state of things there, placed, as she was, in the hands of a party openly opposed to graduation, the friends of the present bill could entertain no hope.

The question was now put on Mr. HUNTINGTON's amendment, restricting the operation of the bill to two years, and decided by yeas and nays as follows: Yeas 23, nays 22.

The President of the Senate voting in the negative, the amendment was rejected.

SPEECH OF MR. FULTON.

OF ARKANSAS.

IN SENATE, Monday February 1, 1841.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, was taken up, the question being on the motion of Mr. CRITTENDEN to recommend the bill, with instructions to report a bill for the distribution of the proceeds of the sales of the public lands among the States, which Mr. YOUNG had proposed to amend by a motion to substitute for it the bill of Mr. CALHOUN, proposing to cede the lands to the States within which they lie, upon certain conditions.

Mr. FULTON said he felt it to be his duty to say a few words on the proposition just submitted by the Senator from Illinois, [Mr. YOUNG] to cede the public lands to the States within which they lie. This proposition had been, as he thought, very unjustly rejected some time since, by a large majority of the Senate, when it was offered as an amendment by the Senator from South Carolina, [Mr. CALHOUN] to the proposition to distribute the proceeds of the sales of the public lands. That Senator had nobly surrendered his prejudices upon the altar of his country, and came to the rescue of the younger members of this Union. He proposed to relieve them from the odious condition of thralldom and vassalage, in which they have been hitherto held by the strong arm of power of this Federal Government. He had looked with the eye of a statesman upon the evils which have resulted from the present system, not only to the new States, but to this Government also; and which are increasing to such an alarming extent, as even to threaten the welfare and harmony of the Union itself. He therefore boldly came forward with a proposition, calculated to secure the rights of both the Federal Government and the new States, and which, at no distant day, will be regarded by all the older States as the very best measure for securing their best interests that was ever submitted to the consideration of Congress. And yet, for this great act, one of the greatest of his life, the Senator from South Carolina had been condemned by a majority of the Senators from the old States.

Nothing, sir, but the dependent condition of the new States could have driven them to consent to the terms upon which it is now proposed to cede to them the lands within their limits. The Legislature of his State had instructed her Senators to support the measure now under consideration, and he was, therefore, doubly bound to advocate this amendment, although he did not believe that the proposition was as liberal to the new States as he thought it ought

to be. As the subject was, in so many aspects, of the first importance to the country and to the States, he hoped he should be indulged with the patience of the Senate, while he submitted his views in relation to it. He could not boast of coming to the consideration of this subject with impartial feelings. He acknowledged that he felt, deeply felt, the oppressiveness of the bonds into which his State had been forced to enter when she was admitted into Union. He feared, therefore, that it would not be in his power to convince the Senate of the correctness of the remarks he intended to submit. His own convictions of the correctness of the conclusions at which he had arrived, were such, however, as induced him to indulge the hope that he could demonstrate that great injustice had been done to the new States, and that instead of being condemned as untrustworthy and faithless, he hoped to be able to prove, that they had been true to their contracts beyond what even justice to themselves demanded of them.

The Constitution of the United States never intended that the new States, for whose admission into the Union it provides, should come into the Union as mere dependencies; and yet, such is the true situation, at this time, of the new States who have been admitted into the Union. The new States are completely at the mercy of the Federal Government. By refusing to sell the public lands, or raising the price so high as to prevent its sale, it is in the power of Congress so to limit the revenue of the new States as to deprive them of the means of supporting their Governments; or otherwise making it so burdensome upon the inhabitants as to deter all emigrants from settling within their limits. According to the compacts made with the new States upon their admission, the lands of the Federal Government cannot be taxed by the new States. This is a complete denial of sovereignty, and gives to this Government the entire mastery over the new States. That this power over them has not been so exercised as to be intolerable, is not because the power does not exist in this Government under these compacts, but because Congress has chosen not so to exercise it as to have palpably demonstrated its incompatibility with the spirit and intention of the Federal Constitution. This Union was originally formed of free, sovereign and independent States. They were each acknowledged by Great Britain to be free, sovereign and independent; and, by virtue of that acknowledgment, became possessed of all the powers and rights of distinct Governments, and of title to the soil within their limits, the same as Great Britain had possessed previous to that acknowledgment. They were thus created sovereign and independent States. As such States, they entered into the Federal Union, and formed their Federal Constitution. That Constitution gives to Congress the power to admit new States into this Union. Whenever Congress exercises that power, she recognises the State so admitted as a free, sovereign, and independent State, precisely as did Great Britain when she acknowledged the independence of her colonies. The Territories of the United States are to the Federal Government what the colonies were to Great Britain. They are dependencies, for whom Congress has the power granted to it to make all needful rules and regulations. Congress has the power to dispose of the soil, and to organize them into Governments, so long as they remain as the territory of the United States. But, the moment they are acknowledged to be independent States, Congress must necessarily part with all power and authority over them, excepting such as the old States granted to Congress over themselves when they entered into the Union. They have no longer any United States territory within their limits, and Congress, therefore, has no longer any right to dispose of any such Territory. "New States may be admitted by the Congress into this Union." This is the language of the Constitution. What kind of States are here contemplated to be admitted? Why, sir, they must be co-equals in all respects with those already in the Union. They must be States, as the old States were, that is, States acknowledging no superior, owing no allegiance, possessed of every attribute of sovereignty, and entitled to all the rights,

title, and jurisdiction over the territory within their limits, as appertain to every independent Government on earth. This was what the Constitution contemplated, when the power to admit new States was given to Congress. The Northwest territory was the territory provided for. It was to be disposed of by Congress for the support of the Government. It was to be sold to citizens, who were to organize themselves under its authority into dependent Governments. As was the practice in the beginning, it was contemplated that millions of acres would be disposed of to companies, and that in this way, the great body of the soil would be disposed of, before the Territory would be ready to become a State. To obtain a fair consideration for the remainder, whenever the Territory became strong enough to claim her right to independence, and her right to admission into the Union, as the co-equal of the States, the Congress should have in every instance disposed of such remainder of the territorial domain to the State about to be admitted, upon such equitable and reasonable terms as such State could have in good faith complied with. The framers of the Constitution never contemplated that this Government would become a landjobber or speculator. It was to be sold for a moderate sum to communities who could settle it. The great object was to add strength to the nation, by adding young, vigorous, and flourishing States to the Union. That these States were to have the right to exercise *exclusive* legislation over the soil within their limits, is proved by that provision of the Constitution, which grants to Congress "exclusive legislation over this District, and over such places within the limits of the States, as are necessary for the erection of forts, magazines, arsenals, dock yards, and other needful buildings." The same soil cannot be subject to the legislation of two separate and distinct sovereignties. Therefore the Constitution found it necessary to obtain from the States the right of jurisdiction over so much of the soil within their limits, as was necessary for the occupancy of the military of the United States, and for the use of the Federal Government. Without this provision in the Constitution, Congress could not constitutionally exercise legislation over a foot of land within the limits of any State of this Union. The Constitution further says that "Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory and other property *belonging* to the United States." Respecting the *territory belonging* to the United States! The moment, then, that a territory becomes a free and independent State, the right of the United States to dispose of, and make all needful rules and regulations respecting such *territory so belonging* to the United States, must necessarily cease and determine. That section clearly applies to a territory *belonging* to the United States. The moment, therefore, that such a territory become a State, it no longer *belongs* to the United States, and the right to dispose of it, and to legislate over it, must necessarily be surrendered. It must, therefore, be admitted, that the legislation of Congress over the soil within the limits of either of the States of this Union, is a violation of the Constitution, if the views submitted are correct.

It becomes the duty of Congress to look seriously into this matter, and to see if they were not every day of their lives violating the Constitution, when they were constantly passing laws in relation to the soil within the limits of sovereign and independent States. If these views are correct, it would seem to be the bounden duty of Congress immediately to dispose of, to the new States, all the public lands within the limits of each, and to settle forever this odious and cruel conflict, so injurious to the new States, and so unworthy of such a Government as that of the United States. To be a sovereign State, and not a dependency, the State must possess exclusive jurisdiction over the soil within her limits; she must have power to tax the soil for the support of her government, or she is dependent. But the States, as they became strong enough to ask admission into the Union, were forced to surrender this indispensable attribute of sovereignty. They have bound themselves not to interfere with the sale by Congress of the public lands within their limits, nor to tax them, so long as they remain unsold; and, in

some of the States, not for five years after they are sold. These terms are directly contrary to the spirit and intention of the Federal Constitution; they are oppressive and unjust; they have materially retarded the growth of the new States; but some of them have grown astonishingly, notwithstanding they have had to contend with such great and almost insurmountable obstacles; and yet, the new States have complied in good faith with these oppressive compacts, which they were forced to submit to, or else be compelled to remain in a state of colonial dependency for an indefinite number of years. The new States have strictly complied with their contracts, notwithstanding the odious condition in which it places them. They permit their own citizens to become officers of this Government, who sell the public lands without molestation or difficulty—they receive your money, and pay it into the National Treasury. Their citizens are constantly driven to apply to Congress to pass laws for their relief; and they and their representatives are placed in the humble attitude of supplicants for your justice and liberality at each succeeding session of Congress. Is it not mockery to call the new States independent, so long as they are held in such a state of vassalage? But, it is now proposed to place them at the mercy of some twenty masters. Make it the interest of the old States to raise the price of the public lands, and you stop at once all liberal action on the part of Congress towards the settlers in the new States. You create a desire on the part of the States to get all the money they can out of the *citizens* of the new States—you whet their appetites for gold, procured from others without labor or exertion. This appetite for gold will increase with every contribution, and at last, it will not be satisfied but with the life's blood of the citizens of the new States. He regarded the distribution of the proceeds of the public lands as a violation of the compacts into which the new States have been forced to enter; and he anticipated that the new States, in justice to themselves, would be compelled to claim the right to all the soil within their limits, (which such violation of the compact would make necessary for their preservation) if this distribution measure is ever adopted; and which their recognition by the United States as sovereign States would have given them, had they not been forced to enter into such compacts.

The effect of such a measure, upon the State he had the honor in part to represent, would be terrible indeed. Her people would be drained of every dollar, to go into the treasuries of other States—no sir, to go into the pockets of foreign bankers, who would realize it, as clear profits, from the enhancement of the value of State stocks, which must inevitably result from the passing of such a law: or, perhaps, her citizens would be driven off, to get rid of the oppressions and burdens which they would not be able to bear. Arkansas was organized as a Territory before any of her lands were sold. Suppose Congress had refused to dispose of any of the lands at a fair price, and her citizens had remained in that situation until she was admitted into the Union as a State. Suppose then, that speculators had come into the State, and had purchased the homes of all her citizens, and had attempted to drive them, with their wives and children, from their dwellings—could they have succeeded in such an attempt? Would not the State have protected her citizens? Could this Government have enforced such an attempt at dispossession? If the State of Arkansas could thus be prevented from taxing her lands for her support—if she could not protect her citizens against such calamities, would she be a sovereign State? Would she be placed upon an equal footing with the other States of this Union? Would it not be idle to call her independent? If you distribute the proceeds of the sales of the public lands among the States, the only effect it will have will be to raise the value of State bonds. You will deprive this Government of five millions annually of revenue; and you force her to lay that amount of duties upon our importations of articles which the people are compelled to purchase, and for which they will have to pay five millions of dollars more than they now pay, to make up for the deficiency; and the result of the

whole operation will be, not to give relief any where, but to enable the present holders of State stocks to realize at least five millions of dollars of profits per annum upon their investments. Suppose that Congress, under the power to dispose of the territory, should attempt to give the lands themselves, in the new States, instead of the proceeds of the sales of those lands, to the old States, (and this would be a much nearer compliance with the unlimited power claimed for Congress, under the word "dispose," than that which is contended for,) would the new States submit to such a donation of the soil within their limits? If the lands in Arkansas were given to any State in this Union, such State or States would never be able to exercise any right of ownership over the lands so granted. She would resist the claim of such masters, and she would be driven to exercise the rights of a sovereign State over all the unappropriated lands within her limits.

To settle forever all these difficulties, and to remove all grounds of conflict, between those States, who ought to be, in all respects, equal; to place it in the power of the new States to derive a fair revenue from the soil over which they ought to be able to exercise complete jurisdiction; to place it in the power of their citizens to add to the wealth of their States, by their labor and enterprise, instead of thereby adding, as they now do, to the wealth of the United States, by enhancing the value of the public lands; to restore harmony and tranquillity to the Union, lessen the expenses and legislation of Congress, and forever to remove a great engine capable of influencing most dangerously almost all our elections, the amendment now under consideration proposes to cede to the new States, upon terms the most equitable for this Government, all the lands within the limits of each State. The amendment provides that the States shall pay over to the United States 65 per cent. of the proceeds of the sales of the public lands. This is nearly equal to what is realized by this Government by the existing system. It costs this Government 22 per cent. of the proceeds of the sales to carry on the present system. To this add the five per cent. granted to the new States for internal improvements, and the various expenses which cannot be enumerated, and we have nearly 35 per cent. the amount proposed to be allowed to the new States for expenses and all other responsibilities. It was said by the Senator from Kentucky [Mr. CLAY] that the expenses to the States for selling the public lands would not exceed two per cent. It is impossible to say what those expenses would be. But that is not the question. The calculation ought to be founded upon the cost of the system to the United States. Ought not this Government to be willing to give up to the States the amount which the present system costs, in order to obtain a fair settlement of this vexatious question? But it is contended that the new States could not be relied upon to pay over faithfully to the United States the 65 per cent. which they had contracted to pay. It is said that the new States would be unfaithful, and could not be relied upon. This is said, too, by Senators who have always complained at the slightest imputation on State credit. But to prove the injustice of the assertion, just look at the conduct of the new States under the present system. They have surrendered rights to which they were clearly entitled, as free and independent States. Rather than remain in a state of territorial dependency, they surrendered what the Constitution guarantees to every sovereign State; and they have hitherto always acted in good faith, and in all respects complied with the compacts entered into. They have never interfered with the primary disposal of the public lands, nor have they attempted to tax it, or to exercise any ownership over it. They have groaned under oppression, and yet they have not revolted. How then can it be supposed that they will not act equally in good faith, in paying over the 65 per cent. of the proceeds of the sales of the public lands? Their failure to do so would be an annulment of the contract; they would therefore have every inducement to comply most strictly. But even if it were admitted that the States could not be entirely relied upon was there not a proposition which ought to obviate

every objection? It is proposed that the States shall pay over the receipts from the lands quarterly, monthly, or as they are received; or that they should go directly into the hands of an officer of the Government. As your present land officers are citizens of the States, and you have found that they can trust them with perfect safety, how can it be supposed that they would be less trustworthy, if employed by the State, in the same service? The Senator from Indiana [Mr. SMITH] has justly said, that the new States will receive much more under the distribution principle, than under the cession measure. Besides their proportions of the proceeds of the sales of the public lands, the distribution bill proposes to give to the new States 15 or 17½ per cent. of the sales within their limits; add to this the 500,000 acres of land proposed to be granted, and you have a much larger sum annually paid, than the 25 per cent. which the cession bill proposes. But by the cession bill, the rights of the new States, and their citizens, are to be secured; and these are objects of such vital importance to them, that they are not to be weighed in the balance, against dollars and cents. He regarded the proposition to distribute the proceeds of the sales of the public lands, as one of the most fatal measures to the interests of the new States, and, indeed, as demoralizing to all the States, that had ever been brought forward. It was a bad measure when the Treasury was full; but now, when it is empty, and our revenue is diminishing, to think of giving away a part of that revenue, and to tax the people proportionably higher, to make up the deficiency thus created, seemed to him to be an act of extravagance, if not of madness, which he was at a great loss to comprehend. If, however, we must have money paid over to the States, why not pay over to them the 65 per cent. which the cession bill produces, and thus permit the new States to become, in reality, free, sovereign, and independent members of the Union!

But, sir, let us look a little into this proposition to distribute the proceeds of the sales of the public lands. The Constitution never contemplated any other territory as belonging to the United States, excepting that lying in the forks of the Ohio and Mississippi, and that west of Georgia and north of Florida, to the Mississippi river. The Constitution gives no authority to the Congress or to the Executive to purchase territory from a foreign State. The purchases which were made, therefore, from France and Spain, were unconstitutional, and only became a part of the Union by the acquiescence of the States united.

All the provisions of the Constitution relating to the territory belonging to the United States refer to this territory, and, it is to this territory exclusively that the compacts entered into between the United States and certain States which ceded their right to the waste lands, applies. Let us see what are the provisions of these compacts. That of Virginia, so far as it relates to this subject, is in these words; he was compelled to quote them, although so often quoted by other Senators:

"The lands so ceded shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become members of the Confederation, or federal alliance of said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure; and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever."

During the Confederation this Government was supported by contributions from the States. Congress had no power to raise a revenue; therefore it was agreed that the proceeds of the sales of the lands ceded by Virginia, and indeed all the States, should be applied exclusively to the support of the Confederation; in this way only could they lessen equally the burdens of each of the States. By these compacts these proceeds were set apart forever for the support of the National Government; and it was expressly stipulated that they should never be applied to any other purpose whatsoever. All the States then in the Confederation, and all the States that have come into the Union since, are equally bound by this compact, (for the Constitution provides that all such contracts shall be binding upon the United States), and any attempt to apply these proceeds to any purpose whatsoever, except the national "charge and expenditure," is a palpable violation of the compact. The right to these lands was

never recognised as belonging to any one State by the Confederation; they were claimed as a purchase made by the common blood and treasure of all the States. The compacts entered into by the Confederation with the claiming States, were designed to settle the controversy. The proceeds were, therefore, set apart as a "common fund," for the common benefit of all the States then in, or afterwards coming into the Confederation. The States separately can have no right whatever to these lands; they were ceded in full property to the Confederation, on the express condition, that the proceeds of the sales should be exclusively applied to the support of the Confederation, and to no other purpose whatsoever. The giving, therefore, of these proceeds to the States, or its application to the payment of State debts, would be directly in the very face of these compacts. The proceeds of these lands were to be forever applied to the support of this Government, and were intended to lessen, in proportion to their amount, the revenue which Congress was authorized to raise from other sources since the union, or by requisitions upon the States during the Confederation. It has been pointedly asked, what would be done with the surplus, if the lands yielded more than the Government required? The answer is, we must take care of it; and if such a thing could be possible, that we would never have use for such a surplus, it would have to remain the property of the nation, precisely as other national property. The imperative command of the compact is, that this fund shall be bona fide applied to the support of the National Government, and to no other use or purpose whatsoever. The Senator from Kentucky [Mr. CLAY] compared this fund to a fountain belonging to a number of persons, and contended that each of the proprietors would have a right to draw pails of water from it, without doing injustice to either. He contended that this fund might be more properly compared to a stream of water which had been in dispute amongst a number of individuals, and who, to settle the dispute, had entered into a partnership in carrying on a mill for their common benefit, and, thereupon, those claiming the water course entered into a compact with the company, by which they conveyed the water course to the company, upon the express condition that the water of the stream should be forever appropriated to the uses of the mill, and to no other purpose whatsoever. Would the parties, without a dissolution of the partnership, have a right to divert this stream to their private benefit? He was satisfied that the lands ceded by the States to the Confederation, and now belonging to the United States, could be disposed of by Congress for no other purpose, except for the support of the Government. The Constitution gives to Congress the power to dispose of them. The compact stipulates the purpose to which alone the proceeds are to be applied.

It is contended that the term "dispose of," gives unlimited power to Congress over the public lands, and authorizes the Congress to apply the proceeds to such objects and purposes as, in their discretion, they may deem would be best for the country. He contended that the power to "dispose of," gave only the right to sell, and that the avails of such sales went into the Treasury, as other revenue. The very first act of Congress on this subject, provided that the proceeds of such sales should go into the Treasury. But this power to dispose of was expressly given in compliance with the compacts; and the words "dispose of," are taken from the compacts. The Virginia deed of cession says, this fund shall be faithfully and bona fide disposed of, to meet the common charge and expenditure, and for no other purpose whatsoever. Here, then, is the purpose for which these lands were granted to the United States, and here is the origin of the power of Congress to dispose of the territory. Hence it was that the framers of the Constitution gave to Congress, in compliance with these compacts, the power to dispose of the Territory of the United States. If the power to dispose of the territory carries with it an unlimited power to make use of the proceeds, so also does the power to lay and collect taxes, etc. give unlimited power to apply the money so raised at discretion. He thought it clear that

the claim of power in Congress to distribute the proceeds of the sales of lands acquired by cession from the States, was in direct contravention of the deeds of cession themselves, and contrary, also, to the provision of the Constitution which gave to Congress the power to dispose of the territory of the United States. The amount would be so small that it would not be worth contending for, if the distribution is confined to the territory ceded by the States. The main argument applies only to that territory, but the distribution bill covers all the territory of the United States. How can it be contended that the country purchased from France and Spain—all the territory comprehended within the limits of Louisiana and Florida—can be disposed of by Congress, and the proceeds given to the States? This country was purchased by the United States. It was paid for with the money of the United States. A part of the revenue raised to support the Government had been applied to this purpose; and consequently the property so purchased belonged to the United States collectively, and not to the separate States. The proceeds of the sales of this territory consequently become a portion of the revenue of the United States, and to distribute it among the States, would be no less unjust than it would be to impose duties upon importations to be so distributed. It appeared to him that these views could not but strike the minds of all who heard him as sound and conclusive; and he therefore felt himself justified in expressing the opinion, that if Congress attempts to distribute the proceeds of the sales of the public lands, sold in the State of Arkansas, that State would be bound to enter her solemn protest against the measure, as unconstitutional and unjust. But what was the bill to which this proposition to distribute the proceeds of the public lands is offered as an amendment? It was a simple pre-emption bill, such as had been passed repeatedly by Congress, except that it operated prospectively, and if it became a law, the settlers who go upon, and improve the public lands, could not afterwards be denounced as criminals. It would permit that to be done, which we cannot prevent from being done, and the doing of which had, as he believed, operated most beneficially for the country. These settlers go into the wilderness and open the country for settlement—they bring it to the notice of purchasers, and cause it to be settled and sold, and they greatly enhance, by their labor and improvements, all the public lands which surround them. So well satisfied of this was the Congress which disposed of a million and a half of acres to the Ohio company, that they granted the company 100,000 acres upon the express condition that it should be given (not sold at the minimum price) to actual settlers, in tracts of 100 acres to each settler. If the price to be paid by the settlers was much less than can otherwise be obtained for the land, it would furnish some cause for opposition on the part of those who look mainly to the amount of money for which the public lands are sold. This, however, is not the fact. The truth is, a cent or two over the minimum price is all that is obtained for the public lands. A document recently laid on the tables of Senators, fully proved the correctness of this assertion. This document proved that there had been sold, between 1833 and 1840, 65,842,807 87-100 acres of land. The amount realised from the sales so made, was \$72,269,749 58, being a little less than \$1 27 per acre—not quite two cents more than this bill requires to be paid by settlers for their lands. Will you drive the poor man from his home, and take his cabin and cultivated field away from him, rather than give him a preference over the speculator of two cents per acre in the purchase of his little improvement? Put your lands up at auction, and what is the result? Why, sir, the moment you issue your proclamation of a sale, the speculators put their agents at work. They obtain the numbers of every valuable tract to be sold. They meet together at the sale. They form a company and agree to bid off all the good land offered. They accordingly purchase it at a fraction over the minimum price, as they have no competitors. Immediately after the public sale is over, they have an auction amongst themselves, and each one pur-

chases the tracts he wishes to buy, and pays for it in proportion to its value, or as there may be bidders who come into competition. The proceeds of *this sale* are divided amongst the company, and thus the speculators realize all the profits of your auction system. This is your auction system. This is the system which has been so much and so constantly lauded in this chamber, as one which could not be improved, and ought not to be changed. Whilst those who advocate the pre-emption system, which has done so much towards the opening and settling of your wild lands, are bitterly complained of as promoters of the most lawless course of conduct on the part of men who are denounced as criminals of the worst description! Why, sir, these criminals, as they are called, would compare, in point of worth, integrity, and enterprise, with the very best of those who denounce them. They are not known to Senators, or they would not be thus spoken of. Arkansas was organized as a Territory when nearly all her citizens were settlers upon the public lands. Go to your land offices, and you will find that men who have been members of Congress, and have filled the highest stations in the old States, have settled upon public land, and have proved up and got a title to their lands as pre-emptioners. For generosity, capacity to endure hardship, and noble daring, no people are equal to the pre-emptioners who settle upon the wild lands of the West and South. They go there poor and penniless, (having expended every thing in reaching the wilderness,) with their wives and children, and in a year or two, you find them occupying a snug cabin, with a cultivated field, and surrounded by every thing necessary to support life. From this humble beginning, with industry and perseverance, they soon become independent, and in time become the best and worthiest of the inhabitants of a new country. It was to secure a home to such settlers as he had described, that the committee had reported the original bill. It was to save all such from falling into the power of the speculators in the public lands that he felt so anxious for the passing of the bill. He sincerely trusted that if nothing would be done to give freedom, sovereignty, and independence to the new States, the Senate would, as a simple act of justice, protect the settler against the power of the speculator.

He did not see how any Senator could vote against the pre-emption bill. They had all voted for it; some as a separate measure, others when incorporated in the distribution bill, and others when it was included in the bill for ceding the lands to the new States. A great deal had been said against it as a distinct measure, and its evils had been depicted in the strongest language. It had been denounced as an attempt to seize upon the public lands; and the enterprising settlers had been compared to public depredators. He had listened to these assaults upon the honest and industrious citizens of the new States with pain and mortification, and he felt assured that no such language would have been used towards them, if they were known to Senators as they were to him. He felt assured that they would not be regarded as the less worthy and respectable by their neighbors and friends, on account of such denunciations. But what struck him with much force, was the circumstance that those who had thus abused the settlers on the public lands, had voted for the distribution amendment which offers to the settlers *double* the quantity of land which is secured to them by the pre-emption bill.

He still hoped that the amendment which proposes to cede the lands to the new States, would find favor with the Senate. If not, he felt sure that the amendment of the Senator from Kentucky [Mr. CARTTENDEN] would be rejected; and that the simple pre-emption bill of the Senator from Missouri [Mr. BENTON] would pass the Senate by a decided vote.

SPEECH OF MR. TAPPAN,

OF OHIO.

In Senate, February 23, 1841.—The bill to incorporate the banks of the District of Columbia being under consideration,

Mr. TAPPAN proposed the following as an amendment:

Strike out all after the enacting clause, and insert the following

That from and after the passage of this act, if any person or persons shall establish or continue any bank in the District of Columbia, such person or persons shall first deposit in the office of the recorder of deeds for the county in which such bank may be established, a schedule in writing, containing the names and places of residence of each and every stockholder in such bank, with the number and value of the shares by him or her held, and shall cause the same to be recorded with the recorder of deeds in the office, and shall also publish said schedule in two of the newspapers having the most general circulation in the District three calendar months; and every sale or transfer of stock in such bank, within ten days after such transfer shall have been made, shall be placed upon record, and published in like manner, by such person or persons so establishing or continuing such bank. And a copy of such record duly certified shall be admitted in all courts as competent evidence of the fact of any person therein mentioned being a stockholder in such bank. And if any person or persons shall establish or continue any bank in the District of Columbia, without recording and publishing the names and places of residence of the stockholders in such bank, as is herein provided, the person or persons so offending shall forfeit and pay not less than five hundred dollars, nor more than one thousand dollars, for each and every day such person or persons shall continue any bank as aforesaid, to be recovered by indictment, for the use of the county in which such offence may be prosecuted.

SEC. 2. *And be it further enacted*, That it shall be unlawful for any individual banker or banking company, or for any other person or company, to issue any bank notes of a less denomination than twenty dollars, or by any art, shift or device, to issue and put in circulation any paper, certificate, check, order, or note whatsoever, payable to bearer and intended to circulate as currency, of a less denomination than twenty dollars; and any person or persons offending herein shall forfeit and pay not less than five hundred dollars, nor more than one thousand dollars, for each and every note, order, check, or certificate, so issued and put in circulation as aforesaid: one-half of the same to be for the use of the person prosecuting therefor, and the residue for the use of the county where the banking-house of such individual banker or banking company shall be located, to be recovered by action of debt in any court having jurisdiction thereof.

SEC. 3. *And be it further enacted*, That if at any time in usual banking hours, the paper of such individual or company shall be presented to such individual or company, or any officer by him or them employed at their banking house or office, and payment demanded of the same, and payment thereof in gold or silver shall be refused, or unreasonably delayed, the holder of such note may make affidavit of such demand and refusal or delay, before any justice of the peace of the proper county; whereupon the said justice shall issue his summons against such individual, or any officer or partner in such company, to be and appear before him, or some other justice of the peace, at a time to be stated in said summons, which time shall be within twenty-four hours from and after the same shall have been issued, then and there to show cause why judgment should not be entered against such individual, officer, or partner, for the amount of said note; and unless the party defended in said writ shall appear and plead that the note upon which suit is brought is not the note of such individual or company, or that legal and proper demand of payment has not been made, and verify such plea by the oath of the said defendant or his agent or attorney, it shall be the duty of the justice to enter up a judgment against such defendant for the amount of such note, with twenty per cent. damages and costs of suit, and to issue his execution, as in other cases therefor.

SEC. 4. *And be it further enacted*, That such individual or company thinking himself or itself aggrieved, shall have relief upon an appeal only, both as to matter of law and matter of fact; which appeal shall be granted on the following and no other terms; that is to say, the individual or company demanding such appeal shall enter into bond to the plaintiff, with at least one sufficient freeholder within the District, and in the penalty of one hundred dollars, conditioned that the appellant shall appear and prosecute the said appeal in the next circuit court to be held in the county in which the said judgment shall have been rendered, shall stand to and abide the judgment of the said court, and pay such further costs as shall be taxed, with twelve per cent. damages from the date of the original judgment, if the same be affirmed; and that the said appeal in all other respects shall be carried on and conducted as provided by law in other cases, and that it shall not be lawful for the defendant in the said action to supersede the said judgment in any other manner than by the said appeal.

SEC. 5. *And be it further enacted*, That in all cases prosecuted under this act, the plaintiff may appeal, if the judgment of the magistrate should be against him, in the manner now authorized by law, to the next term of the circuit court for the county wherein the said judgment shall have been given; and on such appeal, the said circuit court, if they shall reverse the judgment of the magistrate, shall render such judgment as the said magistrate ought have given, with costs, both below and of the appeal.

SEC. 6. *And be it further enacted*, That if any person shall, after the taking effect of this act, pass, or offer to pass, any bank note of a less denomination than twenty dollars, otherwise than in payment to a bank or banking company, such person shall forfeit and pay double the amount of such note, for the use of the person suing for the same, to be recovered by action of debt before any magistrate having jurisdiction, to the amount thereof.

SEC. 7. *And be it further enacted*, That if any person or persons shall establish a bank and issue their notes for circulation as money, without the means or ability of redeeming the same in current coin, with intent to defraud, he, she, or they, so offending, shall be deemed guilty of a misdemeanor; and, on conviction thereof, upon indictment in any court of competent jurisdiction, shall be imprisoned in the penitentiary not less than three, nor more than ten years, and shall pay the costs of prosecution.

SEC. 8. *And be it further enacted*, That the twenty-ninth, thirtieth, thirty-first, and thirty-second sections of the act entitled "An act to incorporate the subscribers to certain banks in the District of Columbia, and to prevent the circulation of the notes of unincorporated associations within the said District," be, and the same are hereby, repealed.

MR. PRESIDENT: The question now before the Senate is one of great importance to the country.

The bill reported by the chairman of the Committee on the District of Columbia proposes simply to revive and continue in force the expired charters of six of the banks of this District, without any change in the powers and privileges granted by those charters. The amendment I have offered, and upon which the question is now to be taken, proposes to place the banks of this District upon the same foundation of equal privileges and equal competition with every other establishment, corporate or not corporate, in the District; it proposes, in fact, to introduce the principle of free trade into the banking business of the country; to withhold from the business of trading in money or credit what is withheld from all other business carried on in the community—its monopoly character; and, while the business itself is permitted to remain under the protection of the law without other restraint than the public safety requires, to withhold from its conductors any special public recognition of their exclusive fitness for the business, and the endorsement of the legislative power that they, and they alone, are worthy of all trust and confidence in conducting their manufactories.

This bill is brought in upon a petition of the bankers of this District and their friends and dependents; the petition is signed by about two hundred names; the population of this District is computed to be upwards of 60,000, probably it is 80,000, so that not one eightieth part of the adult male population ask for the passage of this bill. And what, Mr. President, are the powers and privileges these people ask to have revived and continued? They ask, first, the power of making and putting afloat the whole circulating medium of the District, with the privilege of levying a tax on the community of between six and seven per cent. for its use; and, as the power to issue paper in the laws sought to be revived is unlimited, so the power to levy a tax for its use is to be unlimited. Second, they ask that their money may, by our legislation, be enhanced in value to as great extent as they think proper, or rather that their stock notes (for they are not bound to have a specie capital) may have an unlimited value given to them over the gold and silver of their fellow-citizens. And, lastly, they ask to be formally, and, by anticipation, exonerated from all liability to pay any debts they may contract in this highly favored business.

If, sir, we now approached this subject for the first time—if these manufacturers of paper money now were for the first time, in the world's history, asking us to bestow upon them these privileges, to the exclusion of all others, it would strike us, not merely with astonishment at the audacity of their impudence, but with a strong sense of the ludicrous, that they should calculate so largely upon our unbounded simplicity. Suppose that gold and silver had formed the entire circulation of the country from time immemorial; that no other had been invented, and some scheming John Law were to address a memorial to you, setting forth, in the style of our bank orators, the great superiority of paper over gold and silver for a circulating medium, and praying for the exclusive privilege of manufacturing such paper, and putting it in the hands of every body—of levying a tax for the use of it equal to six per cent. per annum, payable every sixty days in advance—that this paper might be allowed to represent credit, not money—and, finally, that the petitioner might be expressly exonerated by law from any liability for the payment of his debts, beyond the money he should place in his own chest for that purpose—with what good humored surprise, sir, you would receive such an application!

Nothing proves more conclusively that individuals and nations are governed by habit, than our use of the paper of incorporated companies. We have acquired this habit by slow and imperceptible degrees; and now there are intelligent and disinterested men who really believe, not merely that this manufactory ought to be protected, but that it ought to be protected by a monopoly and by exemption from liability upon its obligations. I am not so visionary as to attempt to change the habit of using paper for money; but, believing that this habit is becoming injurious to the public interest and subversive of morals, I am for taking from the money power its tendency to evil, while all its capacity

to aid the mercantile interests of the country is left in undisturbed vigor. Nor can this be considered as a party question: both political parties have joined in conferring these exclusive privileges upon the banks; both have suffered by it; and many of both parties have become satisfied that the evils of our banking system are very great, and ought to be removed. All are interested in whatever improves or deteriorates the currency. The party going out of power, as well as the party coming into power, can have no interest at stake which should induce them to grant the privileges asked for by these petitioners. May I not hope and expect, then, that this subject will be calmly discussed and fully examined, that the Senate may come to a correct judgment upon the amendment proposed?

It is necessary to understand precisely what those who petition for the passage of this law ask for. Do they ask for the privilege of lending their money at six per cent. or any other rate of interest? Not at all; for they have already full and entire liberty to do this. Do they ask to be permitted to sell their individual notes, payable to bearer on demand, or to lend them upon interest? Not they. No law prohibits such traffic. In this District individuals may dispose of their notes as they please, and the people of the ten miles square may use such notes, written or engraved, for money. There is no law to disturb them. These are rights and privileges the whole people enjoy; but this is not enough for these petitioners. If left the advantages common to all the citizens, they must be left to all the common responsibilities. They would lose their highly prized monopoly. They want some advantages over their fellow men. The power of levying a tax for their own use is what they want. This cannot be done without a charter, and therefore they ask for a charter. They pray Congress to say to the world, that the business of making paper money is a very meritorious business, worthy of all patronage and encouragement; and that this small portion of the good people of this District are alone worthy of public trust and confidence in carrying on that business; so that when they get this sanction for their business and character, having got a law punishing with fine and imprisonment all others who, in this free and enlightened country, may attempt to carry on the same business, they may drive out from circulation the gold and silver, and supply its place with their notes; notes for which they draw interest. And as the charters sought to be revived do not limit the quantity of paper to be put in circulation, these petitioners propose that their taxing power shall be as extensive as the public credulity and their industry in circulating their paper can make it.

To what extent this taxing power is used by the banks, in this District, I have not the means of determining. We have a report from the Secretary of the Treasury, giving us some information what it is in the whole United States. I doubt much whether the debasement of the coin, resorted to by some despotic princes in former times, to fleece their subjects, was ever as onerous a tax as is paid with great cheerfulness by the American people, for the mere pleasure of using pictures for money, instead of the constitutional currency. From the data given by the Secretary, the amount must exceed thirty millions of dollars per annum; an enormous sum, making the currency of the country cost more than the Government of the country, including the maintenance of our fleet and army.

In asking for a revival of these defunct charters, these petitioners pray you to raise the value of their property to an indefinite extent. Those charters authorize the issue of paper, without any limitation of the amount. In general, bank charters require a certain amount of gold and silver coin to be paid into the bank, and allow the issue of paper to not exceeding three times the amount of specie so paid in. Not so with these banks; they are under no obligation to keep any specie on hand, excepting as they are required to pay gold and silver for their notes at all times. Nor is there any thing but the demand for the article in this market which, in any way, limits the amount of paper they may put in circulation. It results from this state of things, that while the mechanic, with his one hundred dollars in gold and silver, can purchase but

one hundred bushels of wheat, the banker who has subscribed his one hundred dollars to the stock of a bank, may make one thousand paper dollars, and buy with it one thousand bushels of wheat. His situation is even better than this; for he need not keep his specie in bank—he may put in his own note, take out the specie, and sell it for a premium. The difference between the mechanic, or other laborer, and the banker, then, is this: the former has to earn every dollar he expends, the latter has to manufacture it; the former has no credit but what his habits of industry and moral character give him; the latter has a credit created by law. If a farmer were to ask Congress to pass a law whereby his bushel of wheat should be held and accounted in all sales as three bushels, entitling him to receive for it the market price of three bushels, it would not be more absurd, in reality, than it is for these bankers to ask to have their money appreciated in value. But the farmer's petition might be granted with safety; for men would not buy such wheat. It is only in the trade of bank paper that men fail to estimate the article at its real value. There is no danger that they will mistake a pint for a quart measure, or take twelve inches for a yard of cloth.

Another advantage sought by these petitioners is, to be exempted from liability upon their contracts. A bank is liable, as a corporation, nominally to the extent of its stock. The individual members of an incorporated bank are liable only to the extent of their subscriptions: so that, if, for every hundred dollars of stock subscribed, they contract debts to the amount of one thousand dollars, and the bank fails, the stockholders lose only the hundred dollars, the public lose the rest. The property purchased by the bankers with their notes cannot be taken by the holders of those notes, and applied to their payment; unless the assets of the bank will redeem its paper, the holders must lose it. Every member of society, excepting only the banker, is held responsible for the payment of his debts; the law exacts from him every cent of his property, and even holds his future earnings liable to their liquidation; but the banker is invited, by a charter of incorporation, to engage in hazardous speculations, to become a desperate gambler in stocks and merchandise and lands, and is told by that charter that, if he fails to redeem his paper, the stocks and merchandise and lands he has purchased, shall not be taken from him and given to his creditors. Can any thing in legislation be more iniquitous, holding out a premium upon villany, and rewarding dishonesty? It is this exemption from liability for their debts which induces bankers to use such exertions to obtain charters. If they conduct their business prudently, they would not issue more paper than they had means to redeem. Character and credit, and a reasonable circulation for their paper, might be obtained without a charter; and if bankers were honest, and intended to remain so, and content themselves with the sure and reasonable profits of a fair business, they would not ask for charters; they would no more think of asking for such exemption from liability than would the farmer, the merchant, or the mechanic.

May we not ask what authority has Congress to grant such extensive and valuable privileges to these petitioners? It has none—none whatever. Examine the Constitution of the United States, and you find there the power to coin money and regulate its value; but you find no power, express or implied, to charter banks, or to authorize the making of paper money. It was evidently intended that Congress should have the entire power over the currency of the country; and they must have this power, or they cannot regulate the value of the circulating medium. The power to coin the money of the country is vested exclusively in Congress. No part of it is reserved to the States; and do you suppose, sir—does any Senator suppose—that Congress may delegate the power to coin money, and regulate its value, to the States? may delegate it to fifty or an hundred men in this District? No one would pretend this; and yet, by granting these bank charters, you grant the power to regulate the value, not of the gold and silver coin of the country merely, but of all property. I will not attempt to prove what is known to every body. You cannot keep gold and silver and paper in circulation toge-

ther—the paper always drives out the gold and silver, and takes its place. The gold and silver is hoarded, or sold as merchandise, and paper becomes the exclusive, actual circulating medium of the country. Your power to regulate the value of the only legal and constitutional currency of the country, has become impotent by your own unwise legislation, and the usurpations of the States; for the States, although forbid to issue bills of credit, in defiance of the maxim that power not possessed cannot be delegated, have authorized by their laws innumerable companies to make and vend bills of credit—by the most manifest usurpation, have given the entire power over the currency of the country to others, when they did not possess any portion of such power themselves.

But the friends of this bill do not pretend to sustain the power to charter these banks upon any clause in the Constitution, but the one which gives Congress the power of exclusive legislation over this District. This power is general; but it would be a gross error to suppose that because the power is general, it is, therefore, unlimited. It is limited by the freedom of our principles of government, and by the immutable laws of justice. The people of this District are citizens of a free and Democratic Commonwealth, entitled to the most perfect equality of rights and privileges. We have no power to destroy this equality; we have no power to give to one-sixteenth part of the people the power of raising a revenue for their own emolument from the remaining fifteen-sixteenths; we have neither power to change this District into a monarchy, by placing a master over it, or an aristocracy with a riband at its button hole, or a pen behind its ear to tax it. Suppose that, instead of a petition for the exclusive privilege of making the money of the District, we were asked to grant these men the exclusive right of supplying all the fuel wanted here, and were also asked to punish with fine and imprisonment any person not of the privileged company who should sell coal or wood—should we hear the Senator from Maryland, [Mr. MENNICK], who is so eloquent in favor of these banks, tell us that the people were asking “for their clear and undoubted rights,” and that to refuse this monopoly of fuel “would be ruinous to the trade and business of this district?” I think not; and yet the supply of fuel is as necessary as the supply of paper money; it requires quite as much capital to purchase it and bring it here for distribution, as it does to buy the paper, the ink, and engraving for bank notes. It would not be as severe an infliction, I think, to be compelled to use gold and silver for our money as it would to do without fuel; and yet there is not a Senator here who would sustain such a petition—not one, sir, but what would feel such a petition to be a mockery. But we have the same power to grant the exclusive privilege in the one case as in the other; and the same pretence of the public good may be urged as strongly and as truly in both. It may go further: if a chartered company is necessary to make the paper money of the District—if capital cannot be found in individual hands sufficient for that business, then all business which requires capital to carry it on, equally requires a charter for that purpose, and equally requires to have its exclusive privileges guarded by fine and imprisonment. It is an utter perversion of justice in a State pretending to be governed by equal laws, to give to A and B advantages which are denied to C and D. This injustice is not seen in the banking business of the country, for habit has blinded us to its enormous evils. But let the proposition be made to give the exclusive right of supplying us with any other article, and all men, except those who were to be the privileged few, would unite in condemning it. It would be seen at once that Congress had no power to make such grants—no pictures of ruin and desolation—no array of widow and orphan stockholders would have power over our sympathies, or would for an instant warp the public judgment upon such a proposition.

Congress have power to lay and collect taxes, duties, and excises, but they are not authorized to delegate this power of taxation. All the purposes for which money may be raised by taxation, are enumerated; the enriching of corporations is not one of them. Taxes can only be raised by Con-

gress for the benefit of the whole people of the United States, as taxes can only be raised by a State Government for the benefit of the whole people of the State. The power of fixing the amount to be raised cannot be granted to companies. In the one case or the other, it is exclusively a legislative power, to be exercised by the immediate representatives of the people, and by no others, for the public good. Have Senators ever looked into the working of this banking system? Have they ever examined the operation of the laws granting these privileges? If you have, you know that immense revenues are raised annually from the people of these United States, not to be placed in the public treasury, but in the pockets of the tax-gatherers; not to be appropriated to public use—not to be laid out in building fleets and maintaining armies, in erecting public works or making roads and canals—not even to be distributed among the poor and destitute; no, sir, but to make the rich richer—to convert the labor of the poor to the emolument of the wealthy.

But would you deny the people of this District privileges which are enjoyed by their neighbors? it is asked. To this I answer, if it is wrong in every point of view, (as I trust I have demonstrated,) to grant these exclusive privileges, I would not hesitate to deny them to these petitioners. No length of time, or uniformity of practice, can sanction error, or make that which is unjust and iniquitous, just and right; or give to usurped power the validity of constitutional delegation.

At what time are we asked to do this? In what condition of the banking institutions, and of the banking business of the country, and of this District, are we asked to revive and continue this business under the sanction of law? Why, sir, it is at a time when the banks are going down—when the public will no longer tolerate their contempt of moral obligations, their multiplied frauds and extortion—when the banks throughout the whole country are rotting down, we are asked to raise and sustain them. We cannot do this lawfully, and happily we cannot do it physically, for they cannot be sustained; public opinion has set its irrevocable seal on them. If we revive these charters, and these banks attempt to go on with business on a sound specie basis, fairly and honestly, they will follow their predecessors in the District to utter bankruptcy and dissolution. The reason is obvious to any one who will look at the subject; the business is overdone; a fair and honest banking business is no longer profitable, is scarcely any longer possible. When a bank issues its promise to pay money on demand, it neither has or intends to have the money to redeem these promises. It relies on the public sanction and endorsement of its business to give its paper credit. It is a system of imposition upon the public credulity. If an individual or company give written promises to pay money which they have not got to pay, and know they cannot and will not have if called upon, there would be no difference of opinion as to the roguery of such men. When banking corporations put their paper in circulation in quantities beyond their power to redeem, is there an honest man here who will say it is not equally dishonest, equally a fraudulent and swindling transaction? And yet it is true the banks cannot in any other way do a profitable business. The community are getting tired of bearing all these impositions; the expense is too great, also; it greatly overbalances any benefits derived from the system, and it is coming to an end. I see some Senators smile incredulously; they probably have not made themselves acquainted with this business; if they had done so, I am confident their incredulity would soon leave them. How is it with the business of banking in this District? I have said that now is a time when the banks are rotting down; the times are inauspicious for the revival of these banks; the great favorite of our political opponents, with its capital of thirty-five millions, has stopped for the last time; its stockholders have no reason to expect ever to divide a cent of its capital, and its bill holders are in haste to get rid of them at great discounts; from the St. Croix to the Sabine, they are all failing. The stoppage of a bank is now an article of daily news, which excites no surprise.

There have been fifteen banks chartered by Congress in this District; six only of that fifteen ask a renewal of their charters; nine, which were at one time in apparent good circumstances, have failed; the public have been cheated, defrauded, swindled out of about two millions of dollars by them. Have we any assurance that these survivors in so sweeping a catastrophe, are any better than their defunct brethren? are they more honest? have they conducted their business upon safer principles? They have had better fortune, indeed, but that they have deserved it by better principles or better conduct, no one pretends. How many times have they stopped payment—become insolvent? Should we not hesitate to grant the prayer of these petitioners with such a state of facts before us? without an expose of the condition of these banks? Without a thorough examination of them, and, being satisfied, from such examination, of their solvency, can we be justified in renewing these charters? even if we have the power to do so. I think not, and this opinion is greatly strengthened by the admission of the advocate of this bill, that these banks are in such a state now, that, unless they are allowed to receive and pay out the paper of insolvent (otherwise called suspended) banks and railroad companies, they cannot go on with business; they will not thank us for reviving their charters.

Having shown what are the privileges which the bankers of this District ask to have revived and again bestowed upon them, I proceed to explain to the Senate the plan I have proposed as a substitute for all their bank charters. The general scope and object of this proposed substitute is to place the banks of this District on the same ground where they stood before any charters were granted to them. To leave them as free to pursue their trade and business as the law now does and always has left all other operatives in the District. To take from them, however, the endorsement heretofore given by the Government to their paper and business, and leave them to seek for credit and its consequences by their own exertions, unaided by the grant of exclusive privileges—privileges which they have so long enjoyed to their own emolument and at the enormous expense of the public. It is, in short, to place the people of this District on an equality in all their business and pursuits; to afford equal protection and encouragement to all, by withholding all exclusive favors from any, and to carry out here, in full practice, those great principles of equality and liberty, which, as yet, in profession, lay at the foundation of our Government.

I do not propose to destroy the banks. The people of this country have become so habituated to the use of paper money, that a sudden change would not be approved of, even if such sudden change should not deeply affect their interests. I speak for myself only, though I believe I would be sustained in saying that those political friends with whom I usually vote agree with me in declaring, that I do not wish to injure the trade or business of banking, or to impose any restraints upon it but those which the public safety clearly requires.

I am not, therefore, very tenacious of the details of my plan. What I propose is, according to my judgment, the best mode of regulating and restraining the business of banking. I invite a thorough examination of it, and invoke the assistance of all who think with me, that the present system is a bad one, to assist me in perfecting, by suitable amendments, what is proposed as a substitute, keeping in view the great object of entirely severing the connexion which has hitherto existed between the banks and the Government, and of withholding the express sanction and endorsement of the latter of the business and obligations of the former, the degree and extent of legislative interference with the business of banking which may be necessary or useful, is submitted to the wisdom of the Senate to determine.

The first section of my proposed substitute provides for publishing and recording the names of the stockholders in the banks which may continue or commence the business of banking, after the taking effect of the law, and it subjects all who shall carry on that business, without so making known their

names and places of residence, to a penalty. I propose this, in the first place, to enable the public to judge what credit is due to each individual banker, what security they have in the character or property of the manufacturers of a paper currency for its redemption, and also to do away all cavil and dispute as to who are liable to be sued on their obligations where suits are necessary. And, in the second place, for the benefit of those who intend to follow this business hereafter, and who engage in it with honest intentions. By publishing their name and residence, they invite an examination of their claims, on the score of probity and property, to be credited by the public. The public may then judge how far it is safe to trust them, and they will not confound a Stephen Girard or an Astor with that multitude of penniless villains who are now under the concealment of bank charters, swindling the people from one end of the country to another. Then the honest man will be trusted for his integrity, and the rich man for his wealth; for it will be known who are to be trusted. Now, the stock book of a bank is inaccessible to the public, and indeed it is of very little importance whether the public know the names of the stockholders or not, for they are not responsible for the failure of their bank. Their stock only is liable when their vaults are empty, and no man ever yet knew one cent of stock drawn upon for the payment of bank debts. No, sir; when a bank breaks the officers of the bank take possession of all the money, if there happens to be any; the trustees divide out the obligations, held by the banks, to their bill-holders, and the deficiency and loss is borne by the good natured and long suffering public.

The second section prohibits the banks from issuing notes under twenty dollars. The banks are universally in favor of issuing small notes, because they can thereby more completely control the currency of the country, and because they make a much larger profit on them than on larger ones, while the people generally are desirous of increasing the metallic circulation, and lessening that of paper. The restriction upon bank issues has not generally gone higher than to notes under five dollars. I am aware that there is great difference of opinion on this subject; but, to give stability to our currency, to prevent sudden and great expansions and contractions of it, which experience has shown to be ruinous to the trade and business of the country, no plan short of prohibiting paper altogether would be so effectual as to drive out of circulation all notes which, not being necessary for the conducting the larger mercantile business, are thrown into the common circulation, and form the only medium for the retail trade, the marketing and payment of the wages of labor. Remove this paper from the circulation, and its place would be immediately supplied by the gold and silver which is now locked up in the banks, and of which there is an abundance in the country. The people would be safer with a metallic currency to that extent, for it is the smaller notes which are most abundantly counterfeited and circulated among those least able to detect their character. I know the banks would lose a great profit which they now make upon their small notes, (a profit generally and truly estimated by bankers as not less than ten per cent.) but if such a restriction were to curtail their business, and confine it to what banking business was originally intended for; that is, to aiding the exchanges and commerce of the country, it would render that business much more secure by preventing runs upon the banks; but whether the people of this District are prepared to have this restriction carried as high as twenty dollars, may, by some, be doubted. My own opinion is, that it might go higher, and that here notes under fifty dollars might be at once prohibited, because there is a sufficient abundance of gold and silver coin paid out yearly in this District to the people, to form a circulating medium for ten times the number of those who live, and twenty times the business transacted, here. There is not, in truth, any want of banks of circulation in this District, (supposing they are wanted any where.) If I was legislating for any other part of the United States, I would not probably carry the restriction so high in the first instance, for I think it unwise to make great and

sudden changes in the business concerns of the country, preferring always the light of experience to the most plausible theory; but here I am confident a large majority of the people wish for such a restriction upon their banks, and prefer a hard money currency for their common and ordinary business, so that the same gradual change from five to twenty dollar notes, which would be necessary elsewhere, would be altogether unnecessary here.

The third section of my proposed substitute provides a speedy remedy against banks which may suspend or refuse payment of their notes. Wherever a bank is permitted, some such provision of law is necessary; but it is more especially necessary in this District. In all other places where banks exist, the holder of a bank note has the same legal process to compel its payment, as he has on any other obligation. Not so here. So much under the influence of the banks are the judges of this District, or so ignorant of their duty, that, instead of leaving the law to take its course against bankers, they enjoin all such proceedings. Yes, sir, if a poor laborer goes to a bank here, and demands payment on one of its notes, and, on being refused, brings a suit before a justice of the peace, the bank applies to one of the District Judges, and an injunction issues, and the whole cost is thrown upon the poor fellow who has dared to sue a bank. Such proceedings are of record in this District, and I have expected to see articles of impeachment sent here from the other part of this Capitol against the men who have dared such gross violations of the right of citizens.

The fourth section authorizes appeals by bankers, when sued, where it shall appear that they have a good defence; and the fifth section gives the plaintiff an appeal, where the judgment of the justice may be against him.

The sixth section prohibits the passing or receiving any bank note under twenty dollars, and gives a penalty for breach of the prohibition, which is wholly to the use of the person suing for it. It is not sufficient in order to drive small notes out of circulation that the banks in this District should be prohibited from issuing them, for, if the law stops there, the notes from the surrounding States will flow in here and perpetuate the evil sought to be remedied. It is necessary, therefore, to prohibit their circulation. How is this to be done? Shall it be made an indictable offence? If you attempt this, your judges are bankers, your grand jurors are bankers, and your prosecuting attorney is, probably, a banker, or employed by bankers. There will be no chance of enforcing the law with such material, and so it has turned out in practice. The States have passed laws prohibiting the circulation of notes under five dollars; and I have understood that such a law exists here, but it is evaded every where, for there is nobody to enforce it. I propose to make it for the interest of every person to enforce the law by giving the penalty to whomsoever will sue for it. The effect of such a law will be to prevent every person from offering such notes publicly in payment, and then they will cease to circulate. The only objection I can imagine against this provision, from those who think with me that all notes under twenty dollars should be driven from circulation is, that it would too much interfere with private rights. To prohibit the sale of alcoholic and other poisons is admitted on all hands to be within the legitimate function of legislation. The principle is, that individuals must be restrained from such practices as are injurious to the public welfare. It is on this ground that I support the principle contained in this section. Adopt it, and the law will enforce itself.

The next section of the proposed substitute provides for the suppression of fraudulent banking, a provision as necessary to guard the public against the depredations of the chartered as the unchartered banks. If the people of this country were not, by the long use of a paper medium, become careless of its soundness, altogether inattentive to the means or ability of those who issue it to redeem their promises, no such enactment would be necessary. A private citizen obtains credit on his written promise to pay money, either from his ability to fulfil such promises,

or his character for integrity; and no law is needed to prevent the person who possesses no quality entitling him to credit, but the latter from obtaining that credit on his note; but a banking company, whether chartered or not, can stand upon no such ground of integrity and honor. Associated for the sole purpose of acquiring wealth, protected by their numbers and association from all moral responsibility, they look to the law of the land only, and not to the law of conscience, to ascertain their privileges and their responsibilities; and it is a notorious fact that when a bank is forced to wind up, the whole stock is lost to the stockholders, and the greater part of the notes in circulation to the public. That the public are much more liable to be defrauded by paper issued for purposes of mere gain than an individuals is, I think a sufficient reason why some such provision should be engrafted into our laws. Such banking institutions have existed, have exploded in all parts of the country, have done so even in this District, and this law may, and probably would, have a strong tendency to prevent them in future.

The next and last section repeals the law of 1817, which prohibits both the discounting and issuing of notes or bills, or any other securities, orders, or promises for the payment of money, by any unchartered banking company, or any association, partnership, or company of individuals, under a penalty of from one to five hundred dollars for each offence, and imprisonment from three to twelve months. And here, Mr. President, I say frankly, that I consider this section as the most important part of my proposed amendment. The other sections propose some restrictions upon the business of banking, greater facilities for recovering claims against bankers, and a necessary punishment for fraudulent banking; but this section proposes to repeal an unjust, odious, and, as I believe, unconstitutional monopoly—a monopoly alike injurious to the public and to the monopolists. In this opinion, I have quite an unexpected support in the petitioners themselves. I have before me "the remonstrance of the citizens of the District of Columbia, to the people of the United States," &c. against oppressions, manifold and grievous, "suffered from the misrule of the now ruling majority in Congress," dated August, 1840. With the greater part of this collection of scurrility and falsehood, put forth by the bankers of this District, I have no concern; but I notice the fact that, amongst all their "manifold and grievous oppressions," the refusal of this body to adopt this very amendment of the law at the last session stands most prominent and conspicuous. They complain "that we suffer not only from the negative act of a refusal to continue the charters of those banks, or to license any other in their place, but from the aggressive act of cutting up, root and branch, the whole trade and business of banking, in any form or under any modification whatever, in this District; that now the whole trade and business of banking, in all its modes and details, down even to the simple act of placing money on deposit in a bank vault, is declared positively unlawful, and rigorously prohibited under grievous penalties of fine, forfeiture, and imprisonment;" and they quote the act of 1817, which this section of the amendment proposes to repeal, as that aggressive act so much complained of; concluding this branch of their complaint with this remarkable paragraph:

"It was a sufficient and perhaps a questionable stretch of power to have confined the trade and business of banking to the incorporated banks; but to prohibit and exterminate that entire branch of business in every form and modification of it, never before entered the head of any sane and honest legislator, in such a state of society as the present. A law prohibiting the trade of a merchant, a carpenter, a bricklayer, tailor, or shoemaker, or the profession of Divinity, medicine, or law, would be neither more absurd, nor more contrary to natural justice."

Such a declaration as this, coming from these District bankers and their friends, is worthy of great consideration. They acknowledge that, in asking us to revive their charters, they ask us to exert "a questionable stretch of power;" and to prohibit the trade of banking to all but incorporated banks, they pronounce, truly, to be "absurd, and contrary to natural justice." Thus, all I have contended for, stands acknowledged and conceded by the petitioners themselves; and now, I trust, I

shall no more hear their advocates in this Senate support the interest and claims of these bankers on grounds which they themselves repudiate as untenable.

No reason has been given for continuing the restrictive law of 1817—no justification of its absurd injustice is even attempted. Can it be that a majority of this Senate will sanction the continuance of a law, in support of which no reason can be given by its firmest supporters? which even the bankers themselves declare to be "absurd, and contrary to natural justice?"

That banks can be established in credit and business, and get their paper in extensive circulation without charters, is proved by experience, that best guide in political affairs. Several, I think most of the banks here, first commenced business without charters, (for until 1817 this was not unlawful.) They were conducted in such manner as to gain public confidence; their paper was in as good credit; it circulated as extensively as since that time. I wish to restore them—to place them as they stood when relying on their own characters, without any exclusive privilege, and without exemption from liability for their debts: they were in prosperous circumstances. Will any Senator say that banks cannot do business in that way? Here is fact against his theory—here were sound, unchartered banks. How has it been since the law of 1817? how is it now? They dare not issue their own paper—their credit is gone; and they come here asking, with a renewal of their charters, the privilege of using the paper of the Chesapeake and Ohio Canal Company; paper which never can be, and is not ever expected to be, redeemed.

Stephen Girard also established a bank without asking for a charter. By the side of the United States Bank, it obtained equal credit and equal confidence; its bills circulated as widely, and were as much sought for, for remittances from the West to the Atlantic cities. It was known that he was able to redeem his paper; he had a well established reputation for honest and fair dealing. This was the foundation of his credit, and the true secret of his prosperity—a foundation for credit, I submit to the Senate, as infinitely more safe and stable than to hedge round the individual or corporate banker with the machinery of penal laws. In all parts of the Union banks have been established without charters, and have found no difficulty in obtaining business; few or none of them have continued without, any longer than until they could obtain charters. This solicitude to obtain charters has never been because charters were necessary to enable them to do business, but because charters gave them advantages and exemptions from liability which were denied by the legislation of the country to all other kinds of business. Individuals are rare who have virtue to refuse power over their fellow men; to look for such forbearance in companies would be folly.

Are these restraining laws to confine the business of banking to a favored few, necessary for the protection of the people against imposition? Are not the people capable of judging for themselves whom they will trust? You do not undertake to guard the public judgment by penal laws in any other business, and why in this? No answer to this question has been given, and none can be given. We are as capable of judging correctly what banks we will trust with our property for their notes, as we are of judging what individual we will trust on his promissory note; and there is as much reason, as much necessity, for the interference of the law in the latter as the former case.

The chairman of the Committee on the District has said that the people of the District are petitioners for the revival of these bank charters; and he speaks of the desolation which has befallen them in consequence of being without chartered banks. My information on this subject differs widely from the Senator's picture. It is stated on good authority that since the bank charters in this District were permitted to expire, there has been a time of unusual prosperity in all the business carried on here, excepting only the banking business; there have been more new buildings erected during the last season than in any season before, and there have been greater additions to the population of the Dis-

trict, and no want of money by those who had either industry to labor for it, or commodities to purchase it.

But the people of this District do not want these banks revived. They are not anxious to recommence the payment of an onerous tax to these companies; they get along very well without them. If it were not so—if they wanted the revival of these charters, why do they not say so? Why do they not petition? There are about sixteen thousand adult males in this District. About two hundred of them have petitioned for a revival of these bank charters. Two hundred! With all the means and appliances of the bankers, they have not been able to get more than a small proportion of petitioners! Are not these facts conclusive that the people of this District do not want banks? These money changers, calling themselves the people of this District, remind me of Robespierre: he spoke in the name of the people of France; he called himself *THE PEOPLE*; and he was the people, as these bankers are the people of the District. The rule of these is as despotic, as grasping, as was his. There is this difference, however: Robespierre sought power, and used it for the preservation of public liberty; he had nothing mean, sordid, and selfish, in his aspirations.

Mr. President, I entreat Senators to consider the position they occupy in public estimation, when acting upon this subject. It has been said, and it is believed, that the borrower is the servant or rather slave of the lender. It has been known that members of Congress, in times past, were greatly indebted to the late Bank of the United States; and though the names of those debtors were suppressed, it was a very general opinion that the bill for rechartering that bank was passed by a Congress of debtors to the bank. Fortunately for the country, it was vetoed by a man who could not be corrupted. In the last report made to the House of Representatives, it appears that members of Congress were indebted to the banks in this District \$87,600. The sum is not probably decreased since. I presume that no part of it is due from any member of this body; for surely no Senator would vote where he was directly interested. To revive and prolong these charters is asked for, *that the banks may give time to their debtors*. A man indebted to the banks, and voting to extend their charters, votes to give himself an extension of time to pay what he owes them. I will not impute corruption to any member of this body. I will not suppose that debtors to the banks here are passing a law for their own benefit. Courtesy forbids this supposition. But what will the people think, who do not know your stern and unyielding integrity as well as I do. There is danger, sir, very great danger, that the character of this body will suffer; that the people, who see what passes here—who note the zeal which sustains the claims of the bankers, and that, too, of men who profess to be Democrats—who profess to consider, as their first duty, a sacred regard to the rights of all—whose leading axiom is, that legislation, to be just, must be equal. There is danger, I say, that the Senate will not long retain that high and commanding station it formerly held in the estimation of the people; but will sink to the contempt that awaits the slaves of corruption.

What is thought and said of the Legislature of Alabama—as pure a body of men, probably, as this Senate—since it has been published to the world that a majority of the members of that body are indebted to the banks in sums equal to seven or eight hundred thousand dollars? Has not some special acts of favor towards the banks been universally looked for from that body? I know none of the gentlemen composing that assembly, and I would not throw suspicion on their purity, but it is to be lamented that they have placed themselves in so inauspicious a light to their country.

Mr. President, we are under a bank government; not merely by means of loans to legislators is that government sustained, but the control of the circulating medium of the country has given it a commanding influence in all the States. We have seen the banks hold conventions to consult and determine whether they shall longer continue to regard their contracts, or treat them as of no moral

obligation; and whenever they have concluded to disregard them, and have refused the payment of their just and acknowledged debts, they have always found the Legislature of the State obsequious enough to their wishes to sanction such refusal. Until recently it has been usual to suspend the laws for the collection of debts against suspended banks. The obligations of all other citizens than the bankers are left to be collected by the usual course of law. With them, their convenience is permitted to control all law and all moral principle. I would change this course; and, as one great means of changing it, I propose to separate, entirely and forever, the Government from the banks. The alliance between them has long existed, to the great injury of both. The banks have acquired power and influence to overawe and control their needy associate; but in gaining this power and influence, they have played a desperate game, and are now breaking down with the exhausting results of that unnatural connection. Let them stand on the same level of equal protection with all other occupations, and they would have no more power than the other occupations have. With their exclusive privileges, their exclusive power and influence would depart, to return no more. If the banks lose, by this operation, somewhat in profit, they would gain in soundness, in character, and real stability and usefulness. Whether my proposed change of system be adopted or not at this time, is not of so much consequence as that the subject should be understood. Reform will surely follow a thorough knowledge of our banking system. If I shall be found to have contributed something to accelerate this reform, I shall be satisfied.

PROSPECTIVE PRE-EMPTION BILL.

SPEECH OF MR. HUBBARD, OF NEW HAMPSHIRE.

IN SENATE, Tuesday, February 2, 1841.

The bill to establish a permanent prospective pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a log cabin thereon, was taken up, the question being on the motion of Mr. CRITTENDEN to recommend the bill, with instructions to report a bill for the distribution of the proceeds of the sales of the public lands among the States, which Mr. Young had proposed to amend by a motion to substitute for it the bill of Mr. CALHOUN, proposing to cede the lands to the States within which they lie, upon certain conditions.

Mr. HUBBARD addressed the Senate as follows:

MR. PRESIDENT: I had not intended, until recently, to have addressed the Senate upon the important questions now presented for their consideration. It will be recollected that, at the last session of Congress, in a speech which I then delivered upon the assumption of the State debts, I gave, somewhat at length, my views upon the subject of distributing the revenue of the Government among the States. I was then opposed to the whole project. I regarded it as an open, flagrant violation of the Constitution—as subversive of the true interests of the people. Subsequent reflection has only confirmed the views then expressed; and I had no intention of again entering upon the field of debate in relation to the questions involved in this discussion, until I heard the arguments in favor of the contemplated distribution of that portion of the revenue derived from the sales of the public lands. I must say that I gave to the honorable Senators in the opposition, and to their arguments, the most profound attention. I was anxious to hear what could be said either in favor of the constitutionality or of the expediency of this measure. And, sir, I have been privileged to hear all that ingenuity and learning, all that argument and ability could bring to its aid; and I must say that I yet remain unconvinced and unconverted. The distinguished Senators from Kentucky and Massachusetts have not been able to satisfy my mind that Congress has any more power, under the Constitution, to distribute the revenue derived from the lands than it has to distribute any other portion of the public means.

This subject, during the late Presidential canvass,

engaged much of the public consideration. It was a most prominent topic with the stump-orators who were active to put out this and to put in another Administration. This was the promised measure of relief. It was this distribution scheme which was to give life, vigor, and strength to the business of the country. It was this which was to remove the embarrassments of the times, to reanimate the hopes, and to give confidence and support to the people. It was urged as the favorite plan and approved purpose of those who are now coming into power. It was contended that the proceeds of the sales of the public lands rightfully belonged to the respective States; and it was unceasingly urged, by way of objection to the present Administration, that its friends were known to be opposed to this whole policy. I recollect well these things. I was no stranger to these events—to the various charges made against the Administration.

That was a contest of unusual violence and activity; and I rejoice that, at this early day—so soon after the termination of that contest—this self-same subject is brought before the Senate of the United States; that the people, notwithstanding what they then heard from party politicians touching this subject, will be now privileged to read and consider all that its most able advocates and friends can adduce in its favor, as well as what may be said against it. The whole ground will be examined; the reasons for and against the measure will be understood; and, reposing, as I do, entire confidence in the intelligence and virtue of the American people, I have no doubt what will be their ultimate judgment.

I am perfectly certain that I cannot be mistaken in the sentiments of the people of my own State, in relation to this question. They have been recently promulgated through her Legislature, and I am happy to add, that in communicating to the Senate my own views, as I purpose to do, I shall but declare the wishes, the feelings, and opinions of the people of New Hampshire.

Before proceeding further, may I not be permitted to urge upon the Senate gravely to consider what, at the present time, is the posture of our public affairs—of our foreign relations—of the condition and state of our beloved country? And, I would ask, is it fit that the Senate of the United States should, at a time like this, be deliberating whether any portion of our public revenues, our national means, should be abstracted for any but for public use? In the face of an empty Treasury, and with a strong probability that, before the close of the next Administration, we may be involved in a war with one of the most powerful nations in Christendom, is it the part of wisdom for the Senate to be deliberating upon a proposition of dividing among the States five millions of the accruing revenue, when our whole maritime frontier from Maine to Florida is without the means of defence? when our fortresses are without men and without arms? At a time like this, while Portsmouth, Boston, New York, and Philadelphia, are exposed to the attacks of any enemy; while our inland frontier is utterly defenceless, as not to be able to resist the incursions of the ruthless savage; we are seriously debating the question of abstracting from the public use a portion of the public revenue. Can this be judicious? Is it evidence of that forecast, prudence, and discretion, which ought to characterize the American Congress? No sir, no. The time has come when it becomes us to pause and consider well our ways and means. The news of the morning cannot be calculated to quiet our apprehensions. Certain it is, that it should not fail to excite our diligence. News showing the complete and triumphant success of the armies of Great Britain in China—news showing that she is now omnipotent in India. “Nor has the British arms been attended with less success in Africa, for Mehemet Ali seems now but a British vassal.”

Possibly these events “may have no unfavorable effect upon the pending questions between this country and Great Britain,” but it seems to me that they will not tend to accelerate the adjustment of the matters in controversy. I fully concur in the patriotic sentiments recently communicated to the Legislature of Massachusetts by the present

Governor of that Commonwealth—that the matters in controversy between the two Governments have already been delayed too long; and I am unable to discover any disposition on the part of the British Government to bring them to any amicable arrangement. And it seems to me not very improbable, that her recent triumphs in India may induce her to insist upon her claims upon this side of the Atlantic with more pertinacity—claims which, if admitted, will not only affect the interest, but will disturb the peace and harmony of the State which I have the honor in part to represent. All I have to say is, that, in view of these matters, it cannot be the part of wisdom to be scattering to the winds of Heaven the very means required to put the country in a state of defence—to abstract from the Treasury that portion of the public revenues upon which we can only rely with confidence in a state of war. No, sir; let us, at a time like this, husband all our resources; let us, at a time like this, when peace is within our borders, be prepared for the last resort of nations; let us not exhibit the extraordinary and unpatriotic spectacle of deliberating, at this end of the Capitol, about distributing the public revenue, while, at the other end, the Administration is taunted, not only with an exhausted Treasury, but even with having involved the country in a forty millions debt; and thus charged by the political friends of those who, on this floor, now propose to divide among the States the small means we have. This is no sketch of fancy, but matter of fact. I hope, sir, to be excused for this departure from my subject—for this course of remark. It has been indulged in for no other purpose but to show forth the true character of the proposition now before the Senate, and to show further, that at this eventful period of our history, it ought not to receive the deliberate consideration of this assembly. I will, however, proceed to discuss the nature and effect of the pending motion. The honorable Senator from Kentucky [Mr. CARRINGTON] has submitted an amendment to the pre-emption bill. The direct object of his amendment is to effect a distribution among the States of that portion of the revenue derived from the sales of the public lands; and is it not somewhat strange that the Senator has proposed his amendment? Certain it is that it has no connection with the pre-emption measure—it has no affinity with that policy—it is an entirely different subject matter. The pre-emption bill reported from the Committee on Public Lands looks to the convenience, the interests, the rights, of actual settlers. It seeks to encourage the settlement of the public domain; it proposes no diminution in the price of the lands; it does not contemplate any abstraction from the Treasury of any part of the public revenue, or any reduction of receipts; but so far from it, while it seeks to protect the honest settler, it sustains also, in good faith, the interests of the public. These are among the objects of the pre-emption bill. True it is, that it has been charged with being a bill to squander and to waste the public domain. True it is that it has been charged as fraught with all manner of evils. But these charges are, in my judgment, without foundation. The policy of this measure, and the objections made to it, I have, on a former occasion during the session, attempted to sustain and to answer. But I again ask, why has the amendment been brought forward, unless to defeat the pre-emption bill? The Senator from Kentucky most remote from me, [Mr. CLAY], said that if the pre-emption and the graduation bills were abandoned, his colleague would withdraw at once his amendment. The Senator does not seem to anticipate that the amendment can become a law at this session; but he looks upon it as a means of defeating the pre-emption measure. Now, sir, I am in favor of the latter. I hope no proposition will be sustained which will prevent its passage. In my judgment, it is founded on justice and right, and well deserves the support of the Senate. But I have felt somewhat surprised that the Senator from Kentucky—a distinguished member of the party soon to come into power—should have brought forward this proposition at this embarrassed state and condition of the public Treasury.

The Secretary, in his annual report upon the finances, presented to the Senate at the commencement of the present session of Congress, estimates

the ordinary available means for the year 1841 at \$24,723,473, and the disbursements for the same year at \$23,899,200, leaving in the Treasury at the close of the present year only \$824,273 subject to draft. And with a full knowledge of these facts, the Senator brings forward his amendment. Certain it is that he could not have offered it at a more inauspicious, at a more unfavorable period of time. At the very moment the friends of the present Administration are endeavoring to provide the necessary means to sustain the Government for the current year, those opposed, in the language of one of our public journals,

"Are preparing to squander among the States that portion of the revenue derived from the public lands. The annual income from this source will average \$3,500,000, and if given to the States, will make also a deficiency in the revenue of the Federal Government of \$3,500,000; and from the manner in which the public land question is generally discussed, one would imagine that the people who pay the State debts, and those who support the Federal Government, are not one and the same; and, therefore, all that can be diverted from the latter is so much made. The fact is, that the revenue of the Federal Government is to be paid by the whole people in the most economical way possible. The proceeds of the public lands take nothing out of the pockets of the people, although when applied to the uses of the Government, that is kept out which otherwise would flow in. A revenue from duties is a direct tax upon every consumer of imported goods, and levied in the most expensive manner. The less there is raised in this manner, therefore, the better. If the proceeds of the lands are appropriated to the payment of the debts due by the people as States, a tax, in the shape of duties, must be laid to raise the same amount, to pay the debts due by the people as a Federal Union. The same amount of money must be paid in either case—with this difference: that, as the proceeds of the public lands are now applied, they go in the most economical way to their proper object. Whereas, if they are given to the States, they will come into the hands of speculators, and will be squandered away, stimulating new debts, and leading to new taxes."

The sentiments above expressed are sound, statesmanlike, and patriotic. Their truth will be known; their moral force must be felt and acknowledged.

This is no time to agitate the question. It is proposed by its friends, that it shall not go into operation until January, 1842. What may be the condition of the Treasury at that time cannot be certainly known; but sure I am, that the best friends of the policy in this Senate would not desire to see the proposition become a law at this session. Before such a project should find favor with any one, the means to supply the deficiency should be provided. If its friends wish to carry out this policy of distribution—if they desire to preserve the appearance of ordinary justice—they should take the occasion to enforce their project when the Treasury is overflowing—when more means are possessed than are wanted—when, in fact, we have a surplus revenue. Mr. President, I represent a non-debtor State, and under no circumstances could the proposition find favor with me.

It is contended that a distribution of that portion of the revenue from the public lands ought to be made, because such proceeds rightfully belong to the States as separate and independent communities; that, by the deeds of cession, an obligation is imposed upon Congress to distribute the avails among the respective States, as the lands were expressly ceded to the United States for the exclusive use and benefit of the States; that the provision of the Constitution giving authority to Congress to dispose of the territory of the United States includes necessarily the power of distribution, and that it would be a proper exercise of the discretion invested in Congress over this whole subject to make the distribution. In the course of the argument it has been conceded that these lands were pledged for the payment of the debt of the Revolution; and it is said that, as that debt has been satisfied, they can no longer be withheld from the States. There seem to be some strange and very erroneous opinions entertained with reference to the rights of the States, and to the power of the General Government, over that part of the public domain acquired by the deeds of cession; and we must look into those deeds in order to ascertain the rights of the parties, for this may now be regarded as a claim set up by the respective States, against the United States, so far as it respects the lands embraced in those conveyances. Now, it will be found that, by the terms of the cession, the lands conveyed were not charged with the payment of the debt of the Revolution. There is not to be found a word or a sentence favoring any such idea. But, were it so, there is an objection which presents

itself at once against the distribution as proposed, because the debt of the Revolution remains undischarged. At this very period of our history there is annually drawn from the Treasury, for the payment of the pensions granted for military service in the Revolution, a sum equal to the average annual proceeds from the sales of the public lands. But let us look into the record—let us examine the deeds of cession, and see what sort of title was conveyed thereby to the United States. It is perfectly true, as the Senator from Kentucky has remarked, that the Confederacy derived no essential benefit from any of the deeds of cession, except from that executed by the State of Virginia. As early as 1780, New York (I suppose very magnanimously) made what was then stated to be a large cession of her domain to the United States. But I could have wished that the Senator from New York, who has addressed the Senate upon this subject, had informed us where those lands were situated. If I am able to comprehend the description contained in her deed of cession, the lands lying west of the straits of Niagara are within the dominions of her Majesty, Queen Victoria. Massachusetts also, in terms, conveyed to the United States the same territory described in the deed of cession from New York. From their conveyance the United States have derived no pecuniary aid. It is possible that they may have contributed to the arrangement of the western boundary between the United States and the provinces of Canada, as established by the treaty of peace in 1783. The terms of all these deeds of cession were essentially the same. I have made the subjoined extract from that executed by Virginia:

"That all the lands within the territory so ceded to the United States, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become, members of the Confederation or Federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose and for no other use or purpose whatsoever."

If the State of Virginia had any estate in the lands to grant, it was clearly conveyed to the United States by the deed, who were as clearly entitled to hold the interest thus transferred. There was no reservation qualifying the right of the United States under this deed, except what is contained in the foregoing extract. And it is from this paragraph alone that it has been heretofore contended, and in the course of the debate again urged, that is derived the rights of the separate States to the proceeds of the sales of the public lands—that from this clause in the deed of cession is inferred the obligation which it is alleged rests upon Congress to make distribution of the avails of the lands among the respective States. It is from this extract that the friends of the measure contend that the lands were granted to the United States for the sole use and benefit of the *cæstui que trust*—the separate States. These are most extraordinary positions, wholly unsustained, in my judgment, by the terms of the deed. It would be difficult to find language which could be used with more appropriateness to create an absolute estate in the United States.

Notwithstanding, it is contended that the United States were made the trustees of the several States. That all the beneficial interest was reserved to the States as independent communities. Certain the fact is, that the United States either acquired by this deed of cession an absolute fee simple estate to the lands described, or else it became the mere trustee to hold the lands, for the exclusive use and benefit of the *cæstui que trust* the individual States. If the latter, then it is absurd to contend that the United States might hold these lands until the debt of the Revolution was paid. There is no such authority given by the deed. Congress had no discretion—no power whatever over these lands, (if the doctrine contended for upon the other side be correct) but to dispose of them for the sole use of the States. From the moment the seal was put to the paper—from the moment Congress accepted the deeds—it must follow, (according to the views of some of the Senate) that every dollar which has come into the public Treasury from these lands has hitherto been applied, without right and without authority, to the public use—that all such proceeds should, from the commencement of the Go

vernment, have been distributed to the States in the ratio prescribed. Sir, this will not do. The doctrine contended for, on the other side, involves its advocates in too much difficulty. There is no mystery in this whole matter; nor is there, in my judgment, any ambiguity in the deeds of cession. And I should like to find, in the debates of the Continental Congress, any authority for the assumption that these lands were not ceded to the United States, to constitute a common fund for their use and benefit. I should like to have some Senator in the Opposition show me a line or a letter, in the history of that period, sanctioning the idea that the States of the Confederacy had the right to claim the avails of the public lands to the prejudice of the Confederacy. The history of the times gives no authority for such a position—and the deeds themselves give no authority for such a position. The grant was made to the United States, to constitute a common fund; and for what? For the use and benefit of such of the United States as may become members of the Federal alliance, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure.

Now, sir, mark the expressions. The grant was made to the United States. This was the style given by the first article of the Confederation to the Confederacy of States, and what then composed the United States—those States which had become members of the Federal alliance, including Virginia. And by the same Articles of Confederation other States might be formed and admitted members of the Confederacy; and upon any such occurrence, the States thus added to the alliance were also made part of the United States. Virginia then, by her deed, conveyed to all the States by the name and style of the United States, a portion of her domain, for the purpose of constituting a common fund for the use and benefit of all such States, according to their respective proportions in the general charge and expenditure—an expression perfectly well understood at that time. The deed contained no direction to divide among the States the proceeds of the land, but such proceeds were to remain a common fund for their general use.

The object must have been, in thus granting this large tract of unsettled country, clearly to confine the applications of the proceeds to the public use. To direct that in all time to come, the avails should go to defray the expenses and charges of the Confederacy—that they should not be granted without price—that the States then members of the Federal alliance should practically derive a benefit in the sale and disposition of these lands by the United States, in fair and just proportion to their part in the general charge and expenditure. The United States were to hold the lands, and they were to constitute a common fund for the use and benefit of the whole Confederacy. It was the object of Virginia, in making the grant, to provide a common fund. It was the anxious wish and the constant and earnest request of Congress, that these cessions should be made, so that a common fund might thereby be provided for the use and benefit of all the States. If the purpose could have been such as is contended for, would the deeds have been thus drawn? If the cessions had been for the use and benefit of the respective States as independent communities, would not the nature of the trust and the use been clearly expressed? It seems to me to be idle to contend that by these deeds an obligation is imposed upon Congress to divide the proceeds of the lands among the States. And this must be maintained, or else the deeds of cession must be wholly excluded. Let us look a little further into these deeds. It will be recollected, at the time these grants were made, Congress did not possess the power, under the Articles of Confederation, to impose taxes upon the States. That was done by the States themselves. The States then members, and those which might afterwards become members of the Federal alliance, were to derive a benefit in the proceeds of the public lands according to their respective proportions in the general charge and expenditure. The United States could not, according to the deeds, appropriate the avails of the public lands to relieve any one State from its embarrassment, nor could it appropriate the avails for the exclusive benefit of any particu-

lar number of the States. No. Congress was bound to apply the avails for the common benefit of all; and each were to derive a benefit in proportion to its charge and expenditure. This was all the benefit reserved in the deeds for the respective States; and the proportion of the States in the general charge and expenditure was a matter perfectly well understood at that period of our history. By the eighth article of the Confederation—

"All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common Treasury, which shall be supplied by the several States in proportion to the value of all land within each State granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall from time to time direct and appoint."

"The taxes for paying that proportion shall be laid and levied by the authority and direction of the Legislatures of the several States, within the time agreed upon by the United States in Congress assembled."

And during the existence of the Confederation was not this provision of the deeds fully answered. Could it have been otherwise? If a million of dollars had been received from the sales of the public lands—would it have not been deposited in the public Treasury; and must not Virginia have necessarily derived a benefit from such a receipt according to her proportion in the general charge and expenditure? Suppose that enough had been received in any one year from the lands to have paid all the expenses of the Government, would not the States have been benefited in the exact proportion mentioned in the deed, according to the Articles of Confederation. Would not Virginia have been relieved from her contribution for any such year? And would not New Hampshire have been in like manner relieved? These States were all represented in the then Congress of the United States, and all the revenue derived from the sales of the public lands during the continuance of the Confederation enured to the benefit of the States, according to their respective proportion in the general charge and expenditure. The terms of the grant then were literally fulfilled. And so it has been since the adoption of the Constitution. Our revenues are now derived from customs as well as from lands. But suppose that the import system were abolished, and a direct tax upon property were to be imposed in order to supply a revenue for the support of Government. It would be apportioned among the States according to their representation. But instead of a direct tax, let us suppose the whole revenue necessary for the support of Government for a single year were derived from the sales of the public lands, would it not follow that the States would be benefited according to their respective proportions in the general charge and expenditure? It does not seem to me to admit of a question, that the great object in obtaining these cessions, and that the great object in making these sessions to the United States, were for the purpose of providing a common fund for the use and benefit of all the States—that this purpose has been most faithfully executed—and that a distribution among the States of the proceeds of lands would defeat the very object of the grantors as well as the grantees—because such a distribution would clearly add to the burdens of the people. The objects in obtaining these grants were revenue—were pecuniary means, to be applied for the benefit of the whole Union. As I have before said, if the deeds of cession impose the obligation upon Congress to distribute among the States the avails, such avails could not, at any time of our history, have been applied in good faith for public purposes. The proceeds either belonged to the United States or to the States. If the United States are the trustees of the States, then Congress is bound to collect its revenue from imports, or by direct taxation, and the proceeds of the lands should go at once to the States. This is denied. The origin of these cessions gives to them their character and purpose.

The history of the events of the Revolution in relation to this subject, cannot fail to give much valuable instruction. The articles of confederation were proposed as early as November, 1777; those States which had not within their limits any ungranted lands, felt a strong jealousy of the pow-

er and influence of those States which had unlimited grants of territory. That feeling long prevented the adoption of the Articles of Confederation, and not until late in 1778 were they assented to by my own State, and by the State of New Jersey, notwithstanding the earnest and pressing solicitude of Congress, declaring that "this salutary measure, the Confederation, can no longer be delayed;" yet it did not readily receive the sanction of the States. It was then declared as essential to our very existence as a free people, and without it we may soon be constrained to bid adieu to independence, to liberty, and safety. And it was urged upon the States "under a conviction of uniting all our resources and all our strength to maintain and defend our common liberties." Such appeals had the desired effect, and finally induced the ratification of the articles by the requisite majority of the States. But the feeling then entertained by many of the States was manifested by the representation of New Jersey, as subjoined:

"The ninth article provides, that no State shall be deprived of territory for the benefit of the United States: whether we are to understand, that by territory is intended any land, the property of which was heretofore vested in the crown of Great Britain; or, that no mention of such land is made in the Confederation, we are constrained to observe that the present war, as we always apprehended, was undertaken for the general defence and interest of the confederating colonies, now the United States. It was even the confident expectation of this State, that the benefits derived from a successful contest, were to be general and proportionate; and that the property of the common enemy, falling in consequence of a prosperous issue of the war, would belong to the United States, and be appropriated to their use. We are therefore greatly disappointed in finding no provision made in the Confederation for empowering the Congress to dispose of such property, but especially the vacant and impanted lands, commonly called the crown lands, for defraying the expenses of the war, and for such other public and general purposes. The jurisdiction ought, in every instance, to belong to the respective States within the charter or determined limits of which such lands may be seated; but reason and justice must decide that the property which existed in the crown of Great Britain previous to the present Revolution, ought now to belong to the Congress in trust for the use and benefit of the United States. They have fought and bled for it in proportion to their respective abilities, and therefore the reward ought not to be predilectionally distributed. Shall such States as are shut out by situation from availing themselves of the last advantage from this quarter, be left to sink under an enormous debt, whilst others are enabled in a short period, to replace all their expenditures from the earnings of the whole Confederacy?"

This was a common sentiment, founded in immutable justice—in the nature and fitness of things, and so strong and so deep was it impressed upon the public mind, that it would have been a vain effort to have resisted its influence.

Congress, on the sixth of September, 1780, in its recommendation to the States, resolved that "it appears advisable to press upon those States, which can remove the embarrassment respecting the Western country, a liberal surrender of a portion of her territorial claims, since they cannot be preserved entire without endangering the stability of the general Confederacy." To remind them how indispensably necessary it is to establish a Federal Union on a fixed and permanent basis, and on principles acceptable to all its respective members; how essential to public peace and confidence in support of an army; to the vigor of our councils, and success of our measures; to our tranquility at home; to our reputation abroad; to our very existence as a free, sovereign, and independent people."

And in perfect accordance with the general sentiment contained in the preceding resolutions of Congress, we find that, on the 10th of October, 1780, Congress resolved "that the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th September last, shall be disposed of for the common benefit of the United States." How idle, then, to contend that by these very deeds of cession an obligation is imposed upon Congress to divide among the States the revenue derived from the lands, thus increasing the burdens which it was intended thereby to lessen?

The State of New York had, previous to this proceeding of the Continental Congress, passed a law to make a cession of a portion of her lands. Virginia did the same early in the following year. And long after the passage of the act by the Legislature of Virginia, giving authority to make the desired cession to the United States, and at a time when the defects of the system of confederation had become apparent, and Congress was deeply impressed with the necessity of making better

provision for the support of Government; the following proceeding took place:

In April, 1783, after the passage of the act of Virginia, agreeing to make a cession of the lands northwest of the river Ohio to the United States, the committee, consisting of Mr. Madison, Mr. Ellsworth, and Mr. Hamilton, appointed to prepare an address to the States, to accompany the act of the 18th of this month, reported a draft, which being read and amended, was agreed to. Mr. Madison, it will be recollected, was one of Virginia's distinguished sons, and from his address I have made the subjoined extract, in order to show for what use he regarded the territory to be ceded:

"Thus much for the interest of the national debt: for the discharge of the principal within the term limited, we rely on the natural increase of the revenue from commerce, on requisitions to be made from time to time for that purpose, as circumstances may dictate, and on the prospect of vacant territory."

From all these historical facts there seems to be no room for doubt that the statesmen and the patriots of that day regarded these cessions as they should be regarded, if a fair construction be given to the deeds themselves, as made for the general use of the United States—of consequence for the benefit of the people of the United States.

The acts of the respective States making the cessions to the General Government, were truly patriotic. The interests, the harmony, the peace, the prosperity and happiness of the Confederacy were involved; and the grants, for a time, gave stability and strength and confidence to the Government. But the fact cannot be controverted, that by the common blood and the common treasure of the whole country, this extensive domain was acquired from the common enemy; and, as I have before remarked, the cession from New York was anterior to the treaty of peace; and yet the territory conveyed was by that treaty confirmed to Great Britain. By the charter of Virginia, her western boundary extended to the borders of the Pacific, and yet by the treaty the western boundary of the United States was limited to the middle of the Mississippi. And the grant from Virginia, made in 1784, embraces the land within her chartered limits lying northwest of the Ohio.

I mention these facts to demonstrate that it was the Revolution and the treaty consequent upon that Revolution, which defined the territorial rights of the United States, without regard to the provisions and limitations of pre-existing State charters. But I am free to admit, under the Articles of Confederation, it was unanimous on the part of Virginia and the other ceding States to make the cessions, and thus give quiet to the whole Confederacy. I cannot, for a moment, believe that these cessions impose any obligation on the United States to divide the proceeds of the lands among the States. They were designed to constitute a common fund—and from the commencement of the Government it has been administered as a common fund. The avails have made up a part of the public revenue for the use of the whole Republic. It must, however, be admitted that this trusteeship has been uniformly inferred from the deeds themselves, and heretofore the power and obligation to make distributions has been based upon those conveyances. That was the argument of the chairman of the Committee on Public Lands in his report communicated to the Senate upon this subject in 1836? But how is it now? Both the Senators from Kentucky and Massachusetts abandon, and properly abandon, the idea that the deeds confer this power upon Congress. They look into the Constitution and content themselves with the express grant of power which that instrument contains, as furnishing full and ample authority to make the distribution. Not so in former days. I concur with the honorable Senators in their conclusions that the deeds of cession impose no such obligation upon Congress. But that was the ground taken formerly—and that was the only ground assumed in the able report to which I have referred. But does it not occur to every observer that it will not answer to rely upon the deeds, because, forsooth, they embrace but a small portion of the public domain? They must, therefore, find authority elsewhere, or the object cannot be accomplished. When I came into this Senate in 1835, this subject of distribution early engaged their consideration, and it was at the session of 1835-6,

that the distinguished Senator from Ohio made his report.

I have made the subjoined extracts, in order to show the ground then taken; and which ground seems now to be abandoned:

"The question of constitutional power has occupied the careful and sedulous attention of the committee; and they here present to the Senate the course of reasoning on that subject, which they consider sound and just, and which has led them to the conclusion that Congress possessed the power to distribute the proceeds of the public lands according to the principles of this bill.

"At the time the deed of cession from Virginia was made and accepted, the Union was held together by the Articles of Confederation of 1776, which, in its 8th article, provides 'that all charges of war and other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common Treasury, which shall be supplied by the several States.'"

"The mode of determining the proportion which each of the States shall bear of the public charges, is particularly pointed out; and it is there provided that 'the taxes for paying that proportion shall be laid and levied by the authority and direction of the several States.' To this state of things, existing at the time of the delivery of the Virginia deed of cession, its provisions must necessarily apply. It was to a Confederacy of independent States, who kept up a common treasury out of contributions from each of its several members, according to a determinate regulation, that this deed was made; and after making certain reservations, especially set forth, it declares the trust in the following distinct and unequivocal terms: 'That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use of such of the United States as have become, or shall become, members of the Confederation, Virginia inclusive, according to their usual respective proportions in the general charge and expenditures, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.' If then, we had still continued, down to the present time, a Confederation of States, bound together by the articles of 1776, and if, as is now the case, the public debt were discharged, the public expenses borne by revenues from other quarters, and the public land pouring its millions into the Treasury, what ought Congress, as the trustee of that common fund, to do with it? It is a trust fund, placed in the hands of Congress 'for the use and benefit of the several States'; and it is to be disposed of 'bona fide' for that purpose, 'and for no other use or purpose whatsoever.' So long as there is a public debt to be paid, this fund was well applied for the common benefit in the payment of that debt, as the debt was a common charge upon all, 'according to their usual respective proportions in the public expenditures.' And so long as it was necessary for the support of Government, its application to that purpose was right, for the same reason; but when this state of things has ceased, when the proceeds of the public lands are no longer necessary for either of these purposes, what is it the duty of the trustee to do with it, according to the letter and spirit of the deed of trust? And what, were it a case between individuals, would a court of equity compel him to do? The answer is plain and obvious. He not only *might* pay it, but he would be *bound* to pay it over to those for whose benefit he held it. If it were not necessary to disburse it for them, he must restore it to them. This, as between individuals, would be a plain case; and your committee cannot perceive how it is varied, when applied between States and nations. If, then, we had remained as we were, members of the old Confederation—if the Constitution had not intervened to change, in any wise, the relations of the States to each other, or to the whole, it would have been not only the *right*, but the duty of Congress, pursuant to the spirit of that deed of cession, to have distributed among the several States the proceeds of the sales of the lands contained within the bounds of that grant. The delivery and acceptance of this deed amounted to a contract; and the above is, according to the opinion of your committee, the just construction of that contract.

"Your committee are hence led to the conclusion that with respect to the proceeds of all the lands north of the 31st degree of latitude, and east of the Mississippi river, Congress not only has the constitutional power to make the proposed distribution, but it is a duty enjoined on them by a contract which is recognised and adopted by the Constitution.

"As to the land lying within the bounds of the original purchase of Louisiana and Florida, our right so to apply it rests upon less satisfactory grounds. We have no compact concerning it—no constitutional provision, or any agreement recognised by the Constitution, which expressly authorized the purchase of this additional territory, or which places the land so purchased in the same situation with that which was originally transferred to Congress by the States."

"This was the argument, then. But this course of reasoning will not lead to the desired conclusions; and hence the argument is not now resorted to, and the honorable Senators over the way look beyond the deeds into the Constitution for power to make the distribution. But, sir, I oppose the scheme on every ground. I contend that there is no obligation on Congress, growing out of the deeds, to make a distribution of that portion of the revenue derived from the public lands. I contend that there is no power expressed or implied in the Constitution to pass a law corresponding with the amendment proposed by the Senator from Kentucky. And if such a power was undoubted, I contend that it would be grossly pernicious in its effects—unjust to the States, prejudicial to the interests of the people, and in every sense impolitic and inexpedient.

At the session of the New Hampshire Legislature, in 1837, when the subject of distributing the avails of the public lands had engaged the attention

of the American people, they resolved that all manner of unnecessary taxation, if it have for its object distribution, is highly detrimental to the best interests of the whole people; and distribution of the revenue to the States is contrary to the true spirit and meaning of the Constitution; and if the practice of taxing the people unnecessarily for that object is adopted, will tend towards the creation of a consolidated Government, and to the ultimate and complete dependence of the several States upon that Government. Such were then the sentiments of the people of my own State, and very soon, too, after the famous report from the Committee on Public Lands had been given to the public. But as this subject has from that time to this more or less engaged the attention of Congress, the Legislature of New Hampshire, at its session in 1839, passed resolutions of instruction which I felt compelled to lay before the Senate, and, from a sense of duty to my State and to my own conscience, implicitly to observe and obey. The resolutions were as follows:

"Whereas certain propositions have been before the Congress of the United States, having for their object the distribution of the proceeds of the sales of the public lands; and whereas such a measure, in the opinion of this Legislature, is not only unconstitutional, but is calculated to diminish the public revenue and increase indirect taxation, by affording a pretext for a continuance of a high tariff:

"Therefore resolved, by the Senate and House of Representatives in General Court convened, That our Senators in Congress be instructed, and the Representatives from this State be requested, to oppose every attempt to divide the proceeds of the sales of the public lands among the several States, or to make any other disposition thereof, except for the constitutional purpose of providing for the common welfare and general defence of the United States."

The Senator from Massachusetts contends that the express grant of power, conferred upon Congress to dispose of the public territory belonging to the United States, gives an entire and perfect control over the whole subject matter. The power "to dispose of," he says, is broad and sufficiently comprehensive to include the power to distribute. I cannot bring my mind to that conclusion. The power to "dispose of" the territory and the other property of the United States is specific and clear; but there can be no legitimate inference that any other and different powers can be exercised by Congress, from the fact that the power is in terms unlimited. It gives to Congress, I freely admit, the authority to dispose of the public lands, but it goes no farther; and it seems to me to be a violence upon language—a misconception of the nature and object of this grant of power, to contend that Congress can do that which will in effect defeat the object and purpose designed. The Senator will not pretend that he can find within the range of the Constitution, any express power conferred upon Congress to divide among the States any portion of the public revenue. But his position is, if understood, that the power "to dispose of," includes the power to distribute. Both the Senators from Kentucky and Massachusetts have pressed this argument. But I cannot well see how they can logically or constitutionally, from their premises, make their deductions.

The Senator from Kentucky [Mr. CLAY] has said that the tax power and the land power conferred upon Congress by the provisions of the Constitution, are essentially different. Is this so? What is the object of the taxing power of Congress? To bring money into the Treasury; and for what purpose? Clearly for the public use. What is the object of the power conferred upon Congress to borrow money upon the credit of the United States? Clearly to bring money into the Treasury for public use. What is the object, sir, of the power conferred upon Congress "to dispose of the territory of the United States?" Clearly to bring money into the Treasury for public use. Where, then, is the difference, so far as respects the objects of these respective powers? None, sir. The Senator from Kentucky remarked, with an apparent triumph, that while the taxing power looked to the collection of revenue for the purpose of paying the debts, providing for the common defence and general welfare of the United States, the land power was entirely silent upon that matter; and he has challenged any friend of the Administration to show that the word *revenue* was in any way connected with the land power conferred upon Congress. And hence he infers, that in the exercise of this

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same land power, the object was not revenue. Is this a fair and legitimate inference from the premises? True it is, that Congress has power, in express terms, to dispose of the territory belonging to the United States. True it is, that the Constitution is entirely silent as to what shall be done with the avails of any such disposition of the territory.

But what then? Can it be presumed, from this mere fact of silence, that Congress possess the power to give away the avails of the public lands; that, inasmuch as no express specific direction is given in the Constitution to apply the proceeds of the sales of the public territory for the purpose of paying the debts, or of providing for the common defence of the United States, it necessarily follows that Congress can distribute those proceeds to the States? All powers not expressly delegated by the Constitution, are reserved to the States or to the people. Congress has power to borrow money upon the credit of the United States. But does the Constitution direct what shall be done with the money thus borrowed? No, sir. And would the Senator from Kentucky contend that Congress may, in the exercise of its discretion, give away or distribute to the States the money thus borrowed? Under this power to borrow money, I would like to know if there is an American statesman, within the limits of this Republic, bold enough to maintain that Congress can, constitutionally, apply a dollar of money thus obtained but for public use—that Congress could regard the means thus acquired in any other light than as a portion of the public revenues to be expended exclusively for the use and benefit of the whole Union, to be withdrawn from the public Treasury by appropriations made by law. And, sir, can the Senator from Kentucky point to me any difference in the power conferred upon Congress to dispose of the territory of the United States, and to borrow money upon the credit of the United States? So far as relates to the disposal of the proceeds of such negotiations, there is no difference, in fact. The power is the same in both cases. And, as before remarked, the great object of the exercise of such power was to raise revenue—to bring money into the public Treasury for public use. The Senator from Kentucky admits that Congress has not the power to levy taxes and to collect revenue for the purpose of distribution. This is correct; but he adds, Congress has power to dispose of the territory and other property of the United States, and as there is no limitation to this power, it may dispose of that territory and distribute the avails. Congress, it is admitted, has no power to collect a revenue for distribution, but it can levy taxes "to provide and maintain a navy," and Congress possesses the power, the Senator contends, to sell and dispose of the ships which constitute that navy, receive the proceeds in money, and distribute that money to the States. Of all the extraordinary positions which have been taken in illustration of this power, this is, to my mind, the most extraordinary. The mere statement of the proposition itself shows its absurdity. While it is admitted that Congress has no constitutional power to collect a revenue for distribution, it is urged that it has the power to dispose of our national ships, our public fortresses, and our public domain, collect the proceeds and make distribution thereof among the States. I shall add nothing more; if the Senator can derive any advantage from such an argument, be it so. If the American people can thus be deluded, for one, I shall think much less of their intelligence than I now do.

The Senator from Massachusetts admits, as I have before stated, that he does not look to the deeds of cession for the power which Congress has over this subject. He finds that power in the Constitution; and he contends that, under the third section of the fourth article of that instrument, he can erect a platform broad enough to sustain his positions. The Senators says, that Congress has the power to dispose of the territory of the United States. This is true; and he contends further that the authority is also conferred upon Congress to do what it shall please with the public domain—to be controlled only by its own discretion. Is this so? And the ground taken by the Senator from Massachusetts, is, that there is no limitation to this spe-

cific grant of power. That Congress is unrestricted in its exercise—this is true, so far as the language used goes to confer the particular power. But what is the power conferred? "To dispose of the territory belonging to the United States." This is all, sir. And what is the meaning of the words "to dispose of?" I answer, to sell—to convey—to transfer—to pass over to another. The power then conferred by this section (according to the most approved lexicographers) is to sell—to convey—to transfer the public territory, and this is all. There is no other authority given in terms; and if any other authority is attempted to be exercised, it is an assumption of power without right. Let us apply this to the affairs and business of common life. The honorable Senator from Massachusetts, under his hand and seal, empowers me to dispose of his farm—to bargain away—to sell—and to convey his valuable homestead; would not the Senator conclude that it would be a monstrous abuse of that power, should I appropriate the avails of such a sale to my own use—should I distribute the proceeds to my own children? And what would be the Senators answer, if I should contend that, under the express authority "to dispose of" was included necessarily, the authority to distribute? I am inclined to think that the honorable Senator would be the last man who would be convinced by any such argument. He would say, and would properly say, look to the express terms of your power. Do not presume to go beyond the record.

In the Constitution there is an express power in terms conferred upon Congress to dispose of the territory, but does that necessarily include a power to distribute? Congress could not be justified to imply any such power. It must be conferred plainly, expressly, and intelligibly, or no such power can be presumed to exist. The Senator contends for the existence of the power to distribute because there is no qualification or limitation of the power to "dispose of" the territory. Sir, is there any limitation or restriction upon the power conferred upon Congress to borrow money? No, sir; the one power is just as unlimited in terms as the other. As I have before remarked, would the honorable Senator, or any other member of this Senate, for a moment contend that the power to borrow money for the reason, that it is unlimited and unrestricted necessarily includes the power to distribute the money thus acquired, according to the discretion of Congress? Mr. President, the argument is fallacious—it rests upon no substantial foundation. But I freely admit that the honorable Senators from Kentucky and from Massachusetts must look to the Constitution for the power to distribute, if any such power exists. I commend them for having, even at this late day, abandoned the ground that an imperious obligation rests upon Congress, growing out of the deeds of cession, to make distribution of the revenue arising from the sales of the lands to the respective States. Sir, I have not been able to satisfy myself that the deeds of cession impose any such obligation upon the United States. I have not been able to satisfy myself that there is any constitutional power given to Congress to distribute the public revenue, or any portion of the public revenue. My views on these points are now with the Senate; they are conscientiously entertained, and they have been honestly presented. If they shall induce others to the same conclusions to which I have come, I shall rejoice—if they shall produce no effect upon others, I shall content myself with the reflection that I have done my duty.

Mr. President, believing as I do, that no obligation rests upon the General Government by the deeds of cession to make distribution among the respective States of that portion of the revenue derived from the sale of the public lands, and acquired from the States—and believing as I do, that there is no specific grant of power given to Congress to make any such division of the proceeds of the lands acquired either by purchase from the States or by purchase from foreign Governments, I must oppose this amendment. I cannot but regard the project as a most dangerous and alarming assumption of power—as calculated to break down the objects of this Confederacy—as constituting

this Government the great distributor of the public revenues for every purpose except that for which the revenues were collected. Looking beyond the wants and necessities of the country—disregarding the imperative obligations to provide for its defence and its welfare, we find here a proposition submitted to appropriate the means of the whole people for the exclusive use of the respective States. Sir, I can favor no such measure—a measure unauthorized by the charter of our liberties—at war with the genius, the character and object of our Government.

But could I for a moment believe that the Constitution conferred upon Congress the power to pass into a law the proposition submitted by the Senator from Kentucky, I would oppose it as unjust to the interests of the States—as prejudicial to the honest rights of the people. I would oppose it as unequal and oppressive in its effects and operations. I have already referred to the present condition of the Treasury, as furnishing a most unanswerable objection against the expediency of this project. I have already shown that the proceeds of the lands, as well as the proceeds of the imports, constitute alike the revenues of the country. I have shown that the power conferred upon Congress to lay taxes, impose duties, borrow money, or "to dispose of the territory" of the United States, was for the purpose of providing means for public use. And when those means are thus acquired, there is no difference or distinction between the parts which make up the aggregate. They are truly the revenues of the Government—supplied by direct or indirect taxation upon the people. The Senators from Kentucky and Massachusetts have admitted, and with much propriety and truth admitted, that Congress cannot levy taxes to collect revenue for distribution. But if not equally opposed to the constitutional power of Congress to make distribution of any portion of the revenue, is not such a proceeding at war with every consideration of public policy—to make a deficit in our means for the sake of supplying it—to abstract from the Treasury five millions annually, in order to tax the people the requisite sum to supply again that five millions? Such a proceeding may be founded in wisdom—it may be recommended by a sound discretion—by considerations of pure patriotism. But I cannot so view it. I am compelled to give to it a different character. How is it proposed to supply the deficiency in the Treasury which would be occasioned by this abstraction? By a tax on luxuries. That, however, must depend on the future legislation of Congress. By this amendment, it is proposed, after the 1st January, 1842, to divide among the States that portion of the revenue derived from lands. All agree that the condition of our public finances cannot bear such a reduction—that the deficit must be supplied. But whether that will be done by borrowing money; by a direct tax; by increasing the existing duties, or by laying imposts on articles now free of duty, must depend on the action of Congress—and no man can tell what that action will be. Every man knows that a portion of this Confederacy is most sensitive upon the subject of the tariff; and it has seemed to me from the beginning, that the friends of this policy should contrive first to create a surplus in the Treasury before they distribute the revenue; that they should at least count the eggs before they divide the chickens.

But let us examine the plan which is suggested, with a view to supply the deficiency. That plan is to impose an ad valorem duty on luxuries. Under the existing provisions of the compromise act, the revenue derived from imports before the first of July, 1842, will be reduced at least five millions of dollars. The Secretary of the Treasury, in his tariff report, communicated to the Senate on the 18th of January last, remarks that "if the expenditures are properly and seasonably diminished, it will not be necessary to raise all this amount by taxation in any form." A clause in the third section of the compromise act provides that after 1842 "duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the Government. The Secretary adds that "in truth the tariff is as much a system of taxation as a land tax; and that the confining of all duties

hereafter to a low rate was, therefore, desirable to the great mass of the people, because it was confining taxes to a low rate," and "by confining in substance any future change to purposes of revenue alone, and within twenty per cent. would impart greater permanence and prosperity even to manufacturing, and with that to all other descriptions of industry." From the whole tenor of this report—from the state of popular opinion, which is believed to exist upon this subject—I am led to the conclusion that a system of *ad valorem* duties, not to exceed twenty per cent. after the first of July, 1842, will be resorted to for the exclusive purpose of collecting revenue, and will become the settled policy of the Government. It is conceded that the duties on imports will be reduced under the operation of the compromise act, before that expires in 1842, five millions, leaving only ten millions of revenue derived from customs. This deficit must also be supplied by creating new or increasing old duties. There can be no doubt that the annual expenditures of this Government, for years to come, will amount at least to twenty millions of dollars. Fifteen of that twenty, at least, allowing the present sources of revenue to remain undisturbed, must be derived from duties on imports. But if the contemplated revenue derived from lands be annually abstracted, then the whole twenty millions must be collected from imports. The Secretary of the Treasury, in the report herein before referred to, proposes a mode of supplying the deficiency which would necessarily be produced in the reduction of duties under the compromise act before July, 1842. And what is that mode? I refer to it to show the gross impolicy, if not the impracticability, of distributing the avails of the lands. An imposition of *ad valorem* duties on articles not now subject to duty, is proposed by the Secretary as the means of supplying the deficit; and the tables furnished by the Secretary contain much valuable information. The first gives the names and value of all free articles imported into the United States in the year 1838, after deducting such of them as were exported; and the Secretary suggests that taking the imports of that year as a guide, and perhaps nearer an average for some time to come than any other, it shows that the value of all free articles entering into the consumption of the country would amount to \$38,161,533. This was their value in 1838. And an *ad valorem* duty of the maximum per centage would yield \$7,632,317, as the gross amount of revenue; subject, however, to all charges, losses, expenses, and deductions, incident to the process of collection, and to the operation of the revenue laws; and when we compare the gross amount of revenue with what finds its way into the public Treasury, it would not be extravagant to estimate the nett revenue accruing at this rate of duty, upon the aggregate value of the importation of the free articles contained in the first list of the Secretary at an amount not exceeding six millions of dollars. It is true, the Secretary makes that estimate of value after deducting such of the importations as may be exported; but when a duty shall be imposed on any article, the exportations of that article will be increased. And as evidence that my conclusion is correct, it may be stated that the gross revenue on imports for 1838 was \$20,114,164, while the nett revenue was only \$16,158,800, a deduction of one-fifth in the whole amount, which is very near the proportion I have assumed. From the gross revenue on the value of importations as before stated, at a rate of duty of twenty per cent. *ad valorem*, one-fifth part must be deducted to satisfy drawbacks, bounties, charges, and expenses. I shall have occasion to refer to this matter again, for the purpose of illustrating the effect, in a pecuniary point of view, which the proposed distribution will have upon the pockets of the people. For it should be borne in mind that it is the amount of gross revenue that is drawn from them. My object in referring to this matter at this time is merely to show that an imposition of an *ad valorem* duty of twenty per cent. on the long list of all the free articles imported into the United States in 1838, will yield a nett revenue for the use of the Government, of six millions of dollars, and if the same rate of duty, is made applicable to all other importations, the whole amount

of revenue, derived from imports, will not exceed annually sixteen millions of dollars—taking the value of the importations of 1838 as the basis of my calculations. If to this amount is added the ordinary receipts from the sales of the public lands, the whole revenue will not exceed twenty millions of dollars, indispensably necessary for years to come, as experience will verify, for the economical support of this Government. It is true that the receipts from the public lands from 1835 to 1839 both inclusive, amounted to \$55,492,956, making an average of over eleven millions per year—but that was a season of extravagance and speculation. The whole amount of receipts from the lands from 1811 to 1824 inclusive, was only \$21,150,680, average only a million and a half per year. The amount from 1825 to 1829, the sales averaged less than a million and a half a year, and the whole amount of receipts from 1830 to 1834 inclusive, was \$16,988,835, averaging for each year less than three millions and a half, and the receipts for 1840 will not exceed three millions; and averaging the whole receipts from 1811 to 1840, the annual avails will fall short of three and a half millions of dollars.

I therefore think that I am correct in assuming the fact, that for years to come not over four millions annually will be added to the revenues from this source. The Secretary, in the same report, adds that a duty on his entire list of free articles, of 15 per cent. will yield a nett revenue not far from five millions of dollars—the sum required to provide for the reduction of duties under the compromise act. The Secretary bases his calculation on the ground that there will be no drawbacks, and that the charges will amount to over \$700,000. The exact duty on the value of the importations in 1838, at fifteen per cent. would amount to the sum of \$5,724,237; making the expense of collecting from duties, a nett revenue of five millions of dollars, the sum of \$724,237; an estimate, in my judgment, too low, as I think must appear from a fair comparison between the gross amount of the revenue arising from duties with the nett for any given number of years, after making proper deductions for drawbacks. But the Secretary adds, that this entire list of free duties includes some which should be subject to a less duty than even fifteen per cent. for the reason that they will not bear even that duty; and therefore he suggests that "another mode of raising the same amount of revenue would be preferable;" and to that end he proposes to select from the free articles those which may be regarded most as luxuries, though not in every respect belonging exclusively to that class; and he has given to the Senate a second table in his report, containing the entire list upon which he proposes to assess this maximum of per centage in the way of duties. The valuation of these free articles, according to the importation of 1838, it will be seen by referring to this list, a copy of which I have subjoined, amounts to \$29,026,448; and being made subject to a duty of twenty per cent. after paying the expenses of collection, would yield about the same amount of five millions. In this estimate of charges, the Secretary approximates nearer to the true amount of expenses. The twenty per cent. duty on the value of this list of importations, would make \$5,805,289, making the expenses exceed \$800,000. But I propose, to some extent, to analyze this list, in order to show what the effect would be upon the people of my own State.

But it should not be forgotten that these various estimates of the Secretary of the Treasury are made with a view to supply a deficiency in the Treasury which will happen before the first of July, 1842, on account of the reduction of the existing tariff of duties anterior to that period. Two and a half millions will fall off the first of January, 1842, and two and a half millions on the 30th of June, 1842, leaving a deficit of five millions in the revenue from this source, should there be no change in the tariff. These estimates are not submitted to the Senate for the purpose of supplying a deficiency in the revenue, which would be occasioned should the amendment of the Senator from Kentucky be adopted. Although it so happens that the friends of the distribution policy propose to resort to a taxation upon the same description of articles,

in order to bring back to the Treasury that which, under their distribution scheme, they propose to distribute. It will be necessary either for the Secretary or for the friends of the proposed amendment to give up their favorite mode of raising revenue. It will not serve both. It will prove insufficient to supply the means which will be required by the Secretary, and by those who seek to reduce the revenue, five millions to divide among the States.

Selection of certain free articles consumed in 1838.

Silk and manufactures of	\$7,897,343
Silk and worsted	1,620,154
Worsted stuffs	3,878,941
Linen, bleached, &c.	3,098,557
Tickenburgs, &c.	333,024
Sheetings	148,554
Bolting cloths	26,528
Wool, under 8 cents per lb.	438,660
Crude saltpetre	119,606
Animals (not for breed)	150,219
Furs (undressed)	300,045
Coffee	7,138,010
Tea	2,559,246
Copper, in pigs	812,170
sheeting	526,792
old	78,590
	<hr/> \$29,026,448

The above contains the list of free articles upon which the Secretary proposes that a duty of 20 per centum *ad valorem* should be imposed, for the purpose of raising five millions of dollars, to provide for the deficiency in the revenue which will be produced by the operation of the existing tariff system before July, 1842. Upon the supposition that this proposed duty will raise the sum required to be drawn from imports, which, with the sum now derived from the sales of the public lands, will produce a revenue sufficient for the uses of the Government, economically administered, I would ask, how is the deficiency to be supplied, if all that part of the revenue derived from lands shall be abstracted from public use? This is the sum and substance of the amendment proposed by the Senator from Kentucky. And how is that deficiency in the revenues of the Government to be supplied? Will the friends of this policy presume to recommend that the *ad valorem* duties on the beforementioned free articles shall be doubled? No, sir; they will not dare to introduce such a proposition. The very existence of such an onerous duty will defeat the very object intended. Instead of increasing the revenue, the effect will be to reduce it; for by increasing duties upon articles of mere luxury, you will either prevent their importation altogether, or else you will introduce them by an illicit trade. The effect upon the revenue in both cases would be the same. Impose a high duty, for instance, on silks—will silks be imported? Their use will be abandoned, or they will be smuggled into the country. But let us see what will be the direct effect upon the consumers of the 20 per cent. *ad valorem* duty on teas, coffee, and silks, as proposed by the Secretary. Sir, since I have been in Congress, the duty on the two first described articles has been entirely removed. And why so? For the reason that, so far from being luxuries, they were regarded by the great mass of consumers as the conveniences, if not the necessities, of life. What article among the long list of importations enters more universally into the consumption of the country than tea? It is now a free article. As it is proposed by the Secretary of the Treasury, in his report, to preserve the policy and the principle embraced in the compromise act, to establish a tariff of *ad valorem* duties, it will become necessary to revive again a duty on teas and coffee for the purpose of revenue. The value of the teas imported into our country in 1838 was - - - - \$2,559,246
The value of coffee - - - - 7,138,010

Making in all - - - - \$9,697,256
It is proposed to assess hereafter an *ad valorem* duty of 20 per cent. on the value of these importations. That duty would yield annually in revenue, \$1,939,451
To this should be added the charges and expenses incident to the collection, which cannot be estimated less than 10 per cent. - - - - \$193,945

Which, together, make an aggregate of

duties and charges on teas and coffee of \$2,133,396 Adding nearly one-fourth to the cost of their importation—thus imposing an indirect tax of 25 per cent. upon all the teas and the coffee which enter into the consumption of the people. Let it not be said that this is a tax which operates exclusively upon the rich. No, sir: it is a tax which bears upon the consumer, be he rich or poor. In New England—certainly in my own State—these articles are of very general use. Scarcely will you find a family in the whole range of New Hampshire that is not in the habit of using daily these essentials of life, as they are regarded by our people. But this is not all. Among the list of free articles, upon which it is proposed to impose a duty of 20 per cent. for revenue, are silks and the manufacture of silks. The value of the importations in 1838, of that description of goods, was \$7,897,343 The value of silk and worsted goods - 1,520,154

Making - - - \$9,417,497

A duty of 20 per cent. on this amount, would yield - - - \$1,883,499

Add to this the charges at 10 per cent. 188,349

Making an aggregate of - \$2,071,848

And I would ask if this indirect tax bears exclusively upon the rich? No, sir: far otherwise. Is there any man so ignorant of the habits of our people as not to know that silks are used by our countrywomen generally, if not universally? And it could not fail to occur to me that when it was proposed to assess a duty on silks that it was intended to compel the great body of the consumers to use, as a substitute, the fruits of our own manufactories—to substitute the muslin of our own workshops for the silks of France. There could not be selected from the long list of free articles any upon which an imposition of duty would operate more oppressively upon the people of my own State than those I have enumerated, except that most obnoxious of all duties, a duty upon salt, that indispensable necessary of human life—a duty which has already brought \$23,000,000 into your Treasury, and which it would be as difficult to sustain by argument as it would be to sustain the justice of a tax upon the water we drink, or the air we breathe.

Let it not be understood, sir, that I am opposed to this system of *ad valorem* duties for the purpose of collecting revenue. It may be more equal and just than any other tariff of duties. And in referring to the particular articles which are to be made subject to duty in the new order of things, I have only intended to show the effect which such a duty would produce upon my people. I have only intended to show that it is a tax upon the poor—upon the working classes of the country—and not exclusively upon the rich as some have supposed. But even such a tax would be borne without a murmur by the people, were it necessary to raise revenue for the support of their Government. And should it become important after the expiration of the present compromise act so to regulate the tariff as to confine the duties hereafter to be imposed within twenty per cent. on articles of importation, instead of a wide range of thirty, fifty, eighty, and a hundred per cent. and more—at times previously in practice and frequently for protection, it would furnish no ground for complaint—it would probably, in its consequence, be productive of the greatest good. And any regulation after 1842 which may be necessary to carry out this policy, which, even if it lead to the imposition of duty on teas and on coffee, will receive public sanction if the object be public revenue, and all the revenue of the Government shall be faithfully applied to that same object.

But what does the amendment propose? That we shall give away to the States—that we shall scatter to the four winds of Heaven five millions of the public revenue annually—and that the deficit shall be supplied by a tax on these same luxuries, as they are called. No member of this Senate, and no sound reflecting man of this country, will, for a moment, suppose five millions can be collected on the list of free articles hereinbefore named. The whole deficit in the revenue, as well as that occasioned by the reduction of the duties in 1842, as that occasioned by the distribution among the

States, cannot be supplied in the mode named by the Secretary of the Treasury. Will the people of this country submit to the most unequal and oppressive system of taxation which has ever yet been invented by the wit of man, to supply a deficit in the Treasury occasioned by a distribution of the avails of the public lands among the States? They will never willingly submit, for such a purpose, to an annual tax upon teas and coffee, of

	\$1,939,451
Upon silks, &c.	1,883,499
Which, with the addition of the charges and expenses of collection, &c. of	382,294

Making an aggregate of - - - \$4,205,244 to be drawn year following year from their pockets as the consumers of these essential articles of life.

It has been said, in argument, that the expenses and charges of every description necessarily incident to the collection of the revenue arising from the sales of our public lands exceeds 20 per cent. And the amendment proposes—after all these expenses shall have been incurred—after the net avails shall have been placed in the Treasury—that the amount shall be taken therefrom and given to the States, and that a like sum shall be drawn from the people for public use. Does it not occur to every man that this very operation imposes a tax of from one and a half to two millions per annum, in the shape of charges and expenses, upon the people, and this without yielding the slightest benefit to any one? If five millions, when collected, could be distributed to the people upon the same fixed ratio, and a like sum could be taken from them upon the same ratio, without charge or expense, no injustice would be done. But it would be such an extraordinary operation, as would have nothing but its novelty to recommend it. But the principle rests on no such measure of equal justice. The proposition is first to collect into the Treasury (say five millions) the proceeds of the public lands, and pay all the charges and expenses of collecting, making a million more; then take and divide among the States the five millions, and turn around and collect from the people, by a tax on imports, revenue sufficient to replace the five millions in the Treasury, and pay all charges, which cannot amount to less than a half million more. I have said that this amendment, if carried into full effect, would operate most oppressively upon the people of my State.

The great articles of necessity which now enter into their consumption, pay an annual duty equal to one-third of revenue derived from imports.

In 1836, the duty on salt was	\$504,111
In same year the duty on sugar	4,396,986
In same year the duty on iron	2,180,650

Making the sum of	\$7,081,847
In the year 1837, the duties on the same articles amounted to	6,049,053
In the year 1838, the duties on the same articles amounted to	5,378,979
In the year 1839, the duties on the same articles amounted to	7,114,178

The tables with which I have been furnished, show the precise duty on each of the articles for each year; but the proportion is very nearly the same in each, as that given in 1836, and the result of the whole matter is, that nearly one-third of all the revenue derived from customs, is derived from these three articles of indispensable necessity. Add to these the duty on molasses, and more than one-third of the revenue is annually collected from the consumers of these four necessities of life. And who are the consumers of these dutiable articles? Certainly the people of my own State, in a much greater proportion to the whole consumption than her population bears to the population of the whole country. And why do I say so? Because no one of these essential articles, to any great extent, is manufactured within the limits of New Hampshire. While Pennsylvania makes her own iron—while New York manufactures not only the salt consumed within her limits west of Utica, but also most of that consumed in the States northwest of the Ohio—while Louisiana manufactures her own sugar, the people of New Hampshire are compelled to consume articles of this description, the produc-

tion of foreign countries, and subject to their odious, unequal, and oppressive system of indirect taxation. There can be no doubt, then, that the people of my own State, from their peculiar location, pay more than their just proportion of the revenue derived from customs. But this is not the only burden connected with this matter, which the people are compelled to bear, by the operations of this system of indirect taxation. Let me illustrate. The gross revenue derived from the duty on salt from 1789 to 1838, both inclusive, amounts to \$28,780,754; and within that period of time, there has been paid from the National Treasury, in bounties and allowances, \$7,119,093, leaving only a net revenue from this source of \$21,876,101. While the people, the actual consumers of this article, were compelled to pay, in the way of duties, the whole amount of the gross revenue, it results that only three-fourths of that amount finds its way into the Treasury for general use; and so it is with all the duties and taxes imposed for the purpose of revenue. The gross exceeds the net revenue from twenty to twenty-five per cent. per annum; and it is the gross revenue which is collected from the people. That is the description of revenue assessed on foreign merchandise; and on that amount is charged and paid back to those entitled, not only all drawbacks, but all bounties. Besides, there is paid out of this amount, before the net balance goes into the Treasury, all the real and legitimate expenses of collection. The merchant charges for his goods to the purchaser from him, and he to the people an additional price equal to all which is assessed, as the importing merchant has to pay all which is assessed to the United States. I have taken the gross revenue for four years commencing with 1836, and compared it with the net revenue, that the people may understand the burdens they are made to bear. I have ascertained the gross revenue derived from customs for the years 1836, 1837, 1838 and 1839, and they make an aggregate of \$95,350,482. This, it is true, is liable to large reductions by debentures and drawbacks upon importations, but that is the amount assessed upon the people. I have also ascertained the net revenue derived from imports for the same years, and it amounts to \$73,875,856, and making a difference of \$21,474,556; a sum drawn from the people under this system of unequal taxation. It will be seen that the average net revenue for each year, from customs, is a little less than twenty millions, and if this sum is fairly apportioned to the population of the whole country, it will be found that for the years I have mentioned each man, woman and child would have to pay annually not less than \$1 25 per head; if the gross revenue should be thus apportioned it would exceed that amount. The proportion of New Hampshire would have been, for each year, over \$350,000. With the present reduction of duties, including all charges and expense, if divided according to the population, it would impose a *per capita* tax of a, least one dollar per annum. The proportion then of the import duties of New Hampshire, would now be according to that estimate a tax of \$285,000 annually. In a pecuniary point of view let us see how New Hampshire would stand. She would receive, if five millions should be distributed, according to the ratio named, (the number of representatives in both Houses in Congress) about \$119,000; and the tax which she would have to bear, in first collecting five millions from the public lands for distribution, and then collecting five millions on imports to supply the deficit, estimating the charges, losses, and all expenses for such an operation at two millions of dollars, which is much too low, if the Secretary of the Treasury be correct in the estimates contained in his tariff report, would amount to not less than \$170,000, making a dead loss to the State of at least \$50,000 annually. But this is not all. The injustice of a tax upon imports renders that system of taxation peculiarly objectionable, unequal and oppressive to the people of my native State.

The consumer, all admit, has ultimately to pay the duties on imports. Is this a tax on property? No, sir, it may with much more truth be denominated a poll—a personal—a *per capita* tax. I am familiarly acquainted with a single individual residing

in the town adjoining the one in which I live; he has a family, and is a man of large property. I will take fifty families in this same town, the aggregate of whose wealth would not equal his, and yet each one of those families consume as much tea, as much salt, as much sugar, as much molasses, and contribute as much towards the revenue derived from customs, as the individual referred to. This is not a solitary case; they are of common occurrence. And can any man say, with a knowledge of these facts, that an impost tax is not a most unequal, and, consequently, a most unjust tax upon the people? The mechanics, the workmen of the country, are the consumers of your dutiable articles. The men of moderate estates—the farmers and laborers, with their families, are among those who consume the necessities, and many of them what are called the luxuries of life. In my own town I know an individual who earns his daily bread by his daily labor, yet consumes in his family a greater amount of articles subject to duty than my neighbor worth a half a million of dollars. It is the inequality in operation of this tax on imports that renders it oppressive, and should never incline Congress to resort to it, except for the purpose of revenue. But sir, entirely different is that portion of the revenue derived from lands—that portion which it is now proposed to distribute among the States, thus increasing the burdens of that portion of the community now oppressed. That is a tax upon property; the poor man feels it not; he goes into the wilderness of the West, pays his two hundred dollars for his quarter section, and gets a good bargain. It is a source of revenue which should be carefully protected, for every dollar thus collected is a direct benefit to the other tax payers—the consumers of dutiable articles. It would be a most happy state of things could every dollar of revenue wanted for the use of the Government be derived from the public lands. I am in favor of a tax on luxuries, but I would impose that tax in order to do something like equal justice to all the tax payers. That would to some extent operate as a tax upon property, and if the Senator from Massachusetts is ready to go along with me to do substantial justice to the people of his native State, I would say to him, while you impose taxes upon luxuries, take taxes off from the necessities of life; while you are disposed to collect revenue from the rich, take from the poor the burdens which bear them down. This would indeed be justice, and substantial justice.

If I had time, there is one view of this subject upon which I should like further to enlarge, and that is, the pecuniary effect which the distribution to the States would produce upon the people. Does it not occur to every person, that while you make the proposed distribution to the States, you confer no general benefit upon the people? If, for instance, the share assigned to Indiana goes to relieve her to that extent from her indebtedness, is it not manifest that such an application of the fund would be an unequal tax upon the poor, and for the benefit of the rich? If the debt of Indiana were to be discharged by the means of direct taxation upon her people, the property of the State in such a case would bear the burden; but if any portion of the debt shall be discharged by duties or imports, then the effect would be to tax the consumers of the dutiable articles—not a tax upon property, but upon consumption—a most unequal, and, consequently, a most oppressive tax. There is no way that New Hampshire could appropriate her distributive share so as to produce equality and justice in its operations upon her people. If the principal be funded, and the interest be annually applied for the support of the State Government, is it not apparent that the principal, in such a case, would be supplied by the unequal contributions of the poor? And such would be the effect if the amount was funded, and the interest applied for the support of our schools. These funds are now raised by a tax on property. But if supplied in the manner I have named, does it not at once occur to every man that the same would be produced by the odious and oppressive tax imposed upon the consumption on this occasion. But, Mr. President, if the fund should be applied for State internal improvements—for the construction of a railroad upon the banks of the

Connecticut—would the benefit conferred to the People of my State be in proportion to their contributions? No, sir; the citizens remote from the improvement would derive no earthly advantage by any such application of the fund. That portion of her population who reside on her granite hills—among the fastnesses of her mountains—so far from realizing a benefit from any such appropriation of the fund, would be compelled to bear an increased taxation to advance the interests of rich individuals and rich corporations. But, Mr. President, I cannot pursue this subject further on this occasion.

Upon the expediency of now providing for the distribution among the States, of that portion of the revenue derived from the sales of the public lands, I have to add, that while the balance exists against the lands, and in favor of the Treasury, no measure could be more unjust. I do not purpose to go into the consideration of that matter. On a former occasion I attempted to perform that duty. The result of my calculations at that time showed that the Treasury was greatly in advance. And the calculations which were recently presented by the honorable Senator from New York, confirms, to some extent, my own results. At all events there can be no doubt that upon a full, and honest exposure of the account current between the Treasury and the public lands, millions would be found due to the Treasury. Would there then be, sir, any semblance of justice in distributing this part of the public revenue, when the money drawn from the pockets of the people for the acquisition of the public domain has not been reimbursed—and drawn too by the unequal operation of taxes on imports? I place this fact before the Senate; and I would appeal to their sense of justice, whether they are prepared to distribute the proceeds of the lands among the States, before the costs and charges incurred in acquiring and preserving them shall have been paid. It was due to the subject—it was due to the people, that this particular matter of receipts and expenditures should be exhibited—that the account between the Treasury and the lands should be stated. It has been done by the honorable Senator from New York; and I thank him, and the country will thank him for the exhibit. Independent of every other consideration, with a knowledge of the fact of there being a great balance due to the Treasury from the lands, I would not part with the control of the proceeds of the sales. I would hold them for the use, the benefit, and the interest of the whole people, to whom they rightfully belong. I would do this, wherever the application of their own means have added to the Union an extensive domain. And until these means shall be reimbursed, it would be unjust to the great body of the tax payers to distribute the portion of the public revenue derived from lands.

Mr. President, the State in which I reside asks no favors of this sort at the hands of Congress. She has regarded this Government as constituted for a wholly different purpose than to dispense charities to the different members of the Confederacy. New Hampshire has looked upon this Government as deriving all its force—all its energy, and all its power from the people—as most emphatically a Government of the people. She regarded the public revenues as the voluntary contributions of the true sovereigns of this Republic. New Hampshire, I am happy to say, is a non-debtor State. But unlike North Carolina and Delaware, she has no ample funds in reserve for her use. No, sir, she is, thank God, free from debt. Her institutions are supported by the contributions of her people, year following year. They know the value of their Government because it receives its support, its life and being, from the revenues derived from the direct taxation of her people. Sir, it is matter of gratification to us, that we have no such ample means in reserve, upon which we can draw for the support of our schools, our highways, and of all the other institutions of our Commonwealth. In proportion to our population and territory, there is not a State in this Confederacy whose affairs are conducted with more economy, or whose administration inspires more confidence. Her primary schools, her literary institutions, are her pride, her boast, and her honor;

and whether, according to the judgement of the Senator from Indiana, [Mr. WHITE,] "her people read right books" or not, it is enough for me to know that they not only read, but think and act for themselves; and it would have been better for Indiana if she had imitated the example of the Granite State, extended her system of education, and avoided that evil with which she is visited, a State debt. New Hampshire, as a State, would not regard her share in the distribution of the public revenue as a favor conferred. No, sir; she would look upon it as a curse. Sir, I have some feeling, some little information upon this very subject. I voted for the deposit act of 1836. I felt it to be my bounden duty at the time, looking to the permanent security of our public revenues. New Hampshire then received her share of the deposit made under that act; and it has proved any thing but a blessing to my people. While the principal is held sacred, at this very moment, for the use of the General Government, yet its primary disposition disturbed the harmony of our legislative assembly, and the disposition of the accruing interest neither fertilizes our soil, enriches its owners, or improves the character and condition of our people. Sir, knowing as I do the effect which has been produced in my own State by the deposit of the public funds, in 1836-7, in her Treasury, I have cause to lament, and deeply do I lament, that I ever gave my vote in favor of the deposit act of 1836. No consideration, sir, could now tempt me to do the like again. Looking to the prosperity, to the industry, to the happiness and well being of the people of my State, I can give no support to this distribution measure. I would not inflict upon them, a second time, such a curse.

Mr. President, there seems to be a delusion upon this whole subject. Why, I would ask, shall we distribute among the States any portion of the public revenue? Why make such an abstraction from the public Treasury? Why divide with one hand and exact with the other? Why send forth to the States your public treasure on one day, and on the next send among the people your tax gatherers, to collect and to return to the Treasury that of which it has been thus wantonly and rashly despoiled? Why should all these things happen?

Mr. President, it would be difficult to give such an answer to these inquiries as will satisfy the American people. If we distribute the revenue among the States, we shall take one fatal step towards the destruction of their spirit of lofty independence, and reduce them to the degrading condition of servility and dependence upon the General Government. This is not all: if we distribute the revenues among the States, we shall not only destroy their pride and love of liberty, but we shall paralyze the energies and efforts of the people themselves.

Mr. President, it is less than a year since I addressed this Senate upon this very question of distributing the public revenues. I then portrayed the consequence of the measure upon the States and upon the people. I can add nothing new. I have given to this subject all the consideration which its importance demands. I have given to it my best thoughts—my best reflections. And I would not now wish to gainsay any thing in relation to this proposition which I said in my speech upon the assumption of the State debts on February 7, 1840. I cannot support this measure. I regard it as destructive of the independence of the States—as tending to corrupt and degrade the people—as subversive of the great objects of this Government—as conflicting with the plain provisions of the Constitution—as dangerous to popular liberty—as unequal, unjust, and oppressive in its consequences upon the tax payers of the Republic.

Mr. President, in all human probability this is the last time that I shall address the Senate of the United States upon this momentous question, as my place in this body will soon be occupied by another. With deep reluctance have I, even at this time, trespassed upon the patience of this assembly. I was aware that the subject had lost much of the interest which was excited at the commencement of the debate. I was aware that the Senate had become tired of the discussion. I was aware that I came forward under every discouragement.

But, sir, a high sense of public duty has induced me to make the effort. I knew full well the sentiments of the people of my own State. I was familiar with the resolutions of the Legislature of New Hampshire touching this subject. I could not hesitate to take the earliest opportunity to declare once more the magnanimous, the patriotic sentiments of my people. I should have been faithful to my public duty. I should have been regardless of my responsibilities, had I failed to speak forth my views, when I had the proud satisfaction of knowing that, in speaking my sentiments, I spoke the independent, the manly, the noble sentiments of a great majority of the freemen of my native State. Sir, I have said all that I wish to say. I have performed a duty which I owed to myself—to my State—to my beloved country. And when I shall close my public life, if I could realize that my public efforts had, even for a time, stayed the progress of a measure as corrupt, and as corrupting as I regard the measure before us; if I could but realize that the sentiments which I had delivered had, in any way, tended to defeat the project for distributing among the States the money of the people, I should have great cause of joy.

• I may be permitted to add, in conclusion, that the active friends of this measure—so fatal to the independence of the States—to the prosperity and happiness of the people—should they ever be able to induce an American Congress to pass it through the forms of legislation, and to make it the law of the land, will have thrown upon themselves an awful responsibility. If this measure should be approved—if it should become a law, in the present condition of our public finances, and in the present prospects of our country—I should consider that the love of money had controlled every other consideration; I should consider that the power of corporations had overpowered the rights and liberties of the people.

Mr. PIERCE said the motion of the Senator from Illinois being indivisible, a question of some embarrassment was presented to him, and in this view, and this alone, he rose to make a few remarks by way of explanation. If in that land system which had worked so long and so favorably for the settlers, the States, and the Federal Government, there was to be any radical change, such as was contemplated by the respective propositions of the Senators from Kentucky [Mr. CRITTENDEN] and Illinois, [Mr. YOUNG,] he undoubtedly had a preference, and a very decided preference. His desire, however, was to see that magnificent inheritance, which had descended to this from a past generation—that vast and rich domain—he might almost say perpetual source of revenue—kept as a common fund, free and unencumbered, under the exclusive control of Congress, to be used in such manner, and for such national purposes, as the exigencies of the country might from time to time demand. This, it appeared to him, (without attempting to lift the veil which excludes us from the future,) to be the safe and prudent course, to say the least. It possessed no charm of novelty, but it had what was better—what should not be lightly disregarded in public affairs or in the transactions of private life. It was sanctioned by the lessons of long experience. He, then, was opposed to both propositions; but, if either was to be adopted, the substitute enjoyed, in his estimation, many and decided advantages. There was one provision, however, which commended itself particularly not only to his feelings of patriotism, but to his deliberate judgment, and would control the vote he was about to give. He referred to the last section, which provided, that the sixty-five per cent. of the proceeds of the sales, should be set apart and exclusively applied to the gradual increase of the navy and the erection of such fortifications for the general defence of the country, as Congress may hereafter order and direct. He had endeavored, during the last session of Congress, to call the attention of the country to this long neglected, and most interesting question of our

national defences, and he desired to say now, that there was hardly a constitutional measure having these great objects in view, that would not receive his cordial sanction and support. Whether the apprehensions expressed by his colleague, of collision with a foreign power, of vast resources and grasping policy, had any reasonable foundation, this was not the time perhaps to inquire. Our relations with Great Britain, he might be permitted to say, were not altogether what could be desired. Negotiation in relation to the Northeastern boundary had for a long series of years been signally unsuccessful. Was there any recent intelligence calculated to inspire brighter hopes of an amicable determination of the controversy? If so, it had not come to his knowledge. There was, it was true, what there had always been in relation to this matter, from high authority, assurances of an amicable and friendly disposition on both sides; but where was the acknowledgement of our just rights or the approximation of such acknowledgement? Moreover, had not every gentleman read with pain the recent correspondence of the British Minister and our Secretary of State, upon another delicate question involving the rights of the two Governments, and deeply affecting the sensibilities of the people of both? In this posture of our relations, did it become us on the Western continent, while the sword of conquest or of subjugation was already waving in triumph over the East, to slumber or repose in security? He knew that in answer to such a question, there would come up a full and unequivocal negative response from the people, through the whole length and breadth of the Union. But when would action follow? When would that voice imperatively demand the necessary legislation? Would it be resorted to seasonably? or would it be deferred to a moment when argumentation might be drowned in the loud reproaches of citizens banished from unprotected and ruined cities? He said these things, not to awake alarm, or to excite any unnecessary feeling, but to arouse to a sense of possible danger, and absolute duty. It was an astonishing fact, that with the disasters that attended the early periods of the late war, fresh in our recollection, we were at this moment relatively more deficient in preparation for a conflict with Great Britain than we then were; and yet a debate has occupied the Senate for weeks upon the question of distributing to the States a fund not in possession, but hereafter to accrue. He would not pursue this subject of the defences, which would be legitimately before the Senate when another bill upon the calendar should be taken up, further than to remark, that whether war were remote or near, (and he devoutly hoped the former might prove to be the case,) it was undeniably the part of statesmanlike forecast and elevated patriotism to provide for the worst, and to do it in view of our exposed condition and of the vastness of the interests involved. As had been before remarked, his object in rising was not to participate in the debate, but merely to make such an explanation as would place the vote he was about to give upon its true ground, and beyond the reach of misconstruction. It would only express his choice between the two propositions; he was opposed to, and would ultimately vote against both. The state of the Treasury, and the condition of the country, seemed to him alike to forbid any great change in the land system, or any experiments upon the revenue, such as either of the proposed plans would necessarily involve. With regard to the project of distribution, he desired to say it would encounter his opposition at whatever time, and in whatever form, it might be presented.

In his judgment it was repugnant to clear constitutional principles, and the highest considerations of public policy. How this, or that, or the other State was to be relieved from the burden of their heavy debts, were questions to be referred to the resources and the financial skill and policy of each for itself. For New Hampshire, he would say, that while she sought no aid from abroad, and would promptly pay all debts of her own contracting, her people would never consent to be taxed in any way to pay the debts of others. There was no question upon which the opinion of that people was more sound, or more uniform; and that judgment had been deliberately formed, after some experi-

ence in the supposed advantages of distribution. Opposed as they were, most decidedly to the distribution even of our surplus funds, it could require no particular sagacity to foresee how they would receive the absurd proposition to grant to the States, in their corporate capacities, to-day, what, it was notorious, must, by taxation, direct, or indirect, be enacted with all the expenses of disbursement and collection, from the people in their individual capacities, to-morrow.

SPEECH OF MR. ALLEN, OF OHIO.

In Senate, Monday, January 25, 1841.—On the proposition of Mr. CRITTENDEN to distribute the proceeds of the sales of the public lands to the States, submitted as an amendment to the pre-emption bill, then under consideration.

Mr. ALLEN addressed the Senate as follows:

If, Mr. President, a British Minister were, upon this floor, to propose measures for our adoption—measures most beneficial to his own country and ruinous to ours—he would, I presume, in the first place, advise this Government to mortgage its whole domain to the bankers of England, in security for the debts of the States. Next, he would insist that the five millions of dollars, now annually brought to the Treasury from the sale of this domain, should be paid to those bankers through the agency of the States—they being constituted thus British factors to receive and to remit the amount. To supply the consequent deficiency in the national income, he would further recommend the imposition of a new tax, equivalent to that sum, upon the American people, and particularly upon those of the South and West. Then, would he advise that this additional burden should be levied as a duty upon the silks and wines received by us from France, in exchange for our cotton; and upon this latter would he more especially insist, because the imposition of such a duty would inevitably divert our whole trade in cotton from that country to England; and by giving a monopoly to her of this great product of our soil, comprehending, as it does, one-half of our entire exports, enable the English purchaser to fix his own prices upon it.

Such would be the counsels of a British Minister; but, sir, there is no British Minister upon this floor. And yet we have heard these very measures, one and all, urged upon us—urged with zeal and with passion—and that, too, by the Senator from Massachusetts, [Mr. WEBSTER,] the very man who is soon to become the organ of intercourse between his own and the British Government.

In order to attain these results with the apparent sanction of the Constitution, and therefore to veil its breach, as well as the frightful consequences of such measures, from the eyes of the people, words and things have been transposed; objects professed, whilst the opposite are sought; and reason as well as truth been made subordinate to a form of phraseology, which both condemn. That the people may not start at this levy of a British tax, yearly, of five millions upon them, it is proposed, first, to collect it through the secret means of the customs; it is next declared to be a tax on luxuries merely, and therefore a burden alone upon the rich; and, finally, its payment to British bankers, when collected, is to be called a distribution of the proceeds of the public lands to the States. But the imposture stops not here. For, whilst it is by all conceded, including the Senator himself, that Congress has no authority in the Constitution to distribute the national revenue, yet he seeks that authority, first, by going behind and beyond the Constitution to the deeds of cession; then by denying the name of revenue to the fund derived from the lands; and, in the end, by returning to the Constitution, in order to embrace lands never ceded.

In the first part of this circuitous sophistry, we are told that the public domain is not the property of the States, united as a whole in their character of a Federal Union, but held by them in this character as a trust for the benefit, severally, of the individual States. This is said to be manifest from the cessions executed by a part of the States

to the old Congress of the Confederation; and it is upon the assumption of this fact that the argument is rested, which deduces from those cessions the power of the present Government, acting under a Constitution since adopted, to distribute the revenue arising from all the lands among the States individually. But, sir, all the lands were never so ceded. On the contrary, the greater part lie far beyond what were ever the utmost limits of the ceding States, and were purchased by this, from foreign Governments, since the Constitution was adopted. Here, then, whilst the claim of power to distribute, founded upon the alleged character of the cession, is extended over the entire domain, the cessions themselves are found to embrace but an inconsiderable part.

As to this portion thus ceded prior to the Constitution, it has been shown, by other Senators, to have been vested, not in trust, but in absolute property, in the Confederation. Yet, I advert to this without deeming it important. For the object of the ceding States, whatever it might then have been, has since become utterly immaterial; because this Government holds no power over the lands in virtue of those cessions, but by an express grant in the Constitution. From that source alone, it derives authority over all things subject to its action. Beyond that, it has no power to go; because it would then be beyond the source of its own existence. The Constitution was not, as many suppose, the reorganization of a previously existing system, but an original—a first Government within itself; the old Confederation having possessed not one—not even the first—faculty of a Government: acting, as it did, never on men but States, and dependent, as it was, on volition solely for obedience. The ceding States—the States to which the cessions were made—all the parties to the cessions, were alike parties to the Constitution. Their objects in its adoption were the same; and, as the Confederation was dissolved in that very act, a readjustment was necessarily made of their relative rights and interests, equally in the lands as in every thing else. For these reasons it was that Congress, by an express grant in the Constitution, was authorized to “dispose of the public lands;” a grant amounting, in itself, to a cession anew—to a constitutional cession—of whatever right or reversion, title or trust, in the lands, the States might have held prior to, or during, the Confederation. And, sir, this new cession, if not the old, is, upon the face of it, incontestably absolute. For, if not so—if, as is pretended, upon the contingency of having discharged the public debt, the remaining lands, or their proceeds, were to be diverted to a particular object, (as to distribution among the States,) and that object, too, not otherwise within the power of Congress, why was not such object declared? Why was the grant of power not made commensurate with it? Why were the lands—the whole of the lands—confounded with all other public property, and made subject expressly to the same power, as they certainly are by these words of the Constitution: “The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States.” This is the single clause by which Congress has power over the lands, and equally applicable is it to all public property.

If, then, it be said (and so it has been) that this power is, upon its face, unlimited, and that, therefore, although Congress has no authority to distribute revenue generally, it may yet apply the lands, other property, or their proceeds, in distribution to the States, my answer is, that the power is unlimited only within the orbit of the Constitution. To any object which is itself, and independently of this particular power, within that orbit, the application may be made, but to none other; beyond the Constitution Congress cannot go, in search of a new object for the application of this fund; nor can it draw such an object within its own action, by connecting it with others already there.

And of this the reason is plain. Throughout the Constitution there run two distinct classes of powers—the one prescribing the objects to be executed; the other providing the means of execution. In the former class, the objects are few and express, in order to confine the action of the

Government within definite limits. In the latter, the means are, by the form of the grant, necessarily general, yet limited in fact by the objects expressed in the former; because the object in view must ever precede, and afford the sole reason for at all resorting to means. To the second of the two classes belong the general powers “to lay and collect taxes,” “to borrow money,” and to “dispose of and make all needful rules and regulations respecting the territory, or other public property.” The objects to which the proceeds arising from the exercise of these powers may be applied, are, elsewhere in the Constitution, expressly numbered; and the discretion of Congress in making the application is limited to a choice between the objects so expressed. If, therefore, the distribution of the revenue, or of the proceeds of the public property, or of the property in kind, be not itself an object existing in the Constitution, independently of the powers to collect revenue, to borrow moneys, and to dispose of the property, it exists not at all. The power to raise means by taxes, loans, or the sale of property, was left discretionary as to amount, for no other reason than because the sums necessary to execute the express objects to which those means were to be applied were contingent, and, therefore, not to be foreseen. But the number of those objects being known and limited, imposes a check upon the exercise of this discretion. It can be exercised no further than those objects, as they arise, are seen to require. The means are limited by the end. So, likewise, is the selection of the particular one out of the objects, in the execution of which the means are to be applied, left to the discretion of Congress; because, a choice between these several objects must depend upon the ever changing and unforeseen exigencies of Government. But here, too, this discretion is limited to the number of enumerated objects, among which the choice must be made; and that number is fixed in the Constitution. In a word, sir, the power to raise means, from whatever source, is, as to that, exhausted when the means are obtained. The application of them, then, requires the agency of a new and distinct power, which begins to act only when the other ceases. Nor can these powers be blended, increased, or diminished, or the order of their exercise transposed, by assigning the means to an object before they are themselves obtained; or by changing the character of the means, as by converting money into land, or land into money.

Yet, sir, such has been the purpose, the single purpose, of all the reasoning of the Senator from Massachusetts. He claims for Congress the power to distribute the fund derived from the lands, for the sole reason that it is so derived: thus making the power of appropriation depend not upon the object for which revenue may be raised, but upon the source whence it comes. Well, sir, if this principle be sound—if the source of revenue be not limited by the objects of appropriation—if, on the contrary, the number of those objects depends upon that source—if the power to appropriate does not limit, but rests upon, the power to tax—then are both unbounded, the Constitution impotent, and the Government absolute.

But why distribute the five millions yearly drawn from the lands? Is it thought to be a surplus beyond the wants of Government? No. So far from it, that the Senator admits its withdrawal from the Treasury will require the imposition of a new tax upon the people; and actually proposes the levy of the tax, to an equal amount, as the first step in distribution. Why, then, this circuitous legislation? Why not advance directly to the end in view? Why not distribute the tax to be raised, and retain the money derived from the lands? The reason is manifest; the one process may conceal, the other will expose, the real object to the people—taxation for distribution. For in what, at last, does this process end, if not in a distribution of revenue generally—in the levying of taxes upon the people for that purpose; and, in reference to the annual income from the lands, only as fixing, for the present, the sum to be imposed for distribution?

Who, then, can doubt that the Senator's reasoning, disguised though its object be, resolves itself into a claim of power in the Federal Government

to tax the people, not for its own rightful purposes alone, but for the purposes, also, of the States—to tax them for all purposes whatever, as well those beyond as within the Constitution? And if, sir, such be the power of this Government, what power, what right, is left to the States—what security to the people? For is it not evident that, as the power of taxation must ever be commensurate with the objects committed to the care of Government, if those objects be numberless, left solely at discretion, equally discretionary must be that power. Then does the Constitution become a nullity, and the people defenceless. Nor, sir, does the form of Government, in such a case, whatever it may be, change the character of the evil. Despotism over men is the freedom of Government from restraint, whilst acting upon them. Their liberty depends upon the existence of such restraint, not upon their ultimate power of repairing wrongs, by revolution—a power at all times equally available, in their hand, against all the forms and ills of Government. Thus reasoning, as undoubtedly they did, the American people not only divided power between the State and Federal Governments—not only limited each by written Constitutions, but, for the greater precaution, withheld from both all powers deemed dangerous to the liberty of the citizen. But why this division—these limitations?—why this reservation, if the taxing power was to be left in this Government illimitable as to objects or amount?

To tax is a power, in its practical results, including all others. By this it is that Government takes from the people, and applies to its own use, their property, and the products of their labor. To this they submit for no other reason than because Government is instituted for their benefit, and contribution by them essential to its existence. But Government is no longer for their benefit, when, taking to itself an undue proportion of their substance, it inflicts misery where it should afford security against it—a result ever inevitable when the taxing power feels no restraint. Hence it is that the only test by which the freedom or despotism in any system can be known is, whether this power over the property and labor of the people be limited or not. If unlimited, the system is despotic; if limited so inefficiently as to admit of evasion with impunity, it is equally so. In either case, the Government and the people become, eventually, antagonist forces, with antagonist interests—the one struggling to obtain, the other to withhold, contributions. Every new tax, then, strengthens the Government and enfeebles the people in the contest. Through all history, this struggle is visible. This it is, more than any other, that has, in every age, convulsed the world, and strewn its bosom with the blood and bones of murdered men. In the Roman republic, the governing class, having first succeeded in obtaining almost the entire property of the country by sly and imperceptible means long employed, the strife began with the people for restitution. So was it in France prior to the first revolution; and such is now the strife in England. With us it seems Government is about to commence the contest for acquisition with the citizens. But in every instance, whether to acquire or to retain, the struggle for property is the same; and the people, whose labor produces all, are ever in the right. Wherever, under a system at all free, the governing power has succeeded (and it generally has) in the plunder of the people, these results have invariably followed: a division of the popular mass into classes, the rich and the poor; next, the establishment of political orders, the aristocracy, with power, wealth, and corruption—the multitude in penury, dependence, and wrath; and, finally, when civil discord, proscription, confiscation, and death have had their sway, single-handed despotism has closed the scene.

To this catastrophe, and by these means, have all free Governments been brought; and whether it be, of all such, the inevitable tendency, our own example must prove. But if this calamity, hitherto universal, can here be averted [if our destiny shall be found more happy than theirs—it will be because the people resist the evil whilst yet they are strong, and end it at the beginning; for with us, as with others, the necessities

of Government, the support of credit, the relief of the country, are, and ever will be, the ready reasons put forth for taxation without limit, and, through it, usurpation of power. If not arrested at the outset, repetition will give to each act of plunder the authority of precedent; and time, in all things a powerful element of title, will gradually reconcile men to endurance; until at last, having become strong by allaying resistance, Government will throw away the veil, no longer necessary, and claim to sack the multitude, as a matter of right, for the benefit of the few.

In the spectacle of starving millions, England—that England so often commended to our imitation here—affords an example of this unbounded power of taxation. Never, in any part of the globe, have an equal number of human beings produced, by their toil, in a single year, an amount so great of the necessities and comforts of life, as are annually wrought by the laboring English. Upon every principle of justice, then, their own comforts should be proportionably great—their social condition happy. Yet, is this the fact? Are they who toil so incessantly—whose labors produce so much—are they even fed, clothed, sheltered from the storm, themselves, or families? Have they hope, for the future, of relief this side the grave? No! one half of the entire nation—I speak it not from rumor, but upon the authority of British statistics—one half of the entire nation are reduced to absolute pauperism. One fourth dependent, through the year, on the pauper fund alone for support; another, fed occasionally from it, whenever they are brought, as often they are, to the alternative of charity or death. And why this misery, this degradation, of the most laborious people ever known? Why this suffering of the mass, whilst the Government and the ruling orders are notoriously the richest in the world? But, is the evil temporary? will it soon pass away? did it arise from natural or from fortuitous causes—from a dearth—the failure of a crop, or the ravages of a pestilence? Never!—the cause and the misery are alike human and permanent.

The Government—Parliament with its omnipotence—its limitless power of taxation: there is the source—there alone—of all those wrongs and agonies. It is this power, acting unrestrained, through the double agency of Parliament and the bank, by which Government and its appended orders, the aristocracy, church, army and navy, fund-holders and bankers, daily take from the laboring millions every dollar they earn; leaving not even an adequate subsistence. And when thus all is taken—when death itself threatens to stop the future income of Government by the starvation of the laborer—then, but not until then, is enough returned, as a public charity, to keep him alive.

But if, sir, one half of the nation be powerless paupers, the Government (and by that, I mean not the Throne and Parliament only, but them with their appended orders,) are the mightiest on earth. Nor is it wonderful that such a Government, thus armed with the whole earnings of its people, should have been able to expend five hundred millions of treasure to retain these States as colonies; six thousand millions to restore hereditary monarchy in France—should now be able to interfere in the affairs of all nations; to hold, by its navy, mankind in awe; to subsidize, with its capital, half the thrones of Europe. No wonder that such a Government, the natural enemy of ours—yes, sir, I say the natural enemy, regardless of the Federal cant so often heard about “our affinity of interests with the mother country;” regardless of the studied efforts daily made to justify here every abuse, usurpation, corruption, and fraud upon the authority of British example; no wonder that such a Government, with a view to its great object of our humiliation and ruin, should have violated our territory, fired our vessels, murdered our citizens; and, by its stocks, its corporations, its capital, and its mercenaries among us, should have deranged our affairs, reduced our prices, distressed our people, and forced thousands to cry out for relief, and seek it in the expulsion from our councils of those who dared to resist British domination. No, sir; nor is it wonderful that now, when these things are done, Eng-

land's bankers should demand a mortgage on American soil, or that men should be found here ready to give it. Yes, to give it; because “the Federal Government (says the Senator from Massachusetts) is bound to uphold the credit of the States.” And how? By the payment or assumption of their debts. There is no other way. But even this is insufficient. For the Government, to uphold their credit, must guaranty, likewise, all debts the States may in future contract, or assume the power to restrain them from contracting any more. If it can do the latter, then are the States made powerless, and brought in subjection to its will. If it cannot restrain them, and yet is bound to uphold their credit, then must it tax the people as much as the States desire to spend; whilst thus they are induced to spend as much as they can. For if this Government be bound to pay their present debts, so is it their future; if one class of debts, then equally all; if bound to pay those incurred for internal improvements or for banking capital, as were most of these now contracted, it is bound also, and for the same reason, to defray all the charges of State administration. And where is Congress to find means to satisfy a demand so insatiate? In unbounded, interminable taxation.

In this manner it is proposed to uphold State credit; and this is called a favor to the States. As if the State and Federal Governments did not both derive their only revenue from the same and only source—the pockets of the same people. But in what does this favor result? Plainly in this: Congress, not the State Legislature, is in future to tax the people of the States for all object of State necessity; and may, for a reason equally good, prescribe, by law, what those objects shall be, when and how to be executed. Thus would the State Governments, having become useless, be virtually abolished, and the people deprived of the very benefits they obtained by the American Revolution—local government, local taxation, imposed by themselves for local objects. For the Federal Government is, to the people of a State, in reference to their local affairs, a foreign power; and if, to raise revenue for State expenditure, it assumes the right to tax them, they are taxed without their consent—a condition which no other word than tyranny can describe. But for illustration, I put the case. The people of Ohio, acting through their local Legislature, now judge of their own wants as a State, and tax themselves to meet those wants. If a canal is desired, they determine when, where, how, and by what agency, it shall be executed. If a tax be necessary, they decide in what manner, when, and to what amount, it shall be levied. These questions, so important, are settled by a majority of that people, none others interposing; and in this fact they find the benefits of the State Government. But if, instead of this, Congress, in whose power the people of Ohio have but a limited participation—if Congress, whose action they cannot, therefore, control, should assume to judge for them of their local wants—to tax them for distribution to meet those wants—that is to say, decide for them when and in what part of the State a canal shall be cut, and tax them to defray the charges of the work;—if Congress should act thus, would not that people receive their local laws, and pay local taxes imposed against their consent, by the will of others—as much so as did our fathers of the Colonies before the Revolution? For is it not evident that a people are taxed without their consent, when, as in this case, the disapprobation of a majority cannot prevent it? Nor does the fact that the State is represented in Congress affect the principle, so long as the tax and objects are local.

This illustration would seem sufficient; yet I will push it still farther. The people of Ohio owe a debt; and, to pay it, propose to tax themselves, at their own time, in their own way, to the amount of a million, through their own Legislature. Congress comes forth, and says to them, Keep your money; I will give you enough to discharge your obligation. The people reply by asking, Where will you get it? Congress answers, I will give you the million I have just received from the sale of my lands. The people then ask, If you give us that million, will you not yourself want

another, to discharge your own obligations; and, if so, where will you get that other? Congress replies, Yes, that is true; and I shall indeed be compelled to tax you for this last million, before I can agree to give you the first. The people answer, If that be the case, what make we by it? You give us one million, we give you another; and we, moreover, have to pay you the costs of collection. Better, then, that we should keep our own million and pay our own debt; for what you propose is nothing more than to tax us a million to pay it, if, in addition to this, we will reward your trouble. Congress replies, That is even so; I am aware I must first take the million from you, by taxation, before I can return it in the way of distribution; but still, you had better submit to this, than to tax yourselves for the payment of the debt; because, when taxed by yourselves, you know it; the tax is paid directly, and each man sees what he pays; but when I tax you, though you pay even more, you do not exactly see the process: as you pay to me, not through the collector, but the merchant, in the increased price of every thing you buy; and this I call my indirect tax or tariff duty, which the merchant had, in the first place, to pay, when he purchased the goods at New York. To this the people answer, It is not the manner of paying, but the payment itself, which takes money from our pockets; and your reasons are, therefore, insufficient. Congress again replies, That, likewise, is true; but the fact is, you, the people of Ohio, owe the British bankers a debt, and will not, I fear, tax yourselves to pay it; and I wish to compel the payment, by myself taxing you for that purpose. The people rejoice by saying to Congress, You came here at first offering us money as a favor, in the name of distribution, to pay our debt; you have ended with an impeachment of our integrity; with an attempt to usurp the power of State taxation; with an impertinent interference in our affairs; therefore, depart.

Thus are the forms of indirect taxation and the name of the public domain sought to be made the means through which this Government may assume absolute power over the States and the people—over the whole property and labor of the country.

And who are to receive the fund distributed? Not the people, who, in the first place, paid it; but the States—the Legislatures of the States. In what would this result? Extravagance and waste. Not, indeed, because legislative bodies are (for they are not) likely to be composed of men less virtuous than others, but because no body of men, however honorable individually, ever could, or ever can, with safety, be charged with the conduct of public affairs, in the absence of all responsibility. It was for this reason, drawn from the calamitous experience of the world, that the serious, the thoughtful, the cautious people of America imposed upon all the departments of power, as well as upon each public functionary, the most positive restraints and highest sanctions, by their written organic laws. The great, the only security the people of a State now have for the economy of its Legislature in the expenditure of the public money, is the responsibility under which the Legislature acts, of having itself, first to tax its own constituency, in order to raise it. But, by the system of distribution, the responsibility of collecting revenue is to be separated from the power to apply it; Congress is to tax the people, the Legislature to expend the tax. Each member of the latter body, aware, therefore, as he would be, that, when the State Treasury was exhausted, Congress, not he, must bear the odium of laying a new tax to replenish it, would very naturally seek to obtain for all objects in his particular district or county the largest appropriations possible; considering, as he would, every dollar thus obtained a clear gain, to that extent, out of the common spoil. In this manner, the very desire now so strong with the representative, and justly so, to please his immediate constituents by his economy of the public money, would then become a reason equally strong for its profligate waste. Where, in such a case, would be the limit to expenditure?—where to taxation necessary to meet it? Nowhere, until Government had consumed the whole sub-

stance of the toiling multitude, and left them here, as in England, clad in the ragged livery of pauperism—breadless and hopeless.

Sir, I have already said that the money, if distributed, will go not to the people who, in the first instance, paid it. Again, I have said that in all Governments professing to be free, this power of unlimited taxation ever has divided the mass into classes of the rich and the poor, and upon such division founded separate orders in the State—the one, who govern and riot; the other, who toil and obey. Such always will be found to be the result. The process which leads to it is plain. The aggregate fund in the hands of Government is made up of contributions by every citizen. In the application of it, therefore, or its benefits, justice requires that each should receive a proportion equal to that he advanced. But in this case? Never; nor ever can it be. It is one of the evils in the best of Governments, that equality in the distribution of burdens and benefits is found utterly impracticable. And, sir, it is for this very reason, more than for all others together, that taxation and expenditure should be strictly limited. For, in every tax, some are made thus to pay unrequited tribute to others. The wrong increases with each additional assessment, until finally, if continued, it breaks the equilibrium of society. The favored class rises to wealth by the very cause that depresses the unfortunate. Each day separates them more widely from one another; and the former, drawing still nearer to the Government whilst the latter is sinking beneath it, becomes, in the end, the Government itself—a ruling order, based upon and sustained by the pillage of the multitude.

What with us has been the fact, and what its results, in the very first instance of distribution? To all it is known that 28 101,614 dollars, then called its surplus revenue, were, in the year 1837, distributed by this Government, in the name of a deposit with the States. Where went that money? To the people? to the men by whom it had been advanced? No; not the fifth dollar of it; but to the Legislatures first; and then, chiefly, to banking or to other corporate companies, and to the rich, for the very reason and they were so.

And now, that I may the more clearly expose this—the flagrant injustice inflicted by the practical operation of the distribution principle upon the tax paying mass of the people—I shall trace briefly, yet with all the accuracy of which a matter so confused and complicated admits, the progress of this surplus fund, from the National Treasury to its last known destination. But here, before proceeding further, it is important to remark, that I speak in reference only to the \$25,234,131 received by the twenty out of the twenty-six States, by which alone reports have been made to this Government; the other six to whom \$2,867,512 were distributed, having made no returns. So is it likewise material to observe, that fractions are, in all instances, discarded; because anxious to prevent merely the general truth, I desire not to obscure it by immaterial particulars.

In the first place, then, out of the last installment, paid as it was in the notes of suspended banks, (worth on average, at the time, but about ninety cents in the dollar,) those institutions thus manifestly gained, without an equivalent, near one million of dollars. To this, and next, in order are to be added \$3,554,000, which inured to the benefit of the banks, in the form of loans made to stock invested, and depositors made, in them. Then, as recipients of this fund, come the private companies, incorporated mainly with a view to internal improvements, and to whom \$969,000 went as stock and loans. And finally, of the total sum, \$10,033,000 were distributed to the town and counties of the States, to be loaned by them (as was generally the fact) to banks, to other corporations, and to the wealthy few among the citizens who were able to pledge property for its payment.

Thus, from an analysis of the reports made by twenty of the States, does it incontrovertibly appear, that, of the twenty-five million two hundred and thirty-four thousand dollars, drawn first by the taxing power of this Government from the whole body of the people, twenty million five hundred and fifty-six thousand inured, in its distribution, to the

benefit of the banking and other chartered associations, and to the favored few—not the needy, but the rich—in the towns and counties; whilst, on the other hand, but about five millions (one-fifth of the great aggregate) was applied to public works undertaken by the States—to the payment of their debts and their current expenditure—the only form in which the people could feel the benefit in the reduction of their taxes.

Here, then, is an example of the wrongs already committed on the mass of the nation, by this Government's abuse of the taxing power; for from this abuse it was that the act of distribution resulted. I speak not, therefore, harshly of the act itself; first, because it was a consequence rather than the prime source of the evil; and again, for the reason that there are some among my own political friends, who, thinking to disengage the Government from the embarrassments the surplus occasioned, gave the act their support. On them, whatever may now be thought of the policy of their course in this particular, I would inflict no wound—none certainly on them, whilst there are yet, on the other side of the Senate, those, our common enemies, who, responsible for the primeval sin, are therefore the rightful subjects of complaint. No; I censure not friends supposed to have erred, when there are foes known to have done so. "Pursue the strangers, but spare the Romans," was the just injunction at the rout of Pharsalia; an injunction it were well to remember in all the conflicts of men.

After this example—the first in our history—who can doubt the certain tendency of distribution? Who can doubt that, if renewed, this policy will eventuate, as before declared, in the formation of classes among us—in the establishment of orders—in the concentration of all power in this Government—and, finally, in the transfer of the Government itself to the hands of a moneyed aristocracy? What have we already witnessed? Have we not seen these banks, these corporations—every one of them, of every description, to which the revenue distributed went—have we not seen the favored few, almost to a man, by whom so large a portion was received—have we not seen all these, banks, corporations, and men united, combined, enfranchised against the Democratic party—and that, too, for the very reason, openly proclaimed, that it opposes this iniquitous system of taxation for their benefit alone? Have we not seen the same institutions, the same persons, and the same associations of persons, banded together in a common league with the very men who, in the legislative halls of the States—in the halls of Congress—in the Executive and Judicial Departments, State and Federal—in all the subdivisions of political power, now stand forward the relentless advocates of taxes and distributions? Yes; the very men who, whilst they tell us the Treasury is exhausted—the blood dried up—still furiously clamor for the last dollar—for the last drop. And why? To satiate the maw of an ally, who has conferred dominion upon them.

At first, sir, the object of distribution was disguised; but now, victorious as they are, it is openly proclaimed. The Senator from Massachusetts, no longer concealing the real motive, declares that he presses the distribution of the revenue among the States, in view of its application to the payment of their debts; and for this he finds constitutional authority, in the obligation of this Government to uphold the credit of the States, which, he informs us, has been rudely assailed. And here, sir, it was, at this point of his argument, that the Senator broke forth in the bitterest denunciation of those by whom he alleges this assault to have been made. But who are they? In what manner, when, where, by what means, have they assailed the credit of the States? Will it be believed (and yet it is true) that it was the Democracy to whom he alluded? He adverted, first, to extracts in a British paper, taken from the Globe of this city, styled by him the organ of the Administration. Next, having referred to measures with which he knew the Democratic members of this body to have been associated, he pronounced these things an attack upon State credit; and then declared that "the man who would impair the State credit is an enemy to America, by whatever name he may call himself." What, sir!

the Democracy assail the credit of the States! the Democracy enemies to America! they who, on all occasions, have ever defended, most zealously, the rights of the States, the liberties of the people, the interests, honor, and glory of America; who have defended all these, whether endangered from abroad or within; whether by treasonable machinations, or open war; they who, in the hour of their country's utmost need—when periled by foreign arms and domestic treason, were, of all her sons, the first to come forward—the first to proffer their counsel, their substance, their blood, in her defence—the most cheerful to die; they who now, in the pending struggle, again swear, as they ever have sworn, upon the altar of that country, unsparing hostility to tyranny in all its forms—to every league into which ambition and avarice may enter, for usurpation and pillage. Are these the men, this the party, who are thus denounced—denounced as enemies to America, because, in this trying crisis of the Government, when all the humors that commonly conspire to bring liberty to its death bed are manifesting themselves around us—because, I say, they dare, in such a crisis as this, to oppose what they solemnly believe infracts the Constitution, blows out the States, hazards the public peace, and tends infallibly to sheer over the land the baleful influence of a foreign power; because they dare oppose a system of measures which threatens to fire the passions of men to fury and madness, by placing all property in the hands of Government as a prize, to be sought by fraud and violence, and obtained amidst the turmoil of a general strife, only by the most daring and profligate? Are these the citizens denounced for opposing such measures, as enemies to America? Yes, this is the imputation—indirect, it is true, but still the imputation—made by that Senator, made with feelings transported beyond all bounds, as if, whilst struggling thus to mortgage to British bankers the soil of his native country, his allegiance had been inflamed anew by a glance at that signal which, at the dawn of battle, first rose on the terrible day of Trafalgar—"England expects every man to do his duty." Yes, sir, I repeat it—feelings transported; for never but once before have I known that Senator excited to an equal heat beyond the uniform temper of his mind. And when was that? Need I tell you, Senators, (most of whom were present,) that it was on the memorable night when, pending the proposition for three millions to defend the country in the event of a war with France, he stood forward, and in his place, upon this floor, declared he "would vote it not, even if the enemy were battering down the walls of the Capitol"—a declaration in reference to which a member of the other House, from his own State and of his own party, [Hon. J. Q. ADAMS,] proclaimed in that body, "that the man who would utter such a sentiment as that, had but one more step to take, and that was—into the ranks of the enemy."

Sir, to support its own credit, will require all the resources placed by the Constitution at the disposal of this Government. With that of the States it has no right to interfere, for good or for evil. For, if it can with the one object, so it may for the other—if to uphold, so may it destroy—if to take the States under its guardianship, in like manner may it reduce them to dependence upon its will—to dependence not merely for supplies, but for their very political being; for the former essentially involves the latter.

But, sir, if the Federal Government had the right and the means of interposing to sustain State credit, it could not by possibility do so, without the utter destruction of that credit, or of the State Governments themselves. For, if you commence and continue to pay the debts of the States, the States will continue to contract them, as their sole source of supply; and that for the reason that you, by strengthening their credit for the time, enable them to do so; and because you, not they, are to endure the burden of payment. Thus, in that event, will you supplant the State Governments, by rendering them palpably useless, except as affording a pretext for unlimited taxation by you, to meet demands created by them. And if, upon the other hand, after having commenced the payment, and thereby stimulated the States to new indebted-

ness—thrown them from their guard—directed their attention from all means within themselves to discharge obligations—if, then, you discontinue that payment, do you not destroy their credit? What, indeed, sir, is the proposition now made, of distribution to pay State debts, but an assault upon their credit? On what assumption does it rest, but the insolvency or dereliction of the States? For, if they can and will pay, wherefore do you interpose? Will not the same amount be required, whoever pays? and must not the funds be drawn from the same source—the pockets of the same people? These questions, obvious as they are, are not more so than the fact, that the answers to all resolve themselves into this: that the Federal Government, seeing the States indebted to British bankers, deems them insolvent, or capable of a breach of faith; and therefore, taking upon itself the agency of those bankers, it assumes to displace the State Legislatures as the taxing power for State purposes, and to coerce the States into payment, by itself taxing their people for that object.

And now, sir, having thus far sought, by reasoning, to illustrate the effects of distribution upon the credit of the States, I advert to the twenty-eight millions deposited with them in 1837, as a matter of experience, which anticipates all argument. Then were the States less indebted, their credit better than now. And why so? Because the deposit, though it became itself a debt due from the States, nevertheless stimulated them to yet greater indebtedness, whilst, on the contrary, you deposited no more. Nor, sir, was the deposit applied, in any proportion, to the discharge of any debts whatever—and that for the reasons I have already given, and which must forever exist, so long as one power levies, another expends, and both are free from restraint.

As to the new tax proposed to be laid, for distribution, upon the wines and silks now annually exchanged by France with us for cotton, to the amount of twenty millions of dollars, it must, I have said, fall chiefly on the people of the South and West. And why chiefly upon them? Because a tax upon those articles, they being luxuries, must, if sufficiently high to produce the expected revenue, result in their exclusion from this country, and by consequence the exclusion of our cotton from France; because that exclusion of our cotton must, by restricting thus the foreign market, reduce, in a corresponding proportion, first the price, and then the quantity raised in the South; because such reduction in the quantity of cotton must reduce, to that extent, the quantity of labor now engaged in its culture, and increase the products of grains and meats in the South, by the transfer of labor from cotton to them; because that transfer of labor, and increase of grains and meats, produced in the cotton region, must diminish in that proportion the demand there for the grains and meats of the Northwestern States—Ohio, Kentucky, Indiana, Illinois, and others; because such decreased demand must diminish proportionately the price of these Northwestern products, grains, and meats; and because, finally, that diminution of price must fall a dead tax upon the people who raise those products.

England, however, and England alone, would be benefited by this process; and benefited doubly and trebly would she be—benefited in exact proportion to the injury sustained by us: for as she, with the exception of France, now affords our only market for cotton, if the ports of the latter be thus closed against us, then must she enjoy an exclusive traffic in the article, and thereby power absolute over its price.

Well, therefore, might England and England's bankers desire the promotion of those to authority among us, by whom these measures are proposed. For what benefits, should such measures prevail, has she not a right to expect? What evils—what dangers to our country—to its independence and liberty, have we not reason to apprehend? With a monopoly of half our exports; with a mortgage on our whole public domain; with near three hundred millions of stock, State and corporate, invested in our country; with British agents, mercantile and otherwise, innumerable in our importing cities; with a language, a commerce, a kindred, a litera-

ture, and a common law, each a medium of her influence upon us; with her habits and manners, her tastes and fashions, already visible throughout our Atlantic frontier; with provinces and armies on our borders; with questions pending most threatening to the peace of the nations; with a natural hostility to the forms of a Government whose example endangers her own; with her military resources, and armaments, vast as they are, on land and sea; with these, and all these means of action and motives to act, what has she not a reason to hope, and we to fear, if, at any time hereafter, a party, however small, should be found in our midst, willing to second her views of ambition?

Already is England deeply interested, through the stocks of her bankers, in our State legislation. Already has she inducements to interpose in our affairs. But great as her interests are, and strong her motives, both will increase a hundred fold should the proposed measures prevail. Should this Government blend its legislation with that of the States, and thus, as the national power, afford a pretext for making the security of this British capital a question of peace or war, then will British influence be felt in all its energy; then will it enter, not as heretofore, slyly and incidentally, into our political struggles, but with system, openly, and as a matter of pretended right; then will it pervade our public councils, form the basis of a British faction among us, and eventually stamp the impress of England upon American legislation. And, sir, who can doubt—who that acknowledges any allegiance to truth dares to doubt, that the influence of England has been felt—deeply and dangerously felt—in producing that state of things which brings these measures now before us? What British steamer, for the last three years, has struck your shore, whose shock did not vibrate throughout the land? When did the Bank of England speak to the commercial world, that your paper system did not quiver in all its fibres? When did your banks suspend—when contract or inflate the currency—when did they either of these, without finding in England a reason for their conduct? Never. And think you that a nation so vigilant of her interest as the British—so ambitious of domination—so deadly hostile to this people, to liberty here and the world over—so prone to interpose in the affairs of all others—with motives so strong, and means so adequate, to aid in the change of our councils—think you that she stood indifferent to the recent contest, when, through the agency of her stocks, the machinery of the paper system, through the curtailment of our currency, the reduction of our prices, the consequent distress and discontent of the people, she could affect that contest, and secure the triumph of her measures? No. Impossible. England takes care of England's interests, wherever they may be; nor will she ever want friends where those interests require them.

But stop! The Senator from Massachusetts, indignant as when, but a moment before, he imputed to others the crime of being enemies to America, exclaims, "I am tired of hearing this British influence talked of." Indeed! And wherefore tired? Has not that sound been long familiar to him? Heard he not those words during our recent war with England? when that England, forgetful of our common origin, regardless of all the dictates of humanity and justice, of religion and of honor—regardless of the rights of civilization itself—employed the hereditary vengeance of the Indian tribes against our people; employed the hatchet of indiscriminate massacre, not only in the field of battle, but in the slaughter, upon their farms, of the unoffending citizens of the frontier—men and women, old and young—sparing not even the poor little children? Heard he not then those words, when, in the solitude of the wilderness, remote from all succor, the Western settler, returning with the coming night to his lonely cabin, might find that cabin wrapped in fire; might see by its blaze the furious features of the brawny savage as he raised himself up from his deed of death, holding in one hand the bleeding scalp, and, with a wild and horrid glee, brandishing with the other the reeking tomahawk over the cloven brain of the wife; whilst the infant, yet alive, clung for protection to the mangled corpse of its mother, and

turned a mercy-imploping eye upon her murderer;—heard not that Senator of British influence then? And if not, where was he? Where, in that day of his country's danger, when with her borders in flames, her Capitol in ashes, her energies strung to their utmost tension, she stretched forth her hands, and, with a parent's voice, demanded the aid, the counsel, and courage of all her sons;—where in that day, was the man who now, when England's interests are involved, denounces Democrats as public enemies, for refusing obedience to a British edict? Where then was he? Did he respond to that call of his country? or did he scoff at her calamities, and, utterly insensible to the sufferings of his fellow-citizens from conflagration and massacre, did he, as a member of the other House, answer their cries for aid, by refusing even bread and clothing to the troops marching to their relief—marching to put out the fires, and to save the victims? I ask these questions, and I appeal to the journals of Congress—yes, to this whole nation—to answer.

Recent occurrences, Mr. President, have thrown a dark pall over the face of the land. Causes, innumerable, each in its way threatening the public freedom, have collected about us. To those preinclined to despondency, the future presents, therefore, a dreary and a dismal prospect. But to the high-hearted, untiring Democracy, there is nothing in that future to excite terror or despair, for, united in purpose and in action, and roused by the great object of a nation's deliverance, such a party cannot be withstood in a cause so just and glorious. Courage, then, my friends; let us draw fresh courage from the very presence and magnitude of the danger; and with confidence unabated in the general body of the people, let us rally in one great effort to the coming strife. Then will the league of ambition and avarice, now formed against us; be speedily broken; then will the Constitution be restored to life, law to its dominion, truth to its authority, and justice to its rights. No; let none despair. The source of all power and of all hope—the heart of the nation—is still sound to the core; still are the forms of the Government left; and still, over our infant liberty, the guardian star keeps watch in the sky. Long may it yet elude the search of the tyrant; and if, in after days, when grown to maturity, the high priests and money-changers shall conspire to bring it to the cross, there, even there, in pity and in mercy to poor human nature, will it, amid the last agony, invoke, "Father, forgive them; they know not what they do."

REMARKS OF MR. SMITH,

OF INDIANA,

In the House of Representatives, February 25, 1841—

On the navy appropriation bill; the question pending being on the motion of Mr. SALTONSTALL to augment the appropriation "for the increase, repair, armament, and equipment of the navy, and wear and tear of vessels in commission," from \$1,425,000 to \$2,000,000.

Mr. SMITH, after some preliminary remarks, in which he said he should trespass but a short time on the patience of the committee, expressed his intention to vote against the amendment offered by the gentleman from Massachusetts, [Mr. SALTONSTALL.]

Mr. S. then referred to the previous speeches in favor of the amendment, and commented with some severity on the inconsistencies of certain gentlemen in attempting to explain away their past scruples about "extravagance," &c. Those gentlemen after having, for the last few years, raised an incessant clamor about "retrenchment and reform," now appeared willing to act upon the very system they had been so vehemently condemning. But, in order to escape the conclusion which must necessarily be drawn upon their strange conduct, they veered round and now asserted that they did really want reform; but a reform, not of money, but of principle. Now, what was to be made of this? Could there be a reform of principle without a reform of money? Could gentlemen be said to have reformed in principle, when, at the same time, they were advocating the most extravagant appropriations? The idea was preposterous. It

was a distinction without a difference, and the weak and miserable attempt at excuse would be properly appreciated by the public mind.

Mr. S. then proceeded to notice the aspersions cast upon the Secretary of the Navy, whom some gentleman had sneered at as a mere "novel writer," and had asked what could be expected from such a person. In answer to this, Mr. S. said he would as soon trust the affairs of the Navy in the hands of a "novel writer," as to a man who had been immured all his life in a law library. (Mr. S. here, the Reporter presumes, had reference to the future Secretary, Mr. Badger.)

Mr. S. repeated that he considered it his imperative duty to vote against the amendment, inasmuch as it asked an increase of the appropriation much beyond that which had been recommended by those whose peculiar duty it was to attend to the interests of the Navy, and who had it under their especial charge. Mr. S. contended that it was to be presumed that those who had the subject under their especial charge, ought to know best what amount of money was required.

After some further remarks on the above head, Mr. S. said it would be impossible for gentlemen to carry out their promised system of reform unless they commence by cutting down all unnecessary appropriations.

My colleague (said Mr. S.) has said that he did not complain so much about the amount of money expended by the present Administration, as the manner in which it had been expended. Now, he (Mr. S.) was unable to comprehend the distinction.

Mr. S. next proceeded to notice the strange inconsistency of the Opposition, in first raising a storm about the amount of money which had been expended by the present Administration, and then in the same breath proposing to run up the expenditures of the coming administration to five times the amount.

The mover of the amendment [Mr. SALTONSTALL] had pursued a most extraordinary course, for, but a short time ago, he had been sending documents through the land, complaining of the extravagance of the Administration, and now he had been declaiming against the same Administration for "mean parsimony."

Mr. S. then went on to show that the charges of gentlemen that the navy had been neglected, was without the least foundation. So far from the interests of that branch of the public service having been neglected, it must be obvious to all who would take the trouble to examine the documents, that the navy had been materially increased during the last few years. He then showed the great amount of money that had been appropriated for that branch of the service, and was surprised that gentlemen should make such charges as they had. He sincerely hoped that they would, in future, take the trouble to examine the documents to see what had really been done, before they proceeded to make charges so utterly devoid of foundation.

Those who had this particular object under their control were, it must be admitted, most likely to know what was really wanted.

But Mr. S. proceeded to say that the Navy Board, like every other body who had a particular branch under their care, were apt to think that on that particular branch alone depended entirely the interests of the country. This was very natural, but it was the duty of Congress to supervise the estimates, and, when needed, cut down the appropriations recommended.

In saying this, however, he (Mr. S.) wished to be understood as being willing for ample appropriations for the navy, although he would not vote for an extravagant appropriation.

Mr. S. in referring to the feelings of Western people on this subject, said he did not pretend to be an exponent of Western feeling, but still he thought he had carried out the principles on which he was elected. But, (said Mr. S.) my colleague [Mr. PROFFIT] was elected as a "reformer." But, let our actions and our votes on this floor show who has been the real reformer. The people of the West expected that the appropriations ought to be cut down, and that, in their opinion, was reform.

Mr. S. next proceeded to notice the fortification bill reported by Mr. WADDY THOMPSON, from the

Committee on Military Affairs. That gentleman (said Mr. S.) has introduced a bill involving an amount of two and a half millions, and yet he claims to be a reformer! He reads us a homily about fortifications at the South, on the Gulf of Mexico, etc. He tells us a story that the cities of New York, Philadelphia, New Orleans, and other great commercial cities, might be destroyed, or laid under contribution by an enemy, in our present defenceless state. But he would ask the gentleman how we managed at the last war, when we were much weaker than we were at present—when our resources were not to be compared with those we now possessed; and yet we defended New Orleans, without any such fortifications as the gentleman deemed necessary. The gentleman would bear in mind that the patriotic sons of the West, with a few cotton bags, gallantly repulsed the enemy, and carried death and destruction into their ranks. It was done then; and if the same patriotism now glowed in the bosoms of the people of the West, it could be done again.

Mr. S. went on to say, that he was apprehensive that gentlemen did not present their real reasons for asking such large appropriations. There was something behind the curtain—some movement which was calculated to be kept from the public eye. So, in order to get the people to do that which they would never do voluntarily, this cry about the defenceless state of the country was raised, as a pretext for getting appropriations. The only way to reform, was to cut down, instead of increasing, the appropriations. But gentlemen said they were about to reform on principle. That was rather a strange assertion, to reform on principle, without reforming in their expenditures. He wished some gentleman would be kind enough to give a definition of what was meant by a reform of principle, and a reform of money. How were they to reform on principle, without reforming in money?

Mr. S. then alluded to the favorite measures which the friends of the coming Administration desired to carry, such as a high tariff, a National Bank, &c. He intimated that the people, under the present feeling of exultation and excitement, might easily be led to rally round any popular leader, around whom they would freely rush for the carrying of any system of "reform" he might think proper to recommend. The people, at the present moment, did not stop to reason, but were under the influence of a high excitement. The fact was, that now enthusiasm had got the better of reason. But when the people should have time to reflect calmly, they would not so easily be brought to support the schemes now desired. When the people should have time to look around them, after the waves of political excitement should have subsided, then reason, and not passion, would rule. But gentlemen were afraid to wait until that time. They must seize the present moment, or they knew they would have no hope.

After some further remarks, Mr. S. contended that he would prefer the estimates of the committee to those of the gentlemen who had advocated an increase of the appropriation.

But (said Mr. S.) I have another reason, though I do not rely upon that, for voting against the amendment. By keeping down the expenditures, it would prevent the necessity of calling an extra session. If the appropriations were kept within proper bounds, there would then exist no reason for a called session; and he presumed that, under such circumstances, the coming Administration would not dare to commit so flagrant an act as to call an extra session, unless, in the event of an "extraordinary occasion," such as foreign war, &c.

Mr. S. concluded by saying that he would vote for the bill as presented by the committee, unless stronger reasons should be urged in favor of the amendment.

REMARKS OF MR. SMITH OF INDIANA, On Friday evening, the 26th of February, 1841, pending the same amendment.

After Mr. WICK sat down, Mr. PROFFIT obtained the floor, and, at considerable length, gave his views in favor of the amendment to the Navy Appropriation bill, and in reply to Mr. WICK, and to the

speech of Mr. SMITH made a few days before on the same bill. Mr. PROFFIT spoke of the position of Mr. WICK, but regretted that he did not see him in his place. He said he was informed that his colleague (Mr. WICK) had made statements denying what he had said of that gentleman's position on a former occasion; if so, he stood ready to prove it in half an hour. He regretted, he said, to see he was not in his place, but he hoped, if he had any colleague that heard him, he would answer.

Mr. SMITH rose and said, he would not undertake to speak or explain for his colleague, (Mr. WICK,) who was so able to speak for himself, but he would repeat what he did say, as he understood him. He said "that it was true that once he did support Mr. Clay; but when Mr. Van Buren was elected President, he supported him; and at the time of his election to Congress, it was well understood and fully known to his constituents."

Mr. PROFFIT proceeded and said, let his colleagues go home and tell the people of Indiana, whose districts are against them 1,500, 2,000, and thousands, that they have been deluded by coonskins, log-cabins, etc. and he ventured the return from that State would return 0—pretty much what it is now.

Mr. SMITH arose and demanded of Mr. P. to locate his remarks, and state which of his colleagues had ever, in debate, used the words "coonskins" or "log cabin," or in any way impugned the intelligence of the people. He said he had not even heard such remarks.

Mr. PROFFIT replied that General Howard had. Mr. SMITH remarked (sitting down) it was not brave to fight the dead or absent.

Mr. PROFFIT, after some other remarks mainly addressed to Mr. S. took his seat.

Mr. SMITH arose to reply amidst loud cries for the question.

Mr. WADDY THOMPSON gave notice that he would enforce the rule, and require gentlemen to keep to the question.

Mr. SMITH appealed to the magnanimity of the House, whether they would enforce the rule upon him, and cut him off from a reply to the remarks made by his colleague—made at broadcast—impugning himself and his colleagues. He did not apprehend that such a course would be taken.

[Cries of "no, no! go on! go on!" from all quarters.]

Mr. S. said he did not propose to be tedious; and that it should not be thought that his remarks were totally irrelevant, he would say as much about the amendment as any gentleman had said, and that he would say in a very few words; and that was, he was opposed to it, and should vote against it.

Mr. S. said, that in the remarks he made a few days ago, he did refer to his colleague, [Mr. PROFFIT,] but regretted that he was not in his place. His reference was very brief on that account; but what he said then, he would recapitulate now. That was, that he did not think his colleague was a correct exponent of public sentiment for the West, when he stated that he would vote the amendment, two millions or five millions for the navy, or that he would be willing to see the public domain pledged, exclusively for the benefit of the navy. Mr. S. said he knew that the people of the West felt a deep and patriotic interest in the navy. But they were not willing to have its whole weight saddled on them. His opinion was, they were willing to contribute their due proportion for its improvement and support, and that on fair and equal principles, and no more. He might mistake public sentiment, but this was his opinion; and further, said Mr. S. I am opposed to the idea of building up and supporting a navy in time of peace equal to the contingency of war. Such a policy would be suicidal, and calculated to eat out the substance of the people. But my colleague may be right, and I wrong; but I trust this issue to the people. He says he always was opposed to this narrow, contracted policy. He said in the Legislature, when it was unpopular to speak of distribution of the proceeds of the sales of the public land, he had taken bold ground in favor of it, and introduced resolutions on that subject; when graduation, pre-emption, reduction, and

cession was the humbug cry, he always was opposed to narrow policy; he had a contempt for it. It was true, Mr. SMITH said, that himself and colleague, in the Legislature of their State, were regarded as very opposite in politics. His colleague was then for profuse expenditure; and he was regarded as a rigid economist. He said he was sent here as a friend of the present Administration, and his colleague came up as a mighty reformer and economizer; but, though measures were changed, practices were not. Notwithstanding the professions of his colleague, Mr. S. ventured to assert that, if their votes were compared in Congress, his colleague had voted to appropriate millions more than he had. Sir, said Mr. S. I have been with my colleague in all his efforts at boastful reform. I voted with him last year to reduce the salary of the Commissioner of Pensions from \$3,000 down to \$2,500. I was prepared to go any length with him in reform, and knew I should not hazard much. But, to my mortification, he comes out this year, disclaims that act, and says it is the only bad act he has done since here. In his disclaimer he includes me in his crimes, if it be one; but, I can bear it. I differ with him in the opinion that it is the only bad act; I incline to think it is the only good act, and I am glad to share his good deeds, and avoid the bad. But I must confess, said Mr. S. I was somewhat astonished when my colleague made the motion to reduce that officer's salary, well recollecting, in our State Legislature, that that gentleman sustained and supported the payment of a salary much higher to our *Chief Engineer*—a salary in proportion to our revenues, about equal to the sum total necessary for the support of the navy of the United States as compared with the revenues of the United States. Our revenues at that time was about \$60,000, wrung from the hard earning of the people by taxation, and the revenues of the Union not less than \$40,000,000. Sir, said Mr. S. the change from extravagance to economy in my friend is in sound, not in substance.

Mr. PROFFER stated the gentleman (Mr. S.) might write out speeches at his leisure, &c.

Mr. S. replied that he was not in the habit of writing out speeches; he never had written out one, and he was very careless that the people knew what he did say. He did not write, speak, nor act for immortality, politically, but he was desirous, by his votes and deportment, to represent his friends fairly, and that he would do so no man knew better than his colleague. It was known to his colleague that he never was known to recede an opinion for popular favor, and he never would. Mr. S. said it was easy to say bold things and speak big words—large words were as easily spoken as small ones—but it required force of character to stand out against the storm. If my colleague insinuates that I was not fully understood, at the time of my election, by the people, I feel bound to repel it, for the credit of my honorable competitor, the Hon. Geo. H. DUNN. I know, to name him, many will recognize him and recollect him as a man of talents. Sir, his ability will not be disputed. Then, sir, surely if I failed, as perhaps I did, to make the people understand the question of the *Sub-Treasury*, it is not complimentary to him, that he failed too as he attempted to point out its deformity, in seventy-five set speeches in the district, before the election. Sir, on no subject did the people of my district act more with their eyes open, than on that occasion. But, my colleague says, he *teaches his people*. [Here Mr. S. turned round as to afford Mr. P. an opportunity to explain the expression, "*teach his people*."] I do not teach mine; they teach me. If they were passive enough to abide my teaching, they might assent to all I do; but that is not their character. They profess to know for themselves; and if they are not pleased with me, they will *teach* me to stay at home, as they have the power and right to do.

My colleague (said Mr. S.) speaks in tones of triumph of certain defeat of all his Democratic colleagues. How magnanimous this is I will leave for others to judge. True it is, there appear to be large majorities against us, and it is very probable that we may not be able to roll back the tide of public opinion, all may be defeated, and perhaps should be.

My motto is, the people will do right; but I think he is mistaken, when he says the Democratic party is a dead corpse, stinking and offensive, and not worth kicking out of the way. Does he not recollect that, at the late election, Mr. Van Buren got over 50,000 votes, showing a clear majority over the assessed polls of the State? But, sir, this fact aside. The numerical strength of the party should entitle it some respect, and it has power yet to make a considerable stir, especially in the gentleman's own district. But (Mr. S. said) he could not glory in the defeat of any colleague with whom had been associated, and he avowed he entertained nothing but personal good will to any. Mr. S. remarked that he had promised brevity, and the marked attention of the House admonished him of his obligation. He thanked the House heartily, and sat down.

REMARKS OF MR. SMITH OF INDIANA, In the House of Representatives, Wednesday, March 3, 1841.—On the amendment of Mr. GRAVES to authorize the Secretary of the Treasury of the United States to buy up the individual stock in the Ohio and Portland Canal around the falls of the Ohio river.

Mr. SMITH of Indiana said he did not rise for the purpose of making a speech on the merits of the proposition of the honorable member from Kentucky, (Mr. GRAVES.) But, on his side of the House, simply to restate the matter contained in the amendment as it was, and as he understood it; and he was satisfied if it was understood it would meet with the entire approbation of the committee. He thought it so reasonable that it would not meet with any serious opposition from any quarter.

Sir, said Mr. S. it simply proposes to direct the Secretary of the Treasury to appropriate the *toils* accruing on the Government's stock in that work to purchase out the individual stock, at the lowest rate that it can be had, providing that he shall not exceed a certain sum fixed by the law proposed. Mr. S. said this bill did not take any thing from the Treasury. If gentlemen reflected, the oppression of that monopoly on the trade of all the West, and the power of oppression it had over those important interests, he was sure the Congress of the United States would be disposed to take up the individual stock, and make it free, as this amendment contemplates; widen and improve the work to answer the purposes of the great and increasing commerce of that noble river, collecting only sufficient tolls to improve it in a suitable manner for that purpose, and keep it in repair. This much I think the West, and the people identified with this work, have a right to expect. He said he could see no principle that could be brought to bear against it. He hoped it would be adopted.

SPEECH OF MR. LINN,

OF MISSOURI,

In Senate, Wednesday, January 6, 1841.—On the Prospective Pre-emption bill.

Mr. CLAY of Kentucky and Mr. WRIGHT, having submitted their views of the subject,

Mr. LINN rose to make a few observations, and to notice some of the remarks of the honorable Senator from Kentucky, [Mr. CLAY,] which referred to what he (Mr. LINN) had said, on a former day, in regard to the application of force to carry into effect the prohibitory laws against those who settled on and used the public lands, and for whose benefit pre-emption laws had been passed by Congress from time to time. Mr. L. had then expressed the opinion that it was physically impossible to remove, by force, those who are usually termed "*squatters*" upon the public domain. He had often expressed that opinion here and elsewhere: it was the settled conviction of his mind. And he now put the question to the honorable Senator from Kentucky, [Mr. CLAY,] whether he would, were he in the Executive chair of the United States, wield the military power of the Government in an endeavor to dispossess them? He would like to see the man who would avow such an intention. The orders undoubtedly might be issued; but could the officers of the army execute them, even if they would? He apprehended not.

On this subject, it might be well to advert to what had been said, and said so well, by his friend from Arkansas, [Mr. SEVIER,] the other day, of this experiment, when tried only in a very small way. Orders were given to the military, and the officers attempted, nay, did, remove the settlers from what is called *Lovely's Purchase*, which had been wrenched from the Territory of Arkansas by a treaty with some tribe of Indians within the borders of an old State, and for the benefit and accommodation of that State. The district of country thus severed from the Territory was three hundred miles in length and forty miles wide. The officers had no sooner executed their orders, and turned their backs, than the inhabitants returned to the lands which they claimed. Their houses had been burned; they rebuilt them. Their crops had been cut up and destroyed; they replanted them! They were driven off a second time, and a second time they returned! Thus they persevered until the Government gave up the contest; and finally granted to each family, as an indemnity for their losses, three hundred and twenty acres of land; whilst those who had respected the laws, and quietly quitted their homes, in obedience to the orders of the Government, will receive but one hundred and sixty acres by a bill which passed this house only a few days ago. Now, if the power of the Government could not enforce its prohibitions in the single State of Arkansas, at that time a feeble and dependent territory, how was it likely to succeed through the extended line from Lake Superior to the Sabine river? Before such an operation could even be attempted, you must augment the numbers of your army, for the whole military force of the country, as it now stands, would be totally inadequate to accomplish such an object. The very idea has in it something ludicrous, not to say Quixotic, to those acquainted with the nature of the subject. It would certainly be a most amusing spectacle to behold our gallant and hivalric officers occupied in driving the helpless women and inoffensive children from their homes and habitations, whilst their fathers and husbands were ready, with their rifles, to pour upon them certain destruction from the woods and thickets! The very attempt would lead to their extermination, thereby adducing a new proof that there is but one step from the sublime to the ridiculous! The truth is, that the law prohibiting such settlement was *practically* a dead letter, and must remain so.

In our early history there was no law prohibiting our people from settling where they pleased on the unoccupied public lands. The first law upon that subject was passed in 1807, and seemed to be intended against those who claimed lands under the French and Spanish grants in Louisiana, and the object was to prevent those who had only an inchoate title under such grants from going upon the public domain, and locating and surveying such claims as had not been surveyed; and a most iniquitous law it was. He would speak with respect of the legislation of Congress, but such was his opinion of that law, and he conceived it might easily be proved. He now repeated his assertion, that the attempt to pass any law to restrain the American people from settling on the public lands was worse than useless. Congress might employ itself in passing such edicts as often as it pleased, but it never could have one of them effectually enforced.

As to pre-emption laws, there were now whole districts occupied under them, which would have remained a howling wilderness for years but for the settlers having preceded your surveyors; and it is now an important policy to bring those lands into market. They would yield the Treasury millions of dollars for the benefit of General Harrison's administration; and were it not for our pre-emption laws, these districts would have been but slowly occupied.

The honorable Senator seemed earnestly to deprecate any changes being made in our land system. Sir, that system has been constantly changing from the very beginning. Up to the year 1807, it is believed that there existed no law against trespassing upon the public domain. Antecedent to the year 1820, it was a system of credit, which was, in its effects, a pre-emption law, because it en-

abled the poor man to take possession of a choice piece of land, on the payment of a few dollars, and allowed him the period of five years to pay up the remainder by instalments, which he could easily accomplish from the produce of his labor. Most certainly it was not for the benefit of these *real* settlers, and cultivators of the soil, that any change was made in the system, but almost exclusively for those who bought on speculation. In 1820 a change was made to the cash system. In 1814 a partial pre-emption bill passed; and again, in 1829 or 1830, a general pre-emption law was enacted, which altered the system in many particulars. He would regret to see that part of the system changed which regulated the surveys of the public lands. The general principle of pre-emption itself was the original plan of the old thirteen States of the Revolution, which enabled them essentially to battle successfully with the mightiest empire of the world!

This, then, was the *original* system in regard to our new lands, and a good one it certainly was. Virginia had her pre-emption laws, which extended to Kentucky, at an early period. Much of the lands in Kentucky, situated in the Green river country, sold for a few cents the acre under the headright occupancy, which was no more nor less than a pre-emption law. By the old laws of Pennsylvania, and he believed of most of the other Atlantic States, a mere nominal payment of "a penny" or "a peppercorn," or the girdling of a few trees, or the building of a log cabin, was considered an *ample equivalent* for the land. The public lands were not then expected to produce any amount of money; that was not the object in view, but to get them settled as speedily as possible; nor would they ever have yielded the Government a single dollar, but for that enterprising line of hardy settlers, who literally buried themselves in the woods and wilds, and preceded what was, now-a-days, falsely called "good society."

When the second line of settlers advanced, they were glad to behold the wilderness already opened for their progress, and some comfortable cabins ready built for their reception. The same system, in substance, though its form might be modified slightly, *must* still continue to prevail; and he would defy the Government to change it. Much as the American people respected the laws, they would never for one moment submit to have their hardy and enterprising fellow-citizens driven from those lands, which received all their value from their toil, by a band of mercenary soldiers.

Mr. L. hoped that gentlemen from the East and from the South would not so soon forget the circumstances under which their *own forefathers* had occupied and settled those portions of the Union. He hoped, also, they would not forget the incubus which the legislation of Congress had imposed upon the people of the extreme West, ENTIRELY FOR THE BENEFIT OF THE "OLD STATES," by congregating, upon their borders, a numerous and vindictive body of Indian warriors, whose presence, power, and angry passions, were as a *smouldering volcano*, ready, at a moment, to burst forth with all its fury, and pour down devastation on the surrounding settlers! The settlers were fully aware of their danger, and were anxious to prepare themselves against it by every means in their power. They desired nothing better than to have their ranks swollen by the tide of emigration, and it mattered little to them from what quarter of the globe it came. It was comparatively indifferent to them whether those who contributed so much to their security were naturalized citizens or not. The moment the foreigner settled by their side, he became a participator in the common danger and privation, and it is well known with what facility the most heterogeneous masses of men are combined and amalgamated into one body, and how soon they become uniform and national when assembled together under similar circumstances.

Many years ago the General Government adopted a system which was weak and unwise, in his (Mr. LINN'S) apprehension, in regard to a portion of the public lands which abounded with lead ore. It certainly was a weak policy, considering the object in view, although its results were different. In the year 1822, or 1823, the Government

invited all who chose to come upon that portion of the public land which contained, or was supposed to contain, mineral substances, and dig for their mineral wealth, in order that their labor, *through a tax on lead*, by way of rent, might operate as a source of revenue to the United States. Multitudes of hardy miners from the old world, and from the new, availed themselves of that opportunity to become our tenants; they were settled on the mineral lands of the Upper Mississippi, at the time when Black Hawk, with his band of well trained and well armed followers, crossed over that river, and placed himself between Galena and the recent settlements in Illinois and Wisconsin. Now, sir, but for the bravery and efficient services of that hardy mining population, the whole frontier would perhaps have been laid waste by brand and tomahawk, before the army could have been collected for their protection. Yet these heroic defenders of our infant settlements, and of the helpless families of the inhabitants of the borders, were "quitters;" many of them were "intruders" and "trespassers," of whom some gentlemen spoke in such disparaging and unbecoming language, though their courage and their patriotism saved thousands of lives, and millions of money to the country! Situated as the people were on our Western borders, it became them to look to every source for an augmentation to their strength. Should the Indian tribes, who have been so benevolently, but improvidently, thrown on our frontiers, concentrate their forces for an attack upon the whites, the whole military force of the Government could offer but a feeble resistance to their murderous and predatory incursions. They would be swept from before them like chaff before the wind.

The gentleman from Kentucky on the left [Mr. CATTRENN] had spoken of these Indians as a handful of poor, naked, half-armed savages, and had even insinuated that there was no danger to be apprehended from any thing they could do. But was it not the duty of that gentleman to have investigated more fully the actual state of the facts, before he spoke thus slightly of the danger to be feared from an attack by the Indians on women and helpless children? There is, at this hour, on the frontier of Arkansas and Missouri, a body of *twenty-six thousand* Indian warriors, prepared, at any time, to take the field. It is true they are now, by treaties, annuitants of the United States; but let those annuities be once paid off, and then the only bond which bound them to us, or rather restrained their savage thirst for slaughter and revenge, would be severed asunder in a moment. What restrained them now? Nothing but the receipt of those annuities, and partly the dread of the whites. But would these always be sufficient? All who were acquainted with the Indian character knew that war was their element, their chief delight and pride. Nothing but a visible force could keep them quiet; it was vain to tell them of a force they did not see; it must be presented to their eyes—*visible and tangible*. A people like this, with twenty-six thousand warriors on the line, and several thousand more within striking distance, animated by hereditary and deadly hatred towards us, were not to be restrained by the fifteen hundred or two thousand troops the Government had placed on that frontier. The idea was preposterous. Suppose our dispute with Great Britain, or any other power, should lead us into war—had they no access to those Indians? And when organized for war, would they not become the most efficient body of men, of that description, ever brought into the field? Assuredly they would. Whoever doubted this, knew but little of the matter.

What had been our past experience? All the remarks which some had indulged in about the Indians being cowards, were totally erroneous. Had our settlements heretofore found them dastards? No: but on the contrary, those Indian warriors, man to man, were equal to any troops upon the earth, in bravery and determined resolution. In dexterity, in facility of movement, in wily stratagem, and in the power of endurance, and successful ambuscade, they were very, very far superior. Exposed to neighbors like these, was it unreasonable that the people of Missouri and Arkansas were anxious to invite amongst them all the settlers they

could get? or that they should be in favor of pre-emption laws, especially when it was remembered that those laws only carried out the great and pervading principle on which the *ENTIRE CONTINENT* had been originally settled. The French and Spanish Governments required no money from the settlers of their lands; all they demanded was inhabitation and cultivation. They wanted men: farmers, cultivators of the soil. And to encourage a spirit of devotion to the public good, they rewarded meritorious services by additional grants of land. Many of their colonies had thus been planted. The present bill, even as a mere financial measure, would do much towards filling the coffers of the coming Administration. The new lands on the river Platte alone, when brought into the market, would produce for the Treasury one million and a half of dollars.

There was another point to which the honorable Senator from Kentucky [Mr. CLAY] had alluded, viz: the diminution of revenue from the lands by a *gradual reduction* of their price. Look at the so much vaunted land system, and see what had been its practical operation. The smallest amount of land which a settler could take up at first, was one hundred sixty acres; from this it had been reduced to eighty. Did this diminish the sales? No: it had greatly increased them. The principle had been pushed still farther, and the quantity reduced to forty acres. Did not a similar result ensue? And as such had been the effect of lessening the quantity, why should it be doubted that a reduction of the price of inferior lands, long neglected, would produce a similar consequence? The Senator seems to think it very unreasonable, nay, even ridiculous, to hold such an opinion; however, it was his (Mr. LINN'S) opinion. He believed that the result, if ever the experiment be made, will fully confirm its correctness. He considered the opposite opinion supremely ridiculous. General Harrison was held up in Missouri, as well as elsewhere in the Southwest and West, as a pre-emption man. Votes had been claimed for him *expressly* on that ground. He was spoken of by his friends as a "log cabin man," and we were told that he would extend his favors to the inhabitants of such cabins all over the United States. If left to himself—if permitted to act from the promptings of his own judgment, and according to his personal knowledge of Western life and interests, it is possible he may; but it appeared to him, from what he could gather of his sayings and doings, (and they seem something like the inarticulate whisperings of the ancient shrines,) that it is very difficult to conjecture what his course will be in this or any other matter. But it had been charged upon Mr. Van Buren that his opinions in relation to the public lands had undergone a change favorable to pre-emption laws, from the *influence* of certain individuals who had access to his private ear. What had the settlers to expect from General Harrison, after the bold avowals which had been made this day by a person that might be considered a power behind the throne greater than the throne itself? We shall soon see.

Mr. L. was aware that they were under great disadvantages at the present time in bringing forward this measure, or any other of a liberal nature, in regard to the public lands. Missouri, Louisiana, Wisconsin, Arkansas, and a few other States and Territories, are left to fight this great battle, as the new States are rapidly becoming old States, in relation to the public domain. The old States seem to consider it to be their interest to increase the prices of the public lands. Pre-emption may answer a temporary purpose, by filling the exhausted coffers of the Government, and, as such, may be permitted to pass; but their abiding permanent interest is to hold up these lands, as they seem to think, and get a high price for them, in order to fill up the State treasuries *immediately*, and, also, in future.

But regarding this question in an enlarged national point of view, it appeared to him that every reasonable encouragement should be given to the extension of our settlements, to aid in the development of our resources. Under the invitation of the Government; already adverted to, the extensive and fertile regions in upper Illinois, Wisconsin,

san, and Iowa, were rapidly peopled. The flourishing and populous towns of Galena, Dubuque, and many others, sprang into existence like magic, and in a few years the wilderness was made to blossom like a garden. Look, for one moment, at the results. This people dug from the bowels of the earth hidden riches, and from that time have increased the production of lead until it amounts annually to twenty or thirty millions of pounds being, perhaps, sufficient to render us independent of foreign nations for this important material necessary to our defence in time of war. Massachusetts, and other manufacturing States upon the Atlantic border, where labor is cheap, are as much, or more interested, perhaps, than we are, in thus producing national wealth, as they supply manufactured articles in return for the raw material. His own constituents had also contributed to the sum of national wealth by the production of several millions of pounds of lead annually; much of it was made from public lands, or from private property acquired under previous pre-emption laws. They were now turning their attention, with energy, to the cultivation of hemp; and such was the value of the article for its fineness, silkiness, and strength, that it commanded, in the Boston market, twenty dollars per ton more than that raised in Kentucky, and was now even imported into that State for the purpose of being wrought into bagging. He understood, from undoubted authority, that it is stronger than the best Russian hemp. This hemp was raised upon lands the title to most of which was acquired under the operation of the pre-emption laws, or by squatters, who are now awaiting the passage of one. This was important for the support of an important arm of national defence—the navy. How was it that Daniel Boone commenced the settlement of Kentucky? There were no such laws then as our pre-emption laws, taking from the settler a dollar and a quarter per acre for his lands—no law to restrain him from the wilderness. He roamed and squatted where he pleased; and no one knew better than his friend [Mr. CRITTENDEN] what had been the results. A paradise had been opened; but almost every acre of its soil had been fattened by the best blood of the land. Driven from Kentucky by injustice, and impelled by his love of danger, Boone sought a lonely spot in Missouri, on the extreme frontier of civilization, squatted on the public land, and contributed to its defence. It seemed as if his fearless spirit still hovered over what was once his favorite haunt, and pointed his descendants to the shores of the western ocean; and these descendants are now soliciting him (Mr. LINN) to use his influence to procure them appointments in any expedition for the Oregon Territory. It was to be regretted that this old man, this hardy and adventurous pioneer, could not have lived a few years longer, to see this broad Union extending itself from one great ocean to the other.

Boone was a living type, an impersonation, as it were, of the spirit which had settled this continent. He (Mr. LINN) rejoiced to see the same spirit in full force and operation to this hour. God forbid he should ever see it stopped; but that could not be done. The whole force of the Government could not arrest it. He defied them to do it. Looking at the whole course of the American Government and nation in relation to the public domain and commerce, it seemed to him to be governed chiefly by an eye to the dollars and cents. He saw with regret how his countrymen suffered themselves to be kicked about and trampled on; how they permitted their property to be destroyed upon the ocean and the land, and their citizens murdered even within sight of their own shores. He saw their *patience*, their *meekness*, their *forbearance*; but what was the foundation of it all? The dollars and cents! What a contrast did this exhibit to that prominent and admirable feature of the British system of policy which was to protect the MAN, (the British subject,) wherever he might be! Without this, she never could have stood so long the enormities of her system. He thought that, as American citizens, we ought to feel proud whilst witnessing the march of the Anglo-American race in its onward progress for the benefit of the human

species. He would rejoice to see it surmount the rugged tops of the Rocky mountains, and, pouring over into the fertile valleys beyond, form, by its presence and its valor, an impenetrable barrier against Great Britain on the north, and any other power to the south. Let the free race of American pioneers go onward West, carrying their love of liberty, and all their free and beneficent institutions with them; and he would encourage their progress, by every means within the compass of his ability, even to the utmost verge of the continent.

When the bill in regard to the Oregon Territory should come up, Mr. LINN hoped the Senator from Kentucky [Mr. CRITTENDEN] might take the same view of the subject which he did, and that he should then enjoy all the benefit of his powerful aid. It was the State from which that Senator came, and his own native State, that first settled its public lands under the system of free occupation. They came first into the great wilderness of the West; their fathers had had the brunt to bear; and he hoped one day to see a noble monument erected, if not to these bold and enterprising men, at least to the noble-souled women who had accompanied their fathers and husbands into the wilderness, often fought by their sides, and shared in their toils and dangers. Cheated they had been, and wronged in every practicable shape, by the petty county court lawyers and other reptiles, who were ever found haunting the precincts of a court; and now, to this hour, they were pursued by the same class of wretches—heartless speculators—who were every where prowling along our frontier, but who were not now permitted by public opinion to wrong them.

These advancing pioneers were made of the sterling stuff, which presented a tremendous battery for the protection of the secondary, but more timid and effeminate, class which followed in their footsteps. They hewed down the timber; they subdued and exterminated the beasts of prey; they discovered and developed the natural resources of the country; they compelled the roving Indian to recede, and seek more distant hunting grounds; they added to the national wealth. And would gentlemen forego advantages like these, for the sake of obtaining some five or six cents more per acre for the public lands? Why should not a pre-emption bill be prospective, as well as retrospective? If such a law was fit and right to heal a wound after it had been made, why not adopt a measure which should cause no wound? There would always be illegal combinations of citizens for mutual support against pre-emption restrictions which they considered oppressive, on the frontier. An army of thirty thousand men would be insufficient to repress them. Then why not at once supersede both the temptation and the cause?

As to the distribution of the proceeds of the public lands amongst the States, he would give it as his opinion that, should such a measure ever prevail, the inevitable result would be that the lands would be kept back from sale from year to year, until their value had risen to thirty dollars an acre, as he had heard it once suggested by an honorable Senator on this floor.

He greatly regretted that, by unwise and mistaken legislation, men should be strongly, irresistibly tempted, nay, he would say, compelled, to evade the law; and still more, the attempt to enforce such law, by the troops of the United States. Should a contest of that miserable character ever take place, no man who who was acquainted with the people of the West could doubt for a moment how it would end. Our population must and will go West, according to the great law of nature regulating its onward march to the Pacific ocean.

The bill having been ordered to be printed together with all the amendments hitherto adopted, The Senate adjourned.

SPEECH OF MR. BENTON,

OF MISSOURI,

In Senate, Tuesday, February 12, 1841.—The bill to authorize the issue of Treasury notes having been taken up as in committee of the whole, and the question being on ordering it to a third reading,

Mr. BENTON asked for the yeas and nays,

that he might have an opportunity of recording his name in opposition to this annual Treasury Note bill, which now seemed to come in as a mere matter of course when the Treasury needed money. He was willing to vote for a loan, or for duties on proper objects, if money was necessary—if more was necessary than the current income would supply—but he was averse to Treasury issues of paper, and wished to appear so upon the record. He, therefore, asked for the yeas and nays.

They were ordered.

Mr. B. said he had once voted for a Treasury note bill—voted for it with extreme reluctance—with an almost inexpressible repugnance—and had no sooner done it than he regretted it. This was at the extra session of 1837, when the Government was suddenly stripped of its revenues by the general suspension of the banks, and when, in the opinion of the Secretary of the Treasury, it would have been impossible to negotiate a loan in time to prevent the catastrophe of a stoppage of payments by the Government. Under such circumstances, he had yielded to the iron hand of imperious necessity, and voted for a Treasury note bill, which he then hoped was to be the last which he should ever see. Even then he did not yield until every feature of a currency had been eradicated from the character of the notes—until they were placed upon the footing of real promissory notes, to be payable to order, and not to bearer—to be transferable by endorsement—to bear a fair interest—to be payable at a fixed time—and when paid, not to be reissued, but taken up and cancelled like any other paid off and extinguished bond. It was not until the notes were made to wear this form, and were raised in their minimum denomination from twenty to one hundred dollars, that he would consent to vote for the bill. Even then he could not do it without a protest and remonstrance against it. He spoke against it—delivered his sentiments decidedly, if not strongly, in opposition to the policy of the measure; and, with the leave of the Senate, would now read a read passage from the speech which he then delivered.

"I trust I have vindicated the bill from the stigma of being a paper currency bill, and from the imputation of being the first step towards the creation of a new national debt. I hope it is fully cleared from the odium of both these imputations. I will now say a few words on the policy of issuing Treasury notes in time of peace, or even in time of war, until the ordinary resources of loans and taxes had been tried and exhausted. I am no friend to the issue of Treasury notes of any kind. As loans, they are a disguised mode of borrowing, and easy to slide into a currency; as a currency, it is the most seductive, the most dangerous, and the most liable to abuse of all the descriptions of paper money. 'The stamping of paper (by Government) is an operation so much easier than the laying of taxes, or of borrowing money, that a Government in the habit of paper emissions could rarely fail, in any emergency, to indulge itself too far in the employment of that resource, to avoid, as much as possible, one less auspicious to present popularity.' So said General Hamilton; and Jefferson, Madison, Macdonald, Randolph, and all the fathers of the republican church, concurred with him. These sagacious statesmen were shy of this facile and seductive resource, so liable to abuse, and so certain of being abused." They held it inadmissible to recur to it in time of peace, and that it could only be thought of amidst the exigencies and perils of war, and that after exhausting the direct and responsible alternatives of loans and taxes. Bred in the school of these great men, I came here at this session to oppose, at all risks, an issue of Treasury notes. I preferred a direct loan, and that for many and cogent reasons. There is clear authority to borrow in the Constitution; but, to find authority to issue these notes, we must enter the field of constructive powers. To borrow is to do a responsible act; it is to incur certain accountability to the constituent, and heavy censure if it cannot be justified; to issue these notes is to do an act which few consider of, which takes but little hold of the public mind, which few condemn and some encourage, because it increases the quantum of what is vainly called money. Loans are limited by the capacity, at least, of one side to borrow, and of the other to lend; the issue of these notes has no limit but the will of the makers and the supply of lamplight and rags. The continental bills of the Revolution, and the assignats of France, should furnish some instructive lessons on this head. Direct loans are always voluntary on the part of the lender; Treasury note loans may be a forced borrowing from the Government creditor—as much so as if the borrower was put to his breast for necessity has no law, and the necessities claimant must take what is tendered, whether with or without interest—whether ten or fifty per cent below par. I distrust, dislike, and I would fain eschew, this Treasury note resource. I prefer the direct loans of 1820-'21. I could only bring myself to acquiesce in this measure when it was urged that there was not time to carry a loan through its forms, nor even then could I consent to it until every feature of a currency operation had been eradicated from the face of the bill."

Mr. B. said such were his sentiments in 1837; they were the same now, and stronger than they were then. All the evils which he then foresaw and dreaded, have been gradually developing themselves since. Three acts for notes had been passed

since. The notes were assimilating nearer and nearer to a currency. The hundred dollar limit which he had procured to be introduced, was reduced to fifty; the interest was sometimes reduced so low as to be made illusory; the notes came to be re-issuable, and payable to bearer; the facility of granting them had become so great that the demand was now annual; and the bills passed without the show of opposition. The present bill was put upon its passage without a word being said *pro or con*; it was about to be passed without yeas and nays; it was going through like water, when he (Mr. B.) arrested its progress for an instant, and gave rise to some little discussion—some little show of resistance. Such was the downward progress of the paper money policy. Its course is downward, and rapidly so. The resource was too easy, too seductive, too irresponsible, to be rejected; it has become the ordinary alternative; and unless arrested soon, must eventually run the career, and receive the catastrophe, of all paper money.

Mr. B. said there were but half a dozen Treasury note acts upon our statute book, and the one-half of these bear date in the last three years. The Administrations of Washington, Jefferson, the two Adamses, Monroe, and Jackson, afforded no instance of a Treasury note bill, although each of these Administrations, except the last, had been a frequent borrower of money, and of sums of all amounts, from as low as forty thousand dollars, and for periods of time of all durations, from a few months to several years. Mr. B. here exhibited the captions of above seventy acts of Congress during the Administrations which he had mentioned, for borrowing sums of money, many of them for the support of the Government, some to enable the Administration, if found necessary, to carry into effect the appropriations made by Congress; and all of them with the ways and means prepared to pay them when due. The old way was to borrow in preference to striking paper, and to lay a tax at the same time to meet the debt and its interest. This was the old way in our Government, and it was the old way in England, when patriots bore sway in that country. It was the responsible and the safe way; for, when a loan was made, and a tax laid, the people would call their representatives to account; they would hold them to their accountability; they would make them give reasons, when they got home, for creating this debt and imposing this tax. Not so with these Treasury notes. They dropped into existence without the knowledge of the people; they created no present burthen; they put off the evil day; they avoid accountability; and an issue of tens or hundreds of millions of this paper would find applauders and defenders in nearly all the advocates for a strong and splendid Government—in nearly all the friends of the paper system—in most of the advocates for the relief of the people, the assumption of State debts, and the "payment," as it is called, of the fourth instalment.

At a subsequent part of the debate,

Mr. B. rose again to say that if he had expected aid enough to make a respectable show on a division—aid enough to have presented the least chance of success—he should have moved for the small loan for the few months which the exigencies of the Treasury might require in some portions of the present year. From one and a half to two millions was all that was required, and that for not more than three or four months, and this not to supply a deficiency but to equalize the income, and to meet the extraordinary demands—the pension demands—of March and September. If he had seen the possibility of success, he would have moved this bill; he would have taken the responsibility, or the odium, as the case might be, of moving it. But he saw no chance of success. The general tendency is still for paper; paper from the General Government; paper from the State Governments; paper from the banks; paper from town and city governments; paper from individuals. Paper was still the word; and with nearly one hundred millions of specie in the country, lampblack and rags was still the favorite resort. Very well, he said. Things must take their course, and, though omnipotent now, yet he would venture to say that the course of paper money would soon be run, at the rate we were going on.

Mr. B. appealed again to the early history of our Government, and showed, from the debates in the Federal Convention, from the terms of the Constitution, from the first revenue act of 1789—from all these sources, he showed that hard money was to be the currency of the Federal Government, and that neither paper issued by itself, nor by the States, nor by corporations or individuals, was ever intended to come into the Federal Treasury. The standard of value was to be preserved there; and it was one of the boasts of the Independent Treasury system, that it was to restore that standard to the Federal payments. Treasury notes were struck out of that bill—six short months they were struck out; and now they rise up in a separate bill—rise up like mushrooms, and are full grown as soon as seen. It was one of the main arguments in favor of the Sub-Treasury, that it would keep up a circulation of gold and silver; but at the rate we go on, that argument must prove illusory.

Mr. B. reiterated his assertion that the public debt of Great Britain, now so enormous, had grown up, not on loans, but on exchequer bills. Annual issues of these bills for as many millions as the ministry chose to ask, had been the course of raising the wind there for upwards of a century past. These millions were granted without noise, and without notice. When due, they were funded, without noise and without notice. Taxes, from time to time, were laid, not to pay principal, but to pay interest; and now the interest of the national debt is one-half larger than the principal was at the commencement of this delusive policy. A century and a half ago, the British national debt was only about twenty millions sterling (one hundred millions of dollars,) the annual interest is now about thirty millions sterling, (one hundred and fifty millions of dollars.) Such is the progress of a public debt growing up on issues of Treasury paper. No such progress could have been made in the British public debt, if responsible loans and taxes had been resorted to.

Mr. B. deprecated the whole policy of these Treasury notes as being the most dangerous species of paper money—as being contrary to the intent of the Constitution, and the practice of the Government under the administrations of Washington, Jefferson, the two Adamses, Monroe, and Jackson, and only tolerated in Mr. Madison's time on account of the war—and as being at war with all our talk about the gold currency, the hard money, the Independent Treasury bill, and all our promises to keep alive, and preserve, the only standard of value which the wisdom of the world has yet discovered.

Mr. B. reminded Senators of the origin of the British debt, and how it had grown up, in the short space of a century and a half, from the small sum of twenty millions sterling, to the frightful amount of four thousand five hundred millions of dollars. This vast debt had grown up, chiefly upon Treasury notes, called in England exchequer bills. The way of raising the debt was this: When the Ministry needed money, they applied to Parliament for leave to issue exchequer bills. The leave was granted, the bills made payable on time, and with interest, and the present wants of the Treasury thus supplied. When the bills became due, and it was not convenient to pay them, the first resource was to pay old bills with new ones; and the next was to fund them, and make a permanent debt of them. Sometimes the interest would be raised, to prevent them from coming in for a while. This has been the course of things in England. It is thus that her enormous debt has been created—has grown up to its mountainous size, without shocking and alarming the people as it grew. And are we not now taking this same course? Are we not issuing our exchequer bills, as a matter of course? Are we not taking up old bills with new bills? And is not the prospect of having them funded now staring us in the face? Do not the friends of the new Administration allege the existence of a new national debt, created by us, and more than hint at the necessity of funding it?

Mr. B. said the bill now before the Senate proposed the issue of five millions of these notes, not to meet a debt of that amount, but to provide for a temporary deficiency which may exist in the Treas-

ury during some part of the present year. He understood the Secretary and the friends of the present Administration to stand upon the position, that the income of the year will be equal to the necessary appropriations of the year; but that the expenditures being heavier in March and September than in other months of the year, on account of the pensions and some other large items, it will be necessary to have something more for those two months than the current revenue at the time will bring in; and, therefore, a temporary supply is wanted, which can be reimbursed in the course of the year out of the existing income. This is what he (Mr. B.) understood; and it seemed to him to be a proper case for a brief loan, such as was constantly made under like circumstances during all administrations, except that of Mr. Madison, during the war with Great Britain, and the administration of Mr. Van Buren, under the difficulties imposed by bank suspensions. Mr. B. conceived it to be no objection to a loan to say that short loans cannot be made. He believed that very long loans, and very short ones, were the kind most easily made; and that the United States had never yet failed to make a loan of either kind; and never will, while it preserves the character of paying to the day. It has that character now, and, while it preserves it, can borrow as much as it wants, and more than it ought.

Mr. B. said he would prefer a brief loan in the present case, because it was clear that the amount could be reimbursed out of the current revenue during the present year. Were it otherwise, and could the loan not be reimbursed out of the current revenue, he (Mr. B.) would be willing to lay duties for the purpose; but not duties on French silks and French wines, but on luxuries coming from beyond the Cape of Good Hope, and from countries with which we had no commercial treaties, nor any commerce of a kind to affect or disturb our own pursuits of industry. The Asiatic commerce, from beyond the Cape of Good Hope, presents a proper subject for the levy of a small revenue, if any is wanted. It is a commerce fed principally by hard money, no way dependent upon our agriculture, no way connected with our domestic industry, and large enough to yield a handsome income; and the whole of it coming under the character of luxuries. Silks, teas, spices, fine cottons, were the principal articles of this trade; and, except the cheapest description of teas, which might be excepted from tax, the whole might be considered as luxuries. This trade, Mr. B. said, now averaged about ten millions of dollars per annum, of which above eight millions were free of duty, and the remainder subject to a very small duty. To this commerce he would look, with the exception of the low priced teas, for an imposition of duties, if additional revenue was needed, in preference to French silks and French wines; but believing that no additional revenues were necessary at this time, he should vote for none, either on Asiatic or European productions.

Mr. B. said that as long ago as the year 1826 his attention had been turned to the fact of occasional and temporary deficiency in the revenue, arising from fluctuations in the amount of imported goods. From these fluctuations it must result that the same rate of duties will give different amounts of income in different years—an excess in one year and a deficiency in another. By the sinking fund act of 1817, two millions were to be kept in the Treasury to answer the demand during these occasional deficiencies; but he (Mr. B.) objected to keeping any amount on hand for that purpose, and would prefer a permanent act, authorizing the Administration for the time being, to borrow a limited sum, say three or four millions, if found necessary to carry into effect the appropriations made by Congress.

Mr. B. concluded what he now had to say, on the subject of these Treasury notes, with saying that experience had developed a new objection to them of the most serious character to the South and West. It was their inevitable tendency and effect to draw the specie of those sections of the Union to the Atlantic cities, where it lay until the rate of the foreign exchanges carried it to Europe. The course was this: these Treasury notes all

flowed to the great centre of our moneyed operations—to New York; when due, specie was ordered from the South and West to redeem them; and as there was nothing in the course of trade to carry specie back again, it lay there until events carried it to Europe or the East Indies. This had been the case with the Treasury notes heretofore issued; they had occasioned an immense drain of specie from the South and West; they had done immense injury to the South and West; the same would be the case with all that should be issued hereafter; and he (Mr. B.) would look upon this bill, if it was acted upon to the extent of its limit, as an order to transfer five millions of hard dollars from the South and West to New York and Philadelphia, thence to take its departure to Europe, when the course of trade made it profitable to export specie.

THE PUBLIC FINANCES.

SPEECH OF MR. BARNARD,

OF NEW YORK.

In the House of Representatives, January 18, 1841—the House being in Committee of the Whole on the state of the Union upon the bill making provision for the issue of five millions of Treasury notes—

Mr. BARNARD rose, and spoke nearly as follows:

Mr. Chairman: I had occasion last year to present my views in regard to the issuing of Treasury notes by this Government, in the form proposed by this bill. I have no doubt of the constitutional right of this Government, being authorized by law, to borrow money, and to give for such money its bonds or its notes as evidences of debt. I have no doubt of our constitutional right to authorize the Secretary of the Treasury to issue promissory notes, payable at a future day, with or without interest, to such of the public creditors as are willing to receive them, instead of receiving payment in cash. At the same time, I do not think this the best mode of borrowing money, or of paying debts. Both may be resorted to under the pressure of circumstances, but neither should ever be without such apology for it.

My great objection to Treasury notes as proposed to be issued by this bill, which does but adopt the provisions of the Treasury note act of last session, is, that under it paper may be issued designed to become, and which would become, a common medium of payment and circulation between the Government and its debtors and creditors, and, as far as it would go, a common money medium in circulation in the community. Such paper, not resting on specie as a basis, like sound convertible bank paper, but resting wholly on the faith and credit of the Government, is nothing more and nothing less than bills of credit. It is precisely that description of paper to which all the evils and all the odium of bills of credit attached in the earlier periods of our history, and is precisely what the Constitution prohibits to the States, and what this Government itself has no authority to employ. These views, as I have said, were expressed fully on a former occasion.

At present I have other and very different objections to urge to this bill, or rather to the measure for which this bill provides. This is a fiscal measure, and a measure of relief. As such I do not agree that it is either a proper or an adequate measure. It supposes that there is or will be a deficit of means in the Treasury to meet the demands upon it, in the whole or some part of the year 1841; and that that deficit may amount to five millions of dollars, but not more. It supposes also, since it is not accompanied, as the act of borrowing by the Government always should be, by some measure for ultimate supply and repayment, that if the notes issued shall not be redeemed, as the bill itself seems to anticipate on its face they will be, out of current revenues within the present year, they will be redeemed out of current revenues in the year 1842, the revenue laws standing just as they now do. Such, indeed, in both the particulars now referred to, is the position and argument of the honorable chairman of the Committee of Ways and

Means, [Mr. JONES of Virginia,] who has just addressed us on the subject.

Now, sir, I think that, in all this, there is great and manifest error. I think, in the first place, that we want, for the service of 1841, over and above all revenue and receipts from all sources, under existing laws, ten millions of dollars, instead of five, including a small and necessary balance in the Treasury, such as always should be provided for. And then, I think that neither in 1841 nor in 1842 will it be possible to redeem either ten millions or five millions, or any other amount, however small, of outstanding debt, by the application of ordinary revenue, after the support of Government shall have been provided for, unless there shall be a material amendment of our revenue laws, made now, or made, at any rate, at no distant day. Things remaining as they are, I compute an actual deficit for the service of the present year of at least seven millions and a half of dollars. This supposes that the receipts from customs may reach sixteen millions; the Secretary estimates them at nine or ten millions. But what an empty account will the Treasury exhibit in 1842, when, as the Secretary shows, five millions of duties go off under the compromise act, and when the whole sum realized from customs, as he thinks, will not exceed ten or eleven millions of dollars? How is the Treasury, then, to pay all current expenditures, and redeem also several millions of debt?

These remarks will indicate sufficiently the grounds of my present opposition to this measure. It wants propriety and it wants adequacy. Money ought not to be borrowed by this Government on bills of credit, prepared and designed for circulation; nor is there now any such exigency as would justify a resort to this mode of paying off the public creditors in promises, instead of cash. This is one objection; the other is, that, whether it be designed to pay with these notes, or to borrow with them, or both, the amount proposed to be realized is utterly insufficient, in the first place; and then, no provision whatever is made for their redemption or for supplying to the Treasury a competent revenue for the coming year. In the want of these two things—an adequate supply, by borrowing, in addition to all receipts from ordinary sources, for the service of 1841; and a present amendment of the revenue laws, with a view to increase the amount receivable for duties in 1842—in the want and neglect of these two things, if they shall be neglected, will arise, in my opinion, an inevitable necessity for resorting to an extra or early session of Congress, after the present Congress shall have expired. It is the solemn and sacred duty of the present Administration, holding the political power in both branches of the Legislature, to take care that that burden shall not fall on the Government and the country.

But, Mr. Chairman, in order to understand how inadequate this measure is to the real exigencies of the public service, it will be necessary that we should possess ourselves of a pretty full view of our financial condition, and of the state and prospects of the Treasury; and to this task I shall now address myself.

The gentleman from Virginia [Mr. JONES] deprecates the mingling of political considerations with the discussions on this bill. I sir, shall, not be the first to introduce politics into this debate. Certainly it could be no part of my purpose, on this occasion, to assail the Administration, or any body connected with it. It would be out of time and out of character to begin a warfare, at this day, on a fallen and expiring Administration.

At the same time, it must be apparent enough to all that, if the Secretary of the Treasury in his annual report, and the President in his message, following the Secretary, have fallen into gross errors, mistakes, and miscalculations, in the account they have given us of the fiscal operations and affairs of the country, the earliest opportunity should be taken to make the necessary corrections, and set the whole matter in its true and proper light. So much is due to this House, which must act officially in the case; so much is due to the country, which has a right to know, not only what we do, but the grounds of our proceedings also. So much is due

also to another interest, bound up intimately as it must be, for good or for evil, with the interest and honor of the whole land, and which has a right to demand protection against all fraud and imposition, if any such has been attempted, which I do not charge, and, at any rate, against the evil consequences to itself of error and mistake, into which others may have fallen. I allude, of course, to the incoming Administration.

Now, Mr. Chairman, I believe that the condition of the country, in regard to its finances, is one of deep embarrassment and difficulty, bordering on bankruptcy and dishonor. Government is the agent of a great estate; out of which it is the agent's proper business to raise revenue enough, year by year, to serve both for its preservation and its improvement. But the estate has not paid its own way. It has been, on the whole, perhaps, sufficiently productive, if good economy had been observed; but, of what it has produced, too large a share, I am afraid, has gone for the benefit of the agent and those in his employ. The owners had certainly realized very little from it; and, so far from any improvement having been made, the very effort or attempt at improvement, in some matters of the highest consequence, has been openly abandoned, and the inheritance suffered to run down into a state of dilapidation and decay. In the mean time, vastly more money has been actually expended, somehow or other, than ever before, in the same space of time; for the agent has found it convenient to seize upon and convert to his use, in his management of affairs, very many millions of property, not the current proceeds of the estate, belonging to his owners; all, all now consumed and gone. And, notwithstanding this profuse and extravagant expenditure, besides the abandonment, or neglect, of many valuable interests, already referred to, it is found that, in many cases, the creditors of the Government have not been honorably or fairly dealt with; that claims and demands to a large amount, and which could not be resisted or deferred with justice or with honor, have been denied or postponed; and, finally, that this agent is about to hand over to his successor in office a deficient and exhausted Treasury, and an impoverished estate, with a heavy burden of undisclosed debt resting upon it.

Very different indeed, however, from all this is the view which the President presents in his farewell report to Congress and the people. It is evident that the President has done in this case precisely what the honorable chairman of the Ways and Means has just told us this House ought to do. We ought, he says, to rely implicitly on the statements and estimates of the Secretary of the Treasury. To whom should we go—to whom can we go—but to thee, thou most wise and accurate Head of Finance! Well, the President has done this; he has sat down humbly at the feet of this clear-headed Minister of Money, and learned of him. Look into the report of the Secretary, and then into the message, and you will see that the President has given us no lessons, no information or instruction whatever, in finance, but just such as he had first learned out of the financial gospels according to Mr. Woodbury. Hear what the President says, Mr. Chairman:

"The present sound condition of their finances, and the success, &c. are matters upon which the people and Government of the United States may well congratulate themselves."

"From the commencement of this period, [the commencement of his administration,] to the present day, every demand upon the Government, at home and abroad, has been promptly met."

"The small amount of Treasury notes, not exceeding four and a half millions of dollars, still outstanding, &c. may be redeemed out of accruing revenue." &c.

"The available balance in the Treasury on the 1st January next [1841] is estimated at one million and a half of dollars. This sum, with the expected receipts from all sources during the next year, will, it is believed, be sufficient to enable the Government to meet every engagement, and leave a suitable balance in the Treasury." &c.

"It is also, [this Government is,] as is believed, the only Government which, having fully and faithfully paid all its creditors, has also relieved itself entirely from debt."

"The facts here stated [a recital just made] fully authorize the assertion that all the purposes for which this Government was instituted have been accomplished during four years." &c. and "that this has been done when the ordinary revenues of the Government were generally decreasing." &c.

Now, Mr. Chairman, I am forced to take issue with the President—or rather, I should say, with his Secretary—on every one of these bold positions and statements, and to give to every one of them,

as I do, a bold contradiction and denial. There is not one of them that will bear examination and the test of facts. I shall examine them in order, and with some particularity. In this work, I must use such facts and data as I have been able to gather for myself, without the aid of those important disclosures which I had hoped, before this time, to have the benefit of, under my resolution of inquiry, introduced at an early day in the session, and directed to the Secretary of the Treasury. I hope yet, under favor of the House and the friends of the Secretary here, to get the information sought for by that resolution, before the session ends; when, I believe, it will be found, the truth and the whole truth being honestly told, that things are even worse in the department of finance than our worst apprehensions have led us to suppose them to be.

Mr. Chairman, I begin my examination of the positions assumed by the President—assumed always, I conclude, on the authority of the Secretary—with that unqualified claim and declaration, made, of course, to confirm and illustrate the somewhat boastful allusion to the general sound condition of the finances, and the success which has attended their management—the declaration that, in the whole four years of his administration, “every demand upon the Government, at home and abroad, has been promptly met.”

Sir, what is meant by meeting demands promptly? What would a business man be understood to mean, who should be found walking up and down Chestnut street, or Wall street, proclaiming to every one he might meet, while rubbing his hands with self-satisfaction, that he had promptly met every demand upon him? Suppose it were universally known of him, on ‘Change that, whether dishonest or only unfortunate, he had found it convenient, for a series of months together, to make terms with many of his creditors, some of whom had been kind enough, trusting to their knowledge of his ultimate responsibility, and his general good credit, to take for their debts and demands, due and past due, instead of cash payment, his own promissory note, payable one year after date, bearing such rate of interest, not exceeding six per cent. and not always above a mill or two, as they could bargain for? What would be thought of such a man and his bold declaration of habitual and invariable promptness in meeting all demands upon him? Well, sir, what has this Government been doing for four years past? In that time it has issued twenty-five millions of Treasury notes—and now asks authority to issue five millions more; and of this twenty-five millions, I know not how much, but very much of it, has been issued directly to creditors in payment, or rather in postponement of the payment due to such creditors—yet every demand upon the Government has been promptly met! One who pays a debt past due, with his own promissory note, may change, and does change, the form of indebtedness, but certainly not the fact of indebtedness. If he gives a negotiable note, he may change his creditor, satisfying one by raising up another to take his place, but the debt remains. True, in this case, the immediate demand is met; but how met? Not, certainly, with payment in cash, which is what the creditor wants, but with a bit of paper, which is nothing more nor less than an authority to the holder to go into the money market, and borrow, in the name and for account of the Government, money enough to pay himself with, of any body who will lend it. Sir, brokers are a very odious tribe to the present Administration and its supporters; and the Administration has furnished, in four years, more business to brokers, through the issue of its promissory notes and Treasury and Sub-Treasury drafts, than they have had, I venture to say, out of the operations of any twenty, or fifty, perhaps, of the largest proprietors and dealers in the land. Instead of cash payments, which the Government ought always to make, it has dealt extensively in its own paper—its notes and its drafts; articles of traffic and brokerage, and sometimes bearing one value and sometimes another in the market—sometimes above par and sometimes below. A Government dealing thus with its creditors had best talk as little as possible about the promptness with which

it meets demands upon it. If some have been favored or fortunate enough to gain premiums on their paper received from the Government, others, I am well advised, have suffered losses on theirs. Some of the poor clerks in the Departments in this city, I think, might testify to losses, if they would. But their demands were promptly met, and they were satisfied. Oh, yes; it was better to be satisfied with the loss of a small per cent. on their salaries, than be turned adrift, and lose salary and all together. They were satisfied! And so was I satisfied, sir, when, at the close of the last session, I received, for a little balance of *per diem* due me, first the Speaker’s note, and then, upon that, a Treasury note or two in part payment, though the gold had been demanded at the Treasury, in my name, for the whole—just by way of experiment. Sir, it has been said, and the accounts of these things have frequently been published, that the drafts of the Government drawn on depositaries or holders of public money, and issued to satisfy creditors, have often been protested and dishonored. I suppose the fact to be so, though I am not prepared to state it on my own or any certain and reliable authority. I feel much more certain of another fact, and that is, that drafts drawn by contractors, agents, and officers—drawn under authority, and in due and legal form, on the Treasury, for moneys due and payable, sometimes for large amounts, and where the exigency of the public service made the demand urgent and imperative—that such drafts have, in more instances than one or a few, been refused and rejected. It must be known somewhere, and in some department of the Government, if such things have occurred; I believe they have; and, if so, it affords a most apt illustration of the boast that “every demand upon the Government has been promptly met.”

But, sir, without dwelling further on the paper transactions of the Government, and its delinquencies as a debtor under the use of such paper, I will come to some instances—a few, just by way of example and specimen—which do not seem to me to accord perfectly well with the assumption that “every demand upon the Government has been promptly met.”

In looking into the recent report of the Quartermaster General, I was struck with the tone of just complaint—so I read the document—in which he there indulges. Last year he presented an estimate, as was his duty, for the service in Florida. That estimate was six hundred thousand dollars. And now he states the fact that he was required to modify and reduce that estimate one-half! Only three hundred thousand dollars, therefore, were appropriated. And what has been the consequence? Why, just what was known must happen. General Jesup says: “there are outstanding claims to a considerable amount, arising out of the volunteer and militia service, which have been recognised by the Executive, and for the prompt payment of which funds are required;” and he urges importunately, that, for this object and for current service, an immediate application be made to Congress for at least four hundred thousand dollars. I have seen a letter from a highly respectable gentleman on the spot, or near it, to his friend in this House, in which the amount of arrearages due to volunteers and militia, &c. is stated at not less than \$300,000. So, then, Mr. Chairman, we have here demands for volunteer and militia service in Florida, due and past due, running up to hundreds of thousands of dollars, recognised by the President, and yet not paid. And why not paid? Oh, of course, because there was no appropriation: and how can money be paid, be the Treasury never so full, without an appropriation? Well, and why was there not an appropriation? Why, that was cut down—cut down by positive order and command—when it was just as well known as it is now, that the money would be required and wanted. In short, you—this Government—putting forth a boastful claim that you had met every demand promptly—you declined and refused, at the proper time, to make an appropriation to meet debts and demands which, at that very time, you meant to contract and create; and this you did—I think you must be content to bear this impeachment—this you did deliberately, intending to co-

ver yourself behind the legal excuse of “no appropriation,” from the approach and the reproaches of your own delayed, suffering, and abused creditors. You employ citizen soldiers in the field for months together; you promise to pay them and provide for their subsistence and comfort; you suffer large arrearages to accumulate against you; you recognise the debt; but when payment is demanded, your answer is—“no appropriation.” The true and only honest answer would be—no money. That is the secret why you do not pay. It is inconvenient, at least, for you, and you want the next Administration to pay it. No appropriation! Common honesty required you to make it at the last session. But it was omitted then—then the debt was only in prospect; now, however, it is reality, and why is the appropriation not now to be made? Look to the estimates of your Secretary—do you find any such item there as this? No, no; after the debt has become due long since; after it has been “recognised by the President,” and after the earnest appeal made by the Quartermaster General—after all, your old excuse stands good. You have made no appropriation, and you propose to make none! at least it is not in the estimates of the Secretary—of that Secretary who teaches the President to make proclamation to all the world that this is a Government which promptly meets all demands upon it.

Well again, sir. Before this Government puts forth its claim to so much credit for honorable dealing with its creditors, it seems to me it would have been prudent at least to have taken care that there were no very flagrant cases to be alleged against it of neglect and refusal to redeem its faith solemnly pledged. By a treaty with the Cherokees, ratified in 1836, the United States agreed that such Cherokee warriors as were engaged on the side of the United States in the last war with Great Britain and the Southern tribes of Indians, and who were wounded in the service, should be entitled to pensions. The Secretary of War in his recent report urges the demand of these warriors on the notice of the President. “They are very destitute,” says the Secretary, “and the good faith of the Government is pledged in their favor.” Here are demands, then, due for four years, under solemn treaty stipulation, and, during all that period they have not only not been met, but there has been no effort and no disposition to meet them. No appropriation has been asked of Congress, none is now asked, nor would those in Congress who might be disposed to have the faith of the Government kept have been permitted by the Administration at any time, I suppose, to pass an act in fulfilment of this treaty. These miserable Cherokee warriors, who fought for you, and shed their blood in your quarrel, wounded and disabled, have received your promise of a pittance wherewith to render the fragment of their broken life comfortable or endurable, and for years you delay and refuse to pay as you have promised. You, you, do this, who make it your loud boast that all demands on you are promptly met.

Mr. Chairman, there are other illustrations behind of the prompt manner in which this Administration has met all demands upon it. Take the case of those works of public improvement, our harbors and rivers, and the Cumberland road, heretofore carried on, but abandoned midway in the operations upon them during the last two years. The engineers tell us of arrearages on these works, not as large perhaps as they were numerous—demands outstanding against them; some of which must have been long outstanding, and not therefore promptly met, and many of which would not have been met at all, at least under this Administration, if the engineers had not, during the last summer, sold off public property connected with these works, expressly to raise the means for this object. Col. Abert tells us that “sales were absolutely necessary, in many cases, in order to raise funds to liquidate small demands against the works.” I have great doubts whether all demands against these works have yet been liquidated; and, if they have, the contemptible and tardy mode in which it has been done amply illustrates the ideas which some persons seem to enter,

tain of what it is to be faithful and prompt in the discharge of honest debts.

And then, Mr. Chairman, how has it been with the operations of the past year on the barracks and fortifications of the country? One or two cases, I suppose, may serve as an example for all. A stinted appropriation was made for these works last year. Under authority granted by Congress to order, the application of these moneys was postponed by the President, so that, to use General Jesup's language, "the operations have been limited, with a few exceptions, to paying outstanding claims," etc. This, one would suppose, would have effectually arrested the progress of these works; under any other Government, such would have been the effect. But no such thing here. "Owing to a demand for employment," says Col. Totten, a most worthy gentleman and able officer, mortified and stung, I am sure, as a high-minded and honorable man, by such a condition of things, "Owing to a demand for employment on the part of laborers, mechanics, and contractors, we have been enabled to do something," &c. In other words, to tell the story plainly myself, and relieve Colonel Totten, the case is this: The Government is engaged in constructing fortifications, which are large and expensive works, and are carried on by yearly appropriations. It has in its employ on these works superintendents, and contractors, and mechanics, and laborers, most of whom, at least many of whom, make their arrangements, domestic and otherwise, with reference to permanent employment on these works, from the commencement to the completion of them, running, of course, through a number of years. They know that these are works undertaken by Government—a wealthy old gentleman, who generally does what he says he will do. Such a thing as failure or bankruptcy is not thought of. These contractors, mechanics, and laborers are on the ground promptly with the return of every working season, invited by the Government, and taught to expect nothing else than to go on with their work as usual, and to be paid for it, of course. Then comes the Government, by its agent, and, to their bitter disappointment, announces that funds are low, and prompt payment for labor is not to be expected. To work or starve—this is the condition of labor all over the world. What shall these men do? Their business is here, and they have no employment elsewhere, and might not now be able to find any. Well, this creates, to be sure, "a demand for employment"—a pressing demand. The Government, too, is as urgent to have the work done as they are to do it, and the end is, they are employed, and go to work. They will earn the money, and though the Government cannot pay, it will owe; and with this debt or demand, by selling it, or pledging it, or in some way, but of course not without serious sacrifice and loss, they will continue to realze something out of it for their current necessities.

Now, sir, this is precisely what has taken place. I have now in my hand a letter from an intelligent and worthy gentleman, a personal friend of mine, residing at Oswego, by which I am informed that, during the past season, the work on the fort at that place was carried on on a credit. It was understood, and so stipulated on the part of the Government, that payment was not to be demanded or expected before April next; nor would any evidence of debt be given, except by a credit entered on the books of the superintendent. It was permitted, however, graciously to the poor laborer, to transfer his demand, and the purchaser had his name noted on the book opposite to the account. My correspondent has furnished me with a copy of one of the orders under which these transfers are made, drawn by a laborer who makes his mark, with certain cabalistic letters of the superintendent noted on it, by way of recognition. The paper might, perhaps, with propriety, be added to some others, as one more specimen of the "better currency" of the Government.

But I have given this case as an example of the prompt manner in which the Administration has met all demands upon it. By a species of moral coercion it compels its creditors, who ought to be paid promptly in cash every Saturday night, to submit to an unjust and cruel delay of payment for

several months, and to resort, therefore, to the necessity of hawking the credit of the Government in the market on petty accounts, with serious loss to themselves; and then, having done this, it turns round, in the face of such a transaction, and blows a trumpet of praise to itself for having promptly met every demand upon it!

I will allude to one other case, very much in point. I am informed, and I believe correctly, that, to carry on operations on the important works of Fort Schuyler, on the East River, a sum of money was borrowed of one of the banks in New York—the Mechanics' Bank, I think—borrowed for six months on an interest of three per cent. for that time. Here, then, the contractors, mechanics, and laborers, and those who furnished supplies, were paid in cash, and paid promptly; yes, paid promptly in cash, but with a rigid and invariable deduction from the old total of every account rendered of three per cent. Here were accounts for work and labor performed, and provisions and supplies furnished, at stipulated prices; and before these accounts would be paid, a discount must be submitted to equal to the interest on the money for six months. In other words, and in effect, the creditors themselves are obliged to borrow the money, using the name and credit of the Government, with which to pay their own demands on the Government, already due and past due, and to pay six months' interest for it. How such a transaction may affect this Government I know not; but I know that no private gentleman could ever hold up his head again in an honorable community, after he had once resorted to such a mode of meeting his engagements.

But, Mr. Chairman, I should never be done, if I should attempt to go through the cases in detail of delinquency in the matter of prompt payment on the part of the Administration. I must be brief in what I have further to say about it.

The Indian Department is full of instances of gross neglect and delinquency. So I understand and believe. Some hundreds of thousands of dollars, it is believed, yet remain unpaid, under a treaty entered into with the Potawatamies, I think, in 1833. At the last session, we made an appropriation of \$36,000 to carry into effect a treaty with the Stockbridge and Munsee Indians; and I am told that not one dollar of it has yet been paid. A payment has been asked for, on vouchers acknowledged to be sufficient, of the proper department here, and refused on the plea that arrangements had been made, or would be, for payment somewhere else, and by an Indian agent. Payment has also, as I am told, been demanded of an Indiana agent—the only one who could be thought of as at all likely to be entrusted with the case—and nothing could be obtained. Several cases of strong and urgent claim are mentioned by General Jesup in his report. One by the Choctaws, where their property, land, has been taken for a fort—taken for public use, and no payment made, or proposed to be made. And another claim on the part of the Creeks, on a positive agreement made with them by the General himself, some years ago, and no payment is made, or any disposition shown to make it.

And, then, what has been the course of the Administration in regard to claims, whether in the Departments or before Congress? It is well understood that these claims in the Departments amount to a very large sum—probably to millions—claims growing out of the Florida war, and Indian affairs, and other things. These demands have not been promptly met. In some cases, as I suppose, appropriations have been made to meet them, but the accounts have not been adjusted. In other cases, there has been service according to law, and the demands are according to law, but there has been no appropriation. I do not doubt that the next Administration will find millions of these demands lying over under one pretence and another. We hear General Jesup complaining that disbursing and accounting officers are hung up in the Departments for one or two years before they can get their accounts and demands adjusted. Before Congress, it is said, there are ten thousand claims now pending. Nobody doubts that very many of these are just, and ought to be promptly paid. Yet, who

that was here at the last session of Congress failed to observe the studied and systematic effort of the Administration, by every possible device, to prevent the action of Congress on this whole subject? And that effort succeeded. Congress passed bills for private claims, in seven months, to the amount of \$14,000! Justice and honor were sacrificed openly, with the sacrifice of the claims of the public creditors. Appeals to the mercy of the Government, as well as to its justice, fell unheeded on the cold, dead ear of party. The rejection was as deliberate as it was heartless; the appearance of things must be saved for the benefit of party; the Treasury must not bear the burden of these just dues at a crisis of so much political importance. And thus were thus dues boldly shuffled off. They amount, doubtless, to millions, and are left, with other things like them, as a legacy to the next Administration. He is a bold man, Mr. Secretary, who could claim, in the face of facts like these, and teach his master to claim for the Government the credit and the praise of having promptly met all demands upon it!

But, Mr. Chairman, I pass from this point, to consider another, closely connected with this. A happy man is that President of these United States who can say, with truth, at the close of his term, that, under his administration, "all the purposes for which this Government was instituted have been accomplished," and that is precisely what Mr. Van Buren says for himself. Sir, I solemnly declare that I would gladly allow this declaration to pass without a word of animadversion from me, if I could do so without manifest injustice to the incoming Administration. It is due, however, to those on whom the burden of Government is to fall after the fourth of March, that the error, amounting to delusion, on which this position rests, should be thoroughly exposed. In attempting this, I shall carefully avoid all differences with the President on matters involving constitutional doubt or difficulty. I shall say nothing, for example, of the course of the Administration in regard to currency and credit. Many very important interests have been sacrificed, during the last four years, in regard to which the President claims to shelter himself under a constitutional scruple. I shall respect that claim, on this occasion, and offer him no disturbance upon it. I shall take him, as I may find him, beyond this magic circle, and there is matter enough, in Heaven's good name, with which to impeach the perfect accuracy of the self-satisfying declaration to which I have referred.

If any body will take the trouble to look into the reports of the present session from Departments and heads of Bureaus, and note the number and variety of urgent recommendations for the public service which they will find there, and which are and have been all the while wholly neglected by this Administration, he will then be able to appreciate the force and value of the claim that "all the purposes for which this Government was instituted have been accomplished." I will refer to a few things.

The providing of proper barracks for the accommodation of the army falls within the province of the Quartermaster General. These works are indispensable, and are required in various parts of the country. The last year "little was done," Gen. Jesup says, "except to pay some outstanding claims," even on the small number of those works for which appropriations were made. The money was withheld by the order of the President. The appropriations of the last year are to fall as an extra burden on the Treasury in the year 1841. But, besides this, there are a large number of cases presented as urgent by General Jesup, and urged also by the Secretary of War, for which no provision whatever has been made, and none is proposed.

The Secretary alludes to the fact that 40,000 Indians have been removed during the last four years, adding, therefore, that number to the multitude already on our Western border. These are, most of them, dissatisfied, moody, and restless, brooding over wrongs, and waiting for the chances of revenge. They are planted on the immediate confines of States and Territories belonging to this Union; and "the Government has contracted," says the Secretary, "a solemn obligation, not only

to defend that people when attacked, but to anticipate the danger by erecting such works as will insure their safety, and inspire them with confidence, in the means employed for their protection." Surely, this must be something "for which this Government was instituted!" But what has been done? The Secretary recommends, for the Western frontier, the erection of posts which shall be made fire-proof, and so constructed as to serve as defences with a small garrison "against any number of men not provided with artillery." What has been done? Nothing; and nothing is thought of by the present Administration.

Permanent barracks and defences are wanted at Buffalo; wanted at Plattsburg, where the work has been suspended; wanted at or near Fort Gibson the most important and exposed point on the Western frontier; posts are wanted at Spring river and Marais de Cygne, and the navigation of the Neosho and Osage requires to be improved as a military highway; one or more posts are required on the Missouri; one on the St. Peter's; one at or near Sandy Lake; another at Fond du Lac, the southwestern extremity of Lake Superior; barracks and defences are required also at or near Detroit, and others in Maine. So at least says the Quartermaster General, backed by the Secretary of War; and yet no more notice is taken of any of these things, in the estimates for the year, than if we had neither army to provide for, nor country to defend.

While on this point, I may add, also, that Col. Henderson, Commandant of Marines, thinks, also, that certain barracks are quite indispensable for the force under his command, which it would require \$150,000 to construct. He gets \$75,000 in the estimates as a special favor. The work, of course, is to be done at halves.

Among other objects, one of the highest magnitude, mentioned by Mr. Poinsett, as requiring attention, reference is made to the importance of continuing the surveys of our rivers and great lakes for military purposes; the want of new barracks at West Point; the want of a fire-proof building for the archives of the War Department; and the propriety at least of paying for the sites which have been selected and contracted for, for marine hospitals on the Western waters. Is any notice taken of these modest suggestions? By no means. The estimates maintain a dead silence on the whole subject.

A military post or two for the concentration of troops, in the event of hostilities, is a very natural idea, and not altogether, perhaps, beyond the pale of those things "for which this Government was constituted." The Secretary of War suggests, with this view, a position near Albany for the Northern frontier, and another near St. Louis for the Western; and for the maritime frontier of the Gulf of Mexico, he thinks it important to establish a depot for armed steam-vessels, somewhere below the Falls of the Ohio. With what hope these suggestions are made, we may imagine, when we find the Secretary at the same time speaking, in a tone of utter despair, of his "having repeatedly recommended, without effect, the establishment of a national foundry."

Mr. Poinsett seems quite in earnest when he speaks of the neglected military defences of the country. Of the state of these defences on the Western border and against the Indians, we may judge by what I have said already. Nothing is, as yet, complete or hardly approaching completion in the defences for the long line of boundary between the United States and the British provinces. And as for our maritime frontier, "the whole coast," says the Secretary, "from Passamaquoddy Bay to the Sabine river, is exposed on every point not defended by Nature, to be invaded with impunity." Indeed! In the event of a sudden rupture with a foreign Power, he may strike a fatal blow at any point he pleases; he may lay our cities under contribution, or reduce them to ashes, and pollute our soil with the foot of hostile soldiery; and yet the Administration of the last four years, which in all that time has failed to complete the defences of one single point on the whole coast, now retires, hugging itself in its own arms with all self-complacency, and declaring that it has accomplished

all the purposes for which this Government was instituted.

There is another not unimportant interest, that has fared even worse at the hands of this Administration than the national defences. I mean the harbor and river improvements. They belong to commerce, the regulation of which appertains to this Government, and out of which it has its principal revenue and support. The Administration cannot shelter itself here behind constitutional scruples. A majority of its own friends in this House, I suppose, have no such scruples. And yet, for two years, every movement towards continuing these works—works begun and prosecuted half-way, perhaps, to their completion—has been promptly met and voted down—nay, frowned and trampled down. About three millions of dollars are asked by the Engineers for these works the present year—the whole of it for works partly executed—and not one dollar can or will be obtained. In my poor opinion, until these works are finished, nobody can say, with truth, that the Government has accomplished all the purposes, or even the most important of the purposes for which it was instituted.

There is one other interest which I must not omit to advert to in this connection. That Administration in this country which does not take care of the Navy, takes care of nothing. If it be guilty of neglect in this quarter, it is guilty, indeed, and deserves no credit for any thing. This sin, if committed, should be deemed unpardonable. And what has this Administration done for the Navy, or rather what has it not neglected to do? I would not say a word to wound the estimable gentleman at the head of the Navy Department. I apprehend it is not altogether his fault, if the Navy has run down; and that the whole service is in a most wretched condition I suppose there can be no doubt. The Navy Commissioners estimate that, for a long time, the appropriations for "repairs," &c. of vessels have not been equal to the actual loss and decay, while the "increase" has been very moderate. It will be seen that, instead of any reform or improvement in this matter, less than ever is proposed to be done the present year.

It seems that the task of making estimates for the naval service devolves on the Navy Commissioners; but at the same time they are not at liberty to say how much that service really requires. A specific and restricted sum is given them, and they are to work out the problem with that; just so much canvass is furnished, with which they are required to dress up a line of battle ship in a full suit of sails, though there may not be really enough for a sloop of war. Officers and men must be paid, stores must be provided, and navy yards kept in order: that takes so much; and then so much is left for "repairs" and for "increase." For "repairs," a certain sum is indispensable, in order to preserve a value in vessels and stores equal to the original cost of the existing force already afloat. And now, Mr. Chairman, what do you suppose remains of the restricted sum to which the Commissioners are limited for the "increase of the Navy" in 1841? Just one hundred thousand dollars—"much less," say the Commissioners, "than the average annual appropriations for this purpose for the last twenty-five years." The Commissioners deem it indispensable to complete two steamers now in progress, and to commence a third; to complete, also, the frigate Congress, and to build another frigate to replace the Guerriere; and, for all this, they are limited, by an iron will above them, to the sum of one hundred thousand dollars; and this is called accomplishing all the purposes for which this Government was instituted!

It cannot surprise any body, after what we have now seen, to find the Secretary of the Treasury instructing the President to ask for another laurel to be added to the brow of this Administration for its financial achievements. While every demand on the Government has been promptly met, and all its purposes accomplished, how will the world be astonished to learn that all this has been done at a time "when the ordinary revenues of the Government were generally decreasing?" A pretty plain intimation, as I read it, that the Administration has had nothing but ordinary revenues with which to

accomplish so much. The Secretary is explicit on this point. "It follows, therefore," so he concludes, "that the current revenue, notwithstanding all reductions, has been adequate to defray both the ordinary and extraordinary demands," &c. How very just and true it is that the Administration has met all demands on the Treasury, and has accomplished all the purposes for which the Government was instituted, we have seen already; and just about as near the fact is the assumption that for all the expenditures it has relied altogether on current revenue. It is true within just about thirty-three millions, as nearly as I can ascertain. The Secretary confesses, indeed, to eight millions received from the Bank of the United States; but this, he says, went to pay off old funded debt—a debt we were often assured was paid off in General Jackson's time. And he remembers, too, that there are Treasury notes outstanding; but these are hardly worth considering, because they are sure to be paid off in 1841 out of current revenue. We shall see about that directly.

No, sir, the simple truth is that, in four years, this Administration, in supporting itself, and carrying on two wars—one on a handful of Indians in Florida, and another on the currency, credit, and business of the country—with very little done to build up and sustain the public defences, or any of our great national interests—has expended thirty-three millions of dollars over and above all current revenues. Here is the brief but significant account!

The report of the Secretary of the Treasury to Congress, at the September session of 1837, shows that there was of available means in the Treasury (including sums then on deposit with the State) on the 1st of January, 1837	-	\$42,468,859
There had been received, subsequently to that date, from banks, &c. and found available	-	1,670,137
		44,138,996
Deposited with the States	-	28,000,000
Leaving in the Treasury, say	-	16,000,000
There has been received from the Bank of the United States on its bonds for stock sold	-	8,000,000
There has been collected on old merchants bonds	-	6,000,000
There are Treasury notes outstanding on the 1st January, 1841	-	\$4,652,991
Out of which deduct the balance estimated to be in the Treasury on that day—(though it is now acknowledged to be much less)	-	1,590,000
		3,000,000
Making, altogether, a round sum of		\$33,000,000

The Administration has got, all the while, what it could out of the estate—and the current revenues have not been small—and it has seized upon this little amount of thirty-three millions of other property belonging to its owners, and has used that up also.

And, now, Mr. Chairman, it is modest, to say the least of it, in the head of finance to inform us, through the President, that the revenues, from ordinary sources of course, for there are now no others, diminished, as he says they have been, will be found abundant, in 1841, "to meet every engagement (debt on Treasury notes and all) and leave a suitable balance in the Treasury," &c. It has required eight millions a year, besides all current revenue, for this Administration to pay its way—and it has not paid its way, for it leaves large amounts of debt behind it, as I will show; but the next Administration can get on very well, not only doing without the yearly addition of eight millions, but actually paying off, in the very first year, several millions of outstanding Treasury note debt—to say nothing now of other debt—besides providing for all ordinary expenditures. This, I say, is modest; and I must now examine, a little in

detail, the basis of the estimates on which the Secretary comes to such extraordinary conclusions. We shall find, I think, that what the Secretary somewhere calls his "probability of a conjecture" is not altogether to be relied on.

I begin with his estimate of charges falling on the Treasury in 1841, and I pronounce it altogether below the mark: The first thing that struck me on looking into this estimate was the extraordinary difference between the total sum required for the service of 1841 and that which had been expended in 1840 and previous years.

The Secretary's estimates for 1841 stand thus:

For new appropriations	\$16,621,520
Under former acts of Congress, exclusive of public debt	864,000

Total	\$17,485,520
To which he adds for "omissions," &c.	1,764,480

Total sum required for 1841, exclusive of public debt and Treasury notes	\$19,250,000
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The expenditures of 1840, for ordinary purposes, estimating, as the Secretary does, a round sum of five millions for the last quarter, have been \$22,459,349. But the Secretary says the other Departments estimate the expenditures of the last quarter at more than five millions. Taking them at the average of the first three quarters, which must be nearer the truth, and the total expenditures in 1840, exclusive of debt and Treasury notes, have been \$23,319,131. I believe it will be found they have not fallen below \$24,000,000. Between this sum of \$23,319,131, expended in 1840, and the sum shown in the Secretary's table of estimates for the like service in 1841, (\$17,485,520,) the difference is \$5,833,611; and after adding, as he does, more than a million and three quarters for omissions and contingencies to the estimates for 1841, the difference is still \$4,069,131.

But the difference between the estimates for 1841, taking the Secretary's highest sum, \$19,250,000, and the actual expenditures for the like public service in the former years of the present Administration, is still greater and more extraordinary. Thus, in 1839, excluding payments on account of public debt, Treasury notes, and trust funds, the expenditures were \$25,410,000; and in 1838, they were \$31,544,000. The difference in the one case is \$6,161,000, and in the other \$12,294,000.

Another thing deserves to be noticed. The estimates for the year are usually summed up or referred to in gross, under three heads, namely, civil, miscellaneous, and foreign intercourse; naval, and military.

Now the reduction in the public expenditures in the course of this Administration, up to the present time, has been little or nothing under the first two heads, but has taken place almost wholly under the head of "military."

Thus, under the head of "military," the expenditures were:

In 1838	\$19,916,000
In 1839	14,266,000
In 1840 (part estimated)	11,667,000
Under the head of "civil," &c. they were:	
In 1838	\$5,666,000
In 1839 (short session of Congress)	4,918,000
In 1840	5,490,000
And under the head of "naval," they were:	
In 1838	\$5,941,000
In 1839	6,225,000
In 1840	6,160,000

For the year 1841, taking the table of estimates, a still further reduction is proposed under the head of "military," while, at the same time, and for the first time, it is proposed to bring down the expenditures under both the other heads.

The table of estimates stands thus:

For military	\$8,589,000
For civil, &c.	3,450,000
For naval	5,445,000

These figures show how handsomely, in the opinion of the Secretary, the work of retrenchment may go on in the civil and naval departments; but

it has taken him full four years to make the discovery.

But, seeing this great saving of several millions in the total amounts proposed for 1841, compared with the expenditures of the last and previous years, the inquiry naturally arose, how is all this? Is the country less broad and extensive than it was? Are not its interests as various and as vast? Do not our limits extend as far in the direction of the Restock, and in the direction of the Red river and the Arkansas as formerly? Is not the Briton still on our Northern border, and the Indian still on our Western border? Is not the Seminole still in Florida? Are not the seas and oceans over which our commerce spreads itself as wide as ever? Has the civil list been cut down? Does not our army number as before? Have we fewer ships and men to keep aloft than formerly? Nothing of the sort that I can find.

But the Secretary does tell us that he has himself, in his own Department, commenced some retrenchment. Out of sixteen hundred officers in the custom-house department, he has dispensed with the services of a few subordinates; he has reformed the revenue cutter service; and he has knocked out an eye or two among the light-houses—all very beneficial to commerce, no doubt; but he certainly has not saved by all this those millions which his diminished estimates would indicate. No; but these millions—they are saved, to be sure, in another way; and here we have the secret.

The Secretary says in his report, (and the President echoes the joyful sound:)

"It is believed that the ordinary expenses of 1841 ought to fall some millions below those in 1840; as the pensions have diminished by deaths; fewer Indians remain to be removed, several expensive public buildings have been mostly finished; and hostilities with the Seminoles must be nearer to a close."

Well, sir, observe that all this is proposed as reducing the estimates for 1841—this present blessed year—and as reducing the amount some millions. Was the Secretary dreaming? Compare the estimates for 1841 with those for 1840, and look at facts. How much speculation does the Secretary make out of the deaths of pensioners? He proposes an appropriation for this year less than that of the last by \$350,000. But will death relieve him to that amount? No; what with old appropriations standing over, added to the new, and to be applied to pensions, the saving, I apprehend, will not equal one half of that sum.

In the Indian Department, very large sums are standing over to fall on the Treasury in 1841, and the new appropriations proposed for the present year are scarcely \$30,000 less than those of the preceding year. I venture to say the actual expenditure will be greater in this department this year than last.

As for the public buildings, the great saving in this quarter is soon told. The custom-house in New York is supposed to be out of the way. There was appropriated to this building last year \$118,743. To three public buildings in this city last year \$330,000 were appropriated. I understand that the estimates of the architect the present year, for all buildings in this city, amount to \$400,000. We shall find no saving here going very far towards making up the Secretary's "some millions."

And, finally, as to the last particular named by the Secretary, under which this "some millions" was to be saved, namely, that "hostilities with the Seminoles must be nearer to an end." Well, Mr. Chairman, I should have great doubt of the fact of this war being nearer to an end than when it first began, if I did not recollect that this Administration is nearer to an end. But we are to have a great saving in 1841, not because this war is actually to an end in 1841—I hope it may—but because, in 1841, the war must be nearer to an end than in 1840! That, sir, is ciphering and logic worthy of the Secretary.

But, really, to talk of expenditures on account of this Florida business being less this year than last, is mockery, or something worse. With outstanding indebtedness on account of volunteers and militia to the amount probably of \$300,000, the Paymaster General declaring that no provision has been made for paying those troops, and that they have not been paid; with the Quartermaster General urgently demanding, more than six weeks

ago, \$400,000, as a partial appropriation, to answer immediate and pressing necessities in this service; with the war still going on; and 2,000 volunteers and militia in the field, and to remain in the field, as Mr. Poinsett shows in his report; with these facts all before the Secretary at the time, it is amazing how he should have brought his courage up to speak of a saving to the Treasury in 1841 in reference to this service. Last year, \$300,000 was all that was appropriated for this service, the officer making the estimate having been required—ordered—to cut it down to that sum; this year, unless this Administration mean now to abandon the whole concern, the Treasury must bear, not only the burden of the current service, but the greater part of that of the last year also; and yet the Secretary is not afraid to talk to us of a great saving to be made in this quarter!

Mr. Chairman, there is nothing in all the official acquaintance we have had with the Secretary of the Treasury calculated to inspire very implicit confidence in his accuracy. The last year his mark for new and permanent appropriations was \$20,000,000; and he told us he thought the expenditures would be within that sum. With all the efforts of all the party to "keep the appropriations within the estimates," about which so much was said or sung, they found it necessary to swell the appropriation to \$23,686,037, and the actual expenditures of the year have not fallen much, if any, short of \$24,000,000. Mr. Woodbury is not nearer the true mark now than he was then. He pays to the next President the equivocal compliment of supposing that, in his hands, the same Government can be administered this year, with the same public service, for nineteen and a quarter millions, which has cost the country, under the present Chief Magistrate, the past year, twenty-four, and in previous years twenty-five and thirty-one and a half millions. Give the next President time to make reforms, in such manner that the public service shall not suffer, and then it may be reasonable enough to expect retrenchment.

But, sir, the omissions and deficiencies of the Secretary's estimates for 1841 are gross and glaring. He attempts to cover with a general sum, added to his "tables" of estimates, some of these omissions. With this general sum added, however, the whole estimate reaches only to \$19,250,000, which is four millions and a half less than the expenditures for the same objects the past year, as we have seen. His "tables" contain nothing for private claims to be allowed by Congress, which may amount to a million; nothing for the Florida war, when two millions may be required; a very inadequate sum for the war steamers and frigates necessary to be completed or put in progress this present year; nothing for navy pensions, when \$150,000 was wanted; nothing for public buildings in this city, for which \$400,000 is required; nothing to pay large sums due, I suppose uncontestedly, to Maine, and to Georgia, and to some other States; nothing for the survey of the Northeastern boundary line; nothing to pay for the sites of marine hospitals on the Western waters, or for the hospitals themselves; nothing for the President's House,

* A letter from the Secretary of War to the chairman of the Committee of Ways and Means, dated December 17, 1840, one month before this debate began, transmitting "estimates of appropriations for the continuance of the Florida war," was finally, on the 21st January, 1841, after having been referred to by Mr. EVANS, a member of the committee, disclosed and laid before the House. It must be observed that, in the estimates of the Secretary of the Treasury for 1841, adopted as correct, by the chairman of Ways and Means, in his speech of the 18th of January, not one dollar is asked for, or proposed, for the Florida war. The Secretary of War, in his letter, shows that the appropriations for this service, partly for arrears, to the amount of \$2,355,329 75, are indispensable. This is one single item to be added to the Treasury estimates. Here is the sum of this account:

Estimates for the Florida war, 1841, presented by the Secretary of War	
For arrearages of pay for militia and volunteers	\$250,690 10
For pay of militia and volunteers now in service, for 1841	565,217 78
For Quartermaster's Department—	
Arrearages	\$200,000
For 1841	1,100,000
	1,300,000 00
For subsistence for 1841	222,421 87 1/2
For Medical Department	16,000 00
For Ordnance Department	30,000 00
	\$2,385,329 75 1/2

that the worn out itself now there may be replaced with furniture, as it ought to be, of good substantial American manufacture; and nothing for many other things which may be likely to find their way into the appropriations. I greatly distrust these "ables" of the Secretary, especially under the head of "military." His estimates for 1841 are \$8 500,000 under this head; last year they were \$9,300,000; and the actual expenditures have been \$11,600,000.

But the point of greatest error and fallacy in his estimates is still behind. In a very obscure and involved paragraph of his report, he does refer to the matter to which I now allude. He admits that "a greater proportion of the outstanding appropriations at the end of 1840 may be expended in 1841 than will be left unexpended of the new charges imposed." This requires elucidation; as what does not in this report? Nor does the Secretary give to the fact at which he here aims the force and effect which belong to it. I will explain.

On the first of January in every year, it is found that large sums out of the appropriations of the preceding year, have not yet been drawn from the Treasury. In the first place, large amounts have been earned, and the money is due, but it has not yet been called for; and then other large amounts under these old appropriations have not yet been earned, but they will be in due time, and the money called for. In both cases, and for both amounts, these sums fall on the Treasury mainly in the year following that in which the appropriations are made. This year the amounts thus standing over, under old appropriations, and which will fall as a charge on the Treasury in the year 1841, are estimated by the Departments, as we learn from the Secretary, at \$10,411,027. This, as I have said, becomes a charge on the Treasury in 1841, and ought to be so stated, and must be in any accurate account of the burdens which the Treasury may have to sustain within the year. This important item, however, being included in such an account, there should, of course, be deducted from the sum of the new appropriations for the year, so much out of these appropriations as it may be estimated will be found standing over at the close of the year, and which will not, therefore, be a charge on the Treasury within the year. This course I have taken in an estimate for the year which I have made, and which I will soon present to the committee.

The Secretary says: "These two items"—by which, I suppose, he means these balances of appropriations standing over from year to year—"are usually computed to equal each other." I am of opinion that these balances of 1840 and 1841 will be found to be very far from equalling each other.

In the first place, I am not satisfied that the Secretary has got the amount standing over from 1840 high enough. He takes the sums as they are estimated and given him by the Departments, and these are not always to be depended on. In his report of last year, the Secretary himself said these estimates were not high enough then by two millions of dollars. He had quite as much reason to doubt their accuracy now. In looking into the reports from some of these Departments, I find very large sums shown to have been standing over so late as the 1st of October last—in some cases enormously large. For example, in the Indian Department alone, \$3,000,000 were standing over, while at the same time there was about \$2,225,000 in the hands of disbursing agents yet unexpended. I doubt if there be a cent less than \$2,500,000 under this head alone, reserved to fall on the Treasury in the present year. Upwards of \$700,000 for taking the sixth census in 1840 remains to be paid in 1841. Other examples might be given.

A very decided effect in throwing over charges from the last year to the present, in a way altogether new, has been produced by postponing the application of appropriations made for certain works and objects, under the authority given to the President in some of the appropriation bills. Whatever may be the President's understanding about the fact, certain it is that several of the principal officers testify positively in their reports to these postponements. This, added to the fact of the very late period at which the principal appropriation bills were passed at the last session, ren-

dered unusually large sums unavailable within the year. Thus Col. Talcott, of the Ordnance Department, says:

"The appropriations for 1840 were made by Congress at so late a period (20th July) that very few of the objects authorized could be effected during the year; moreover, the restrictions of the third section of the appropriation law having been applied to a large portion of the funds of this Department, (viz. \$550,452 31), the balances remaining in the Treasury on the 30th of September last were, consequently, very large, and far beyond the usual amounts."

So the Chief Engineer, Colonel Totten says:

"The appropriations of the last Congress applicable to these objects (in his Department) were not made till the middle of July; and, when made, the state of the Treasury attached restrictions, leaving the grants intangible for the rest of the year."

It is evident that these balances of appropriations standing over must always be greater in those years when the bills are passed at the close of a long session of Congress than in those years when the bills are of necessity passed early, as in the short sessions. It must now be evident, also, from the considerations just presented, that the difference in these balances between the year 1840 and the year 1841 must be unusually great. It is but too apparent, moreover, to my mind, and so the fact, I have no doubt, will turn out, that there have been other postponements than those that have taken place under color of law. The first object, and one pursued very assiduously, has been to avoid demands on the Treasury by avoiding and refusing appropriations, even when it was positively known that indebtedness must be incurred, as in the case of the Florida war; and then it has been made a point, by every possible delay, and every possible device, where appropriations have been made, to avoid and postpone expenditures. For all this, the Treasury must groan and sweat in the year 1841.

So much then, Mr. Chairman, for the Secretary's estimates of expenditures in 1841, which are altogether too low; and now for his estimates of revenue and receipts in the same year, which, in my opinion, are altogether too high.

On this latter score—the estimating of receipts—the Secretary has not certainly heretofore been very happy in his "probabilities of a conjecture." I am indebted to a friend who sits near me, [Mr. Everett of Vermont,] for the fact, that, in the whole six years of Mr. Woodbury's administration of the finances, his annual guesses at in-coming revenue, taken altogether, have been just according to the result—wanting only the trifling sum of sixty two millions of dollars.

At the commencement of the last session of Congress, he confidently expected to realize from customs \$15,000,000, in 1840; he has got about \$12,500,000. This year he expects \$19,000,000 from the same source; I do not believe he will get \$15,000,000, though in my calculations for the year I allow \$16,000,000.

It seems to be supposed by the Secretary, as well certainly as by some others, that business and prosperity will greatly revive after the late depression; and that, therefore, there will be a great increase in the imports. I do not think this follows. Confidence will, no doubt, to some good extent, come in with the new Administration, and business will begin to be more active. But there can be no full prosperity in this wide country, so long as exchanges continue to be deranged, and the currency remains unregulated. Intelligent business men know this, and importers as well as others. That there may be some effort and some active competition, in the early part of this year, to supply the supposed deficiency in the importations of the last year, is to be expected. With this view, no doubt, imports on foreign account may for a while come in pretty actively. But there are causes, I think, to check any great excess of imports.

In the first place, I cannot learn that there really is any scarcity or deficiency of foreign goods. There is no extraordinary demand in any quarter. The country was satisfied with what it got last year, and it will be satisfied this year with about the same amount of foreign articles. The first effect of a very full supply will be to knock down prices. The country has learned some moderation; and that, for a while at least, will stand in the way of excessive importations.

Again. In 1839, there were excessive importations, running up to one hundred and sixty-two millions; and last year it was a favorite notion of the Secretary that "subsequent to a large importation and a fall of prices in articles exported, as in 1839, the amount of imports often declines for one or two years. After 1825 it declined (he says) uninterruptedly for six years." He seems now to have gotten over this notion entirely.

In his report of last year, too, the Secretary remarked on the effect of a restricted circulation, which existed then and exists now, and must continue to exist. And he declared that "hence a diminution in the imports had already commenced, and was confidently expected to continue for some time." The fact of a restricted currency, with the deranged state of the exchanges, must have the effect to limit importations. And this is a state of things which cannot be cured until the Sub-Treasury shall be removed, and the country shall have time to recover from its unhappy effects.

Another important agent in limiting imports is our foreign indebtedness. This was strongly insisted upon a year ago, both by the Secretary and the President. Twelve millions of exports are required annually, say they, to pay interest on loans abroad, and so much at least of the exports can bring in no returns of imports.

The Secretary admits that importations will be somewhat checked the present year from the consideration that a very large amount of duties go off under the compromise act in 1842, commencing in January of that year, which will induce importers to keep back their goods for the benefit of the reduction. Undoubtedly this will have its effect.

Now, it is in the face of all these considerations that the Secretary, to make a good show of means in the Treasury, ventures to anticipate, not merely a moderate increase of imports from last year, which I am willing to concede, but absolutely a most extravagant and excessive state of the import trade. For, observe, Mr. Chairman, in order to get his \$19,000,000 of duties, he must compute the imports at about \$158,000,000. This is within four millions of the great excess of imports in 1839, which was the year of largest importations the country has ever seen by very far, except one, the year 1836! And this is not all, sir, for while the Secretary would make us believe that we are to be supplied with foreign goods in 1841, amounting in value to \$158,000,000, which he does not seem to regard as at all excessive, yet when in another part of his report he comes to talk of the prospects ahead, and to recommend economy, or something else, why then he discovers that, in the very next year, 1842, it would not be safe to expect that the imports would exceed those of 1838. And what were the imports of 1838? Less than \$114,000,000! What a happy and instructive consistency!

Mr. Chairman, if the value of imports in 1841 shall come up to about \$133,000,000, which is full \$28,000,000 more than last year, we shall have \$16,000,000 of duties out of them, as I calculate. I do not believe the imports will come up to that; and if we get fourteen or fifteen millions from customs, it is as much as I expect to see, especially after drawbacks and bounties are taken out. But in my estimates I shall take the sum of \$16,000,000, that I may not be found below the mark.

I am now prepared, Mr. Chairman to offer you my estimates for the year, only remarking that, instead of beginning, as the Secretary does, with an available balance in the Treasury, I am forced to set down a large balance against it.

Estimate of charges which will fall on the Treasury in the year 1841 for ordinary purposes, but including charges on account of funded debt, and the redemption of Treasury notes.

On the 1st of January, 1841, the aggregate of Treasury notes outstanding was \$4,650,000. The whole of this sum will be redeemable in 1841, but it is computed that \$500,000 of the amount may not come in within the year, which deduct

500,000

\$4,150,000

For interest payable on the amount to

26TH CONG. . . . 2ND SESS.

Treasury Note Bill—Mr. Barnard.

H. of Reps.

be redeemed, add	200,000
	<u>\$4,350,000</u>
There was available in the Treasury on the 1st of January, 1841, according to the Secretary, though it is now understood that the amount is much less, the sum of \$1,590,855, which deduct	1,590,855
Leaving as a charge in the Treasury in 1841, on account of Treasury notes outstanding on the 1st of January, over and above any balance in the Treasury, this sum	<u>\$2,759,145</u>
To this sum of \$2,759,145 is to be added the balances of appropriations made in 1840, and previously, standing over on the 1st January, 1841, and which will be a charge on the Treasury within the year 1841, amounting to, though I suppose this sum is not enough by \$2,002,000	10,411,027
Making together	<u>\$13,170,172</u>
Thus we have \$13,170,172 chargeable on the Treasury in 1841, before making any new appropriations whatever for that year. And to this is now to be added the amount of new and permanent appropriations to the extent to which they will become a charge on the Treasury within the year	
The estimates of the Secretary for new and permanent appropriations and for public debt amount to \$19,399,200	
To this I add for all errors and omissions, the particulars of which I have before explained, as the least sum	3,000,000
Making the estimates for the year	<u>\$22,399,200</u>
But out of this sum is to be deducted so much as may remain, not called for and standing over at the close of 1841, which I compute at	8,000,000
Leaving of new and permanent appropriations for 1841, which will fall as a charge on the Treasury within the year	<u>\$14,399,200</u>
Making the sum chargeable on the Treasury in 1841 for the purposes above named	<u>\$27,569,372</u>
Estimate of revenue and receipts which will come into the Treasury and be available in the year 1841 under existing laws, and showing the deficit.	
From customs	\$16,000,000
From lands, probably too high by \$500,000 at least	3,500,000
Miscellaneous	80,000
Banks, balance	220,000
Treasury notes, which, under the act of March, 1840, may yet be issued, amount may be	\$342,618
But of this amount there will be returned and redeemed within the year at least	100,000
	<u>\$242,618</u>
Availables in all for the year	<u>\$20,042,618</u>
Charges on the Treasury	<u>27,569,372</u>
Deficit for the year	<u>\$7,526,754</u>

Here, then, Mr. Chairman, is my "conjecture" in regard to the state and prospects of the Treasury for the present year. The committee will judge what reliance is to be placed upon it. I have given them the grounds on which I have proceeded in

making these calculations. Let them be impeached if they can be. I do not mean to claim for them any sort of infallibility. I have made the best use of the materials I had, and have endeavored to come to honest and just results. I may have fallen into errors; but this I will say, that if the Secretary and his friends are willing to abide by his estimates for the year, I am willing to abide by mine, and we will see whose "conjecture" will turn out to be nearest the truth.

I have now, Mr. Chairman, one impeachment more, and only one, to offer, of the accuracy of the financial statements of the Secretary and the President. "This," says the President, "is the only Government which, having fully and faithfully paid all its creditors, has also relieved itself entirely from debt." The only shadow of exception to this sweeping declaration which I can find, either in the Message or Report, relates to Treasury notes outstanding, and to "an obligation entered into in behalf of the District of Columbia;" and both these items are readily disposed of. As to the four and a half millions of Treasury notes outstanding, they are to be redeemed in 1841, out of "current revenue." The statements I have submitted, as well as the very bill now before us for a new issue of notes, show what chance there is of that. And as to the "obligation in behalf of the District of Columbia," why, that obligation "must soon be discharged"—as if the debt was to be paid by the District of Columbia, and that would relieve this Government from the "obligation." I will only say, sir, that, as I understand this matter, this debt is ours, and not that of the corporate cities of this District. It has been distinctly assumed by this Government, upon a good consideration passing between the parties, and these cities have nothing further to do with it.

But the President thinks himself justified in declaring, on the whole, that this Government has "relieved itself entirely from debt." I am not able to flatter myself so much in regard to this item in our financial condition, as the ominous statements which I hold in my hand, and will now present, may serve to show.

Statement of the public debt, regarded as ascertained and certain, existing on the 1st January, 1841, though the amounts may not be exact.	
Treasury notes outstanding	\$4,650,000
Interest which will have accrued on them	250,000
Remains of old funded and certificate debt	335,000
Debts of the cities of the District of Columbia, assumed by the Government, without interest	1,500,000
Amounts required to be invested for Indians and Indian tribes, at least	2,580,000
Principal sums payable to Indians, probably	1,000,000
Amount required by law to make good the deficit in the Navy Pension Fund, Annuities to Indians, (supposed to be \$600,000,) part payable in perpetuity and part for terms of years; the purchase or value of the whole not less than	5,000,000

Making, of actual debt, it is believed, not less than \$16,515,000

To this is to be added probable amounts of indebtedness and liabilities growing out of past transactions, as follows:

For claims growing out of Indian affairs and relations, allowed, and which will be allowed in the Departments or by accounting officers, probably	\$2,000,000
For claims growing out of the Florida war, &c. and which must be allowed by Congress, probably	3,000,000
Due from the Government on account of trust funds, other than Indian, probably	500,000
The fourth instalment under the deposit act of	

1836 claimed by the States	9,000,000
There are claims of American citizens for French spoliation on our commerce previous to 1800, quite likely to be allowed by Congress, to	5,000,000
	<u>19,500,000</u>

So that the whole amount of indebtedness and liabilities, on account of past transactions, was, on the 1st of January, 1841, probably not less than \$36,015,000

I have only a word or two of remark to offer with this statement. In the account of actual and ascertained debt, I put down \$5,000,000 as the value or purchase of the annuities to Indians. When looking at these annuities as a debt, that debt can only be stated in a principal sum. I have not myself made a computation of the value of these annuities—a thing easily done, according to well established rules and principles; but I am informed by others, who have looked more closely into the subject, that their value is much greater than I have supposed. It is probably eight or ten millions. I do not say, of course, that this principal sum is ever to be paid; but there can be no just computation of how much the country owes, without stating this item, and stating it in this way. The same general remark applies to the item of sums required by law to be invested for Indians, if the policy shall hereafter be, as it has hitherto been, to pay an annual interest on these sums, instead of investing them. It is not likely, however, that the positive obligations of treaties are hereafter to be so lightly regarded. The Government will probably pay what it really owes.

In the account of general liabilities, which I have added to the statement of actual and certain debt, I do not mean to be understood that anything there is beyond doubt or cavil. That the "claims" there mentioned exist, and that the amounts are not exaggerated, I confidently believe. Many suppose the amounts to be vastly greater. I believe the Treasury will yet groan under them. The fourth instalment of deposit money is claimed by some of the States at least. So much, at any rate, is true, that a law now exists directing, in the most positive terms, this money to be deposited with the States; and that law has never been repealed, and it has never been executed. Until one or the other thing takes place, I can do no otherwise than count this as a "liability" of the Government. In regard to the last item in this account, I do not here say that the claims on account of French spoliation ought to be allowed—I will give my opinion about that at the proper time, if called upon to do so; but we know that they have many advocates, and my opinion is, that it is quite likely that this will ultimately be acknowledged in Congress as a just debt long due by the Government, and, therefore, to be paid.

Mr. Chairman, I have one statement more to present, and then I shall have done with my notice of the remarkable position that this Government has "relieved itself entirely from debt." My object in this statement is to make as near an approach as I can to the sum of all the burdens and charges which will, or may probably, fall on the Treasury in the four years of the incoming Administration, over and above all ordinary and current expenditures. The items in this statement will be sufficiently understood after the explanations which I have already given.

Estimate of the probable amount of public debt and liabilities growing out of past transactions, for which the Administration of the next four years may have to provide—being over and above all current expenditures, viz.	
Treasury Notes outstanding, with interest on them, including such as may be issued before the 4th of March, under the act of 1840	\$5,250,000
Old Funded and Certificate Debt, (probably)	100,000
Debts of the Cities in the District of Columbia assumed by the Govern-	

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ment, with interest	1,750,000
Amounts required to be invested for Indians and Indian tribes	2,580,000
Principal sums payable to Indians or Indian tribes	1,000,000
Annuities to same, \$500,000 per year, four years	2,000,000
Amount required to make good the deficit in the Navy Pension Fund	1,200,000
Charges which will fall on the Treasury in 1841, on account of liabilities incurred under appropriations made in 1840 and previous years—the money having been earned, but not called for; taking the excess of such charges over what will be chargeable on the Treasury in 1842, in the like account, under appropriations of 1841 and previous years	2,000,000
Claims on account of Indian affairs and relations, &c. allowed or to be allowed in the Departments, or by accounting officers	2,000,000
Claims growing out of Florida war, &c. presented to Congress	3,000,000
Due on account of Trust Funds (other than Indian)	500,000
Fourth Instalment, under the deposit act of 1836	9,000,000
Claims on account of French Spoliations on commerce	5,000,000
To which is to be added a sum necessary to provide a suitable average balance in the Treasury	5,000,000
Making in all	\$40,380,000

Mr. Chairman, the views which I have presented of our financial condition will, if recurred to, sufficiently show the ground of the position which I now distinctly take. That position is, that ten millions of dollars ought to be immediately borrowed for the service of the year 1841. I have shown that there will, by my estimates, be a deficit of means to meet the indispensable engagements of the year of at least \$7,500,000. It is quite as likely to be more as to be less. But if we had this sum, still, at the end of the year, the Treasury would be swept clean. Nobody will dispute that \$2,500,000 is quite as small a sum as it would be at all prudent to depend on for a balance in the Treasury.

Ten millions, then, is the least sum we ought to have. And it is the bounden duty of this Administration to provide for it. In the ordinary course of things, there can be no Legislature convened to act on this subject, after this is dissolved, until next December. This Congress is bound, therefore, to legislate for the whole year.

But this is not all the duty of this Congress. It is conceded that this Government must not rely on borrowing for current support. This would be that creation of a national debt in time of profound peace which the President so much deprecates. But it is demonstrable, and stands confessed, that, whatever may happen in 1841, the Government cannot pay its ordinary expenses in 1842—to say nothing of redeeming Treasury notes or debts—with ordinary and current revenues, nor without new revenues to a large amount from new duties, or in some other way. This is clear enough, from the Secretary's own view of the case. Duties are to fall off in January and July, 1842, to the amount of \$5,000,000; and the whole income from customs, he says, will not then exceed ten or eleven millions. Now, if we are to wait till the session of Congress in 1842, before any new provision for revenue shall be adopted, is it not positively certain that we must live in 1842, to a considerable extent, by borrowing? Commerce ought to have, and must have, several months' notice before new duties are made to operate; and the only way in which the revenue from customs can be materially increased in 1842 is to amend the duties acts at the present session. So says Mr. Woodbury, who tells us he has digested a plan for his purpose, which he is ready to offer if Congress will call for it; and so must every body say who knows any thing of the matter. This, then, is another position which I take, and which I wish to express

emphatically, namely, that it is the indispensable duty of this Administration, with this Congress, in which it holds the political majority, to amend the laws laying duties on imports so as to give, as soon as possible, and especially for 1842, an increased revenue from customs. This it may do, probably, without touching one really debatable point or principle in relation to the tariff, keeping within the policy of the Compromise Act, and making the wealthy consumers of luxuries contribute a fairer proportion than they now do towards the public burdens.

I have only to repeat, here, that the neglect of the two principal measures now adverted to, by this Administration, must, I suppose, force the next Administration unavoidably into the calling of an extra session of Congress at an early day. If that is the purpose of those who now hold the control here, we shall know it by what they do, or rather neglect to do, on this subject.

Mr. Chairman, if this Administration will do its duty, the next will be relieved from some embarrassment. And yet at best that coming Administration will find enough to do. What its general hue of policy will be I cannot say; I can only say, as an humble individual, what, in some things, at least, I hope it may be.

I hope it will provide for all the just debts of the Government, and meet all just claims and demands upon it in a prompt and manly way. If the amount of outstanding debts shall be found to be large, and such as to press upon the Government, I hope they will be funded, and a proper sinking-fund provided for their gradual payment.

I hope that current expenditure—always within the limits of a just economy—will be met by current revenue, derived chiefly from duties on imports.

I hope that duties on imports will be so imposed—preserving, as I hope may be done, without sacrificing any great national interest, the policy of the compromise act—that while we shall have revenue enough to meet the economical wants of the Government, the rich shall not escape taxation by receiving their luxuries free of duties, the poor shall be relieved from undue and heavy burdens, and the industry of the country shall be protected from the injurious policy and measures of foreign legislation.

I hope to see the proceeds of the sales of the public lands, in proper time, distributed among the States. Nothing should postpone this measure of justice short of war, or the pressure of a heavy debt.

I hope to see the necessary military and naval defences of the country put on a proper footing, that we may not be called to mourn over some sudden disaster or dishonor.

I hope to see a vigorous but economical prosecution of our works for improving harbors and rivers. It is a commercial matter of the highest importance, and, through commerce, they ought to be prosecuted and paid for.

Finally, I hope that that cumbrous and dangerous political machine—the Sub-Treasury—will be promptly dispensed with; and I hope to see the Government return, without delay, to all its constitutional duties touching money and currency; taking the public money out of the hands of the President, and putting it under custody of the law; providing for its safe keeping and ready disbursement without expense to Government; and, by a due exercise of the authority of Congress, providing for the whole country a sound and uniform national currency, and effecting thereby a due regulation of the exchanges; and if all this high duty cannot be exercised without it, then I hope to see a National Bank promptly established for the purpose.

Mr. Chairman, the honorable gentleman from Virginia, [Mr. Jones] at the close of his speech, was pleased to allude, in no unkind terms, to the incoming Administration. Sir, it deserves to be contemplated with kind feelings on all sides. Great and most arduous duties will devolve upon it. In some things, it will have to take an entire new departure, with difficulties to encounter scarcely less than those which embarrassed the men of '89, who undertook to set the Government originally in motion under the Constitution. Then, indeed, there was much to be done; now there is much to be

done, and much first to be undone. This will be found to be true, I apprehend, in an especial manner, in the department of finance. Every thing there is in confusion and derangement. The redoubtable Secretary, under instructions, has been fighting a long and obstinately contested battle with the people; at last he is conquered; and no wonder that his decks should now be found strewn thick with unsightly fragments, and accumulated ruin. There is danger even that the battered and riddled craft in which he has sailed may go down in the open and calm sea, though within sight of the harbor, before relief can reach him; and if she lives through, as I hope she may, and holds together long enough to be hauled up for repairs, I think it will be found that there is really nothing left of her above her keel that will ever do to build upon.

Sir, the honorable gentleman from Virginia seems to expect much—I hope in all sincerity—from the new Administration. My trust and confidence is, that he will not be disappointed. I trust he will find, as we all shall, that that Administration will move forward to its work with becoming boldness, and an unshaken firmness; shrinking from no duty, and from no responsibility; that it will take its measures calmly and wisely for the good of the country, and the whole country, and with no view whatever, at any time, to catch the breath of an ephemeral popularity; that it will do nothing for the mere sake of popularity, and omit nothing which it ought to do, from any craven and cowardly apprehension that it may not be popular; that it will have the moral courage to do right—always right—trusting to an intelligent and generous people to approve the right, and utterly regardless of the clamors of demagogues, or those whom demagogues delude and lead. Thus acting, I know that still that Administration may be overborne and trodden down by a reckless and unprincipled Opposition, gathered and organized hereafter in the land; but, at least, it will have deserved success, and it will command the approbation and support of all whose approbation and support is worth striving for, or worth having. Sir, we know that we live in a glorious country; we think we have the happiest form of Government on earth; let that Government be, once again, in God's name, wisely and happily administered. This will save us, and nothing else can; this will save our institutions, and give a new guaranty to freedom under Republican forms, for the present and all future time, and nothing else can or will. And for so much virtue, and so much reform, I am happy, for one, to be able to give to the new Administration full credit and confidence beforehand; and this I will say, in conclusion, to the friends of that Administration, and to all, that so much virtue and so much reform the country expects at its hands; so much the country will hold that Administration accountable for, and it will not brook disappointment.

Mr. BARNARD closed his remarks by moving to strike out the enacting clause of the bill, giving notice that, if the motion prevailed, and a report to that effect should be made to the House, he would then offer the following resolution:

Resolved, That the subject of making provision for the wants of the Treasury be referred back to the Committee of Ways and Means, with instructions:

First, To bring in a bill authorizing the Secretary of the Treasury to borrow ten millions of dollars on the credit of the Government, and to issue bonds or scrip therefor.

Second, To bring in a bill imposing duties for additional revenue on wines, silks, linens, spices, and other articles, being luxuries, imported into the United States; but in such manner as not to conflict with the principles, policy, and spirit of the act of March, 1833, commonly called "the Compromise Act."

SPEECH OF MR. EVANS, OF MAINE,

In the House of Representatives, January 18, 1841.—

The House being in Committee of the Whole on the state of the Union upon the bill making provision for the issue of five millions of Treasury notes—

Mr. EVANS said he felt himself called upon, as a member of the committee from which the bill under consideration emanated, to submit a few observations upon the state of the Treasury, present and prospective, as well as upon some of the topics connected with the revenues and expenditures of the Government, which had been discussed and re-

commended to our consideration in the annual report of the Secretary, and having intimate relation with the measure now proposed. The whole subject, in all its bearings, is one of very grave importance, and to which the attention of Congress cannot too early on too earnestly be directed. The bill we are now considering authorizes the issue of Treasury notes, not exceeding the amount of five millions of dollars. It is urged upon the ground of a present and pressing necessity. Greater means than the Department is now possessed of are absolutely indispensable to meet the current expenses of the Government, and to discharge obligations devolving upon it daily. We are assured, both by the Secretary and the honorable chairman of the Ways and Means, if the amount now proposed to be granted is not promptly furnished, there is great danger that the public credit will be dishonored, and the public faith violated. However this humiliating condition of our fiscal affairs may have been occasioned, the line of our duty, it seems to me, is plain and obvious. It is, to furnish the necessary supplies, and to furnish them seasonably. The motion immediately pending is that just made by the honorable member from New York, [Mr. BARNARD,] to strike out the enacting clause of the bill; in other words, to defeat it altogether, with a view to obtain the required means—first, by loan, and ultimately by an increase of revenue, to be derived from an assessment of duties upon certain articles now admitted free. I regret that, under present circumstances, I cannot concur with the honorable member in the expediency of this proposition; not, however, because I do not deem it, generally, the most eligible mode of supplying deficiencies—undoubtedly it is so; but merely because it does not seem to me to meet the present exigency. I am far from approving this constant recurrence to the use of Treasury notes. For many reasons, unquestionably, a loan is preferable; and revenue sufficient for all the purposes of Government, derived from the ordinary sources of revenue by just legislation, is better than either. But we have no alternative offered to us. The pressure upon the Treasury is actually existing, and has been for months; and I fear that means cannot be obtained in the mode indicated by the honorable member from New York, early enough to guard the Treasury from the insolvency hanging over it.

[Mr. BARNARD said he thought his proposition was not correctly understood. He proposed to borrow money for present necessities, either upon the issue of scrip, or upon bond; and he was confident the credit of the United States was such, that almost any amount could be immediately obtained upon bond.]

Mr. EVANS. Undoubtedly, so far as public credit is concerned, there will be no difficulty in obtaining by loan whatever may be wanted. But can it be obtained seasonably? How are public loans contracted? If upon bond, as suggested, it strikes me, that varies very little from Treasury notes. The ordinary mode is, to issue proposals, and in this way to invite competition, and thus to obtain more favorable terms. For this purpose, time is necessary. It cannot be done in an hour or a day. Is it designed to vest the Secretary of the Treasury with power to issue bonds, which he may negotiate in the market upon such terms as he may see fit, or as the pressure of circumstances may compel him to accede to? I trust not. I cannot but think, therefore, that the mode proposed in the bill under consideration is the most prompt and certain, and, therefore, in the present exigency, preferable. It can be rendered effectual, instantly. The relief is, what the crisis requires—immediate. Besides, we must take this or nothing. This is the favorite financial expedient of those now in power, and of the majority of Congress. What hope is there that they will abandon it? In this matter we have no alternative. We are driven to this extremity either to grant the relief in the only mode the Administration desire it, or to permit the public faith to be broken, and the national credit dishonored. For myself, sir, I prefer to grant the relief, notwithstanding the objectionable form in which it is proposed; and I am the more reconciled to it, from the consideration that it is the last time

—unless, indeed, the Secretary finds it necessary to call for another issue before the close of the session, to carry him safely through the residue of his remaining quarter, which is not very improbable—the last time we shall be forced into such a position. Hereafter, I trust, Congress will be allowed some little freedom of action, and be permitted to exercise some discretion of its own, as to the best mode of guarding against deficiencies in the revenue, and of supplying them when they occur—a freedom and discretion which has not been vouchsafed to Congress for many years. What has been our experience during the whole of this period of perpetually recurring deficiencies? Has Congress been advised seasonably of the critical condition to which the Treasury has been so frequently reduced? Never. The Executive communications, at the commencement of the sessions, have almost invariably represented our fiscal affairs as prosperous and successful. Whatever of apprehension has been expressed, has always been in such vague and indefinite terms; so obscurely shadowed forth, as to attract little notice, and excite no action on the part of Congress. Deficiencies have never been acknowledged or anticipated in the official documents. The Treasury has experienced no difficulties but such as grow out of “fluctuations,” temporary in their character, and inconsiderable in amount. Such is the general character of Executive communications at the commencement of the sessions of Congress. But soon the scene is changed. The Treasury is in distress. The public credit is in danger. Immediate relief only can save it from insolvency. And how are these calls made? To whom is this information communicated? To the House—to Congress? No; but privately—in letters to the committees who have charge of all matters pertaining to the finances of the nation. Then follows the bill precisely as the Executive recommends; and it must be hurried through just in the shape it is reported, because there is not time to devise any more effectual mode of relief. This has been our experience in past years. We are always upon the brink of the precipice before we are admonished of the danger. Congress has been kept in ignorance of the true condition of the finances, always assured of the great success which has attended the various experiments which have been tried, and lured on by assurances of brightening prospects. It is so now. The Secretary perseveres to the last. The country, he tells us, is prosperous; the finances prosperous; the prospects most cheering; the revenues of the year will exceed the expenditures five millions of dollars; all the outstanding claims upon the Treasury can be met; all the notes heretofore issued redeemed; the public credit preserved; the operations of Government successfully conducted, with a balance of near a million of dollars in the Treasury at the end of the year! This is the exhibition which goes to the public. This is the document which we publish and spread over the country by thousands and tens of thousands; and to which the people look for information as to the true condition of their affairs. The date of this official exposition is the 7th of December last; but it does not contain the information on which the present bill is founded. That was transmitted to the committee on the 21st of December, only fourteen days afterwards. Now, sir, I do not doubt the pressure; but why was it not foreseen on the 7th of December? Why was it not communicated to us in the annual report of the Secretary? What occurred between the 7th and the 21st of December, which could not have been, and ought not to have been, anticipated, to render this issue of notes necessary? The Secretary has himself informed us. In the first place, an appropriation bill of about four hundred thousand dollars had passed, most of which would probably be soon called for. Might he not have expected this? Did he not know that such a bill would pass early in the session? It has been the constant practice for many years past. The corresponding bill last year appropriated \$650,000; and if this has, in any degree, rendered a resort to Treasury notes necessary, the Secretary should have foreseen it, and recommended it in his annual report. Then, he says, the appropriation of \$150,000 for the payment of navy

pensions is a charge new in its character, and not anticipated. Granting this to be so, it is of comparatively small amount; by no means large enough to justify a call for additional means to the extent now desired. Then, again, the duties to be refunded on refined sugar exported, about \$75,000; this, also, ought to have been anticipated. Drawbacks of this description are payable and paid every year, and constitute a part of the ordinary expenditures of the year; and, although I do not say that the Secretary ought to have foreseen this particular instance, yet, with the experience of the past before him, he ought to have taken into his estimates the probable liabilities of the Treasury for claims of this character. But, at all events, this is quite small; not sufficient, one would suppose, to embarrass a flourishing and well-administered Treasury so seriously as it seems to have done. Besides these, are “some recent decisions of the courts that appear to require the refunding of more duties from the Treasury to a considerable amount.” What the Secretary means by “a considerable amount,” I will not undertake to define. I apprehend it is not very large, or the amount would have been stated. By the letters communicated with the Secretary’s application, it appears that the decisions referred to relate to “soda-ash,” “gunny-cloth,” and “worsted-plush,” all of which, it seems, are entitled to be imported free of duty. What amount of revenue has been hitherto derived from these sources, I have no means of knowing; but I imagine it is very inconsiderable. These, then, are the charges thrown upon the Treasury between the 7th and the 21st of December, amounting only to about \$650,000, the most of which ought to have been anticipated and provided for, relied upon to justify the call for the issue of five millions of resources to the Treasury. Now, sir, can that be a successful or prosperous administration of so vast a machine as the Treasury of this nation, which can be thrown into disorder and derangement by so comparatively insignificant a call upon it, even if wholly unexpected, as a little over half a million of dollars—not a fiftieth part of the expenditures of the year, and requiring means to obviate ten times greater than the assigned causes themselves? No, sir, these are but pretexts. They are seized upon because they happen to have occurred subsequent to the date of the annual report, and are all which have occurred since. Why were not the real causes of the embarrassments of the Treasury communicated in that report? and why was not Congress requested to provide for the deficiency? For the reason already given. That is a document for the people, for general circulation, prepared accordingly, with a just admixture of self-congratulation and a glowing account of the success of the Treasury, notwithstanding many embarrassments and trials. Surely that was not a place to expose deficiencies. Such an exposition would not have been in good keeping with the valedictory panegyric which the Secretary seems to think the occasion required.

Now, sir, although, as I have already remarked, there is unquestionably a very great pressure upon the Treasury at this moment, requiring prompt relief, I am constrained to say that the exhibitions of the Secretary upon this subject are far from being satisfactory. The explanations which he offers do not show such a pressing exigency as is represented to exist, and as undoubtedly does exist. How does it appear by his own showing? He has made no communication directly to the House, nor even to the committee; but the honorable chairman of the Committee of Ways and Means has a private communication, which he has used, showing the embarrassments of the Department. It is not an official document, the accuracy of which we have any mode of testing now or hereafter. But what is it? First, as to the means of the Treasury during the first quarter of the year. The Secretary represents them to be as follows:

Receipts from customs, deducting drawbacks	\$3,000,000
Receipts from lands	450,000
Miscellaneous sources, and banks, &c.	50,000

\$3,500,000

To this is to be added the balance on hand at the commencement of the

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year - 1,596,855
 And the power to issue Treasury notes
 under the act of March 31, 1840 - 342,618

Forming an aggregate of available
 means for the first quarter of this year,
 by the Secretary's own computation,
 of - \$5,433,473

The Secretary has undoubtedly estimated the receipts of the quarter quite as low as they will be found to be. The customs he estimates after deducting all drawbacks, whether including fishing bounties or not, I cannot say, although it seems they are generally retained out of the accruing revenue. The receipts from lands he puts at about half only of the average receipts of the year, as estimated by himself, and of the average of the actual receipts of the last year. Why the receipts of this quarter should be expected to fall so far below the ordinary average receipts of the two years together is nowhere explained. I think it would be quite safe to add about \$400,000 to the estimated receipts from this source. But let the estimate stand as it has been given us, at \$5,433,473. What are the estimated expenditures of the quarter? They are stated as follows:

For ordinary expenses, pensions, session of Congress, &c. - \$4,500,000
 For debt of the District of Columbia - 80,000
 For fishing bounties - 300,000
 For expenses of the census - 550,000

Forming an aggregate of - \$5,430,000
 which, it must be admitted, presses very hard upon the means of the quarter. But it seems to me, that, on this side of the account, the Secretary has been somewhat too liberal in his estimates. He has given us no items which go to make up the aggregate of four millions and a half for ordinary expenditures. Does it embrace the drawbacks which he has spoken of repeatedly as a charge upon the first quarter of the year, and which are already provided for, by deducting them from the amount of incoming revenue?

The fishing bounties are included in the aggregate of expenditures for the quarter, although I should infer from the practice which the Secretary says prevails, that they are also usually retained out of the accruing revenue, and, if so, are provided for in the same way. Besides, the Secretary in his annual report, to which he refers, embraces among the charges falling upon the first quarter of the year, the expenses incurred by the session of Congress, and "private bills." What amount is likely to fall upon the Treasury from "private bills," it is not easy to foretell. From present appearances, nothing whatever; and the Secretary, though he wishes his own quarter to be amply provided to meet "private bills," does not estimate a single dollar as likely to fall upon the whole year from that quarter. But private bills do not necessarily fall upon the first quarter. Many of them, and, indeed, all where any great amount is involved, require the accounts upon which they are founded to be audited, often taking months, and sometimes years, to finish. The whole charge last year for private claims was about fourteen thousand dollars, and I see no disposition to increase it greatly the present. Now, sir, making some allowances, which seem to me called for, on both sides of the account, although it would still present a case requiring some relief, yet it does not exhibit a condition of so much peril, and exciting so much alarm, as the Secretary evidently perceives and feels. He says, on the 7th of January, "I do not see how it is possible to preserve the public faith," &c.; "any further delay will place the Department in daily jeopardy," &c.; and he entreats "the speediest action possible." I doubt not he has just grounds for entertaining these apprehensions. I have no question the demands upon the Treasury are very heavy. Calls for payment are undoubtedly made for services rendered last year, and not then paid for, both from a want of means and from a desire to keep down the apparent expenditures of that year. The Administration boasts of its economy and of reduction of expenses; and it is very desirable, no doubt, that the exhibits of the Department should furnish some grounds upon which it may be

maintained. No question there are large calls for postponed appropriations, where the work has been already performed and the materials furnished, and which ought to have been paid for and charged to the expenditures of 1840. Large arrearages are falling due, and creditors who have been kept off are becoming importunate. All this I can well understand; and I am desirous of affording the Secretary sufficient means to preserve the public faith, and to pay the public debts. In my judgment the amount proposed by this bill is far short of what will be required for these purposes during the current year. If gentlemen are disposed to supply adequate means for the whole year, I trust they will enlarge the amount proposed to be issued, or provide in some other mode for a deficiency which must happen. I am aware that the Secretary of the Treasury and the honorable chairman of the Ways and Means, adopting his views and repeating his estimates, entertain a different opinion. They tell us, as they told us last year: The revenues of the whole year will be equal to all the expenditures of it; this is only an anticipation of the resources of the latter part of it, when the receipts will be greatest; for the service of the former part of it, when the disbursements are heaviest. There is no deficiency of means. We desire only a safeguard against fluctuations. All this we have heard before. It is the old argument; and one would suppose that the honorable gentlemen who use it would be little distrustful of their own judgment, when they recollect how widely they have been mistaken before in their predictions upon this subject. Last year, the honorable chairman, supported by two other of my honorable associates on the committee, [Messrs. ATHONTON and VANDERPOEL] gave us the strongest assurances that the issue then contemplated could all be easily redeemed within that year. Well, sir, they are nearly all outstanding still; and, so far from being able to redeem them, we are called upon for a fresh supply, to be redeemed within this year—certainly to be redeemed out of the abundant incoming revenues. I ventured to differ with the Secretary and the honorable members to whom I have referred, at that time, and endeavored to demonstrate not only that the revenues of the year would be inadequate to meet the expenditures of it, but to predict that, before the close of that session, another call would be made for about five millions more. Accordingly, in July, another call was made for four millions and a half. The event happened precisely as was anticipated. Congress, however, thought it had gone far enough, and did not accede to the Secretary's request; but, in lieu of it, resorted to the expedient of postponing a portion of the appropriations to the present year. This expedient, together with the payment by the late Bank of the United States of its last bond, amounting to two millions and half, enabled the Treasury to weather the storms which threatened it, without, however, the redemption of the notes issued under the act of 31st March last, which had been so confidently promised, amounting, at the close of the year, to near five millions. And, what is further to be remarked, also, if the Secretary's estimates of the receipts of last year had been verified by the results; if there had been no falling off in the customs and sales of lands, he could not then have redeemed the outstanding notes. In his annual report to the last session, he estimated the receipts of the year 1840, from customs, lands, and miscellaneous, at \$19,600,000. It now appears that they amounted to \$17,197,763, falling short of his estimates over \$2,400,000. Now, if this last sum had been received, and his expectations thus fulfilled, it is evident he could not have redeemed the outstanding notes, even with the aid of all the unexpended sums in the Treasury at the close of the year. The deficiency would still have been over two millions. With this recent experience fresh before us, what degree of confidence can we be expected to repose in the assurances now given of the ability of the Treasury to redeem the proposed issue within the current year? I regard it as utterly out of the question, not merely to redeem these, but impossible, without other means, to redeem the five millions now outstanding, which will

fall due at no distant day; and this I will proceed to demonstrate. At the last session I endeavored to show, and believe did conclusively show, that the expenditures of the Government for the three preceding years had exceeded its accruing revenue, upon an average, about eight millions annually; and just at the close of the session I attempted to demonstrate that the expenditures of last year would exceed the income by nearly the same amount. What has been the result?

The receipts into the Treasury from the accruing revenues, lands, miscellaneous, and all the ordinary sources, (estimating for the fourth quarter,) were - \$17,197,763
 And the expenditures, for ordinary current expenses were - 22,489,349

Showing a deficit of - \$5,291,586
 The estimates of the fourth quarter, embraced in the general aggregate of expenditures, are five millions; but the Secretary says that the other Departments place the amount higher. The probability is, that the "others" will come nearer the mark, and that the deficit will thus be increased. Now, sir, as well as I can judge, about a million and a half of appropriations of last year, and which would ordinarily have been expended then, have been postponed to this. If the operations of the Government, therefore, had been conducted in the usual mode, the deficit would have fallen little, if any, short of seven millions of dollars. It was supplied in this way:

The effectual balance on hand January 1, 1840, was \$3,246,749. In the annual report of the Secretary, December 3, 1839, he estimated the balance which would be on hand 31st December at \$1,556,384; but it now appears to have been about \$690,000 more. Why he should have been so far mistaken so near the close of the year is not explained, and perhaps is of no consequence:
 To the actual balance on hand - \$3,246,749
 Add receipts from Bank of the United States and other deposit banks - 3,300,000
 Excess of Treasury notes issued over those redeemed - 1,675,488

Amounting to - \$7,222,237
 Deduct balance on hand now - 1,590,855

\$5,631,382
 By this computation, which probably is the best mode of stating the account of the year, it appears that, for the ordinary current expenses of 1840, exclusive of the redemption of Treasury notes, over five millions and a half, besides all the accruing revenues of the year, were requisite; and this after the postponement of so large an amount of appropriations as has been already stated. In any view of the subject, the result is the same. With these incontrovertible facts before us, what reason is there to expect that the receipts of this year will not only be adequate to meet all the expenditures of it, but will so far exceed them as to enable the Department to pay near five millions of outstanding notes? Yet the Secretary expects that, while in each of the last four years the receipts have fallen short of the expenses six, seven, and eight millions, the tables are now to be turned. The receipts are to take the lead, and to advance beyond the expenditures, nearly as much as for four successive years they have fallen behind. This will certainly be a very great change in our financial affairs, and a very desirable one. Let us see, however, whether it be practicable, and how it can be effected. In the first place, as regards the expenditures of 1841:

The Secretary estimates them, "for ordinary purposes," at - \$19,250,000
 We have already seen that they amounted last year to - 22,489,349

Showing a proposed reduction of - \$3,239,349
 The first question arising here is, upon what class or classes of expenditures is this great reduction to fall? Where are the items which make up this sum to all? If it required near twenty-two millions and a half last year, and over twenty-four millions and a half for the preceding year, to carry on the ordi-

nary operations of Government, what ground is there for supposing that the same services can be performed this year for nineteen millions and a quarter? I am not now looking at all at the appropriations made or proposed for the last or the present year, but at the amount actually expended. I am aware the appropriations which have been requested are made to correspond to those estimates of expenditure. But I wish to know what lavish expenditures were made in 1840, which may be dispensed with in 1841? What extravagance is to be reformed? We all know that, owing to the embarrassed state of the Treasury last year, both the appropriations and the expenditures were kept down to the lowest possible amount. Where can there be any greater reduction for the present year? The Secretary answers in these words:

"It is believed that the ordinary expenses of 1841 ought to fall some millions below those of 1840, as the pensions have diminished by deaths; fewer Indians remain to be removed; several expensive public buildings have been mostly finished; and hostilities with the Seminoles must be nearer to a close."

These are the heads of expenditure in which the reduction of over three millions and a quarter is proposed to be made; and I will examine them in the order they are named.

1st. As to the pensions. The Secretary has referred several times in his reports, to the great relief which the Treasury is to experience from the deaths of the old soldiers of the Revolution, and their aged and impoverished widows. He seems almost impatient, because they are so long a charge upon the country. But let that pass. How much does he expect to save from this source? By the report of the Commissioner of Pensions, and of the Secretary of War also, it appears that "the total amount drawn from the Treasury during the past year, to pay pensions, is \$2,048,663," in round numbers, two millions. It appears, further, from the statement of the Commissioner, that the pensioners, exclusive of naval, are divided into six classes, viz: invalid, under act of 1818; under act of 1828; under act of 1832; under act of 1836; under act of 1838. Under the first class there are 4,289 pensioners, and the deaths last year were 48—not quite one per cent. Under the second class there are 7,947 pensioners, and the deaths last year were 256—a little over three per cent. Under the third class there are 605, and the deaths were 17—about three per cent. Under the fourth class the number is 23,207, and the deaths were 974—something over four per cent. Under the fifth class there are 2,760, and the deaths were 139—which is five per cent. Under the sixth class the number is 5,586, and the deaths were 171—a little over three per cent.

Now, sir, making some allowance for deaths, the knowledge of which had not come to the Department, as the Commissioner suggests is the case, and something for the advancing age of the remaining pensioners, from which it is probable that the per centage of deaths will increase from year to year, I suppose that the number of deaths in 1841 will be ten per cent. of the whole number in all the classes; and this is a larger proportion, I think, than has ever taken place in any two years together since the pension laws have been in operation: the saving upon that basis will be just \$200,480, and no more. But, on the other hand, the Commissioner supposes that there will be 1,400 added to the sixth class during the present year, whose applications have already been made, and are under examination; and, if so, they will be entitled to the whole five years' pension, payable at once, which will undoubtedly require from three to four hundred thousand dollars.

The appropriation bill already reported for the payment of pensioners, exclusive of the fourth class, which is provided for by the act of 1832, amounts, agreeably to the estimates, to

The standing appropriation under the act of 1832, as estimated by the Secretary for this year, is

The unexpended balance of former appropriations, now on hand, applicable to the service of this year, is

Making, for the payment of pensions for 1841

This exceeds the amount actually

drawn from the Treasury for last year, \$154,892. The amount thus estimated, and to be appropriated for the year, is either wanted or it is not. If it is wanted, it exceeds the amount drawn from the Treasury in 1840, as before stated, and there will be no reduction, but rather an increase from this source. If it is not wanted, why is it embraced in the estimates, and why are bills reported to appropriate it? It is not understood, I presume, that the whole amount paid for pensions last year was but \$2,048,663. This was the sum "drawn from the Treasury," and formed part of the current expenses of 1840. The amount actually paid was probably somewhat larger, perhaps 200,000 to 300,000 dollars. The balance was made up of money drawn in 1839, and forming a part of the expenditures of that year, but remaining in the hands of the various pension agents unexpended. Something undoubtedly remains in their hands now, which is to be added to the sums before stated, as applicable to the service of 1841, but which will form no charge upon the Treasury of this year, as it is already withdrawn from it.

The second reason assigned by the Secretary, for the expected reduction in 1841, is, that "fewer Indians remain to be removed." Now, what were the expenditures for removals last year? The Commissioner of Indian Affairs reports: That, during the preceding year, 5,671 were removed; 4,500 of them being of the Winnebagoes, for which an appropriation of \$45,000 was made last year, and which was probably sufficient. If the remaining 1,171 were removed at the same rate, the whole cost of removals last year was but \$56,710. It also appears by the same report, that 21,774 still remain to be removed; and although there are "fewer" than there were a year ago, yet there is full enough remaining to allow as many to be removed in 1841 as were removed in 1840. How does it appear that such will not be the case? But grant that the whole amount will be saved, and it will add but \$56,710 to the reduction estimated on pensions.

The next reason is, "several expensive public buildings have been mostly finished."

Last year we appropriated for finishing the custom-house in New York, which will be saved this year

For the Treasury building	\$105,000	
For the Patent Office	100,000	
For the Post Office	125,000	
Amounting to		330,000
This year the Commissioner estimates—		
For the Treasury	40,000	
For the Patent Office	30,000	
For the Post Office	175,000	245,000

Less than last year . . . \$85,000
Which added to the \$118,000 for the New York custom-house, amounts to \$203,000, as the total of reduction on public buildings; unless Congress see fit to reduce the appropriation below the estimates of the Commissioner.

The last reason relied upon by the Secretary is "hostilities with the Seminoles must be nearer to a close." Well, I suppose "they must be," if they ever come to "a close," which is somewhat doubtful. But how does that bear upon the expenditures of this year? Is the war to cease now? Are no expenses to be incurred for its prosecution this season? Now, sir, although this Florida war has been the great vortex in which so many millions of money have been engulfed, yet the expenditures of last year on account of it were exceedingly small—only \$300,000 were appropriated for that object. This was the only appropriation made last session for this service, and if the whole of it can be saved in the expenditures of this year, it contributes but a small proportion of the whole amount expected to be reduced. We are dealing with millions. More than three millions and a quarter is the amount of reduction proposed; and all the items with which we have been furnished amount to but a few hundred thousands, viz:

On pensions	\$200,480
For removal of Indians	56,710
On public buildings	203,000
Seminole hostilities	300,000

Total . . . \$760,190

Assuming this statement to be correct, which it is not, and that this whole reduction could be made, it is nearly counterbalanced by one single item of a new charge upon the year 1841, for which no corresponding expenditure was made in 1840. I mean the payments for the census—a service rendered in 1840, and for which appropriations were made that year, but have not been expended—not drawn from the Treasury. The charge thus imposed upon 1841 will be about \$720,000; of which \$550,000 are wanted for the first quarter; the balance will fall upon the residue of the year. This single item, new in its character, and chargeable solely upon this year, very nearly meets all the reductions which can be made from the sources indicated by the Secretary.

But this is not all. There are other and heavier expenses to fall upon the Treasury in 1841, of which the Secretary takes no notice, although it is scarcely possible he was not advised of them. The honorable chairman of the Ways and Means is equally silent upon the subject, though well known to him also. So far from their being any reduction this year, because "hostilities with the Seminoles must be nearer to a close," there is now a proposition before the Committee of Ways and Means for an appropriation of near two millions, and a half of dollars, submitted by the Secretary of War on the 17th December last, ten days only after the estimates for the year were prepared. The necessity for this is represented as very urgent. About half a million of it is wanted to pay for arrearages of 1840, for services already rendered, and which ought to have been a charge on that year, and not on 1841. Why was it not embraced within the estimates for this year? Was it not known to the Secretary on the 7th December, the date of his annual report? Was it kept back by the Secretary of War, and why so? His report is dated December 5. Now, sir, on the 13th November preceding, the Paymaster General, in obedience to the directions of the Secretary of War, submitted to him an estimate, amounting to \$250,000, for the payment of militia mustered into service in 1840. On the 17th December, the Secretary of War speaks of it in these words:

"This pay is now due; and, as the troops stand much in need of it, justice to them requires that it should be paid to them at the earliest possible day."

Again, General Jesup, on the 14th November, submitted to the Secretary of War, by his directions, "an estimate of the amount which will probably be required for the service of this department in prosecuting the war in Florida." This estimate, including two hundred thousand dollars for arrears of 1840, expenses already incurred, but not paid, amounts to \$1,300,000; of which he requested that \$400,000 might be appropriated "as early in the session as possible," being wanted for immediate use. On the 23rd November, General Jesup, in another report to the Secretary of War, says that the failure of the Arkansas delegation to effect a satisfactory arrangement with the Seminoles induces "the belief that a greater amount will probably be required than that for which I presented an estimate on the 14th instant." Again, I inquire, why were not these sums, thus approved by the Secretary of War, and made known to him by the middle of November, and urgently requested on the 17th December—why were they not embraced within the estimates submitted on 7th December? For the reason before suggested. That is a document widely circulated—the official exposition of the financial condition of the country—of its income and its disbursements—a document which warns us not to exceed the estimates, and attempts to show that great reductions can be effected in the expenditures of this year. If these sums had been included in the estimates, all these boasted reductions would have been scattered to the winds. The fallacy would have been obvious. But there are charges upon the year, which I see no way of avoiding. The expense has been incurred and is now going on under Executive authority alone. It requires no sanction from Congress, and we have no alternative but to supply the means of defraying it. I have already said that near half a million is required to defray the arrearages of 1840. The balance is required for pay, subsistence, ordnance, and the Quartermaster General's Department, of

casioned principally, if not wholly, by retaining in service about 2,000 men called militia and volunteers. They are already in the service, by Executive direction, and the Secretary proposes to retain them during the year, or until the war be closed. The estimate is in this form:

For arrearages to militia, service of 1840	\$221,244 02
For pay of Georgia volunteers, three months, 1840	29,446 08
For the Quartermaster General, as before stated	1,300,000 00
For pay of 1,500 mounted and 500 foot volunteers for the year 1841, estimated by Paymaster General,	489,010 96
For pay of one battalion foot volunteers	77,206 82
For subsistence for militia and volunteers and inhabitants, estimated by the Commissary General of Subsistence	222,421 87
For Medical Department, by Surgeon General	16,000 00
For Ordnance Department, by Colonel of Ordnance	30,000 00
	\$2,385,329 75

To show that these expenses are already partially incurred, and are now going on, daily, and weekly—and monthly, I will read from the report of the War Department:

In order to render the regular forces available for offensive operations, a brigade of Florida militia was raised for the defence of Middle Florida, and placed under the command of Brigadier General Leigh Read of the Territorial militia."

"The troops that were in the service of the Territory in virtue of a law of the Legislature of Florida, were mustered into that of the United States, and form part of General Read's brigade, which has been increased to 1,200 mounted, and 500 foot men, and may be raised to 1,500 mounted, and 500 foot; a force which is considered ample for the protection of that portion of the Territory assigned to Gen. Read's command."

"The regular troops now in Florida amount to about 4,500 men, and the militia in service to about 2,000. I recommend that authority be given the Executive to engage the services of this description of troops for a twelvemonth, or during the continuance of hostilities in Florida. The term of three months is much too short to insure efficiency, and frequent enlistments are a fruitful source of insubordination as well as of great additional expense."

General Jesup also says, under date of November 23th:

"There are outstanding claims to a considerable amount, arising out of the volunteer and militia service, which have been recognised by the Executive, and for the payment of which funds are required. Means are also necessary to carry on the service during the remainder of the year, (1840,) as well as to provide for the approaching campaign. The urgency of an immediate appropriation is therefore obvious."

Now, sir, from these extracts, it is obvious that the militia and volunteers are already in the service, and that it is intended to keep them in the service. They are called out by the Executive for a period of three months; and, when that expires, they are discharged, and immediately called out for another term of three months; and so on, amounting to constant service. This, probably, the Executive has the power to do, under existing laws; and this, it is manifest, he intends to do, and the estimates are framed accordingly. The authority which the Secretary requests is, not to call out an additional force of 2,000 men, over and above what are now in the service, for a twelvemonth, but to extend the term for which he is now authorized to call them out, from three to twelve months. If it be granted, very well; the expenses are not increased by it, because, if it be not granted, he will exercise the power he now possesses, and take them into service from three months to three months, as long as, in his judgment, it is necessary. In either mode the service is rendered, and Congress must supply the means of payment. It is, therefore, apparent that the appropriation requested, of near two and a half millions, is not at all dependent upon whether Congress grants or withholds the authority to call the militia and volunteers into service for a term of twelve months. This expense is going on, and will go on, unless the Executive, after 4th March, order this description of force to be disbanded. It will not be done before; and, if done then, the expenditures will probably amount to at least a million of dollars, which will fall on 1841, but embraced within the estimates of the year. To give a little further insight into this expenditure, and the mode in which operations in Florida are conducted, I will read a

letter from an officer of the United States Army, of high rank, now on duty there, not known to me personally, but who, I am assured by an honorable member of the House, to whom it is addressed, is a gentleman of high reputation, and of the strictest honor and veracity. I am not at liberty to give his name; the reasons for which every gentleman can readily appreciate. I will read only the portion of it bearing on this subject. It is dated

"St. Augustine, December 31, 1840.

"Before it was known, last summer, whether the bill authorizing the President of the United States to accept the services of not exceeding 2,500 volunteers would or would not pass in Congress, a force of 500 mounted and 500 foot militia were authorized by the Secretary of War to be received into the service of the United States in Florida. The mounted force was afterwards doubled; and again in September increased to 1,200, all to be called Florida militia, and to be mustered for a term of three months. The mounted force was all mustered in, and, when the first term expired, discharged, and re-mustered for a second term of three months; and this practice is to continue, so as to perpetuate the force, both mounted and foot, in service. None of the foot were mustered till recently, and not till they were assured the duty to be required of them would not take them from home. In going hence to Tallahassee, in October last, I saw a letter from a lieutenant colonel of militia in this mounted force, to a man who was requested to raise a foot company, in which it was stated, the men of the company will remain at home, and if any Indians or signs of them shall be discovered, word will be sent to the nearest mounted force to go in pursuit. This changed the disposition in several companies, and induced the members to become foot men instead of mounted. Since my arrival here, I have been furnished with the following copy (from the original) of a letter from the Brigadier General in command of the Florida militia. Its genuineness cannot be doubted, for the order is in the handwriting of that officer. It is proper for me to mention that there is no Florida militia in Middle or East Florida, except a small company uniformed in this place and in Tallahassee. None else have had the least organization since the commencement of the war; and the companies now in service, and called 'Florida militia' by order, are made up of such as are willing to serve in them—some residents in the country, many discharged soldiers, citizens from Georgia, and some entire companies from that State.

[Copy of Order.]

"HEAD QUARTERS FLORIDA BRIGADE,
NEWNANSVILLE, Dec. 4, 1840.

"The troops of the Sedentary Infantry service, of which Captain Broen's company is an integral portion, shall not, at any time, be ordered on active duty; nor will it ever occur, during their term of service, that they shall be ordered to march a greater distance than twenty miles beyond the headquarters of their respective companies. They will be directed to remain at their usual places of abode, and expected to engage sedulously in the pursuit of their usual occupations."

[Signed]

"LEIGH READ,
"Brig. Gen. Florida Brig."

"Captain BROEN, Mandarin."

"This 'sedentary' service for which they are paid, subsisted, clad, and doctored, is suggested, as I am credibly informed, by the Secretary of War to General Read. His letters of October last, will no doubt show it."

We have here some account of the mode of conducting affairs in Florida: "a sedentary infantry," "directed to remain at their usual places of abode, and expected to engage sedulously in the pursuit of their usual occupations." The value and the economy of this description of force may be in some degree appreciated by the description which General Jesup gives of the laborious duty devolving on his department. Among others, he instances "the examination of accounts purporting to have been certified by volunteer and militia officers, for the services of boats, wagons, and other means of transportation, and for supplies of forage, fuel, building material, camp equipage, &c. purporting to have been purchased, which accounts are found, upon investigation, to be entire fabrications, both in certificates and affidavits, or to have been certified by the officers under the mistaken idea that this was the proper mean of obtaining, through the amounts so charged, payment for supplies which they believed should have been furnished in kind to their men."

The result of this is, that, so far from anticipating any diminution of expenditures on account of the Florida war, an excess of expenditures in 1841 of two millions of dollars seems inevitable.

But, further: there are other expenditures falling upon 1841, from which the Treasury was relieved in 1840. The postponed appropriations amount, as well as I can judge, to about a million and a half. In many instances, the work for which the appropriation was designed has been already done, and the materials furnished; upon fortifications, forts, ordnance, navy yards, &c. The service of 1840, and the expenditures consequent thereon, have thus been thrown on 1841; and are a proper charge of increased expenditure for the latter year. The sum already appropriated for navy pensions, \$150,000, is also a charge, as already stated, on this year, from which the last was exempt. There

are various others, such as the claims of Maine for militia services, about \$225,000, private bills, &c. nowhere embraced in the estimates; but all of this description I will group together on a rule furnished by the Secretary himself, and which was formerly practised upon. In his report submitted in December, 1837, speaking of the expenditures of the year, he says:

"The propriety of adding also the contingent sum of at least one million of dollars to cover appropriations made by Congress beyond the estimates, has been so fully tested by the experience of several years past, that the correctness of the measure may no longer be considered as doubtful. But the usual excess of appropriations thus made by Congress is not imputed by the undersigned to any special inattention or extravagance."

In estimating the appropriations for the coming year, the Secretary embraces nothing for this contingent sum, and his estimate of disbursements is predicated upon that of appropriations. Now, sir, to sum up the comparative expenditures of the two years, now does it stand?

Actual expenditure in 1840, for current expenses	\$22,489,349
Deduct saving on the items enumerated by the Secretary	760,190
	21,729,159
Deduct further, excess last year for long session	300,000

Would leave for the expenditure of 1841, unless some further reduction can be shown	21,429,159
Add expense of census	721,000
Florida war	2,385,329
Navy pensions	150,000
Postponed appropriations	1,500,000
Contingent sum	1,000,000
	5,756,329

Expenditures of 1841, based on those of 1840

\$27,185,488
This is the sum for ordinary and current expenditures merely, which, by the course of policy and the measures of the Administration now in power, has been thrown upon the present year, and for which those who are soon to administer the Government are in no degree responsible. I have not included the debt due on account of this District, being a charge of \$60,000 more this year than the last. Let that stand as part of the "contingent million." To this aggregate is then to be added the redemption of Treasury notes outstanding, issued under former laws estimated by the Secretary at \$4,500,000, and we have the sum total for the service of the year of thirty-one millions six hundred and eighty-five thousand dollars, (\$31,685,000.)

This estimate, I am aware, differs widely from that of the Secretary. He assumes that the expenditures of the year, "for ordinary purposes," if Congress makes no reduction from the estimates will be

For the funded debt and District debt	\$19,250,000
For the redemption of Treasury notes	149,200
	4,500,000

Amounting in the whole, to

\$23,899,200
Before placing that implicit reliance upon this estimate which the honorable chairman does, I desire to see the calculations of the Secretary—the manner in which he proposes to distribute the nineteen millions and a quarter among the different branches of the service—where the reduction is to fall. When the honorable chairman said that he might possibly be told that the estimates of the Secretary were not to be relied upon, he only repeated what is the common judgment of the country. Experience has not furnished us much ground for such reliance; and, indeed, the gentleman himself labored considerably to demonstrate the difficulty, if not impossibility, especially in these times of "fluctuation," of forming any estimates which would be likely to be verified by the results. I readily admit that, for myself, I do not place much confidence in the accuracy of the estimates. They seem to me to be formed, not upon the wants and requirements of the service, but in reference to the ability of the Treasury, and so formed as to produce a desired result. Sums total are assumed in the first place, and then the component items arranged to meet the aggregate. The Administra-

tion desires to make a favorable exhibition of its fiscal affairs, and to show that the income of the year will exceed all its disbursements. Nothing is easier. Assume the receipts will be so much, and divide it up among the various sources of revenue; then assume the disbursements to be so much, and frame the estimates accordingly for the various branches of service; and deducting the one from the other furnishes exactly the foregone conclusion. I say it seems to me that this is the mode of proceeding; and this supposition is verified by statements appearing in the documents submitted to us. General Jesup, in his report of 28th November, and also in his letter of 14th November, says, "at the last session of Congress I presented an estimate, for the service in Florida, of six hundred thousand dollars; that estimate I was required to modify, and reduce one-half." He did reduce it: not because the wants of the service would admit of it, but because he was "required" to do so in consequence of the condition of the Treasury. The result shows that the sum first proposed was wanted; and so pressing was the necessity that he required \$400,000 early in the present session, growing out of the reduction of his first estimate.

The same thing appears in the estimates for the naval service, submitted at this session. The navy commissioners, by whom these estimates are prepared, say that they were limited to the sum total of five million and twenty-five thousand dollars. All that was left to their discretion was, to apportion this sum among the various objects of expenditure in that branch of the public service. So much for pay of officers and seamen; so much for provisions, medical stores, &c.; so much for superintendents and naval constructors at the several yards; so much for hospitals; so much for increase, repair, armament, equipment, and wear and tear of vessels in commission; and so much for improvement and repairs at the navy yards, &c. How was this aggregate of \$5,025,000 obtained? Not because it would cover all the wants and necessities of the service—by no means. No estimate had been formed on that basis. No; but it was a sum arbitrarily assumed, and the commissioners were directed to make their details conform to it. They plainly inform us that this is not enough. They find themselves unable to allow more than \$100,000 of it for increase of the navy, out of which they wish to finish the two steamers now being built, and the frigate Congress, and to commence a new steamer, which they wished to do last year, but "were only prevented from including in the estimates of 1840 by the supposed necessity of limiting the estimates to a certain amount." It seems this mode of forming estimates was adopted last year also. In regard to the navy yards, they say "the board are of opinion that much larger expenditures would be very desirable, to place them in a proper situation to operate efficiently in a period of war. It is manifest, therefore, that the estimates submitted to us are not founded upon the interests of the service, or the wants of the country, but are arbitrarily assumed to bring out a desired result. In any estimates so framed, I declare again I have very little confidence.

If the expenditures of the year are to be what I have endeavored to show they must be, or any where near it, it is manifest that the revenues and receipts of it, from all sources, will be inadequate to meet them.

The Secretary estimates the whole receipts of the year at twenty-two million five hundred and eighty thousand dollars. This would fall short of the ordinary expenses near five millions, being almost as large a deficit as existed last year.

But to this sum	\$22,580,000
Add available balance on hand	1,580,855
Expected receipts from banks	220,000
Balance of Treasury notes, authorized by act of March 31, 1840	342,618

And we have the whole resources of the Treasury for the year, as stated by the Secretary himself

\$24,723,473

In regard to these estimates, I think they are somewhat nearer what will be realized, than those for the expenditures are. I differ with the honora-

ble member from New York, [Mr. BARNARD,] as to the probable receipts from customs, and shall not be surprised if they come quite up to what is supposed by the Secretary. The receipts last year were not far from thirteen millions. We all know that business is recovering from the stagnation and lethargy in which it was then sunk. Men begin to feel confidence, and look forward in the assurance that the country is no longer to be afflicted with a succession of visionary experiments. Importations are much greater now than they were at the corresponding period of last year—I should think nearly double. Homeward freights are quick, and rising. All accounts from the English papers represent the American trade as briskly reviving. It would require an increase of about fifty per cent. on the importations of last year to give nineteen millions of revenue; and this, in ordinary times, would be a great increase. But the importations of last year were small, and the country is somewhat drained of foreign goods. Probably the business in the latter part of the year may decline to some extent, in consequence of the great reduction of duties to take place on 31st December next. Besides, there will probably be a large importation of free goods, from the apprehension that duties may be imposed upon them at the next session of Congress; and this may, to some extent, check the importation of dutiable articles. However, as these are all speculations, which may or may not be correct, and as I cannot assign reasons in which I have much confidence myself for supposing the Secretary's estimate greatly too large, I am willing to adopt it, as showing the probable receipts of the year. What, then, will be the deficiency? What amount of additional means will be required to meet the expenditures of the year?

Whole expenditures, as before stated	\$31,635,000
Whole resources	24,723,473
Deficit	6,961,527
Deduct Treasury notes proposed by the bill	5,000,000
Deficit	1,961,527
Add least balance which ought to be in the Treasury at the end of the year, the Secretary states	2,000,000
	\$3,961,527

So that, in addition to the sum now proposed to be issued, we shall require for the service of the year, and to leave a sufficient balance in the Treasury at the end of it, a further sum of at least four millions. It is not safe to proceed without it. If Congress will provide for the redemption of the notes now outstanding in some other mode, and not make them chargeable upon the revenue of this year, in my judgment, the five millions now proposed will be sufficient to carry us through it. The Secretary himself seems to have some lurking apprehensions that this may be necessary; for he suggests that it may be found expedient to authorize "a contract to be made, under proper restrictions, extending the period of payment of a portion of the temporary liabilities falling due in that year." (1841.) This is very softly expressed, to be sure. He does not recommend the reissue of the Treasury notes, because he assured us they could all be redeemed last year; and he had just demonstrated that they certainly could be in this. He does not even speak of them as "Treasury notes." No; they have become "temporary liabilities." He would not reissue them, but would merely make "a contract" to postpone payment." How far this operation would differ from a debt, or from borrowing money, gentlemen can judge for themselves. It strikes me as being very much the same thing. Now, sir, is it not apparent, from this review of the state of the Treasury, and the prospects for the current year, that there is a deficiency in our revenue—a permanent deficiency? But we have been told by the Secretary, and it is repeated by the chairman of the Committee of Ways and Means, that it is merely temporary; nominal rather than real; the result of the fluctuations between the receipts and expenditures in different portions of the year. I hardly know what ideas gentlemen attach to these words, "permanent" and "tempora-

ry." The receipts, every year, for four years past, have fallen short of the expenditures, upon an average, nearly eight millions. It must be so this year, though to a less amount. In the next year (1842) the deficiency will be greater still, unless new sources of revenue are opened. If this be not a "permanent" deficiency—a deficiency which has existed four years—which now exists—and will continue to exist and increase, unless some modification of the laws affecting the receipts be made, I confess I do not know what a permanent deficiency is. The Secretary informs us that the reduction of duties next year will amount to about five millions of dollars; and, unless the expenditures be reduced in a corresponding degree, there will then be a deficiency, which may be considered permanent, to the amount of about five millions; and he adds, "this may be considered the first of that character which will occur under the tariff act of 1833."

I do not see the distinction which is in the Secretary's mind between such a deficiency and that which now exists. Under the reduction of duties which has been going on, and the increase of expenditures, we find ourselves without sufficient revenue to meet the expenses of the Government. It will be so, to a greater extent, in 1842. There may be a difference in the amount of deficiency; but I can perceive none in the character of it: both seem to me to be permanent. The history of the last four years demonstrates that the deficiency is not temporary; not occasioned by "fluctuations," by heavy disbursements in one part of the year to be supplied by increased receipts in another part. The heavy expenditures have run through the whole year, and have been met, not by accruing revenue, but by Treasury notes, and by funds which had accumulated in preceding years, and the capital which was invested in the late Bank of the United States. All these resources have been exhausted; and that brings us to consider how the Secretary proposes to supply the deficiency of the present and of future years. What "plans for the improvement of the revenue" has he "digested and prepared," as is his duty to do, by the act establishing the Treasury Department? What measures does he propose? In the first place, as regards the present year, after suggesting that a "contract might be made to extend the time of payment of the 'temporary liabilities,'" and thus relieve the Treasury, he announces that such is not his plan. "The best mode," he says, would be "without either an extension of this kind, or a loan, or a further issue of Treasury notes, or a change in the tariff; but merely by lessening the appropriations below the estimates." That is his mode. If you have not got revenue enough to carry on the operations of Government, to meet its current expenses, why, stop operations, neglect your duty, abandon the protection of the public interests. That is all very simple and very easy; and then you will have no deficiency, no debt, no increased duties, no Treasury notes. Take no measures to supply means, but spend what you happen to have, and stop there. That is the recommendation. But if Congress thinks that is not the best mode of carrying on the public service, then he suggests "secondary measures." Enforce the present tariff laws, stop frauds and evasions, modify the system of drawbacks and bounties. Really, sir, it strikes me that these ought to be regarded as primary, and not "secondary measures." They should be first resorted to, and that on other and higher considerations than as merely affecting revenue. But the Secretary looks upon them in no other light than as bringing money into the Treasury; and even that he prefers to dispense with for his favorite measure of reducing appropriations below the estimates. Passing over the political offence and turpitude of defrauding the revenue; the evil example of permitting your laws to be violated; the injury inflicted, not only upon public morals, but upon the business and property of honest merchants and fair dealers, who pay their duties agreeably to the laws, the Secretary seems to be content, and supposes all these evils are sufficiently cured or compensated, merely by reducing appropriations below what he himself, and those charged with the administration of the Government, consider to be essential for the public service. Then,

as to "drawbacks," why have they not been reduced to correspond to the rate of duties imposed? Year after year we have been admonished of the fact that the amount of drawback upon certain articles is greater than the amount of duty received upon their importation. Why has it not been corrected? Who of the majority of Congress—they who have controlled its proceedings and shaped its policy—who has found time to attend to such small matters as the revenue of the country, when the great concerns of party were at stake? But this also is only a "secondary measure," not to be resorted to if the primary one of reduction can be carried into execution. What modification of "bounties" the Secretary thinks suitable, I do not understand. Does he propose abolishing the fishing bounties? If so, I shall be ready to say something in regard to it when the proposition is distinctly submitted.

In the next place, as to the deficiency which the Secretary admits will exist next year, and which may be considered "permanent," what remedy does he propose for it? What mode of supplying the means necessary to conduct the affairs of the nation? Hear him: "The idea that such a deficiency in time of peace ought to be supplied by issues of Treasury notes, or by a loan, has never been entertained by the undersigned. Nor can it be countenanced by any sound principle, either of finance or political economy." In this sentiment I concur; and can only regret that the Secretary has not hitherto recommended some other remedy than those which he now repudiates. Then as to recalling any of the deposits with the States, he thinks that is "not likely to be adopted."

"Another practicable mode would be to resort to direct taxes." But this he regards "unsuited to the general habits, and unobjectionable to the opinions of most of our population," and abandons it. "Some other permanent resource must, then, be looked to." And what is that "permanent resource?" "The choice will rest between the large reduction of expenditures, with the other accompanying measures before specified, and some extensive modification of the present tariff. Explanations have heretofore been given by the undersigned in favor of the former course."

Here is the "permanent resource" which the Secretary recommends for supplying revenue—"large reduction of expenditures." Now, sir, that may be a tolerable mode of obviating a deficiency, but as a "permanent resource" to supply it, to furnish revenue, the idea is somewhat novel. And the Secretary supposes that it will probably prove sufficient to meet the emergency, "if the reduction be pushed vigorously," and the imports shall increase. A "permanent resource" to supply an exhausted Treasury, and provide for a deficiency, is to push a vigorous reduction; and upon what branches of the service is this to fall? It is not designed, I suppose, to abolish Congress, or the Executive Departments, or to break up our intercourse with foreign nations, or to dispense with the judiciary. The civil list must be maintained, and all persons connected with it paid. Nobody suggests that the army can be or ought to be reduced; many are of opinion that it ought to be increased. The army, also, must be paid, subsisted, clothed, and all the expenses attendant upon it must be met. Does any body propose to diminish the naval force—the number of persons actually employed, or their compensation? They must be paid and fed. Our Indian treaties must be fulfilled; and very heavy burdens have been within a few years imposed on the National Treasury from this source. Where will you push "a vigorous reduction," then? I can find no place upon which this process may be commenced and carried on, but fortifications and works of defence, arsenals, ordnance, barracks, and increase and improvement of the navy and navy yards. Who, that knows any thing of the actual condition of these various works and objects, will recommend "a vigorous reduction" here? Read the reports upon these subjects, submitted by the Departments and officers having charge of them, and what a humiliating spectacle do we find exhibited, not to ourselves alone, but to the world! Fortifications unfinished, unarmed—some of them largely dilapidated, and requiring extensive re-

pairs; arsenals, already authorized by Congress, not built for want of means; barracks not commenced, or left partially completed; and in every branch of the military service, pressing calls for larger appropriations. Besides these, how many new works of defence have been projected, and strongly recommended to Congress, upon which nothing has yet been done? The original plan of defences, adopted more than twenty years ago, is very far from being completed. Not only new works are recommended as essential to the protection and security of the country, by distinguished engineers and military officers, but they are called for by the people in various sections, and pressed upon our attention by resolutions of State Legislatures. Our line of coast, as well as of the inland frontier, is yet very imperfectly and inadequately protected, and much, very much, remains to be done; and yet we are admonished to push reductions "vigorously." How is it upon the Indian frontier? Are we to have perpetual peace there? Look at the recommendations from the proper department for military posts, barracks, forts, &c. in that quarter. I notice that the Governor of Arkansas, in his late message to the Legislature, complains loudly of the neglect of the General Government to provide suitable protection on the frontiers of that State; and intimates pretty distinctly that Arkansas will take its own defence into its own hands. Is this, then, a suitable place for a vigorous "push" for reductions? And so upon the lakes and the Niagara frontier, there is a loud call for defence, but who heeds it? The subject is not even considered by Congress. Every thing of public importance, of national benefit, is abandoned, in obedience to the Secretary's recommendation of the vigorous work of reduction.

Then as regards the Navy. What that looks at the imbecility which has so long marked its administration is surprised at its present deplorable condition? Ships decaying, condemned and broken up because they are beyond the reach of repairs, for want of early and seasonable means. Read the report of the Navy Commissioners on this subject. The larger portion of our vessels seem to be divided into two classes—those "fit for repair," and those not fit. Two ships of the line are now lying, and have been for a long time, unable to be repaired for want of a dry dock at New York, which has been so repeatedly urged; and of which the Commissioners say that, at the cost of a million of dollars, it is a "measure of true economy and of very great advantage, with reference to the future repair and employment of the Navy." I have no doubt of the correctness of this opinion. For want of it, these two ships of the line will be eventually condemned and broken up, and their places, if supplied at all, will be supplied at a cost fully equal to that which would construct the dock. How many others are destined to share the same inglorious fate, for the same cause, no one can foresee. And yet the Secretary of the Navy, for some reason or other, makes no allusion to the subject. The Navy Commissioners, with the characteristic boldness of their profession, are not restrained by any such timidity. Why should we abandon the Navy, which has been our protection and our pride in better times than these, when patriotism had some claims upon us over those of party? Why see it sinking to rapid decay? Rather let us sell it under the hammer—save something from the general wreck. Sell it to some foreign Government which has the ability and the disposition to keep itself in an attitude of security and defence. Let it still ride upon the waves of the ocean, where it has before rode in triumph, rather than be buried in its sands, or strewn upon its shores, proofs of our imbecility and our poverty. Other nations, with which we are likely to come in collision, if we are ever again driven to hostilities, are pushing, not a "vigorous reduction," but a vigorous improvement and increase of their naval strength, and especially in steamships of war, while we are doing comparatively nothing. I have already spoken of the miserably insufficient amount estimated for the increase of the Navy this year. One hundred thousand dollars only—to complete two steamers now in process of building; to commence another, which has been

already authorized; to complete the frigate Congress; to collect materials for another frigate in lieu of the Guerriere, which has just been condemned and broken up, and to bear the same name; and to build one of the small vessels authorized by the act of 3d March, 1837, which has been hitherto omitted, "in consequence of the insufficiency of the appropriation." And for all this the Secretary of the Navy has so restricted the Commissioners, that only \$100,000 can be spared for it. For a long series of years past, the standing appropriation for the increase of the Navy was half a million of dollars annually, and for some years a million. Now, indeed, under the injunction to "push reductions vigorously," it is thought one-fifth of the sum will be sufficient. This is the condition in which these who have had unchecked and unlimited control of public affairs for twelve years leave these great interests. This is all they have to show for the enormous sums of money which they have expended. And now, when they are about to surrender the power which they have so long wielded, and to hand over these broken and prostrate institutions, to be rebuilt and re-established in a manner worthy of the country and of the age, they begin to cry out to "push the reductions vigorously." Sir, I have frequently heard in this Hall and elsewhere, of late years, many predictions of speedy hostilities with England. Alarms have, from time to time, pervaded the country on this account; and I have heard many gentlemen display excessive patriotism in denouncing the wrongs which we have received from that powerful nation. For myself, sir, I have no apprehension of, and no desire for, hostilities with Great Britain. I know we have received injuries; and I am deeply sensible we have been kept out of our just rights by most unfounded pretensions. All these matters still rest in negotiation, and, the President assures us, are in a favorable train. Other counsels are soon to prevail, and I indulge the fullest conviction that our rights will be asserted, and our just claims vindicated, with an ability and a spirit which must lead to favorable results. But of those who think otherwise, if they do not wish it, and have expended their patriotic effusions in invectives upon our supposed enemy, how many of them have exerted themselves to put their own country in a proper posture of defence? How many of them are willing now to vote the necessary means to place the navy in an attitude of only tolerable respectability? Observe, sir, what a miserably inadequate force has lately been ordered to the East Indies, where we have many millions of commerce afloat, at a time, too, when the peace of that whole hemisphere is in imminent peril—the smallest and poorest frigate in the navy and a small sloop of war only; and why is this, except from this financial policy of "pushing reductions vigorously?" Indeed, such was the embarrassment of the Treasury, that the vessels, insufficient as they are, were delayed near three weeks, as I am told, for the want of means. The circumstances of this case furnish another illustration of the fallacy of the assertion which the honorable member from New York [Mr. BARNARD] combatted by many proofs, that "all demands upon the Treasury had been promptly met;" and another illustration, too, of the energy and promptitude which characterize the proceedings of the Navy Department.

I have understood from very good authority that, in the preparation for this cruise, the purser of the frigate had laid in supplies to the amount of thirty thousand dollars, and that he wanted twenty thousand more to carry with him for the purposes of the cruise. He had been requested by the Navy Department to delay drawing for this amount as long as possible, in consequence of the inability of the Treasury to furnish the funds. He accordingly delayed until the vessels were ready for sea, and then drew for fifty thousand dollars; five thousand only were forwarded. The merchants who had furnished the supplies became uneasy, and resorted to legal process to obtain payment. The purser was arrested and committed to jail; from which he was released only upon the assurance of Commodore Downes that the vessel should not sail until the affair was adjusted. The Department finally furnished the money, and, after con-

siderable delay, the frigate sailed on its cruise. These facts are not within my own knowledge; but I have received them from a gentleman in the Navy, who had some agency in procuring the release of the purser, and who was acquainted with all the circumstances. I should not repeat them here if I had not full confidence in their correctness. This is but an illustration of the effects of the policy recommended by the Secretary, of "pushing reductions vigorously." Sir, I do not desire to see unnecessary or extravagant appropriations, nor, above all, wasteful expenditures of what has been appropriated. That is the great evil of which we have had hitherto so much reason to complain—the wastefulness and extravagance of the expenditure, rather than of the appropriation. But I do desire to see sufficient and prompt appropriations made for the public service. We have committed great errors on this subject. I verily believe that our public works, both naval and military, have cost at least twenty-five per cent. more than was necessary, in consequence of the dilatory and parsimonious appropriations which from time to time have been doled out. In repeated instances the work comes to a pause, because the appropriations are exhausted, and after a lapse of several months, or a year, when it is recommenced, thousands of dollars are required for repairs, to bring up the condition of it to what it was when left. We are greatly too long in point of time in the completion of our public works. If a hundred thousand dollars are wanted to complete a given work this year, and every thing is favorable for the purpose, we grant twenty thousand; or, in a moment of extraordinary liberality, may allow fifty. Why are we so long in building our ships? Foreign Governments come here, and at private ship yards commence, complete, and launch steamers of war, of the best models and workmanship, before we are able, by our procrastination, to lay the keel for one. One of the most scientific and faithful of our engineers, having charge of extensive and important public works, assured me last session that he could demonstrate, to mathematical certainty, that, in consequence of the delay and insufficiency of appropriations, these works cost at least one-quarter more than they would under a system of prompt and sufficient appropriations. I have no doubt of it. True economy requires that a work, once undertaken, should be prosecuted with vigor, and that ample means should at all times be at command. In this way, the person in charge of it may always avail himself of favorable circumstances which are constantly occurring, to obtain materials and labor at the smallest expense. Much is saved in repairs; the structure is sooner fit for service, and the public interests are in every way promoted. But this is not the mode in which our affairs are now conducted, nor the principle upon which the estimates are formed, and the appropriations made. How much can the service be pinched, and embarrassed, and retarded by "reduction," seem to be the considerations which govern the counsels of the Department in their present estimates; and at a time when every branch of the public service is languishing and almost prostrate, the only recommendation submitted to us from the Executive is, to "push reductions vigorously."

The Secretary, in closing his "last annual report," enters into a review of some of our financial operations during the period he has been connected with the Department; and he states that "during this term there has occurred much to evince the great fiscal power as well as prosperity of the Union." Although "some reverses have at times overtaken the rashness displayed by parts of the community in certain branches of business," yet "the period, and the country, as a whole, have been almost unexampled in prosperous developments." "Notwithstanding unusual revulsions," and biennial reductions of duties and losses by "officers, and banks, and merchants," "our condition has been so flourishing as to yield a revenue, during that time, sufficient, after all these deductions, to accomplish the following important results;" and then follows the enumeration of the purposes which have been accomplished. All this, the Secretary says, is "recorded evidence of the

prosperity of the country, and the fiscal ability of the General Government." Now, sir, I have no desire to disturb or find fault with this complacent self-congratulation, but I desire for a single moment to consider what the condition of the country really is. Is it prosperous and successful? Where is the evidence of it? The National Government embarrassed in all its operations, and struggling on from day to day under the pressure of an insolvent Treasury; public works neglected and postponed; public credit endangered. Then, as to the States: most of them deeply in debt, and hardly able to pay even the interest as it accrues; their bonds from 10 to 30 per cent. below par; their internal improvements abandoned in a great degree, and resort to heavy taxes inevitable, with no prospect of immediate improvement in their condition. As to the affairs of individuals: what kind of business is prosperous? Manufactures have largely declined; commerce, distinct from navigation, diminished; internal trade greatly reduced; specie payments suspended over a considerable portion of the Union, and but lately resumed in the great State of Pennsylvania; and from all quarters of the land, as with one voice, a demand for a bankrupt law, to relieve the business of the country from the enormous pressure of debt which now bears it down to the dust.

How is it with the planting States—the growers of the great staple of our exports? Are they prosperous? Why, sir, the marshal of Mississippi returns to us that he has received for fees last year the enormous sum of eighty-seven thousand dollars, growing out of the immense number of suits instituted for the recovery of debts. The banks of the State are unable to pay the small amounts still due to the United States for deposits, and have applied for still longer postponement. How is it in Alabama, and the other cotton-growing regions? Cotton, I believe, has been ranging last year from 5 to 7 or 8 cents—probably not bringing over 6 or 7 to the planter. I recollect to have seen it stated, within a few years, that the cost of the production of cotton was about 7 or 8 cents. Some gentleman can probably put me right on that matter. [Mr. HUBBARD of Alabama nodded assent to the statement.] The honorable member signifies that I am correct. The cost to the planter, therefore, has been quite equal to, perhaps in some instances greater than, the amount he has been able to sell for. Is that a prosperous condition of thing? The Secretary says: "It is a source of great satisfaction to witness the indications which the unprecedented amount of exports, during the last four years, has given of the continued prosperity of the country," &c. "Again: 'The general prosperity has been such as to create a large surplus of products, and to enable us to send abroad immense and increased values of them, however great the complaints have been as to low prices.' Now, sir, if prices are so low as scarcely to remunerate the producer, it does not strike me that the great quantity produced is very good evidence of prosperity. General prosperity is made up of individual prosperity; and how the country, as a whole, can be successful, when all branches of its business is depressed, is not very apparent to my mind. Undoubtedly it is better to produce and sell even at low prices, and thus furnish, as far as it goes, means of extinguishing our foreign indebtedness, than not to produce at all; because the laborers, if not employed, must still be subsisted and clothed; and if they cannot earn more than half their support, it is better to do that than remain in idleness. All that can be said is, that by reason of our great production, though no profit is made upon it we are not so deeply involved and so much distressed as we should be if the crops entirely failed. The grain-growing sections of the country—the great West; the growers of pork and other provisions—are they prosperous? Do they find ready markets and remunerating prices? We know that it is not so; and yet we have "recorded evidence of the prosperity of the country." Sir, I should like to read this record elsewhere than in the universal embarrassment and depression which broods over the whole land; and all, all brought upon it within this very period which the Secretary has selected as one "unexampled in prosperous developments"

—all within the last eight years. The "recorded evidence" to which the Secretary refers, is found only in the vast receipts into the Treasury which have enabled him to accomplish the great results he has enumerated. The Secretary has not always considered it in that light. The enormous receipts alluded to occurred chiefly in two years, 1835 and 1836, and in a considerable degree from most extraordinary and unexpected sales of public land. The receipts of 1835 were about \$35,500,000, of which 15,000,000 were derived from the lands. The receipts of 1836 were close upon 49,000,000 of which over 24,000,000 were derived from lands. Whole amount for two years . . . \$84,303,051
Expenditures during same years . . . 47,238,000

Excess of receipts . . . 37,065,051

These years, therefore, are the great source of the vast receipts which the Secretary now regards as "recorded evidence" of our prosperity, because the receipts of the last four years have not equalled the expenditures. Sir, I cannot but recollect how often, within the last two years, I have heard the importations and the land sales of those years denounced as "over-trading"—"speculation"—forced on by bank expansions—growing out of fictitious credit; and as the cause of all the embarrassments and revulsions which followed. The specie circular was issued avowedly to check the land sales which were going on to such dangerous extent. What vehement denunciations have we not listened to both of banks and of State debts, as occasioning such enormous importations from abroad, destructive of our industry and our resources? And yet it was these very importations and sales which furnished the Treasury with money—now relied upon as "recorded evidence of the prosperity of the country." The Secretary himself, in his report to Congress in December, 1838, says: "An over-flowing tide of speculation and bank issues like that of 1836 is not anticipated, while the recent evils and disasters from these sources are fresh in remembrance." He was constrained "at that time to regard many of the appearances of extraordinary prosperity as delusive, the existing surplus as temporary and fallacious," &c.

By what strange process is it that this fallacy, these delusive appearances, have become entitled to the great weight and the high authority of "recorded evidence?" But, sir, not to hold the Secretary bound by opinions expressed two years ago, and which he may have since changed, we find in the same document—the report of this year—a repetition of the same sentiments. Having stated the great results which he has accomplished, he next proceeds to explain the difficulties which he had to encounter. "One of the greatest evils to the public service, as well as to the security of private business, during a part of the above period, has consisted in the fluctuations to which both have been subjected." These fluctuations are exhibited, among other proofs, in the great falling off of imports, which, he says, "fell within two years from near one hundred and ninety millions to one hundred and fourteen; and in the single year just past, almost sixty millions." "Such inflations and contractions must be destructive of all confidence in calculations for the future, while the causes of them shall continue to operate unremedied. What are these causes? They will be found to have been chiefly connected with the abuses of banking. On the occasion just referred to, they were the superabundance of a fictitious medium of circulation, with the attendant overtrading and speculations in 1836, and the consequent suspension of specie payments in 1837, as well as the disasters and scarcity of any medium till the latter part of 1838." Then another expansion, he says, and "increase of imports of nearly fifty millions," followed by contractions, suspensions, and commercial reverses. "The great principles of trade can never be long violated with impunity. And any fictitious or unnatural excess of credit soon ends in revulsions," &c. Understand the Secretary, in all this, to affirm that in 1836, "the great principles of trade" had been violated; that revulsions necessarily followed; that there was a superabundance of fictitious credit, bringing on overtrading and speculation; the consequence of which was, suz-

pension of specie payments, disasters, and scarcity of any medium, &c. He says, also, "some imprudences abroad may have augmented the evils here." Now, if all this be so, I cannot comprehend how it is that the operations of these years of abundant revenue and large receipts—operations which have brought in their train reverses, disasters, and evils, and have inflicted such deep and wide spread injury upon the country—how it can be that they furnish evidence of great fiscal ability and unexampled prosperity. According to the Secretary's statement, we have been undergoing, in pretty rapid succession, for several years, these alternate contractions and expansions; or, to use another expression of his, the community has been "kept under the constant excitement and depression of the hot and cold fits of a violent fever." Is that a condition of health? Does it indicate prosperity? I shall not now go into the consideration of the causes of the revulsions and fluctuations which we have experienced. They may all be directly traced to the action of the Government itself; and whatever of disaster the community has undergone, the Administration is responsible for. That I hold to be clearly demonstrable.

Mr. Chairman, I have endeavored to confine my attention to the present condition of the Treasury, and to its probable necessities during the present year. As to what will be the state of affairs in the next and succeeding years, I shall not now undertake to examine. I have no expectation that this Congress will look so far in advance as that. Very heavy burdens, I am aware, will be thrown upon the coming Administration for many years, by the measures and policy of that which is about to close. The aggregate I shall not venture to compute. I have already said that I should prefer early action on the part of Congress to supply, from the ordinary sources of revenue, sufficient means, not only for this year, but for the future. I despair of that. The present measure I consider wholly inadequate for the service of the whole year; but it will relieve the Treasury from present embarrassments, and keep the wheels of Government rolling yet awhile. To the wisdom and patriotism of those who are so soon to enter upon the administration of the Government, and to succeed us in these seats, I look with confidence for such measures as shall restore not only the revenue of the Government, but the business and prosperity and happiness of the people.

SPEECH OF MR. BELL,

OF TENNESSEE,

In the House of Representatives, January 20, 1841.—
The House being in Committee of the Whole on the state of the Union upon the bill making provision for the issue of five millions of Treasury notes—

MR. BELL said it might well be considered presumptuous in any one to attempt to follow the two honorable gentlemen [Messrs. BARNARD and EVANS] who had preceded him on the same side of the question presented by the bill under discussion, for all who heard their remarks must be willing to admit that they were distinguished for uncommon acumen and ability. Nor (said Mr. B.) would he have undertaken so hazardous an enterprise, were it not that the subject, in some of its aspects, had impressed itself upon his mind as of far higher importance than those gentlemen appeared to attach to it; and he also felt constrained to differ with them in some of the sentiments which had fallen from them in the course of their remarks. He hoped—indeed he did not suppose—that this difference would be found very material, when those gentlemen should come to make a practical application of their views; nor was he satisfied that he had fully understood that portion of the remarks to which he could not give his assent. But if he had not mistaken the tenor of a sentiment expressed by the gentleman from New York, [Mr. BARNARD,] he (Mr. B.) must say that he could not look forward with the same complacency and satisfaction to that prospective redundancy of means in the Treasury, the mere contemplation of which had supplied the gentleman's fancy with such delightful visions of future improvement and grandeur. The other gen-

tleman [Mr. EVANS] had also loomed a little too largely, when he spoke, in anticipation, as it were, in the atmosphere of an overflowing Treasury and unrestricted appropriations. Mr. BELL said that while he had as little respect as those gentlemen could have for the narrow—he had almost said the mean—spirit of parsimony which appeared, all at once, to have become the favorite policy of the expiring Administration, yet he still held that there was a real and substantial merit in economy in the administration of a Government, as well as in private affairs. He acknowledged that there might be an ill-timed and stinted system of expenditure upon great and indispensable establishments which would be a false economy, and productive, in the end, of a far greater drain upon the public treasure, than a more free and liberal use of it; yet, as a general rule, and when we come to trace the outlines of a policy best adapted to a free system of government, economy in the public expenditures and allowances of every kind must ever stand as one of the most essential features of it, while profusion and extravagance will always be the most certain means of undermining the most skillfully devised fabric of liberty, and ultimately of destroying the very foundations of all real prosperity.

The other considerations incidentally connected with the subject under debate, and which had appeared to Mr. B. not to have been sufficiently regarded and pressed by the gentlemen who had preceded him, were, first, whether the amount of means proposed by the bill now presented was not much below the necessities of the Treasury, and whether this was not the most suitable occasion which could arise during the session for providing an adequate supply for the service of the whole year, (1841;) and, secondly, whether the propriety of making some immediate provision for supplying the much larger deficiency which would occur in the revenue of the year 1842 was not equally manifest.

Both these questions, said Mr. B. are directly connected with another of considerable interest and importance to the country; that is, whether we are to have a called session of the National Legislature. If the means provided by this bill are not sufficient to meet the demands upon the Treasury during the whole year; or if it shall be found that great and vital public interests require that provision shall be made in advance for the deficit which is certain to appear in the revenue of next year, (1842,) and it is not done now, an extra session of Congress will be unavoidable. Upon this point, I desire to address my remarks chiefly to the gentlemen who are in the majority in this House, and who still control the administration of public affairs. It rests with them to say whether we shall have a called session or not; and with them, I propose to demonstrate, must rest the responsibility of all the inconvenience and expense which will attend such a step. They now hold all the power in their own hands. They can move effectually in whatever may be necessary to be done. We cannot move at all, in the present organization of the House. Our hands are tied. They cannot only provide adequate means for the service of the present year, but they, and they only, can provide in due time for the deficiency of the next, without the extraordinary charge of a special session. We can only express our sentiments. They, only, can act, for they have the majority in both Houses of Congress.

The gentleman from Maine (Mr. EVANS) has contented himself with demonstrating that there is a clear necessity for passing this bill authorizing the issue of five millions of Treasury notes; that five millions, at least, will be necessary for the service of this year, (1841;) but leaves the question of further supply for the service of the present year, and the grant of that supply, to be brought up and acted upon some other day before the close of the session; and, as to the necessity of meeting in advance the anticipated deficiency in the revenue of the ensuing year, he is wholly silent. Has that gentleman reflected how improbable it is that our opponents, when they find the means provided by this bill ample enough for the time they remain in power, will trouble themselves to make any very careful scrutiny into the probable necessity of the

Treasury during the remaining three quarters of the year? Or if, under a sense of duty to the country, they shall be disposed to do so, has the gentleman from Maine reflected how difficult it will be, at any future day of the session, to move in a matter giving rise to so much difference of opinion? We are now advanced to the 20th day of January. Only about five weeks remain which can be effectually devoted to business, and not one of the great appropriation bills has passed. These are bills which ought never to pass this House without the closest scrutiny. In my opinion, sir, this occasion, this bill presents the only opportunity we shall have during the present session of providing an adequate supply for the service of the whole of the present year, and of making suitable provision in advance for the deficiency in the means of the next. I trust those gentlemen with whom I have been so long associated in our political course will think seriously on these points, and, if they agree with me, I pray them to unite with me in an effort to effect both objects, so far as we have the power.

I am not satisfied, Mr. Chairman, that it will be altogether safe, in the present state of the political influences of the country, and in view of the change that is soon to take place in the public Administration, to rely upon the estimates of our opponents in forming an opinion of the sufficiency of the current revenue, or other means, for the present or any future year. Those who are to be responsible for the administration of public affairs after the 4th of March next ought to remember that, as far as party interest and influences are apt to control the judgment and conduct of men, the strongest temptations exist with the majority in this House to cripple and embarrass the new Administration by consigning to them an exhausted Treasury and a deficient revenue. It is the first time, in a period of forty years, and it is only the second time in the history of the country, when a new Administration has been called upon to carry on the Government with the aid of such supplies and means only as political opponents, soured and resentful by defeat, have thought proper to dole out to them. The committee of this House charged with the duty of inquiring and reporting upon all questions of revenue and supply, is organized in opposition to the new Administration. This state of things occurred in 1801, when Mr. Jefferson came into power, after a most fierce and desperate political encounter, but never before nor since, until now. The passions and biases adverse to just and public-spirited legislation, exerted by such a collision, are natural, and, with many, uncontrollable. I do not mean to charge that these passions and biases are peculiar to the party still in the majority in this House. One thing appears certain, however. The present majority in Congress are resolved to provide means enough to keep themselves afloat during the remaining brief term of their power; but the danger is, that, like the mass of mankind in private life, while they are liberal and bountiful in their supplies for the subsistence and comfort of their own household, they will show themselves niggardly and parsimonious in their dealings with their neighbors and countrymen generally.

But I appeal to the present majority in this House whether, in accordance with their new and much vaunted devotion to economy, they will not be constrained to make at all events a sufficient provision of means, both for the present and ensuing fiscal year. It would seem that economy has lately become not only the cardinal, but the only virtue in their political creed. Even the Sub-Treasury is seriously advocated as an engine for enforcing economy, not only in public, but in private life. I am in favor of encouraging and fostering this new-born zeal for economy in our opponents. For one, I have no fears that the dreams of those will ever be realized, who imagine that, by this sort of death-bed repentance—this late profession of economy—they can atone for a whole life of extravagance, wastefulness, and profligacy in expenditures, and thereby work out a future redemption.

If the present majority in this House are really desirous of infusing a spirit of rigid economy into the operations and expenditures of the Government

I warn them to take care how they force upon the new Administration the necessity of an extra session, which cannot cost the nation less than half a million of dollars. Half a million ought, in my opinion, to be regarded as a substantial item in their estimate of what constitutes economy; and they will most assuredly be justly responsible for the sin of it, unless they shall, at the present session, make suitable provision for the wants of the Treasury. I warn them not to indulge the hope that, by any ingenious disguise of the true state of the Treasury, or of the large amount of debt now suspended over it, or by any other artifice, they can so manage to drive the new Administration to the necessity of a called session, with the expectation of raising a successful clamor against them on that account. I tell them that, unless they act promptly—unless they act effectually at the present session upon the subjects I have indicated—the reasons for a called session may become too manifest—the necessity too palpable to admit of deception or misunderstanding: a called session, or a meeting of Congress in advance of the stated period, will become, in my opinion, indispensable.

As to the immediate questions presented by the bill, there are two of them about which little need be said. The first relates to the fact of an existing deficiency in the means of the Treasury to meet the current demands upon it, and of this I think there can be no doubt; nor can there be a reasonable doubt that this deficiency is at least equal to the five millions demanded by the bill. The other question directly presented by the bill is not so clear, but there would be quite as little reason in taking up the time of the committee in the discussion of it. It is, whether the mode of supply proposed by the bill is the proper one—whether the issue of Treasury notes or a direct and open loan is the more constitutional and eligible mode of granting the necessary supply. The policy of resorting to the issue of Treasury notes, however objectionable in time of peace, has been adopted and sanctioned by the majority in this House since 1837, in opposition to the opinions and principles of those with whom I have generally acted. As long as the same majority control the decisions of the House, the policy may be regarded as permanent; and, although their supremacy, we may hope, will terminate with the present Congress, they are still in the ascendant here, and must be allowed to have their own way. While, therefore, I cannot vote for the issue of Treasury notes in time of peace, for the reasons often assigned by others on this floor, yet I will not repeat the arguments against the bill on this ground; nor do I feel myself called upon to propose any amendment to change the mode of supply provided for in the bill, especially so far as regards the amount necessary to meet the immediate demands upon the Treasury. I choose to devote the time allowed me in this discussion to more practical views and objects; and to leave to those who have the numbers and the power to regulate the mode of the supply which they think expedient to grant at their own discretion and upon their own responsibility.

But, Mr. Chairman, there are two other questions, naturally enough connected with the subject of this bill, of the greatest importance, and about which much may be said; and about which there will probably be some controversy. The first of these, both in point of time and importance, concerns the extent of the deficiency that will exist in the resources of the Treasury during the present year, and raises the inquiry whether, instead of five millions, ten or even more will not be necessary to meet the demands upon the Treasury within the year.

Relying chiefly upon the proof furnished by the annual report of the Secretary of the Treasury, I shall attempt to show that the amount of existing debts or demands, as well as the demands which will certainly accrue against the Treasury in the course of the year (1841) is largely underrated by that officer, and that a high degree of probability exists that he overrates the amount of the current receipts into the Treasury, both from customs and lands.

Let us first inquire what will be the total amount legally chargeable upon the Treasury during the

present year (1841); and secondly, what amount will probably be actually presented or demanded at the Treasury within the year.

The Secretary of the Treasury in his annual report, states the amount legally chargeable upon the Treasury within the year 1841, at thirty-two million five hundred and fifty-five thousand seven hundred and fifty-seven dollars; but it further appears, from his own statement, that he estimates the actual demands upon the Treasury, within the year, at no more than twenty-two millions one hundred and thirty-four thousand, seven hundred and thirty-four dollars—the difference between these two sums being ten million four hundred and eleven thousand and twenty-seven dollars. This last is the precise amount of the appropriations for 1840, and former years, outstanding at the end of the year 1840, either already applied or set aside for the service of that year, and not yet called for, or not applied, (postponed) and remaining applicable to the service of 1841. For this large amount the Secretary thinks it will not be necessary to make any provision, on the supposition that an equal amount of the appropriations for the present year will lie over uncalled for, or unapplied at the close of it. This as I will show hereafter, is mere conjecture on the part of the Secretary; for, as to the amount which may be outstanding at the end of the present year, it may be ten or it may be only two millions, according to circumstances.

If the Secretary of the Treasury is correct in the supposition that no more than twenty-two millions and a little upwards will be actually called for or demanded at the Treasury within the year, it will only be necessary to provide means to that amount, and a sufficient balance in the Treasury to meet contingencies. But if it can be shown that a much greater amount of payments will be required from the Treasury within the year, it must be met by an increased supply of means.

The best mode of detecting and exposing the errors of the Secretary will be to take up and examine the items in his estimate, both of charge and supply, separately.

The appropriations estimated by the Secretary of the Treasury, as a new and specific charge upon the year 1841, amount to a small sum over sixteen and a half millions of dollars. This is the lowest estimate since 1835. I do not complain of it because it is well enough to bear in mind that it is evidently a forced estimate; and for that reason, and the further one that the nearer the estimates or appropriations for any one year approximate the actual wants of the Government, the larger the proportion of them which will be expended within the year. The Secretary had said, two years ago, that the annual expenditures might, in his opinion, be soon reduced to seventeen or eighteen millions of dollars; and, to verify, as nearly as possible, his own predictions, he made a sort of *Procrustes* bed of the Treasury estimates, to which every branch of the public service was to be fitted at all hazards. These estimates are certainly not adjusted to the demands of the public service at the present juncture, as will abundantly appear from various public documents emanating from the Executive departments. To make the demands of the public service square with his standard of expenditures, the Secretary, like the tyrant of old, has lopped off a foot here, and a head there, and, had it been necessary for his purpose, he was even prepared to have sacrificed an entire branch of the public service for a time.

The next item, or rather the next class of the new charges upon the Treasury for the year 1841, is one which the Secretary could neither add to nor diminish—it being the amount which is already appropriated for the service of the year, by existing laws, to certain specified objects. The aggregate amount of this description of new charges is five million five hundred and thirteen thousand two hundred dollars. The principal item of this amount is four millions and a half of dollars, which will be required to redeem outstanding Treasury notes within the year 1841. The sum of these two items or classes of new appropriations, for the year 1841, will exhibit the whole amount which the Secretary of the Treasury supposes will be actually demanded or paid within the year. When

thrown into the usual Treasury form, they will stand thus:

Estimate of appropriations to be made specifically chargeable upon the year 1841	\$16,621,520
Appropriations specifically chargeable upon the year 1841, by existing laws, viz:	
For military service, &c.	\$864,000
Public debt, including interest and first installment on debt assumed for District of Columbia	149,200
For redemption of Treasury notes falling due within the year	4,500,000
Total of appropriations by existing laws	5,513,200

Total amount specifically chargeable upon the year 1841

But there is another large class of appropriations chargeable upon the year 1841, which ought to be included in the regular and formal statements which issue from the Treasury Department, but which, in general, are only to be ascertained from a careful reading of the annual report. I mean the balances of appropriations for former years, which are outstanding at the close of one year, and become a legal charge upon the ensuing year, without any new legal sanction. These balances, at the end of 1840, appear, from the statement accompanying the annual report and estimates, to have been, as I have before stated, ten million four hundred and eleven thousand and twenty seven dollars. In general, these balances of former appropriations are the first that are drawn from the Treasury in each year, and the means, therefore, must be provided to meet them in some mode or other; but I notice them at present only as constituting legally and properly a part of the entire charge upon the Treasury in the year 1841. By looking into the annual Treasury report, it will be found that the Secretary so regards them. The total amount of appropriations legally chargeable upon the year 1841, according to the Treasury statements and estimates, will, therefore, exceed thirty-two millions. When expressed in the usual form, the account against the Treasury would stand thus:

Amount of appropriations specifically chargeable upon the year 1841	\$22,134,720
Amount of former appropriations outstanding at the close of the year 1840, and which become a legal charge upon the year 1841	10,411,027

Total amount of appropriations legally chargeable upon the year 1841, according to the estimates and statements of the Secretary of the Treasury

But this statement does not show the entire legal charge which will exist against the Treasury in the year 1841. The Secretary of the Treasury makes his estimates upon the basis of the usual and current service of the year. The present Secretary has never departed from this rule that I remember, even in a case as important and pressing as an existing war, when a large force of militia and volunteers were in the field, and large expenditures had been actually incurred on their account. Such a case occurred in 1837. At that time the annual estimates of the Secretary of the Treasury were made out for the year 1838 (December, 1837) there were between five and six thousand mounted volunteers on service in Florida, besides four or five thousand regular troops. Before the close of the year 1837, and very probably before the estimates for the following year were made out, a million of dollars had been expended beyond the amount appropriated for that service in that year; yet the Secretary took no notice whatever, in his estimates of the expenditures and appropriations for the year 1838, of the large and extraordinary demands upon the Treasury which the Florida war would necessarily produce; nor did he make any provision whatever for the million of dollars then

being expended in that service within the year 1837, beyond the appropriations. The fact, therefore, stated by the gentleman from Maine, [Mr. EVANS,] of half a million of dollars having these expended in 1840, for the pay and subsistence of the seventeen hundred militia now in the Florida service, and no notice taken of it in the annual estimates, is no novelty in the conduct of the honorable Secretary. His usual practice in this respect shows how little reliance is to be placed upon his estimates generally, as exhibiting the amount of the probable demands upon the Treasury in any one year. Congress has already been called on to vote at the present session one hundred and fifty thousand dollars to supply the deficiency in the naval pension fund, which the Secretary must have known to exist before he made out his estimates for the present year. This is, therefore, a new charge upon the Treasury, not included in his annual estimates. To this we may add ninety-two thousand dollars reported by the Committee of Ways and Means for the same object. We must also include in our account of the new charges which will certainly be created against the Treasury within the present year, the amount proposed to be appropriated for the public buildings in this city, now under contract, or in a course of construction. This sum will not fall short of one hundred and fifteen thousand dollars, and may far exceed that amount. We may also safely estimate that at least two hundred thousand dollars will be voted by Congress to miscellaneous objects at the present session. This item has been set down by the Secretary of the Treasury, in some of his estimates, at one million of dollars. In addition to these several amounts, we learn from the speech of the gentleman from Maine [Mr. EVANS] that the Secretary of War had sent to the Committee of Ways and Means an estimate of appropriations for the support of the Florida war in the year 1841, amounting to two and a half millions of dollars; and as it appears that a large portion of this amount had already been expended, and the war still continues, I take it for granted that that sum, at least, will be voted by Congress for that service. These several items of new appropriations, not included in the annual estimates of the Secretary of the Treasury, will, of course increase the amount already stated as constituting the gross legal charge upon the Treasury in the year 1841, according to the Treasury estimates. Stated in the usual form, the whole amount legally chargeable upon the Treasury in the year 1841, will stand thus:

Total amount legally chargeable upon the Treasury in the year 1841, according to the annual Treasury estimates and statements,	\$32,505,747
New appropriations, not included in the Treasury estimates, viz:	
Amount already appropriated to supply deficiency in the naval pension fund	\$150,000
Amount reported by Committee of Ways and Means for the same object	92,000
Amount reported by Committee on Public Buildings	115,000
Amount asked for by Secretary of War for support of the Florida war	2,500,000
Amount of probable appropriations for miscellaneous objects	200,000
Total of new appropriations not included in the Treasury estimates and statements	3,057,000

Total amount legally chargeable upon the Treasury in the year 1841, \$35,562,747

Of the whole amount thus shown to be chargeable upon the Treasury in the year 1841, we have already explained that ten million four hundred and eleven thousand and twenty-seven dollars consist of former appropriations; and although, as already stated, these are the first that will be expended and paid from the Treasury within the year, yet the Secretary of the Treasury, in making out his estimate of the amount of means necessary to meet

the actual demands upon the Treasury within the year, assumes as the basis of his estimate, that there will be a balance of the whole amount of appropriations legally chargeable upon the Treasury in the year 1841, remaining unexpended or uncalled for at the end of that year, about as large as the similar aggregate balance outstanding at the end of the year 1840. If the Secretary is correct in this assumption, then, instead of thirty-five and a half millions of dollars, it will only be necessary to provide means sufficient to meet a demand of twenty-five millions and a little upwards within the year—this being the balance of the entire charge upon the Treasury, after deducting an amount equal to the outstanding balances of former appropriations at the end of the year 1840. The question is, whether the Secretary of the Treasury has not made too high an estimate of the outstanding balances of appropriations at the close of the present year.

Now, sir, as to the question whether the Secretary of the Treasury has not overrated the balance of the appropriations chargeable upon the present year which will be outstanding at the close of it, and for which he thinks it unnecessary to make any provision within the year. In deciding upon the probable amount of the appropriations of the present and former years which will be outstanding at the end of this year, it is necessary to look into the nature and condition of the service and objects for which they were voted by Congress. Of the ten millions and upwards of these balances which appear from the Treasury statements to have been outstanding at the close of 1840, the largest portion—in fact, nearly all of them—were specifically chargeable upon the year 1840. From the same statement it appears that upwards of six millions and a half of the entire amount have been expended or applied to the service of the last year, but the payments thereof have not been demanded or made from the Treasury. They, therefore, continue to be a legal charge upon the Treasury during the present year and until paid. The condition of this part of these outstanding balances may be made more intelligible by the employment of a term not strictly admissible in financial parlance. They may be properly represented as mortgaged or secured for the payment of debts already due by the Government, or for the fulfilment of contracts and engagements entered into before the close of the year 1840, and which remain to be paid in the year 1841. Another, and the only remaining portion of these balances, after the transfer of a small part to the surplus fund, has not been expended or applied to the service of any former year; they have been postponed, and remain over to be expended or applied to the objects for which they were originally appropriated within the year 1841. These unapplied or postponed balances amount, as appears from the Treasury statements, to upwards of three and a half millions of dollars. They might and ought to have been applied to the service of the year 1840, had there been sufficient time after they were passed by Congress, or had the Executive been pleased to do so, but which were not so applied, either for want of time or inclination. The obligation on the Executive to expend or apply these unapplied or postponed balances within the present year is just as binding as though they were made a specific charge upon 1841 by law.

It is true that the Executive administration may so manage as to postpone or suspend the application of a portion of these unapplied balances to another year, as the present Administration has done within the last two years. In the same manner a large portion of the expenditure of the new appropriations for the present year may be postponed until 1842; but, in both cases, it would be a postponement—a suspension (except as to a small part, in its nature contingent, and which may never be wanted) against law, and in violation of a high moral, as well as legal and constitutional duty. When Congress appropriates moneys, it is meant that they should be applied to the respective branches of the public service for which they were designed as speedily as may be consistent with the nature and demands of the objects. The Executive, except in cases expressly provided, is vested with no discretion in the matter, and the assumption of it is an abuse of power. It is the exercise

of a dispensing power. Executive influence and patronage are necessarily increased when authority is assumed to apply large sums of money, or not, at discretion, to objects and interests in which large bodies of men feel a personal concern.

It may be of use to notice briefly the nature and history of these outstanding balances within the last ten or twelve years. They have attracted too little attention from Congress. The theory of our system of annual and specific appropriations supposes or requires, in general, that the appropriations made by law for the service of a year shall be expended or applied within that year to the objects specified. This is so at least as to all appropriations not contingent in their nature, or not in their terms confined to the service of a single year. To carry out this theory rigorously would often be very inconvenient, and sometimes impossible. For example: Payments upon contracts for supplies of the army and navy; upon contracts for supplying timber to the navy; and even the pay of the army and navy, from the nature of the service, cannot always be made at regular periods. In such cases, although the expenditures may be said to be incurred within the year, the payments are often not made from the Treasury until after the close of the year for which the appropriations were made. But a constitutional and faithful administration of the Government requires that the appropriations and the expenditures for each year shall correspond as nearly as possible. By the existing practice, the Government assumes the power to reduce or enlarge the expenditures within the year, at its discretion. The practice of the present Administration, in this respect, will put it in the power of the Government, within the present year, for example, to expend twenty-five or six millions of dollars, provided the Treasury is sufficiently replenished, although the new appropriations specifically chargeable upon the year may not exceed twenty-two millions; and of the whole amount legally chargeable upon the Treasury in 1841, we have seen that the Secretary estimates that upwards of ten millions will remain either unexpended or uncalled for at the close of the year. This is an abuse for which there is no adequate apology or necessity. If the Secretary is right in his estimate of the probable balance of outstanding appropriations at the end of the present year, he might and ought to have brought down his estimates of new appropriations to twelve instead of sixteen millions of dollars. The progress of this abuse deserves notice. The charge upon the year 1829, consisting of former appropriations, I find was of applied but unpaid balances, three million four hundred and seventy-eight thousand three hundred and eighty-four dollars, while the amount of unapplied or postponed balances was two hundred and twenty-seven thousand eight hundred and seven dollars only. In 1830 the applied balances lying over for payment amounted to two million four hundred and fifty-seven thousand dollars, and the unapplied to eight hundred and sixty-two thousand dollars. In 1832 the applied balances were three million four hundred and twenty-three thousand dollars, and the unapplied five hundred and one thousand dollars. In 1834 the applied balances were five million one hundred and ninety thousand dollars, and the unapplied four hundred and forty-nine thousand dollars. After that year this irregularity increased in so rapid a ratio that, at the close of the year 1836, the aggregate amount of these balances was sixteen millions seven hundred and fifty-two thousand dollars. At the close of the year 1837 they amounted to fourteen million one hundred and fifty-seven thousand dollars. And we have already seen that at the close of the year 1840, while the applied balances were only six million six hundred and sixty-one thousand one hundred and twenty-three dollars, showing an increase of this class of balances since 1829 of about one hundred per cent. the unapplied or postponed balances were three million seven hundred and forty-nine thousand nine hundred and four dollars, an amount more than sixteen times greater than the same class of balances in 1829!

In order to form some just estimate of the proportion of these three million seven hundred and forty-nine thousand nine hundred and four dollars of the

unapplied appropriations of former years, which will be expended within the year 1841, allow me to point out some of the most considerable items which make up the amount as they appear in the Treasury estimate. First, there is the sum of eight hundred and fifty thousand dollars applicable to the pay and subsistence of the army. The second I will note is the sum of six hundred and fifty-seven thousand four hundred and sixty-two dollars applied to the payment of pensions. A third is the sum of four hundred and forty thousand seven hundred and ten dollars applicable to the ordnance department. The last I shall enumerate is the sum of eight hundred and sixteen thousand four hundred and forty-three dollars which remain of last year's appropriations applicable to fortifications. These four items make an aggregate of two million seven hundred and sixty-two thousand six hundred and five dollars; and from the nature of them I infer that every cent of them will be or ought to be expended within the year in addition to the amount of new appropriations. A part of the sum applicable to pensions may lie over.

It will be found that the Secretary of the Treasury himself was conscious when did up his report that it would not be altogether safe to rely upon so large an amount of appropriations outstanding at the close of 1841. He suggests "that a greater proportion of outstanding appropriations at the end of the year 1840 than will be left unexpended of the new charges imposed." Why this suggestion? Undoubtedly because he well knew that there were circumstances calculated to produce this result, which could not long escape detection. He knew that the policy of staving off every demand against the Treasury as the slightest pretext existed for doing so, which has prevailed for the last two years, was obliged to come to light. He also well knew the extent to which the practice has obtained of late of postponing or suspending the application or expenditure of appropriations. The policy in both cases has been dictated by the low state of the public funds, and the effect has been to cause a heavier drain upon the Treasury in the ensuing year; and at the same time to ensure the necessity of applying or expending a larger proportion of both the old and the new appropriations to the rightful objects within the present year. Another cause of an increased expenditure in the year 1841 may be added: the appropriations for the year 1840 were passed at so late a season of the year that a large amount of them could not be expended for want of time, and, as to a part of them, there was a suspension authorized by law.

It sometimes happens that Congress makes a large appropriation, which, from its nature, cannot be expended within one year; and such appropriations of course cause a temporary increase of the balances at the end of the year. One example of this kind is to be found in the appropriation of upwards of five millions for carrying into effect the Cherokee treaty. This amount hung like a dark cloud upon the Treasury for several years, but it is now so much reduced that it is no longer of any importance. No similar appropriations of very great extent swell the present amount of these balances. Upon the whole, I conclude that, from all the causes and from all the reasons I have assigned, instead of ten millions remaining unpaid or unapplied at the end of the present year, (1841,) the balance so remaining of both classes will not exceed six millions of dollars, if it turns out so much. Deduct this amount from the gross sum shown to be chargeable upon the Treasury in the year 1841, and the remainder will show the true amount for which a cash provision must be made within the year. I will make the statement in the usual form:

Total amount legally chargeable upon the Treasury within the year 1841, as before stated and explained	35,562,747
Deduct amount of balance of applied and unapplied or postponed appropriations, which will probably be outstanding at the end of the year 1841	6,000,000

Amount of actual demands upon the Treasury in the year 1841, and for

which provision must be made . . . \$29,562,747

This amount must be provided for in some form or other. The Secretary of the Treasury estimates the balance of cash means in the Treasury, at the close of the year 1840, at one million five hundred and ninety thousand eight hundred and fifty-five dollars; but this is but a small portion of the whole sum required during the year. How does the Secretary propose to make up the balance? He informs us that two hundred thousand dollars will probably be collected from debtor banks; from miscellaneous sources eighty thousand dollars; and that, until the 31st of March, an authority will exist, under the act of 31st March, 1840, to issue three hundred and forty-two thousand six hundred and eighteen dollars in Treasury notes, provided the whole emission outstanding does not exceed five millions of dollars. These several items, supposing them all to be available to the extent stated, make an aggregate of means amounting to two million two hundred and thirteen thousand four hundred and seventy-three dollars. But the main resource relied upon by the Secretary of the Treasury to meet the demands upon the Treasury is the receipts from the customs and lands within the year. From the customs he estimates that there will be received, in the course of the year, nineteen millions, and from the sales of the public lands three millions and a half of dollars; making the aggregate receipts from the two sources twenty-two millions and a half of dollars. This amount, added to the aggregate sum of the smaller items of supply first enumerated, will make the total means of the Treasury during the year 1841, according to the statements and estimates of the Secretary, twenty-four millions seven hundred and thirteen thousand four hundred and seventy-three dollars. This amount, deducted from the twenty-nine million five hundred and sixty-two thousand seven hundred and forty-seven dollars, the amount which, as I have shown, will probably be demanded at the Treasury within the year, will leave a deficit amounting to four million eight hundred and forty-nine thousand two hundred and seventy-four dollars. Stated in the usual form, the account between the wants of the Treasury within the year and the supplies estimated by the Secretary will stand thus:

The probable amount of actual demands upon the Treasury within the year 1841 . . . \$29,562,747

Means stated and estimated by the Secretary of the Treasury, viz:

Amount which will be collected from debtor banks in the year 1841

\$200,000

Amount which will be collected from miscellaneous sources . . . 80,000

Amount of Treasury notes which may be issued under act of 31st of March, 1840 . . . 342,618

Amount of the estimated balance in the Treasury at the close of the year 1840 . . . 1,590,855

Estimated amount of receipts from customs within the year 1841 . . . 19,000,000

Estimated amount from sales of public lands in the year 1841 . . . 3,500,000

Total of means stated and estimated by the Secretary of the Treasury . . . 24,713,473

Deficit . . . \$4,849,274

It must be observed that the deficiency here stated will result, without leaving a balance of one cent in the Treasury to meet contingencies. But it is more important at present to analyze the nature and substance of the means stated by the Secretary of the Treasury; how much of them is cash, or equivalent to cash; and what portion of them consists of mere speculation, dependent upon conjectural estimates, which, in these times of great and sudden fluctuations, are seldom more than half equal to cash. The balance in the Treasury at the close of 1840, whatever it may be, and the au-

thority to make a further issue of Treasury notes, are the only cash items in the whole budget of means brought forward by the Secretary of the Treasury. Of the twenty-four millions and upwards which he supposes will be received into the Treasury during the year, nineteen millions are dependent upon the amount of importations and the receipt of duties upon them. How does the Secretary arrive at the conclusion that the customs will yield this amount within the present year? Upon what information of large orders sent out or of increasing importations does he found this expectation? He does not tell; and I was surprised, not to say astonished, to hear the Chairman of the Committee of Ways and Means declare that he looked only to the statement of the Secretary of the Treasury upon that point, and that he went no further; contenting himself with the observation that the Secretary was the chief officer of the Government entrusted with the management of the finances, that he was presumed to be the best informed upon this whole subject, and that he could not rely upon better authority. The honorable chairman did not even condescend to state the data in possession of the Secretary of the Treasury, and upon which he founded his estimate of the receipts from customs; nor did it appear to the House that the chairman himself had been so far honored and confided in by the Secretary as to communicate to him the information he had collected upon that subject. And has this House, the constitutional revenue-raising branch of the National Legislature, and has the Committee of Ways and Means, the appointed and trusted organ of the money-raising power of the House, "shrunk to this little measure?" It was not so of old! We are required not only to take the mere estimates of the Secretary of the Treasury as equal to cash in deciding upon the sufficiency of means to meet the demands upon the Treasury and to uphold the public credit within the year, but we are not even put in possession of the grounds upon which he makes them out. The Committee of Ways and Means, so far as we can see from their course in relation to this bill, have neither eyes to see, nor ears to hear, nor tongue to speak, any thing but as they are advised and directed by the Secretary of the Treasury.

Can any gentleman on this floor for his life give any reason why the receipts from the customs in the present year should be estimated at nineteen millions instead of eighteen or twenty? Why, indeed, should they be set down at a greater amount than fifteen millions? A reasonable degree of certainty ought, at least, to be required when the faith and credit of the Government are to depend upon their estimates. The receipts from customs last year (1840) were thirteen millions and a half, ascertained and estimated. The receipts for this year are set down as good for five millions and a half more than they yielded last year. All the light we have received upon this subject since the date of the annual estimate is contained in the letter of the Secretary of the Treasury read by the Chairman of the Committee of Ways and Means in the opening of this discussion. In that letter he informs the committee that the net receipts from the customs for the present (current) quarter of the year will not exceed three millions of dollars. This would indicate a considerable falling off from the original estimate. At this rate of quarterly receipts, the customs will not yield more than twelve millions of dollars; but my friend from Maine, who is a member of the Committee of Ways and Means, and who is better informed on this subject than I am, thinks the original estimate of the Secretary not too high, yet the argument employed by himself does not corroborate this conclusion. He stated that he thought the estimate of three millions for the first quarter of the year low enough, but he felt confident that the receipts for the two succeeding quarters of the year would be fifty per cent higher. Admit it to be so. The second and third quarter's revenue from customs will then amount to four millions and a half each, or nine millions of dollars for the two. Suppose also that the fourth and last quarter of the year will supply an equal amount, (a case not very supposable, considering the large reduction of duties which

is to take place at the end of the year,) the total amount of receipts from customs would then be only sixteen millions and a half, an amount less than the original estimate of the Secretary of the Treasury by two and a half millions. I beg leave to say that I think the estimate of sixteen millions and a half quite high enough to be assumed as certain—so certain, that no provision need be made by law for supplying any deficiency in the revenue below that point, when we are deciding upon the necessary supplies for the support of Government, and maintaining the public faith during the year. The revenue from the customs may, indeed, turn out to be much greater than the original estimate of the Secretary of the Treasury. The precise amount of receipts from customs must always be subject to much uncertainty. I was quite confounded, when I heard the honorable chairman of the Committee of Ways and Means, after he had, with the utmost complacency, declared his intention of relying upon the estimates of the Secretary of the Treasury as the very best authority he could consult, and that we must take them as the basis of our supplies for the support of the public credit during the year; turn about and argue in direct terms that there was no sort of certainty in these estimates, nor could there be, from the nature of the source of this branch of the revenue—the commerce of the country, the fluctuations and revolutions of which being so great and irregular as to defy all calculation. "Happy," he said, "would the man be who could make a close approximation to the actual receipts" in his estimates. Yet, sir, it is these uncertain and unreliable estimates, and, in the case of the receipts from customs, assumed to exceed in the present year those of the last more than five millions of dollars, that we are to consider as a certain cash fund to meet actual demands upon the Treasury to their full amount within the year. What though it should turn out that the receipts from customs within the year may exceed nineteen millions, does that possibility weaken the argument that, in providing the ways and means to support the public faith and credit, we should make our estimates so moderate and reasonable, that if we err at all, we should err on the safe side, that we should be sure not to exceed the actual receipts? Every circumstance considered, which may and ought to influence the importations within the present year—the small stock of goods on hand, and the reviving trade and confidence on the one hand, and the danger of over importation on the eve of the great reduction of duties to occur so soon on the other—satisfies me that sixteen millions and a half is as high an estimate of the receipts from customs in the present year as can be safely relied on.

Another item of the Secretary's estimate, I believe, will turn out to be quite too high. I allude to the estimated receipts from public lands. He states them at three and a half millions. This is a much larger amount than appears to have been received within the past year. The receipts from this source in 1840 probably have not exceeded two and a half millions of dollars. Upon what theory of increasing prosperity—upon what just expectation of a sound and abundant circulating medium likely to be realized within the year 1841, does the Secretary base his calculations on this point? Do we not well know that the season of bank resumption is always one of diminished currency, of straitened means among the people? Again, sir: where are those tracts of new and fertile lands which are to be brought into market within the present year—what fine and virgin region is yet to be offered to the cupidity of the speculator, or to the more humble ambition of the pioneer and settler, which holds out the prospect of increased sales and receipts from that source within the present year? If I wanted evidence of the over estimate of the Secretary of the Treasury in relation to this branch of the revenue, I need go no further than his own more recent statements, contained in the letter read by the Committee of Ways and Means. In that letter he informed the committee that the receipts from public lands within the current quarter of the present year, will not exceed four hundred and fifty thousand dollars. At this rate the receipts of the whole year from that source, will

not exceed one million eight hundred thousand dollars.

You, sir, [Mr. CASEY,] know that the expectations indulged by the Secretary on this subject are, and must be, delusive. If we receive two and a half millions from lands this year, we will do well.

I do not forget that the Secretary of the Treasury, in his annual report, holds out the prospect of an increase of receipts from the lands during the year from the adoption of the pre-emption and graduation policy—but this too is all a delusion—a humbug. It is only a continuation of that system of imposture with which the country has been so long misguided and lured on to the most injurious and destructive measures. The supporters of the pre-emption and graduation principles in the future sales of the public lands well know that the receipts from that source will not be increased to the amount of one cent within the year, even if they should succeed in carrying out the views they profess upon this subject at the present session. I go further. I say they not only do not expect any increase of means from that source, but they do not intend that there shall be any. If I am wrong in this statement, I challenge any gentleman who knows the contrary to rise in his place and correct me. No, sir, they know they have no intention of putting any additional means from this source into the Treasury within the present year. Yet we continually hear that the Treasury is to be replenished by the passage of a pre-emption law.

[Mr. HUBBARD of Alabama said that he intended that sales should be effected under the pre-emption law, if it should pass, during the present year, and he added that a large amount of the public lands had been surveyed and could be entered within the year.]

I do not undertake, said Mr. BELL, to speak of the views of every individual among the friends of the Administration, in or out of the House, upon this subject. I only speak of the aggregate intention and policy of the party now and lately in power; and I know them to be such as I now state, from the most conclusive facts and circumstances. But, let me ask the gentleman from Alabama, though he may not intend to prohibit prompt payment from the settler or the present owner of a farm, who may wish to buy adjoining lands, under the graduation principle, if he intends to compel immediate payments, or, rather, if he does not intend to give time? Does he not know that the determination is to give at least twelve months' credit to both the settlers and holders of adjoining lands? Sir, I have long been a close observer of their policy. The gentleman from Illinois [Mr. REYNOLDS] brought the subject of the graduation policy before the House at an early day of the session, and he made quite an effective speech upon the subject, but not a syllable did he utter to commit him to the policy of immediate sales and prompt payment. The pre-emption principle has been chiefly discussed in the Senate, and, although I have been kept from my place here by indisposition for several weeks, I have not lost sight of the important movements now making on the political chessboard. I have been so attentive to them that I am able to affirm with confidence that no money was intended to be brought into the Treasury, within the year, by the adoption of either of the measures alluded to.

[Here Mr. REYNOLDS rose and remarked that, as he had been alluded to, he would explain what he had said upon the subject of the public land if he was permitted.]

It is not necessary, said Mr. BELL. I have read the gentleman's speech, though I did not hear it. I understand him well. I will do him the justice to say that he is one of the most ingenious gentlemen in this House. He excels in the art of getting along with the people, if I may be allowed to convey in common phraseology the idea of superior tact and address in electioneering. But, at the same time, it ought to be borne in mind that many an honest and confiding people are most egregiously and grievously deceived and imposed upon by such talents. Yes, sir, I understand the gentleman's speech well enough, and there is nothing in it to contradict the views I have expressed. I have also noticed the shape of the pre-emption bill introduced in the other branch of Congress, and the

course of the remarks made in its support. That but is a perfect model of legislative diplomacy. There is not a word in it that indicates the time of payment by the settlers. Yet I know that it is not intended that a single settler shall pay a dollar within the year, unless he does it voluntarily. Nor do I find fault with the policy of the friends of the bill in this respect. In the first place, good money is very scarce in the West, as every where else. If the banks do not resume, the money cannot be had, to any great extent; and the settler would lose his pre-emption right for the want of means, and his improvements would fall into the hands of speculators and capitalists from other sections of the country. On the other hand, if the banks should resume specie payments in the West, to require the settlers to pay for their lands immediately would shut them up again. So that either way great mischief would ensue.

But I undertake to say, if the door were thrown wide open, and it were in the power of the advocates of the graduation and pre-emption policy to carry out the plans which they profess to have so much at heart, at the present session, they would not do so. I have known them too long, and understand them too well, to believe they would settle both these questions at this time, if they could. For six continuous years have I warned the sincere and candid advocates of this change in our land system, that it was not meant by the great leaders to settle these questions for a series of years to come. I am not sure that the managers of this subject out of the House desire that the pre-emption bill should pass at the present session. To pass both, I am sure, is not designed, for that would exhaust their stock in trade; and the people in the far West could no longer be made the dupes of those who profess exclusive devotion to their interests. All agitation upon this subject would henceforward cease, and those who live and hope to rise by it would lose at once their occupation and their prospects. There are gentlemen present, and from the West, and who belong to the majority in this House, who know that I have expressed these views to them privately for the last six years. I do not mean to be understood, in these remarks, as being opposed to the pre-emption policy, or to the engrafting of the graduation principle upon our land system. On the contrary, I have been uniformly in favor of the pre-emption policy—believing it far better that the right should be enjoyed under legal sanctions than in violation of law. And I believe it will be expedient to adopt the graduation principle also. But, upon such questions, I think our laws should be fixed and permanent. Our policy ought to be proclaimed and established in advance of the settlement of the fine regions of the West, that are brought into market every year or two. This whole question ought to be settled, not only for the sake of the West, but for the honor of the country and its institutions.

I beg pardon of the committee for this digression. It is a subject too nearly allied to the one under debate to pass without any notice; and it was too full of immediate interest, in other aspects than that which relates to this question, to justify me in saying less upon it. My prime object was to show that we have no reason to expect any increase of receipts into the Treasury from the public lands within the year, by any change in the land system. I have already expressed the conviction that two millions and a half would be the maximum of receipts from that source within the year, or, at all events, that it would be unsafe to rely upon a greater amount.

If I have not erred in assuming that sixteen and a half millions of dollars from customs, and two and a half millions from lands, were the highest amounts which could be safely and confidently relied upon from these sources within the year, the means of the Treasury will be less than the Secretary estimated them by the sum of three millions and a half—that being the difference between his estimate of the receipts from customs and lands and the one I have stated and rely upon. This will, of course, show an increased deficit in the means of the Treasury in the year 1841; and instead of four million nine hundred and fourteen thousand six hundred and seventeen dollars, as be-

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Treasury Note Bill—Mr. Bell.

H. of Reps.

fore stated, there will be wanting eight million four hundred and sixteen thousand six hundred and seventeen dollars of additional means to meet the public engagements and actual demands upon the Treasury during the year 1841.

But this is not the whole amount of additional means which must be provided, if we intend to make full and adequate provision for the support of the public faith and credit. The large deficit I have just stated will arise without allowing a balance of one dollar in the Treasury to meet unexpected or contingent demands—not one cent to carry on the operations of the Mint. The Secretary of the Treasury himself informs us, in his annual report, that a less balance in the Treasury, at all times, than five or six millions of dollars is neither judicious nor safe; and he has earnestly invoked the attention of Congress to this point for the last three or four years. Gentlemen may differ as to what would be a proper excess of means over the estimated demands upon the Treasury within the year. It seems to me that what would be a safe rule with individuals of moderate fortunes or incomes, in the management of their private affairs, would hold good with a Government of moderate revenues and expenditures, like our own. A quarter's income or revenue should always be held in reserve to meet those emergencies which often arise in the affairs both of individuals and Governments. Five millions, by this rule, would not exceed a proper allowance for the Government. This provision of a suitable balance in the Treasury will then make a total deficit in the means of the Treasury during the year of thirteen million four hundred and sixteen thousand six hundred and seventeen dollars. This statement of the true condition of the Treasury will be better understood by assuming the usual synoptical form:

Deficit in the means of the Treasury according to the estimate of receipts from customs and lands, submitted by the Secretary of the Treasury,	\$4,916,617
Add for error in the estimate of the receipts from customs and lands in the year 1841, being the difference between twenty-two millions and a half, his estimate of means derivable from both sources, and nineteen millions, the highest estimate that can be safely relied upon	3,500,000
Add for suitable and expedient balance in the Treasury	5,000,000
Total deficit	\$13,416,617

But it is proposed to authorize the issue of five millions of Treasury notes by the present bill. Suppose the bill passed; there would still be a deficiency, after deducting that amount, of nearly eight millions and a half. When we advert to the large claims upon the Government growing out of the Florida war and the execution of Indian treaties, which we hear of every day, and which it is now so manifest it has been the policy of the Administration to defer the settlement of to some more propitious time, there can scarcely be a doubt that the real deficiency in the Treasury during the present year, if the credit and justice of the Government be properly upheld, will not fall short of fifteen millions of dollars. I feel quite sure there are existing claims or demands upon the Government in the quarters I have indicated more than sufficient to balance any error into which I may have been betrayed by my zeal in my estimate of the receipts and expenditures in the present year.

Before I close my remarks upon this branch of the subject, I wish to advert for a moment to the not unusual, though extravagant—not to say ridiculous—assumption of the friends of the Administration, that this bill is only intended to anticipate the resources of the Treasury within the year. The idea is actually held out by the terms of the bill, that these five millions may be redeemed within the present year. And the honorable chairman of the Committee of Ways and Means rehearses the old story, "that the resources of the Treasury are still ample enough, and it is only intended to anticipate them for a short period." If this is any thing else but downright mockery or burlesque, it supposes that the receipts from customs and lands within the year, instead of amounting to twenty-

two millions and a half, according to the estimate of the Secretary of the Treasury, will amount to twenty-seven and a half millions. But, sir, old habits are hard to overcome. For the last three years, the necessity of these Treasury note bills was saddled upon the poor banks, crippled and broken down as many of them were by the policy of the late and present Administrations. The story went, if the banks would only pay what they owed the Government, there would be no use for Treasury notes. That fund having been exhausted it has become necessary to invent some other pretext. Now, it is said that the receipts from customs and lands flow into the Treasury in the first quarter of the year too slowly to meet the immediate demands upon it. The artifice is too shallow. The country is no longer deceived by it.

But, Mr. Chairman, if the condition of the Treasury in the present year is gloomy enough, what are we to think of the year 1842? With a debt of at least ten millions entailed upon the Treasury in that year, growing out of the deficiencies of the present, and a revenue from customs reduced five millions below the probable receipts of this year, or yielding not more than ten or eleven millions, what does our duty require of us at this point of time? After December, 1841, says the Secretary of the Treasury in his Annual Report, a reduction of duties under the existing tariff will take effect to the amount of about two millions and a half of dollars. On the 1st of July afterwards, (1842) "at least two millions and a half more of duties will be removed." "If the imports, then," continues the Secretary, "should not differ much from those of 1838, this would leave an income from them not probably exceeding ten or eleven millions of dollars yearly." Eleven millions from customs and three millions from lands, which would be a liberal estimate of receipts from that source, will make the aggregate revenue for the year 1842 not more than fourteen millions of dollars. Until the Navy, now almost in a state of general dilapidation, and the other public defences, are put upon a respectable and safe footing; and especially while our relations with Great Britain remain in their present unsettled condition, I take it for granted that the annual and current expenditures of the Government, exclusive of the public debt incurred by the present Administration, cannot fall below twenty millions of dollars; though, under other circumstances, they might be reduced to seventeen or eighteen millions. Here, then, is exhibited a certain and inevitable deficiency in the future annual revenues of the Government to the amount of five or six millions of dollars. The public debt or deficiency already existing, and which must constitute a charge upon the receipts of next year, we have seen, exceeds ten millions—making together at least fifteen millions of dollars, which must be provided for to meet the deficiency in the revenue of 1842. It will not surprise me, sir, if the deficiency in the means of the Treasury next year shall be twenty millions; but I will suppose, for the present, that it will not exceed fifteen millions. This state of things, it would seem, ought to sink all partisan feelings, and unite both sides of the House in an effort to provide, in advance, for a deficiency which cannot but be embarrassing to the Government and to the country generally. But, instead of finding the majorities of the two Houses of Congress engaged in making an adequate and necessary provision for the support of Government during the next and succeeding years, what do we behold? The veteran leaders, nothing daunted by past adventures and miscarriages, and with all the animation and hope that belong to youth and new enterprises, are renewing their bids for the American PURPLE. They are ready to dispose of the public domain at any price that will assure to them the great reward they aspire to. Nothing seems of sufficient interest and importance to occupy their attention but pre-emption and graduation bills. The agitation, at least, upon these subjects, must not be permitted to slumber. The future and certain embarrassments of the Treasury scarcely receive a passing thought from them.

The time has come, sir, in my opinion, when we should think seriously of making some permanent provision upon this subject. It is premature, in the opinion of some, to legislate upon this subject.

That depends upon the remedy which it is most expedient to adopt. If it shall be thought the best and wisest policy to supply the anticipated deficiency in the revenue by the use of the credit of the Government—in the continuation of a public debt, either in the disguise of Treasury notes, or more openly by loan—then I admit the necessity of immediate legislation is not so clear. But the idea of public debt appears to be totally repudiated by the present majority in Congress. An admitted and undisguised public debt, whatever may be thought of one under color of Treasury notes, is so abhorrent to their feelings, that in no emergency which can arise in time of peace will they countenance it. The Secretary of the Treasury, in his annual report, condemns, in the most unqualified manner, the use of Treasury notes as a means of providing for a permanent deficiency in the revenue, such as he says will take place in 1842. What other alternatives are presented to our choice? Direct taxes; such a retrenchment of the public expenditures as will bring them down to the reduced revenues of the Government; or such a revision of the existing tariff as will supply the anticipated deficiency. Direct taxes appear to have few advocates of late. All seem to consider that remedy wholly inadmissible. If there be any who entertain different views on this point, they ought now to bring them forward. If a retrenchment of the public expenditures can be effected without injury to the public service, to such extent as to bring them down to the standard of the annual revenue without the imposition of new duties upon foreign goods of any kind, that would undoubtedly be the most appropriate remedy. But if a revision of the tariff shall be considered the appropriate remedy, I shall contend that the earliest day we can proceed to act upon the subject will be the fittest, if indeed it is not absolutely indispensable we should do so in order to avoid great confusion and embarrassment to the commercial as well as the financial interests of the country.

The Secretary of the Treasury, in his annual report, expresses the opinion that the choice of remedies will be between "some large reduction of expenditures"—"vigorous system of retrenchment," and "some modifications of the present tariff." His favorite scheme is the reduction of the expenditures to the standard of the revenue as it will be in 1842, without a revision of the tariff or new taxes of any kind. Is the scheme of bringing down the annual expenditures at once to fourteen millions of dollars practicable? If the honorable Secretary is sincere in the expression of his sentiments upon this point, what assurance has he furnished the public of his sincerity in the course of his administration of the Treasury? While General Jackson was in power, he was one of his most efficient advisers and advocates. So also has he been of his successor. He has been six years at the head of the Treasury. Yet in the period of their joint terms the expense of the collection of the customs alone has increased from about seven hundred thousand to a million and a half of dollars. The honorable Secretary maintains in his annual report that, if the reductions in the expenditures be "pushed vigorously," "it would supersede the necessity" "either of a higher tariff, direct taxes, or permanent debts." What branches of the public expenditure does the Secretary propose to retrench, so as to bring them down at once four or five millions below his estimates for the present year? He favors us with no specifications on this point. Let us see if we can infer them from his past labors in the work of retrenchment. He informs us that considerable retrenchments have already been made in the public expenditures, within the last two years especially. The President, in his last annual message, makes the same statement, and dwells upon it with much complacency; and he, too, appears to be pleased with the prospect of future curtailment in the public expenditures. I propose to examine the character and circumstances of these boasted retrenchments. The President assumes to himself great merit upon the subject of economy, and claims to have commenced a system of retrenchment from the time he came into office in 1837. He states that "the severe revulsion in the commerce and business of the country, pointing with unerring

certainly to a great and protracted reduction in the revenue, strengthened the propriety of the earliest practicable reduction of the public expenditures." "The attention of every department of the Government was immediately directed to that end, and has been so continued to the present moment." Let us test the correctness of this statement of the President by the prominent features of his administration in the years 1837 and 1838, connected with the public expenditures and finances. Between four and five thousand troops were called or admitted and continued in the service in Florida more than the Commanding General recommended as useful or necessary; and, consequently, upwards of two millions and a half of dollars were expended in that war in the course of that year, in addition to the four millions which had been appropriated by Congress before the new Administration commenced—thus making the whole expenditure for that service in the year 1837 amount to seven and a half millions of dollars. In December, 1837, the Secretary of the Treasury included in his annual estimates for the service of the year 1838 appropriations to the amount of six hundred and sixty-four thousand dollars for the construction of roads, and one million and sixty-five thousand dollars for the improvement of harbors, rivers, &c. and Congress actually voted to both these classes of objects upwards of a million and a half of dollars.

For the services of the Florida war, in 1838, there were appropriated and expended upwards of six millions of dollars. In December, 1838, we find the Secretary of the Treasury once more presenting his annual estimates of appropriations for the service of 1839, including the sum of five hundred and eighty-seven thousand dollars for roads, and one million seven hundred and thirteen thousand six hundred and ninety dollars for harbors, rivers, &c. I refer to the estimates of the Treasury in this branch of the public expenditures to show that the President and his Secretary did not then consider roads, harbors, and rivers proper objects of retrenchment under the orders which he states he gave to the Departments in 1837, to carry out in good faith the policy of "the earliest practicable reduction of the public expenditure." In his annual message of 1837, he stated that "it seemed proper in the condition of the country, to have the estimates on all subjects made as low as practicable, without prejudice to any great public measure." "The Departments were therefore directed to prepare the estimates accordingly," and he was "happy to find that they had been able to graduate them on so economical a scale." It is curious to trace the progress of this new-born passion for economy in its operation on the measures and recommendations of the President. We have seen that the estimates and appropriations for roads, rivers, and harbors for the service of the year 1838 (the first year over the expenditures of which, as the President states in another part of his message, he had any control) amounted to upwards of a million and a half of dollars. In the same year more than six millions were appropriated and expended in the Florida war. It was also in the same year that, in pursuance of the recommendation of the President, the rank and file of the regular army was increased from about eight to between twelve and thirteen thousand men; thus imposing upon the country a new and permanent charge of nearly a million of dollars. In the same year, and upon the express recommendation of the President, the staff of the army and the ordnance corps were also reorganized and enlarged, and forty-seven new officers added to the military and topographical corps of engineers, in order, chiefly, to secure a more effective superintendence of works of internal improvement. So much for the reductions effected by Mr. Van Buren and his economical Secretary in the first two years of the present Administration.

The President may with some more propriety advert to the reductions which have taken place within the last two years; but let us see what credit he may properly take to himself on that score. At the first session of Congress which followed the enlargement of the military and topographical corps, a majority of Congress rejected the entire estimates for works of that nature. And in the next annual

message of the President, we find a corresponding change in his tone and language with regard to retrenchment and economy. In his message of December of 1839, he informs Congress that he had "directed the estimates for 1840 to be subjected to the severest scrutiny, and to be limited to the absolute requirements of the public service." I will not stop here to inquire how much below the prescribed standard of 1840 the public expenditures can be properly reduced in order to square with the revenue in 1842. I will simply ask how it was that in the fall of 1839 the necessity for reduced estimates and expenditures was so much more imperative than it was in 1837. We were borrowing money and issuing Treasury notes in 1837, and again in 1838, at the rate of ten millions per annum. The expenses, also, of the Florida war, were then kept at their maximum. It is apparent, therefore, whatever the President may declare to the contrary, that there was no serious effort to reduce the public expenditures within the two first years of his Administration.

Let us inquire into the nature and extent of the reductions which have taken place in 1839 and 1840. The President in his last annual message boasts that the expenditures of 1839 were reduced six millions below those of 1838. That was a most wonderful performance, indeed. How was it brought about? In 1838, as we have seen, there were upwards of six millions expended upon the Florida war; and upon roads, rivers, and harbors, a million and a half. In the year 1839, there were expended in the Florida war one million eight hundred thousand dollars only, and upon roads, rivers, and harbors, nothing at all; so that the difference between these two items of expenditure in the two years (1838 and 1839) comes within three hundred thousand dollars of the whole saving in 1839, so much vaunted of by the President and his supporters. The operation was effected simply by reducing the number of troops in Florida in 1839, without any favorable change in the circumstances of the war, and the voting down by Congress of all the appropriations included in the annual estimates for internal improvements. This may be stated as the sum total of the President's merits on this score.

But the President claims to have reduced the expenditures of 1840 two or three millions below those of 1839. Let us see how this may be accounted for. There were appropriated for the service of the Florida war in 1839 one million eight hundred thousand dollars, as already stated, but for the same service in 1840 only three hundred thousand dollars. This would make a difference in the expenses of the two years of a million and a half of dollars. It now appears that half a million of dollars were expended in the Florida war in 1840, which was not provided for in the appropriations of that year, and which, of course, will increase the amount of expenditures for that year by that sum. The appropriations for fortifications and the ordnance service in the year 1839 were one million one hundred and fifty-two thousand dollars, which were nearly all expended in that year, while out of more than one million seven hundred thousand dollars appropriated to the same objects in 1840, not quite half a million was expended in that year. There was, therefore, a difference in the expenditures of the two years upon these three objects alone, viz: the Florida war, fortifications, and ordnance service, of upwards of two millions of dollars.

But, says the President in his last message, the expenditures in 1840 will appear to be nine or ten millions less than those of 1837. Let us see how this was effected, and what credit the President can justly claim on that account. The expenditures for the Florida war in 1837, as has already been stated, amounted to seven and a half millions of dollars. Upon roads, rivers, harbors, &c. and upon new light houses, the public documents will show an expenditure in that year of three million two hundred and ninety-six thousand dollars, making together the sum of ten million seven hundred and ninety-six thousand dollars. The expenditures upon similar objects in 1840 did not exceed the sum of eight hundred thousand dollars, and this was confined to the Florida war alone. Thus is the extraordinary difference between the expenditure

of 1837 and of 1840 fully accounted for, simply by the curtailment of the expenses of the Florida war, and the refusal of Congress to make any appropriations for internal improvements of any kind. The only retrenchment worth notice, therefore, in what has been considered, for the last twelve years, the ordinary and current expenditures of the Government, has been the withholding of all appropriations for the Cumberland road, for the improvement of the great navigable rivers, the harbors upon the Atlantic and Lake frontier, and the building of new light houses for the convenience and safety of commerce. The next most considerable retrenchments have been effected in the expenditures upon the navy, the fortifications and other establishments connected with the public defences—the most deserving, the most suffering, and the most important of all objects of public expenditure. All other retrenchments, especially such as looked to the reduction of offices and agencies, or the emoluments connected with them, have not exceeded fifty thousand dollars, nor do I know that so much has been retrenched in that branch of the public expenditure.

It would be easy to demonstrate from the Executive documents that the system of retrenchment, meagre as it was, entered upon two years ago, in respect to the Navy, the Ordnance department, and the defences of the frontiers, Atlantic, Lake, and interior Western, has been carried into execution in opposition to the earnest remonstrances of every scientific and patriotic servant of the public, both military and naval; that after the engineers superintending the works in progress for the public defence had cut down their estimates to the lowest point consistent with the necessary progress of the works to prevent dilapidation, the Heads of Departments actually reduced them still lower, in order to comply with their arbitrary standard of expediency and economy. In December, 1839, when the chief of the engineer corps demanded one million, one hundred and ninety-eight thousand dollars for fortifications, to be expended in 1840, as the least that the public service would admit, consistently with the idea of sensible progress upon the works deemed most essential to the safety of our opulent cities and other exposed points on the frontier, and, of course, concerning deeply the honor as well as safety of the country, the Secretary of War first reduced them three hundred thousand dollars, and the Committee of Ways and Means finally reported no more than two hundred and ninety-eight thousand dollars! Such has been the contracted and impolitic character of the retrenchment with which these recent converts to reform have commenced their work. The navy and the other public defences appear to be the only destined victims of their system. And this, too, at a period when we not only have frequent alarms of war with the most powerful nation in the world, but when we know that the pending subjects of controversy with that power are involved in so much difficulty that it may not be in our power to avoid a war by the practice of the greatest caution.

I trust, sir, that these two nations are too enlightened to suffer themselves to be plunged into a war, on account of interests really so inconsiderable as those in dispute. But when we reflect that wars oftener arise out of mere points of honor and of supposed or actual insults to national pride than from any greater causes, we have no guaranty for the continuance of pacific relations between the two countries. In view, apparently, of a possible rupture with England, the annual message of the President in December, 1839, contained an earnest invocation to a vigorous prosecution of the system of defence recommended by our military and naval officers. That message contains this passage:

"The present condition of the defences of our principal seaports and navy yards, as represented by the accompanying report of the Secretary of War, calls for the early and serious attention of Congress."

Yet, strange to tell, in the same message, the President directs that the estimates for the year 1840 should be subjected to the severest scrutiny, and that they should be limited to the absolute requirements of the public service; and when we also bear in mind that it was in the appropriations for the same year (1840) upon the estimates made out

in December, 1839) that the extraordinary reduction from about twelve hundred thousand dollars, demanded for fortifications, to a little less than three hundred thousand dollars, took place, it must be admitted by all that there has been neither sincerity in the professions, nor system or consistency in the recommendations and measures of the Administration on this subject.

As to the policy of lopping off about two millions of the usual expenditures upon the Cumberland road, rivers, harbors, &c. there is a diversity of opinion and interest. The sections immediately interested, of course, feel the strongest objections. I do not mean to enter on a discussion of the expediency or justice of this retrenchment. I have long thought that these improvements, if carried on at all, should be subject to some fixed and known rules—some system which should give a proper assurance that the objects were such as required by their utility and national character the aid of the General Government. But how do these views and the recent course of the Administration stand with their former practice? In the year 1838, as has been already stated, the military and topographical corps of engineers were largely increased upon the recommendation of the President, with express reference to the continuation of these works, the utter abandonment and condemnation of which is assumed as a high and patriotic virtue in 1839 and 1840.

It is pretended that the President and the party to which he belongs since 1839 have been guided in their public course by the Republican maxims of a strict construction of the Constitution and a rigid economy in the public expenditures; and they are now proclaimed as virtuous and consistent reformers, for having dispensed with all appropriations for the Cumberland road, rivers, harbors, &c. If any one is disposed to test their consistency and principles by their course in relation to the Cumberland road, let him remember that, since Mr. Van Buren came into office he has signed and approved of appropriations to that road to the amount of nine hundred and fifty-seven thousand dollars; and that General Jackson, before him, approved of a similar disposition of the public moneys, amounting to three million two hundred thousand dollars, making an aggregate of upwards of four millions expended upon this road since General Jackson came into power. If the improvement of harbors, rivers, &c. is preferred as a test, then be it remembered that Mr. Van Buren, in his brief term of power, has approved bills granting three millions six hundred and eighty-five thousand dollars to these objects, and that General Jackson, in the course of his administration, sanctioned the appropriation of six million four hundred thousand dollars to like objects, making an aggregate of upwards of ten millions of dollars expended upon such works during the administrations of General Jackson and Mr. Van Buren. It would be useless to comment at length upon these facts. The Cumberland road, after an expenditure, altogether, since its commencement, of six or seven millions of dollars, (being nearly finished throughout the whole extent of one great State, and remaining half finished in two others,) appears destined to stand a magnificent monument of national caprice and folly. The numerous works for the improvement of harbors upon the lakes, in various stages of progress, which have cost the country so much treasure, with the full approbation of the leaders of the party now in power, remain exposed to utter loss and destruction from the winds and the waves. It would seem to me that gentlemen whose consciences had been pliant enough to apply so many millions to these objects already, might, without any greatly increased responsibility, have stretched them a little further, and completed what they had begun at so much cost to the country. But it seems they have discovered that it is better that the millions which have already been expended should become a total loss than that their principles of economy and constitutional construction should any longer suffer violation. What a pity this, when we reflect that more money was utterly wasted in a single campaign in Florida than would be required to finish the Cumberland road, and in the whole war quite

enough to finish all the works projected for the improvement of the lake navigation.

I have pursued this subject of retrenchment, which has made so great a figure in the Executive messages and reports for the last two years, into some details, that I might discover, if possible, what branches of the public expenditure might be still further retrenched in the prosecution of the "vigorous" system of reduction recommended by the Secretary of the Treasury, in order to limit the annual expenditures to the sum of thirteen or fourteen millions of dollars in 1842 and succeeding years. Reductions in the navy, in fortifications, and the ordnance service, can go no further, unless these branches of the public defence are intended to share the fate of the lake harbors and other works of a similar nature. Seeing the course of the Administration with regard to appropriations for the public defences, it may surprise gentlemen who have not turned their attention to this subject, to be informed that an elaborate and able report was made to the Senate at the last session of Congress by a board of able, skilful, and experienced officers attached to the military service, in which they state that a further expenditure of at least fifteen millions of dollars will be required to complete what may be called a reasonable, a good system of defence upon our Atlantic, Northern, and inland frontiers, including ordnance and the necessary armament of fortifications. Not a perfect system—far from it; but such a one as may save our large towns and border settlements from plunder and devastation, and the national honor from deep disgrace upon a sudden outbreak of war. The Board of Naval Officers at the same time report that it would require an expenditure of upwards of fifty-five millions to place the navy proper, the navy yards, depots, &c. &c. including large supplies of timber, &c. in a condition to commence a war. If this estimate should exceed the resources of the country, still, when we reflect upon the increasing armaments of other and rival powers, and the still extending circle of their acquisitions in every part of the world; and especially when we contemplate the magnitude of American interests, the extent and value of our foreign commerce, which depend for their protection, their very existence, upon our naval establishment, we cannot doubt that that the country will sanction a liberal measure of appropriations to this favorite branch of the public service. Into what other department of the public expenditure, then, does the Secretary expect to push his system of reduction? I need not say, sir, that I regard the opinion expressed by the Secretary of the Treasury upon this point as an unworthy pretension to economy, which, under the circumstances of the country, and in view of his own past conduct, must be considered by all as hollow, and merely intended to catch the applause of the ignorant.

The only alternative, then, which remains for supplying the prospective deficiency in the revenue is a revision of the existing tariff. Certain auxiliary means or remedies of some importance, it is true, are recommended by the Secretary of the Treasury. I allude to the correction of the undue and disproportioned allowances of drawbacks upon certain articles, the reduction of fishing bounties; but, above all, the prevention of the gross evasions and frauds alleged to be practised under the present tariff. If these corrections should take place, it is assumed that a considerable increase of revenue might be expected under the existing tariff of duties. Why, then, have not these remedies been urged with appropriate zeal by those gentlemen who are so averse to the imposition of any new duties, to any new taxes, even upon silks and wines? Why have these patriotic defenders of Southern interests stood so long silent and indifferent spectators? Why have not the Committee of Ways and Means moved in this business? These evils are now of long standing. Where are the bills reported from that committee for their correction? or, if reported, when have they been pressed upon the consideration of this House? It is a subject peculiarly and appropriately within the jurisdiction of the Committee of Ways and Means. We have had repeated and continued applications for new loans or the issue of Treasury notes to sup-

ply deficiencies in the means of the Treasury; but when, I repeat, have we seen any movement which looked to a permanent supply? Have we not seen, sir, this subject of evasions and frauds in the collection of the revenue—this continued violation of existing laws—quietly surrendered, session after session, to the Committee on Manufactures, of which the distinguished gentleman from Massachusetts [Mr. Adams] is chairman, as if there was no interest in the country concerned in the due execution of the laws, or the faithful collection of the revenue, but that of the manufacturer? The times, indeed, are sadly out of joint when such things may be, and yet attract no serious notice—excite no surprise. How long, sir, will this state of things be patiently tolerated by any portion of the people of this country?

It is quite of a piece with the same system of omission and disregard for every thing which looks to the due enforcement of existing revenue laws, that now, when a national debt is rejected and denounced as a policy alike injurious and dangerous—when direct taxes are either wholly disapproved or known to be condemned by public sentiment—when a large and permanent deficiency in the revenue of the next and succeeding years is not only foreseen but acknowledged by the Secretary himself—when, in the present state of the establishments designed for the public defence, it is clear that an immediate reduction of the annual expenditures to the standard of the future revenue (to fourteen millions of dollars) is impracticable—and when a revision of the tariff is the only remaining alternative for supplying the deficit—we should be stunned by a sudden outcry against the imposition of new duties upon any articles whatever. We are told, if we proceed in that direction we shall find a "lion in our path"—that a high protective tariff will inevitably be the result—that there can be no medium, no middle ground, between a modification of the existing tariff and a renewal of the odious policy of 1828 in all its rigor—that the whole South ought to take instant alarm and meet this question on the threshold. I do not mean to argue this question in detail, sir. I only desire to place the unreasonableness—the absurdity of the course of our opponents upon this subject, in such a light as to make them obvious to the most careless observer. I need not say, sir, that, in any revision of the tariff contemplated by me, I look to the increase only upon some, and the imposition of new duties upon such other articles as may be taxed consistently with the compromise act of 1833, and, in doing so, to lay the charge chiefly upon such articles as are commonly regarded as luxuries.

There is one observation, Mr. Chairman, not directly connected with the subject under discussion, and partaking rather more of a party nature than any thing I have before said, that appears to me so appropriate while upon this point, that I cannot forbear to make it before I sit down. In the leading public journals, in the speeches and addresses of notorious partisans, both in and out of this House, we have heard and read repeated charges against the party which so signally triumphed at the late election, against the Whigs as an aggregate body, that they owe their success to the perpetration of the most stupendous frauds, and the intervention of foreign influence—to the potency of a foreign money power, to British gold; that the leading and prominent members, indeed, of the Whig party are but the tools and instruments of foreign interests—traitors to the honor and welfare of their own country, and the saviors of foreign corruption. American institutions, their efficiency, their value, their stability, are in consequence depreciated, derided, and scandalized all over Europe, while many of the same journals, the same artful and prominent leaders throughout the Southern and Southwestern sections of the Union are, at the self same time, often in the self same harangues, with equal vehemence, with equal assurance and confidence of success in rousing the prejudices and blinding the judgments, denouncing the Whig party as got up and cemented mainly by Northern interests; that their grand purpose all along has been to reconstruct the famous American system upon its old foundations; and that, besides a splen-

did and costly system of internal improvements, the Southern and planting interests are once more to groan under renewed restrictions and burdens upon foreign commerce, and the intolerable weight of high protective duties, laid to enrich the manufacturers of the North and East. The meaning of all this, sir, when properly interpreted, is, that we are no longer to consume the products of British capital and British industry; that we are about to set bounds to the system of foreign credit, which subjects both our domestic trade and currency to such ruinous vicissitudes and revulsions; in short, that instead of upholding the policy which only enriches the foreign capitalist, increases the wealth and financial resources of rival nations abroad, we design to adopt a system of home production and policy which will tend materially to reduce and cripple the energies of Great Britain and other foreign nations with whom we have any considerable commercial connections. If these adverse and contradictory charges be true, the Whigs will certainly be the most arrant and ungrateful knaves recorded in history: for while they are indebted to foreign gold and foreign influences for their present triumph, it would seem that they had determined to use the first moments of their power to make unrelenting war upon the interests of their foreign patrons and friends. We are in the habit of regarding ourselves, Mr. Chairman, the most enlightened people in the world; and, taking the people as a whole, I believe we are so. But that such downright absurdities and nonsense should pass current for rational and probable truths, and that any of our leading statesmen should condescend to practise such impostures, shows that we are yet far in the rear of that degree of enlightenment which the due efficiency and preservation of our free system require.

I shall conclude, Mr. Chairman, with repeating the sentiment with which I set out. If those who are in the majority in Congress desire to avoid the inconvenience and exposure of a called session of Congress, they have it in their power to do it. They must, in the first place, make adequate provision for the deficiency in the revenues and means of the Treasury the present year. To do this they must authorize the issue of ten millions of Treasury notes at least; when they have done this, if it is decided that the increased deficiency of the next year ought to be provided for by a revision of the tariff, they should set to work to effect that object at the present session. It will be too late at the commencement of the next regular session to provide by tariff regulations for any deficiency in the revenue for 1842. No bill for that purpose would probably pass until four or five months of the session had elapsed. All such regulations, furthermore, must be prospective. In the mean time, the country will be flooded with the importation of free goods in anticipation of the charges about to be laid upon them. The whole trade and business of the country will be in danger of being thrown into confusion and disorder; and as to any deficit in the means of the Treasury in that year, the only remedy which will then be in our power will be a loan, more Treasury notes, or a national debt. All these inconveniences will result if we fail to act early in the present year, and all the responsibility for them will rest upon those who have the power to anticipate and avoid them, but fail or refuse to exercise it.

SPEECH OF MR. THOMPSON,

OF SOUTH CAROLINA.

In the House of Representatives, January 21, 1841.—On the bill to authorize the issue of Treasury notes.

The House being in Committee of the Whole on the state of the Union upon the bill making provision for the issue of five millions of Treasury notes—

Mr. WADDY THOMPSON, of South Carolina, addressed the committee as follows:

It is not my purpose again to discuss the constitutional power of Congress to issue Treasury notes, intended to circulate as a currency. It is not necessary for any practical purpose that I should do so; and, if it was, I should regard it as a work al-

together superfluous until the arguments heretofore made on that point have been answered, which, as yet, has not been done. I have no wish to disturb the self-complacency of the Secretary, nor to controvert the assertion in his report of the "financial ability" with which he says, with equal truth and delicacy, "the affairs of the country have been managed by him." Considering his present peculiar condition, he is entitled to some indulgence, as he has been tried, and all that remains to him is "to show cause why the sentence of the law should not be pronounced;" and in all such cases much latitude is allowed. The honorable Secretary congratulates the country that, "notwithstanding some depressions in particular branches of business, or in particular places, the general prosperity has been such as to create a large surplus of products, and to enable us to send abroad immense and increased values of them, however great the complaints have been as to low prices."

I certainly do not envy the man who, having charge of the most responsible office in the Government—one which wields a power over the currency and business of the country little short of absolute autocracy—and who, by a series of experiments, recklessly and ignorantly made, has reduced the public Treasury to bankruptcy—carried insolvency and misery into the abodes of affluence and happiness—waged an unceasing and Vandal war upon commerce and credit—repeating his blows before the flesh had ceased to quiver from those already inflicted, having at last reduced our importations almost one-third by destroying, not the wants of our people for foreign commodities, but their ability to purchase them, and reduced the value of every one of the products of our industry—now coolly congratulates the country that he has not also destroyed the physical ability to labor and produce—that the limbs and sinews of our people are left uncrushed—that they still labor industriously—although, it is true, they get very little for the productions of that labor.

We have been told by the Chairman of the Ways and Means that this measure is only temporary, and that these notes will be redeemed within the year. If that honorable gentleman will turn to his speech at the last session, on a similar proposition, he will find that he told us the very same thing and "in ipsissimis verbis." I then, as now, said that it was not true, and that no one intelligent of the condition of the country could think so. And what has been the result? But the honorable member says, who could have anticipated such a falling off in the customs?—who could have anticipated such a curtailment of importation? I answer, every man in the United States of any intelligence, except the Secretary. This, as far as I am concerned, is no *ex post facto* prophecy. In a speech made early in the last session I used this language:

"The receipts into the Treasury will be less, very much less, than the Secretary estimates, and the expenditures much greater than those estimates. The revenue from customs for the first quarter, which was estimated at \$3,600,000, will not be one million, and the prospect for the future is not more cheering. Goods will not be imported, for many reasons. There are more goods now in the country than are needed in a healthy condition of commerce and currency, very many more than can be sold at all, as things are. To whom is the importing merchant to sell these goods? To the country merchant. To whom is he in turn to sell them? To the people. If he does, he will not receive payment. They want the goods, but they have no money to buy them. No, sir, instead of duties on imports, we are destined to drawbacks on exports. The goods cannot be sold, and the only alternative is to re-export them, or let them rot on the shelves."

The two identical things have occurred which were predicted—a diminution of imports, and increase of drawbacks. The account in the report of the Secretary, after the events, with a change of a very few words, is the same as my confident prediction before; and yet he regards it as a great wonder; and the chairman of the Ways and Means most innocently exclaims, who could have anticipated this? I answer, any one, not wilfully blind. We wanted foreign goods, it is true, but we wanted also the ability to buy them. The great law of demand and supply governs this, as all the other operations of commerce. But what is demand? It is not simply the wants of a community, but it is compounded of those wants, and an ability to buy. The Comanche Indians, no doubt, need fifty millions of merchandise, but they have not the means

of buying. Would any one, then, say that there was a demand there for these fifty millions? Certainly not. The severe and protracted pressure which we have been suffering, has cut down the consumption of every class of society to the lowest possible point. Never has there been a greater revolution in the personal circumstances and habits of a people—a change almost instantaneous from repulsion to inanition—from profuse indulgence to a parsimonious economy. Men have been restrained to the pressing wants of absolute necessity. What wonder, then, that importations have been diminished as the market has been reduced, and that the public lands have remained unsold to a people who have had no money to purchase them. But it was not at the last session alone that we were told that these loans were only temporary. It has been the uniform language which has been held to us. I well remember that more than two years ago my colleague [Mr. RHETT] read me a severe lecture, because I preferred a loan—an honest, bona fide, constitutional loan—to this fraudulent, deceptive, and unconstitutional measure. He was amazed that I, a Southern man, should be in favor of a public debt. I could not then, as I cannot now, see any difference in that particular between a debt contracted by the issuing of certificates of stock, bearing five per cent. interest, and the issue of Treasury notes to the same amount, bearing five per cent. interest. I could not see that it was the less a debt when the obligation was precisely the same, because these obligations were written on different kinds of paper, and with different engravings and devices, nor because, in the case of stock, we should have one hundred creditors, instead of, by this measure, five thousand. But I did see another, and, to me, not an unimportant difference; the one was a measure clearly constitutional, the other palpably and dangerously unconstitutional. And what was the reply—the single and only reply? Why, it was this: that the loan would be a permanent debt, and that these notes would be redeemed probably in three, certainly in six months. How has the result falsified this calculation? And yet the very same men, one and all, with a modest self-complacency—I had almost said with cool assurance—come and make to us, with an air of oracular confidence, the very same predictions which the result has already thrice falsified. I am opposed to these temporary and unconstitutional expedients to raise money—this spendthrift course of not looking one month ahead to anticipate the exigency, but providing for it under present and extreme pressure, and then only providing for it, not by paying, but by changing the form of the debt; this Jeremy Diddler policy of living from hand to mouth, and depending forever on the last resource of all reckless spendthrifts, of borrowing or giving a note; and, I repeat, that the financial ability of the present Secretary seems to be summed up in the rare art of giving a note. No, sir, let us come up to the work. Let us meet the emergency with the firmness and intelligence of statesmen, and provide permanent means for meeting a permanent deficit in the revenues, and abandon this course of temporary expedients as dishonoring in the end to the credit and character of a Government as it is to those of an individual. That there will be a deficiency of means to meet the demands on the Treasury, I cannot suppose that any one doubts. It has already been demonstrated by those who have preceded me, and if I again advert, however briefly, to that branch of the subject, it is not with the idle and unnecessary purpose of showing the inaccuracies of the Secretary, his want of intelligence, or his want of candor. That would be to pile Pelion upon Ossa—one more added to the multitude of his mistakes would not even be noticed; if any one of his estimates has been verified, by results for the last three years, I am ignorant of it. Certain it is that mistake is the general rule—accuracy the exception. I do not in the least doubt that Mr. Woodbury will leave the Treasury twenty millions in debt. I am certain fifteen millions. Will the accruing revenue support the Government, however economical, and pay this debt? It will not. I do not believe that those revenues will even meet the current expenses of the Government, even if things stand as they are, without any of those ex-

traordinary demands to which a wise forecast should look. It was said by the member from Tennessee, [Mr. BELL,] that it seemed that these estimates were manufactured with a view to square the receipts with the disbursements. It is strictly true; the estimates of receipts are habitually exaggerated, and the expenditures as habitually reduced. I have heard—I do not vouch for it, but I believe it—that, previous to the last session, the Secretary, having made up his estimates of the receipts, called upon the heads of the different departments for their estimates of expenditures, urging that those estimates should be reduced to the lowest possible point. It was done. For these wise and candid rulers of ours exhaust all their economy in their estimates, and practise all their extravagance in the actual appropriations. Well, sir, the estimates were presented to him, and they were found to exceed the estimated receipts by some three millions. What was to be done? Provide additional resources. Oh, no; but to put down in the report, haphazard, three millions in addition to the estimate of receipts already made. I will show, from the report of the Secretary himself, that items of appropriation which he knew were now existing and must be met, are not included in his estimates; and he tells us himself that the heads of the other departments estimate the expenditures of their respective departments higher than he does. Who is most apt to be correct—they who are presumed to be conversant with the circumstances and calls upon their particular departments, or the Secretary of the Treasury? He assumes to know more of the situation of the War and Navy Departments than the heads of those departments themselves do.

The estimated amount of Treasury notes to be redeemed during the next year only includes those already issued, and the small balance authorized to be issued under the existing law, and yet this is urged upon us as an accurate estimate in the discussion of a proposition, which no one doubts will pass, to authorize the emission of five millions more. Here, then, is at once an additional item of five millions. We are informed by the Secretary that the amount of unexpended appropriations which will be called for in the next year is three million seven hundred and forty-nine thousand dollars. Here is a subsisting charge upon the Treasury to an immense amount. There is no evading it. It is not even looked to in the estimates. It must be met, and yet no provision is asked for it. Is it surprising that, with this habitual want of forecast to see future calls upon the Treasury, and, when seen, a want of candor to say so, our Treasury is always straitened, and that, with all the slang about saving the plighted faith of the country from violation, we are, again and again, urged with an indecent haste to adopt a measure pernicious in its consequences, and in violation of the Constitution? Once for all, let me answer this cry about plighted faith. I, sir, have plighted my faith by the most solemn sanction known to man, to preserve the Constitution—that faith I will maintain, whatever other may be violated—and let the responsibility that may result, be it what it may, rest with those whose incompetency has created the emergency, not with me, because I will not violate the Constitution to meet it. If you add to these items of near nine millions, three hundred thousand dollars due the State of Maine—a large and admitted deficiency in the Post Office, much larger, no doubt, than is admitted—the abstraction of the two per cent. fund of about \$800,000 by the States of Alabama and Mississippi, you have a clear excess over the estimates of more than ten millions. If to these be added the large balances due to public creditors of all sorts, especially on account of the Florida war, and the funds necessary for the prosecution of that war, unless this Government is to be forever regardless of all the obligations of duty, and deaf to the calls of humanity, and the appropriations for certain works of defence on the most economical scale of absolute and present necessity, and there will be added at least five millions more of appropriations—not probable, but certain and inevitable—making fifteen millions more than the report estimates. I do not hesitate to say that I would not agree to pay

those demands for twenty millions, and my life upon it the Secretary would not. Another item of at least \$5,000,000 (I believe more) should be added to this amount—that for the payment of private claims. There is an immense accumulation of these claims—they have been postponed until the current of legislation is literally dammed up by them—very many of them are of admitted justice, and it is peculiarly proper that they should be speedily decided, and no longer postponed, as the principle has been adopted that no interest is to be allowed upon claims, however long justice may be withheld.

With all these facts staring him full in the face, the Secretary estimates the appropriations for the next year at \$19,000,000 against his own admission for the last year of \$22,489,000, and which I have no doubt amount, in truth, to at least \$26,000,000. And inclusive of redemption of Treasury notes, at \$22,500,000 against his own admission for the last year of \$26,643,000, and which, in truth, is not short of \$30,000,000. His estimate of receipts from customs, notwithstanding another reduction of the tariff, is about seven millions more than the receipts of the last year. How can this be? It is only possible in one way, and that even the Secretary would have blushed to announce. He no doubt knows that there will be greater economy than has heretofore been practised, and hence the disbursements will be reduced in amount, and the war having ceased which has been waged against credit, commerce, property, civilization itself, the powerful though prostrate, but yet uncrushed energies of this great people will once more be exerted, and we shall see the country rising up like the strong man from his sleep. But the force of these causes, powerful as they are, the sanguine temper of the Secretary has over-estimated. It will take more than one month, or one year, to redeem the country from the effects of ten years of misrule.

But, admitting that we were encumbered with no debt at all, will the future revenues support the most economical administration of the Government? I am very sure they will not. The tariff will be reduced finally in January and June, 1842, and it is demonstrable that the revenues will then be insufficient. The Secretary estimates the accruing revenues from customs after that period at between ten and eleven millions. It will not, and cannot, be more, with nearly one-half of the articles of importation paying no duty. If to this you add three and a half millions from the public lands, you will have fourteen millions. Does any one man really believe that the Government can be carried on with that sum? No one does, although I have no doubt many a demagogue, here and elsewhere, will say so. For myself, I calculate on little, very little, revenue for the future from the public lands. I will not consent to see that source of revenue withdrawn, and the whole thrown upon imposts, much less will I vote for any tax with a view of supplying a deficiency to be created by surrendering those lands. But he is blind, indeed, who does not see that our vast public domain has become a mere fund with which aspiring politicians play their games. It has already become a regular contest which shall outbid the other. In the declining days of Rome, the candidate for the Empire succeeded who would promise the largest distribution of corn from the public granaries—so it is now. We have not the corn to bribe with, but, what is the same thing, we have the land upon which to raise the corn. We have got the most that we shall get from that source, rely upon it.

I do not in the least doubt that the future revenues of the Government will be insufficient for the most economical administration. That this deficiency is not temporary, but permanent, and, therefore, that it should be met by providing some permanent source of supply; and it is upon the postulate that there will be such a deficiency that I proceeded to the inquiry—Whence is the additional revenue to be derived? Only three plans have or can be suggested: direct taxes, imposition of increased duties on protected articles beyond 20 per cent. and in violation of the compromise, or the imposition of adequate, but moderate, duties on certain articles of luxury now duty free.

I hardly know whether I ought to regard the plan of direct taxes as having been proposed. One of my colleagues has suggested it; but, as far as I know, it is unendorsed by any one member on this floor, or by any individual anywhere, except by two or three of his own constituents. In the present condition of things, it is about as practicable, and not a whit more so than would be a proposition to raise revenue by alchemy; and when either of these plans shall be seriously brought forward, it will be time enough to discuss them. The choice, then, is between taxing luxuries, where the tax is paid equally by all sections of the country, is paid by the wealthy and is paid voluntarily, and increasing the taxes on protected articles which are paid exclusively by one section—that which does not manufacture—which are paid by the poorer classes, and where the tax is not voluntary, but cannot be avoided. Between these I cannot hesitate. But, sir, I do not conceive that I have a right to choose; I am bound by that which I regard as of little less authority than the Constitution—the compromise of 1833. I cannot violate that compromise consistently with my own ideas of what is right, and I would not if I could. The case of deficiency of revenue was anticipated in the compromise act, and provided for. Shall we, honestly and in good faith, comply with the compact then entered into?

I propose to show, 1st. That the compromise act of March, 1833, prescribes what is to be done in the event of a deficient exchequer. 2d. That this compromise is binding upon us. 3d. That the exemption from duties of the free articles was one of the leading objections to that act on the part of the anti-tariff party, without one single exception; and that it was a concession to the manufacturing interest. 4th. That if it were entirely an open question now, it is the best, the fairest, the only practicable mode of raising revenue—that it is the most advantageous to the whole country, and especially to that section from which I come. The sixth clause of the act of March 3, 1833, commonly called the compromise act, is as follows:

Sec. 6. *And be it further enacted*, That so much of the act of the fourteenth day of July, one thousand eight hundred and thirty-two, or of any other act as is inconsistent with this act, shall be, and the same is hereby, repealed: *Provided*, That nothing herein contained shall be so construed as to prevent the passage, prior or subsequent to the said thirtieth day of June, one thousand eight hundred and forty-two, of any act or act from time to time, as may be necessary to detect, prevent, or punish evasions of the duties on imports imposed by law, nor to prevent the passage of any act, prior to the thirtieth day of June, one thousand eight hundred and forty-two, in the contingency either of excess or deficiency of revenue, altering the rates of duties on articles which, by the aforesaid act of fourteenth day of July, one thousand eight hundred and thirty-two, are subject to a less rate of duty than twenty per cent. ad valorem, in such manner as not to exceed that rate, and so as to adjust the revenue to either of the said contingencies."

Can language be more explicit? Will any gentleman suggest words that would more distinctly express the idea that if more revenue is wanted, it shall be raised by duties on the articles bearing a less duty than twenty per cent.? The case, then, has occurred, Shall we comply with our engagement, and the more especially, when we are asked to do that which is not only right in itself, but is the carrying out of the very principle for which we of the anti-tariff party, in all time, and without one solitary exception, have so strenuously contended? The tariff party have submitted without murmur to the annual reduction; they do not ask even to be relieved from the great ultimate reduction in 1842; and shall we now violate our obligation to observe that compromise, and at the same time go counter to all that we have ever contended for? No, sir, no; "it is so nominated in the bond;" and if I was opposed to the principle, I would still submit to it. Much more readily will I do so, when those heretofore opposed to us are willing to adopt our own principle—that of taxing luxuries, sustained as it is by every writer on political economy, great and small.

I do not pretend that there is any constitutional or legal disability to disturb the compromise. But there are considerations not less forcible with me than either. I feel that, as a South Carolinian, I am bound by it, whatever may be the case with others. I regard it very much in the light of a treaty, and a treaty made almost on the field of battle. What will be the just imputation upon us if

we now violate it? Why, sir, it will be that, under the pressure of circumstances and the influence of feelings not the most honorable to us, we submitted to terms disadvantageous and unjust, which we now seek the first opportunity to violate. The whole tenor of that act shows that it was intended as a termination of that too-exciting and dangerous controversy—not as a mere truce—as a final extinguishment of its fires—not as a temporary smothering of them, that they might hereafter break out with a more consuming fury. I can, with truth, say that I have seen no single individual in South Carolina who did not regard it as a permanent adjustment of the whole matter, and for that reason, mainly—regarding it as a security against all future agitation—were the people of the State reconciled to many of its provisions, and, amongst others, to that one in particular which exempted luxuries from taxation. It is a great error to regard that act as terminating in 1842. It would be more proper to say that it begins then. The annual reductions previous to that period are only a preparation, gradual and proper, for the ultimate and permanent settling of the question.

Dr. Cooper, not the least ardent and violent on this subject, at the close of his collection of all the leading documents of the nullification controversy, uses the following language:

"Mr. CLAY introduced into Congress the act known as Mr. CLAY's compromising law. I hope and trust it will prove in fact what it was intended to be, a full and final settlement of the tariff contest."

Mr. CALHOUN used, in the Senate, while this act was under discussion, the following language:

"Among the objections to the bill, he thought the reduction of the duties, in the first part of the series, too slow, and the last too rapid, and that the time for the final reduction was too remote."

"He also objected to the home valuation, but he thought these objections outweighed by the consideration that the bill provided, as to the final result, that the revenues should come down to the just and economical wants of the Government. With the contemplation of this result, as to its final operation, he believed it would be accepted of by the South, and that peace and harmony, as far as this subject was concerned, would be restored to the country."

What is meant by the "final result" and the final operation, if this law is to cease in 1842? Then it is that the tariff is to come down to the revenue standard by the final reduction; and, as I can only understand it, this final reduction reconciled the very distinguished speaker to the slow process of reduction and to other principles of the act. What is meant by restoring harmony? A paltry truce, in which both parties would be arranging their armor for another and fiercer conflict.

Again, he says, in the same speech: "If this measure is acquiesced in, it will be the termination of that long controversy which began in the convention, and has been continued under various fortunes to the present day." What is the plain and obvious meaning of this language? Was it that he regarded this, as he says, as "a termination" of this protracted and dangerous controversy, and therefore a fit subject for the congratulations of every patriot; or as merely an act of ordinary legislation, imposing no sort of obligation upon either of the parties, which might, with perfect propriety, be repealed before any of its provisions were executed, as giving no security for repose from this exciting controversy, and therefore not only unimportant in itself, but unbecoming the dignity of the position which South Carolina had assumed, and a paltry suspension of a struggle, at the head of which he had so long stood? Did South Carolina engage in this struggle, with all its odium and its dangers, for such a boon as that? No, sir, no. With a full perception of the dangers and difficulties with which she was surrounded, she believed that the questions involved were of vital, primary, and permanent importance, and never would have been satisfied with any thing less than what she regarded as a permanent security for her rights and the principles involved.

Mr. Calhoun, again, in 1837, uses the following language; and be it remembered that it was used in a proposition to reduce the duties on salt—an article of primary importance as a necessary, and the article, perhaps more than any other, objectionable to the anti-tariff party, of which he was confessedly the head—an article to the duty on which he was then still opposed, but, agreeable to him as a reduction of that duty would have been, he was restrained

from voting for it by a regard to the sacredness of the compromise:

"The announcement by the chairman of the Committee on Finance that this bill was framed and introduced on the assumption that the act of 1833 was no longer to be respected, gave to it an importance which demanded the most serious consideration. That act closed the tariff controversy between the North and the South; and the question now presented is, shall it again be opened? Shall we reopen a controversy which, during the long period from 1821 to 1833, agitated the country, governed its legislation, controlled the Presidential election, and finally shook its institutions to the centre? Shall we of the South, in particular, assent to open this formidable controversy—we who are on this subject in a permanent minority? Shall we agree to surrender our share of interest in the act of 1833—an act which has already repealed from twenty to twenty-five millions of dollars annually, and which, if left undisturbed, will in a few years take off ten more, and reduce the duties to the constitutional and legitimate wants of the Government? Will we agree to surrender all these advantages, which were extorted from the adverse interest at the hazard of civil conflict, and take our chance in the renewed conflicts that must follow if the controversy be again opened? This the chairman of the Committee on Finance asks you to do; and what is the compensation he holds out to you for such great sacrifices?"

"But, whichever may be preferable, it is certain that the practical difference, as far as the South is concerned, is too small to warrant the sacrifice of the great interest which she has in maintaining inviolable the law of 1833, particularly when we consider, as small as is the difference, we have no assurance of even receiving this inconsiderable boon."

"Then followed the proclamation and the force bill, as the ultimate measure of prolonging the existence of the odious and unconstitutional act of 1833, which the party of which the Senator is a member had attempted to fix on the country by a scheme of permanent distribution; and, when the issue was made, they were ready to sustain it at the hazard of civil war. But, thanks to a kind Providence which had watched so constantly over our destinies, this counsel did not prevail. The spirit of conciliation and compromise overruled that of violence and force. The memorable bill of 1833 was introduced by the Senator from Kentucky, [Mr. CLAY], and became a law of the land in spite of the protective and force bill party. It closed the conflict between the North and the South, which, if not revived by the acts of those who passed the tariff of 1829, will, I trust and believe, remain closed forever. Such is the train of events which led to the act of 1833, and the circumstances under which it passed; and we are now called upon to decide whether we shall adhere to its provisions or not. The Senator from New York invites us to surrender our interest in it, and to open anew the tariff controversy; and, with a view to test our determination, has inserted in this bill the repeal of the duty on salt. He signifies his dissent. I am glad of it. It proves that he dreads a direct issue on the subject, which is not surprising after the statement made; but I must tell him that it is immaterial whether it was so intended or not. Salt is one of the items comprehended in the act, and if we touch one item we may touch all. To vote for the repeal of a single item, unless with common consent, as effectually surrenders the compromise as to vote for the repeal of all."

"The Senator from New York must excuse me. I feel it my duty to speak plainly where the interest of my constituents and the whole country is so deeply concerned. I must tell him I lack confidence in him. I see in this bill a design, under the show of reduction, to revive the tariff controversy, by which he and his friends have so much profited at the expense of the country. It is an artful and bold stroke of policy, calculated to distract and divide the Opposition, and place almost unlimited control over the capital and labor of the country in the hands of those in power. It affords the means of appealing to the hopes and fears of every section and interest, while the distraction and division that must follow would prevent the possibility of united efforts to arrest the abuses and encroachments of power. Experience has taught us to understand the game, and be on our guard against those who are playing it. We cannot close our eyes to the fact that the party which is now so intent to disturb the compromise is the very party that was the author of the tariff of 1829; and which, after using every effort to render it permanent, was ready to shed our blood rather than surrender the act. Their devotion to a measure of which they are the authors, and to which they owe their present elevation, prepared us to expect that deep hostility to the act which gave their favorite a mortal blow, and opened the way for a united, and we trust, ere long, a successful resistance to power, acquired by deception, and maintained by delusion and corruption. The entire South may well apply to the Senator, as the author of the tariff of 1829, the reply which a distinguished Senator gave, after its passage, to one who now occupies a higher station than he did then, and who undertook to explain to him his vote on this occasion: 'Sir, you have deceived me once, that was your fault; but if you deceive me again, the fault will be mine.'

"Alas, for Virginia! that once proud and patriotic State, she has dismissed her honest and enlightened son who served her with so much fidelity, and has elevated to the highest office him who betrayed her, and trampled her interest in the dust."

"I know full well that attempts will be made to misrepresent my position on this occasion, and to weaken me in the confidence of the public. I fear them not. I know well those whom I represent. They have too clear a conception of their true interest, and place too high an estimate on truth and honor, to withhold their confidence from him who fearlessly follows their dictates. They will scorn the miserable boon proffered by the Senator from New York, and the hand that offers it, and will cling to the act which they so proudly wrung from this Government. Were I to listen to the voice of the Senator from New York, they would hold me blind to their interest and indifferent to their honor. I shall not assent to disturb the act of 1833 in the slightest degree, so long as the manufacturing interests shall adhere to its provisions, be the conduct of politicians what it may. Thus far they have firmly adhered. Not a murmur has been heard or a petition been offered from that quarter against it from its passage to the present day, while the memorial of the Legislatures of the two great tariff States, Massachusetts and Pennsylvania, which pledged themselves to abide by the provisions of the act, give strong additional assurance that, if we do not disturb it on our part, they will not on theirs."

Truth, sir, every word truth. I regard now, as he did then, those who would disturb the compro-

mise; and I warn those now who would do it, as he did then, that if they do, "they will have ample time to reflect upon the evil they have done." Let them well reflect before they again break up that deep and turbid fountain of bitter waters? Whoever makes the attempt will find that our people, prompt as they ever are to peril every thing in defence of a great principle of the Constitution and of public liberty, will look well about them and fully examine for themselves all the reasons, before, on any authority, they will revive that dangerous conflict. And, sir, if we do break up this compromise, what hope have we, "in a permanent minority," as we are, that we shall obtain any better terms?

In a debate in the Senate, in 1838, between Mr. Clay and Mr. Calhoun, the two great actors in this compromise, Mr. Clay, in giving a history of that measure, uses the following language, which was not contradicted:

"In the consultations between that Senator [Mr. Calhoun] and myself, in respect to the compromise, on every point upon which I insisted he gave way. He was for a shorter term than nine years, and more rapid reduction. I insisted, and he yielded. He insisted upon fifteen per cent. as the maximum duty, but yielded. He was against any discrimination within the limited range of duties for the benefit of the manufacturers, but consented. To the last he protested against home valuations, but finally gave way."

Now, if this act was regarded as a definitive settlement of the whole matter, I can very well see reasons for this pertinacious adherence, but if it was not so, but a mere act of ordinary legislation, I am at a loss for a reason for it, especially for contending that the duties were to come down in 1842 to fifteen instead of twenty per cent. This was a matter of vast consequence, if this adjustment was to be permanent; but of none earthly if its provisions expired in 1842. The good or evil could not have lasted more than a few months. But, sir, the whole act is full of provisions to regulate duties after 1842. Why was this, if the act was intended to cease then to operate? That it was regarded by our Convention as a permanent adjustment, the report of that body acceding to the compromise fully shows. It is full of evidence to that point. Listen to the following brief extract. After reviewing the provisions of the compromise, the following language is used: "These provisions embody great principles in reference to this subject, for which South Carolina has long and earnestly contended; and if the pledge therein contained" (what pledge but to maintain the Compromise Act?) "should be fulfilled in good faith, they must, in their operation, arrest the abuses which have grown out of the unauthorized appropriations of the public money." This pledge has been honestly fulfilled. Shall we, on our part, violate it?

My next proposition is, that the principle that luxuries should be taxed, and that they should not, in any case, be exempted from taxation, has been the principle of the anti-tariff party, without one single exception—of men of all degrees and sizes, from the almost inaudible whisper of our smallest men up to the thunder of Hayne and McDuffie; whilst the proposition to exempt them from taxation has always been made by and received the support of the tariff party. In 1831 Mr. Clay submitted a resolution making duty-free those very articles upon which it is now proposed to impose duties. He was supported by every man of the tariff party, and opposed by every member of the anti-tariff party.

Mr. Clay's resolution was as follows:

"Resolved, That the existing duties upon articles imported from foreign countries, and not coming into competition with similar articles made or produced within the United States, ought to be abolished, except the duties upon wines and silks, and that those ought to be reduced; and that the Committee on Finance be instructed to report a bill accordingly."

Mr. Hayne moved the following amendment:

"Strike out all after the word countries, and insert as follows: 'Be so reduced that the amount of the public revenue shall be sufficient to defray the expenses of the Government, according to their present scale, after the payment of the public debt; and that, allowing a reasonable time for the reduction of the present high duties on articles coming into competition with similar articles made or produced within the United States, the duties be ultimately equalized, so that the duty on no article as compared with the value of that article, vary materially from the value of that article.'"

Mr. Clay's proposition—the tariff proposition—was to raise the whole revenue by imposts, with a view to protection on articles where similar articles were made here. Gen. Hayne's proposition was not, as has been erroneously stated, to impose equal

duties on all articles, but that there should be no material difference. Mr. Clay's proposition was ultimately adopted in the Compromise Act. A large class of articles was by that act admitted free of all duty; and now the proposition is made to us by our old opponents to adopt our principle—to tax articles bearing no duty—to tax them to the extent of the necessities of the Treasury; and Southern men are found opposing it. How and why is this? I appeal to those with whom I once acted—to the members of a party towards which I have felt a stronger attachment than I ever shall to any other—not to run across every principle for which that party has contended; to leave me some one principle, if only one, upon which I may stand; and, when charged with inconsistency, let me be able to say, Here is one principle to which we adhered.

Mr. Clay advocated his resolution, exempting a large class of articles of luxury from any duties whatever. He was supported by every tariff man in the Senate who spoke upon the subject. I shall not weary the committee by reading extracts from their speeches, unless this is denied. But I must read from the speeches of those who opposed the protective policy.

I begin with Gen. Hayne, who was confessedly the head of the anti-tariff party in Congress, and who has left an enduring monument to his fame in the ability which he exhibited in discussing this subject with the ablest debaters in this or in any country. No man enjoyed in a higher degree the confidence of those with whom he served in the Senate; and the best evidence of the estimation of his native and much loved State is, that he was called to the helm by one voice, at a period of unprecedented danger and difficulty, and well did he earn and merit this confidence. He did not aspire to the character of an original genius. He was much too wise for that. He was no theory-monger; no constructor of impracticable plans of Government, like the philosophic dreamers of the French Revolution; no visionary schemer, like Sieyès; nor could he have split hairs on a point of mystic metaphysics, or of scholastic dialectics, with Dun Scotus. His business was with this sublunary world as he found it—not as a Utopian transcendentalism would have had it—wise, cool, bold, forbearing, disinterested; all the qualities of a great statesman were softly and beautifully blended in his high and useful character. Listen to the opinions of this able and practical man on this question of taxing luxuries:

"What was that scheme? Why, that from all articles of luxury the taxes should be taken off entirely; while upon articles of absolute necessity they were to remain undiminished. Articles consumed by the rich were to come into the country duty free, while articles consumed by the poor were to be burdened with exorbitant taxation. The rich man was to drink his costly wines, and his family to be arrayed in fine silks, without paying one cent towards the expenses of Government; while the poor man was to be heavily taxed on the coarse woollens which were to shield himself and his family from the winter's cold. Now could a system of taxation resting on such principles seriously be defended? Could it be tolerated in a free country and a liberal and enlightened age? He trusted not.

"There is another objection to this scheme, which was to his mind equally conclusive—it was, that by it the duties were to be taken off from what was called the unprotected articles—articles, too, of general consumption, (and which according to the general principle of political economy, and the common consent of all mankind, are the proper subjects for taxation,) and the entire revenue of the country was to be raised upon the protected articles—upon cottons, woollens, and iron, articles of necessity, on which enormous duties are now imposed; duties which operate as a heavy tax on certain portions of industry and certain branches of the country, and as a bounty to other portions of the country and other branches of industry.

"Against a system so unjust, so unequal, and oppressive, the tax paying people of the United States, those who receive no portion of the bounties of the protecting system, the people of the Southern States, those whom he, in part, represented on this floor, must forever protest.

"Gentlemen might consider such an arrangement as constituting a judicious revision of the tariff; but for his own part, he had no hesitation in saying that he would consider a repeal of all duties on the unprotected articles, while the duties on the others should remain untouched, as the worst of all possible adjustments of that great question which now agitates and disturbs the whole country."

In another speech he says:

"The next objection to this scheme is, that it proposes to relieve luxuries from all taxation, while the taxes on the necessities of life are to remain just as they are, subject to duties of from 50 to 100 per cent. It is true that the gentleman in seeing, I presume, the cogency of the proposition in its original form, now consents that some very moderate duty may be levied on wines and silks. But, sir, I should be glad to know in what wines and silks differ from the numerous articles which, by the gentleman's scheme, are to come in free of duty. Here is a list of some of them, and it will be for the Senate and the country

to say how far it is reasonable or just that the consumers of these articles shall contribute nothing to the public revenue, while the honest laboring man is to be taxed from thirty to one hundred dollars on every hundred dollars which he expends on the woollens and the flannels, the iron and the sugar, which are indispensable to the health and comfort of himself and family.

"It is one of the grandest farces ever attempted to be played off upon a free people, to see an attempt made to reduce the taxes on olives and capers, anchovies and brandy fruits, mace, cloves, nutmegs, precious stones, alabaster ornaments, cordials, perfumery, artificial flowers, billiard balls, batledores, shuttle-cocks, coral beads and gold snuff boxes, silver spectacles and ivory headed canes, velvet and lace muslins and gros de naples, camels' hair shawls, morocco and prunella shoes, fine cambrics, plated chafing dishes, porcelain and china dinner and tea sets, gold watches, Cologne water, Champagne and Burgundy wines, oranges and pine-apples, embroidery, ivory fans, fine Irish linens, parasols, centre tables, gilt boots, pier looking glasses, vermicelli and macaroni, Italian marble and mantel ornaments, rouge, essences and court plaster, chessmen, sweet scented soap, silk stockings, gold and silver thimbles, mantel time piece, tooth powder, wax dolls, and a hundred other things used by the rich.

"I ask for the reason of this distinction, which relieves luxuries from taxation, and throws them upon the necessities of life; which burdens the poor, and exempts the rich; and I am told it is necessary for protection."

Next comes the venerable Macon. Listen to his opinions:

"There were certain things that ought not to be taxed in any country—things that entered into the plain food of the poor and laboring classes, and which were necessary to support life. It is said that it [silk] is an article which cannot be smuggled; and is that a reason why it should be taxed? Is it good reasoning to say that, because laces and silks can be smuggled, they must not be taxed as high as an article of necessity to the poor?"

His distinguished colleague (Mr. MANGUM) thus expresses his opinions on this subject. [As an evidence of the confidence of South Carolina in this distinguished citizen, I need only mention that he has once received the vote of that State for the Presidency, and to a higher gentleman or a purer patriot that vote could not have been given.]

"What is the effect of the resolution on the table? It is to aggravate the evil; it is to tax the necessities of the poor man while the rich may revel in luxuries as free from taxation as the air he breathes; it is to increase the extravagant bounties already enjoyed by the rich capitalists by diminishing the cost of many of the articles which enter into the consumption of his establishment. The duties in the shape of protection remain the same nominally, while, in fact, they are enhanced to the whole amount of deduction from the prices of articles consumed by the manufacturer and his laborers."

Judge Grundy thus speaks:

"The resolution of the Senator from Kentucky purports to abolish the duties entirely on all articles of a kind not manufactured in the United States, except silks and wines, and to reduce them on these articles. So long as duties are paid on imported articles, for the purpose of raising revenue, I cannot consent to this proposition. The true principle of taxation is to impose it on those who are best able to bear it. The reduction on your table purposes a total abandonment of this principle. The articles to be released from taxation are luxuries, used almost exclusively by the rich, while the burdens are left with all their weight upon the poorer portion of the community. This would be no alleviation of the evils complained of, and I will not unite in holding out to the poor man the delusive hope that he is to be able to clothe his family in silks, and regale himself on wines every day, while all the articles of dress he purchases—his salt, his sugar, his plough, his axe, and his hoe, and all the utensils with which he earns his daily bread—are so taxed as to render him unable to raise his family. No, sir, give him his necessities of life untaxed, or taxed lightly. Let his labor have its full reward, and he will then increase in his means, and in time be able to indulge in luxuries, if he shall please to do so."

Mr. McDuffie, than whom no one enjoyed or deserved more of the confidence of the anti-tariff party, from his commanding talents and known devotion to the principles of that party, thus speaks:

"Mr. McDuffie said that the resolution only proposed an inquiry, which did not commit the House; and every resolution for an inquiry, he thought, ought to be adopted. The resolution decides nothing; if it did, he should be opposed to it; for there was nothing, he thought, so unwise as to remit the duties on articles of luxury, while they were retained on articles of necessity."

"Let us examine this matter. Our imports of foreign merchandise may be divided into two great classes. The first consists of articles which are entirely produced in foreign countries, the second, of articles partly produced abroad and partly produced in the United States. The former are usually denominated the unprotected, and the latter the protected articles. Now, as to the former class, comprising teas, coffee, silks, wines, and a variety of other imports, I will assume that from these one half of the federal revenue will be collected, though, in point of fact, it would be more correct to say one third only.

"As to this portion of the revenue no one has ever pretended that the burden is not equally distributed over the Union, in proportion to the consumption of articles from which it is derived. It must be apparent that the manufacturing States have no grounds for alleging that the duties on silks, wines, tea, and coffee, expose them to an unequal and oppressive burden. Will a solitary voice be raised to denounce this part of the bill under consideration? I assuredly there will not."

"Can any one be so blind as not to see that the reduction, or more properly speaking, the repeal of the duties on tea, coffee, dye stuffs, manufacturing materials, and on most of the unprotected articles, will operate as an additional protection to the Northern manufacturers?"

"There are two modes of giving this protection to the manufacturing States: the one, consists in imposing duties on such articles as they make themselves; the other, in taking off or diminishing duties on such articles as they consume, and do not

make at home, but import from abroad in exchange for some of their own domestic productions. In this twofold aspect of the subject, I regard this as one of the most ingeniously contrived schemes of protection that has ever been presented to Congress."

"Of the reduction of duties for which this bill provides, about one half is as direct a protection to the manufacturers as if it had consisted of an increase of the articles which they make. In proportion as you reduce the cost of tea and coffee, you diminish the wages of the operatives, and, in proportion as you diminish the cost of materials used by the manufacturers, you diminish the cost of producing their manufactures."

It was, then, true; no one denied the justice and perfect equality of such a tax; but new lights have broken upon us, and it has been left to the men of our day to discover that the tax which the undivided South contended for as not only just in itself, but the only just tax, and especially advantageous to the South, is now discovered to be as especially injurious. Such, sir, without one exception, was the course and argument of the anti-Tariff party. But it does not stop with the mere authority of individual names, however distinguished. The anti-Tariff Convention which met in Philadelphia in 1836—a rare assemblage of character and talents—passed three, and only three, resolutions. One of the three was on the subject of taxing wines, silks, &c. What was that resolution? Listen, sir; I will read it:

"3d Resolution. That wines, teas, coffee, and similar articles, be not added to the list of those now free of duty, but may, on the contrary, be subject to duties corresponding in proportion to their respective value with those laid on other imported articles subject to duty."

Yes, sir, this resolution passed, unanimously, that body. It was not only regarded as important that these articles should be taxed, but so important as to be embodied in one of the only three resolutions that were adopted. There was scarcely a public meeting in opposition to the tariff, where this point of taxing luxuries was not insisted on as a primary principle. The objection to the tariff was not from any opposition to raising the requisite revenue, but that the tariff of duties was so laid as to operate unequally, by laying those duties chiefly on articles made in this country, and thus enhancing their price for the benefit of those who manufactured them, and at the expense of those who were consumers, and not also manufacturers; and as this inequality did not exist as to articles not manufactured in this country, and as to which we were all equally consumers, and only consumers, the tax was equal on all the sections and interests. This is the sole, real foundation of the celebrated forty bale theory. No one, I presume, ever contended if an article, the produce of Georgia, is exchanged for merchandise of a kind not manufactured in this country, and that the article so imported is sold at a price increased by the duty, and is consumed by the people, not of Georgia, but of Maine, that the producer in Georgia, and not the consumer in Maine, pays the duty. Such a proposition is absurd beyond the reach of argument. But where the article so imported and enhanced in price by the duty comes in competition with a similar article of American manufacture, the price of the latter is also raised; and supposing the consumption of the article to be equal between the producer of the article of foreign commerce and the home manufacturer, it is perfectly clear that the former pays all the duty, the latter nothing, for whilst they are both consumers, and the consumer pays the duty to the producer, that duty is uncompensated taxation, whilst the manufacturer receives back, in the increased price of his own article, all that he pays as a consumer of the foreign one.

This is the objection which runs through all our papers upon the subject. I will read a few extracts from the celebrated and able exposition of the South Carolina Legislature in 1828:

"Men ask not for burdens, but for benefits. The tax paid by the duty on imports by which, with the exception of the receipts of the sales of the public lands, the Government is wholly supported, and which, in its gross amount, is annually equal to about \$23,000,000, is then, in truth, no tax on them. Whatever portion of it they advance as consumers of the articles on which it is imposed, returns to them from the labor of others, with unusual interest, through an artfully contrived system. That such are the facts, the committee will proceed to demonstrate by such arguments as the confession of the party by its acts, conclusive as that ought to be considered."

"The manufacturing States, however, indemnify themselves, and more than indemnify themselves, for the increased price they pay on the articles they consume, as has already been proved by their confession, in a form which cannot deceive, by their own acts. Nor is it difficult to trace the operation by which it is effected. The very acts of Congress imposing burdens on them, as consumers, give them the means, through the monopoly which it affords the manufacturers in the home mar-

ket, not only of indemnifying themselves for the increased price on the imported articles which they consume, but in a great measure of commanding the industry of the rest of the Union. The argument urged by them for the adoption of the system, and with much success, is, that the price of products and property in the manufacturing States must be thereby increased, which charge proves the beneficial operation of the system on them. It is by this very increase of price which must be paid by their fellow-citizens of the South that the indemnity to the manufacturer is effected. And by means of this, the fruits of our toil and labor which, on every principle of justice, ought to belong to ourselves, are transferred from us to them. The maxim, that the consumers pay, strictly applies to us. We are mere consumers, and destitute of all means of transferring the burden from ourselves to others.

"The case, then, fairly stated between us and the manufacturing States, is, that the tariff gives them a prohibition against foreign competition in our own market in the sale of their goods, and deprives us of the benefit of a competition of purchasers for our raw material."

This, sir, was the gravamen of all our opponents to the tariff—that duties were laid on articles which were manufactured here, and as to which the manufacturers received compensation in increased prices of what they sold for all they paid as consumers; and that such duties were "not laid on articles as to which they, like ourselves, were consumers only."

The following is an extract from an address of the same convention, on the part of South Carolina, to her sister States, after she had nullified the tariff laws. In a grave, solemn, and well considered appeal to these States, the principles of a tariff, with which alone it was declared that the State would be satisfied, are laid down, and this of taxing the articles now duty free was the leading point insisted on:

"Is there any justice in taxing the iron, salt, sugar, the coarse woolsens and the calicoes of the poor and middling classes, of the farmer and mechanic, and not taxing at all the wines, the silks, and the spices of the wealthy and luxurious classes of society? Of our importation of 1839, seventy-six millions were duty free, and eighty-five millions paid duty. The articles duty free were, almost without exception, articles used by the wealthy, or raw materials used in the factories; whilst the articles taxed are as invariably articles of necessity, used by those in indigent or moderate circumstances. There are one hundred districts represented on this floor in which there are not twenty men who would be affected by duties on wine, and not twenty who are not affected by the present tariff."

"Having now presented, for the consideration of the Federal Government and our confederate States, the fixed and final determination of this State in relation to the protective system, it remains for us to submit a plan of taxation in which we would be willing to acquiesce, in a spirit of mutual concession, provided we are met in due time, and in a becoming spirit, by the States interested in the protection of manufactures."

"We believe that, upon every just and equitable principle of taxation, the whole list of protected articles should be imported free of duty, and that the revenue derived from lighter imports should be raised exclusively from the unprotected articles; or that, whenever a duty is imposed upon protected articles imported, an exccise duty of the same rate should be imposed upon all similar articles manufactured in the United States. This would be as near an approach to perfect equality as could possibly be made in a system of indirect taxation. But we are willing to make a large offering to preserve the Union, and with a distinct declaration that it is a concession on our part, we will consent that the same rate of duty may be imposed upon the protected articles, provided that no more revenue be raised than is necessary to meet the demands of the Government for constitutional purposes; and provided that a duty substantially uniform be imposed upon all foreign imports."

This point, however, was not yielded to us, and there was a long list of articles free of duty. How was this done? At the instance of the anti-tariff party? No. But in spite of their earnest and continued remonstrance. The list was made out by a tariff man, and with a special view to the benefit of the tariff interest. Mr. Clay, in the same article to which I have referred, gives the following uncontradicted account of this matter:

"Then beyond that period is the provision for cash duties, home valuations, a long and liberal list of free articles, carefully made out by my friend from Rhode Island, [Mr. KNOX], expressly for the benefit of the manufacturers."

A second meeting of the Convention was called to consider the compromise act. Its leading provisions are discussed in the report of that body; and one of the leading, indeed the most prominent objection presented in that report to the act of March, 1833, was, that certain articles were admitted duty free. Hear what is said upon that point:

"It is this aspect of the question which has reconciled us to the provisions of the new bill, (certainly not free from objections,) which provide for the introduction of wines, silks, wooleens, and a number of other articles, free of duty."

It was objectionable, greatly objectionable; but, in consideration of other compensating benefits, the Convention was "reconciled" to it. It did not approve but was reconciled. Now, sir, how stands this whole matter? The principle that luxuries would be taxed, at least equally with necessities, no one ever has or can controvert. In addition to which, it is the principle for which we of the anti-tariff party have in all time contended, as not only

just on the well-settled and admitted principles of political economy, but as the only principle which is not grossly unjust and unequal in its operations. The combined influence of experience and argument has convinced our opponents. They say to us, Gentlemen, you are right in this matter, and, as we need more money, let us not disturb the compromise, but let us tax those luxuries which none of us manufacture, and all of us use. And we refuse to do it. To what end have we labored to enforce our arguments? Was it to convince our opponents, and to obtain the practical results of a corresponding change in the system of imposts? or merely for the dialectic triumph—not only to show that we could take any side of the argument and maintain it—that we would not then lay taxes on the protected articles, nor allow the duties to be taken off other articles? Now, it is proposed, not to increase the duties on the protected articles, but to restore the duties on luxuries, which we protested strenuously against being taken off. And we again object to the duties being laid on. May it not well be asked what will satisfy us? Is not such a course like that of a pouting child, who refuses to have his biscuit buttered on one side or on the other? I broadly assert that there is no one principle which has been so constantly asserted by the anti-tariff party as this of taxing luxuries and other articles now free of duty. Suppose that we had no revenue at all, and it was proposed to lay duties on wines and silks; would any anti-tariff man oppose it? No one would. Although we have some revenue, we have not enough; and as to the deficiency, it is precisely the same; not a shade of difference.

This brings me to the last proposition which I have asserted—that, if I was free from all obligation upon the subject, I should, without one moment's hesitation, adopt the principle of taxing luxuries. The two greatest points of consideration in all questions of taxation are, that the tax should be as little as possible burdensome, and that it should be willingly paid. Both these are attained by a tax on such articles as wines and silks, in an eminent degree. The tax is paid by the wealthy, and those who do not feel in the slightest degree the increased price from the duty, and it is paid willingly. No one pays it who does not choose to do it. Not so with such articles as now bear the whole burdens of the revenue. They are articles of prime necessity, such as salt and iron, which the less opulent are obliged to have, and cannot choose whether they will pay the tax or not.

I will not weary the committee by the discussion of a proposition which no one has as yet questioned—the peculiar justice of a tax on luxuries. The principle, as universally admitted, goes further than is necessary to this argument. It goes to taxing luxuries and exempting necessities. But all that is now contended for is, that they should bear some tax, although not even as high a rate as necessities. This being a principle universally conceded, and specially insisted on by the South, I would not oppose it even if its sectional bearings and tendencies were disadvantageous. I will not, either from principle or policy, act from the dictates of that terrapin patriotism which draws itself within its own shell. In a matter where a just discrimination may be made, I shall, of course, prefer my own section. But I will not violate the well-established principles of political economy and of manifest justice to benefit myself or my own peculiar people; and, sir, let me say to Southern men that, if they are restrained by no other considerations, is it wise to adopt such a course? We are, and always will be, the weaker interest. If we act upon principles thus exclusive, what are we to expect from others? If we adopt Ishmael as our model, and set our faces against all men, may we not expect that all men will set their faces against us? If we thus act, with what grace shall we hereafter read lectures to our Northern brethren about honor, justice, patriotism? But, sir, if gentlemen will listen to no arguments on this subject but those of an exclusive character, forgetting that we owe duties to the Confederacy as well as to our particular sections, I submit to them that no principle of taxation can be as fair and as just to the South as this is. One reason for this is enough—duties must be laid

on something. These articles (silks and wines) are not manufactured in this country, and therefore no class or section is benefited by the increase of price. They are consumed equally in the different sections, and therefore the duty is paid equally. Is there any other better source of revenue? The only other that can be suggested is an increased duty on the protected articles—on the articles manufactured here. Does any anti-tariff man prefer that? If he does, let him dare to say so. But, sir, I submit that an increase of duties on the protected articles would not increase revenue. It is not every increase of the rate of duty which increases revenue. On the contrary, writers of the highest authority maintain that any duty beyond twenty per cent. diminishes revenue. The manufacturers well know this; we of the anti-tariff school always told them so; and that the present rate of duties was better for them than any higher rate. Experience, that great teacher, has proven to them what our arguments failed to do, and this accounts for the fact that the gentlemen from New York and Maine [Mr. BARNARD and Mr. EVANS, tariff men,] and myself are found together on this subject. How we come together is no lockout of mine. I stand where I always did. They have come to me. Why have they done so? Because it is stipulated in the compromise so—so stipulated at the instance of the South; that a deficit of revenue shall be supplied by duties on the unprotected articles; and because they have found, as we have always asserted, that the present rate of duties was protection enough. The only object of protecting duties, as the term implies, is to keep out foreign competition. The present duties accomplish that; additional duties would do no more; whilst a domestic competition would be thus encouraged. The manufacturers, therefore, cannot possibly gain by it, but must lose.

I have heard one, and only one, objection made to this proposition, and that is, that, as Southern staples, rice, cotton, and tobacco, are received in exchange for French silks and wines, any increase of duty will greatly diminish the consumption of those articles, and destroy the ability of France to purchase our commodities. This, sir, is a genuine humbug from the original Missouri mint. I have seen another humbug from the same quarter, pervading the country and my own State, with the exception of my own district, and adopted and cherished until it became superstitious fanaticism—a thing not to be met with argument, as no superstition is. I believe it is a law of all superstitions that the more absurd it is, the more fanatical are its devotees. I cannot say that this, the latest humbug, will not have an equal run—but a humbug it is. Will any gentleman inform me what article of foreign production we can tax which is not liable to this same objection, that it is paid for with Southern staples? All our commerce nearly is carried on with those staples; wines, and silks, not a whit more than salt, sugar, rice, or any other article. Those staples may be said to be the currency of foreign commerce—the medium of all its exchanges. Unless some answer can be given to this, there is an end of the argument. You must forbear to lay any impost duty at all, and resort to alchymy and direct taxation. But I go further. As to any other article, it may not only be said with equal truth that it is paid for with Southern staples, but as to those articles the effect is uncompensated; but as to silk, the incidental compensation, if not complete, is nearly so; certainly greater than on any other article. If silk dresses are not worn, cotton fabrics will be substituted, and cotton muslins cost nearly as much, and are one-fourth as durable, so that, for any silk fabric excluded, an equivalent will be supplied in others of cotton, our own particular staple. Thus, I repeat, shall we incidentally be compensated more on this than on any other article. But I deny that the duty on silks and wines will materially diminish consumption. They are articles of vanity and pride, not of necessity. They are used by the wealthy, and the price which they bear is often the inducement to their purchase—not an objection—the real value, not the criterion of value. To whatever extent, however, the consumption of these articles is reduced, the *vis medicatrix* of commerce will supply

their places by some other article; French muslins, for example. I will now present one other view of this matter, which does seem to me to close the argument. The report on commerce and navigation for 1839, shows that our importations from France exceeded our exports to that country between fourteen and fifteen millions. Now, forbid by law the landing of one yard of French silk on our shores, and we still take more from France than she does from us. Does any sane man think that a duty of five or six, or even twenty per cent. on silks and wines, would diminish the aggregate importations one-tenth? What, then, goes with the argument that the imposition of these duties would disable France from purchasing our commodities? I go further. In the present condition of commerce and exchanges, a diminution of importations from France, instead of an injury, would be a benefit. Of the whole balance of trade against us in 1839, more than one-half was from excessive importations of worthless French trumpery. One-sixth of all our importations were in 1839 from France, whilst she received from us less than one-tenth of our exports. These facts must have been unknown to the author, and to those who have adopted this hubbug, or they surely would not have ventured upon it. I have heard it gravely asserted that our cottons are admitted into France with a nominal duty. Now, sir, the fact is that this nominal duty is 11 francs on 50 kilogrammes, about 112 pounds, which, with a small additional duty, is a little more than two cents a pound, which is about 25 per cent. and, what is worse, this is a discriminating duty against American cotton. Egyptian and South American cotton, which is thirty per cent. more valuable, paying only 8 francs the 50 kilogrammes, a difference of 20 per cent. specifically, ad valorem at least thirty per cent. and yet we are told, with all possible confidence, that the duty is merely nominal. There is a class of men whose sanguine temper always leads them to look at facts not as they are, but as they wish them to be—men, like the French theorist, who was told that the facts did not support his theory: "So much the worse," said he, "for the facts." Others, sir, may follow these unsteady and delusive lights of *a priori* theories; for myself I prefer the less brilliant, though more safe guides of facts and experience.

So again of articles of linen—and silks and linens are two of the largest of our imports. If linen goods are, to any extent, excluded, cotton supplies the only imaginable substitute, and we should thus be compensated by the increased consumption of cotton. Yes, although I do not doubt this result, I would not vote for a prohibitory or even a protective duty on linens, because I believe such a vote would be in violation of the Constitution; and I would not, as a Southern man, be induced by a present benefit to recognise the protective principle at the certain cost hereafter of greater sacrifices from its general operation; nor would I as an American statesman look to the special benefit of one section, although that section was my own, in violation of the rights and interests of all other portions of the country. Such a course of selfish and sectional legislation I have too long denounced in others to pursue it myself. I would not lay a high duty on silks and wines—nor would I tax them alone—but all similar articles of luxury. A duty of five per cent. on a judiciously selected list of free articles would be all-sufficient to supply the public wants. Thus far I am willing now to go; and I see the most powerful reasons for legislating on the subject now. If it is not done at this session, it cannot be done before the ultimate reduction in 1842; and time should be given to the mercantile community to adjust their business to any increase of duties. It ought to have been done at the last session, and I have no doubt would have been pressed upon the consideration of Congress, but for reasons of a political character.

I think I have shown, as I promised to do, that there is a deficiency in the revenue; that it is provided in the compromise that any such deficiency shall be supplied by such duties as are now proposed on articles paying less than twenty per cent.; that this compromise is of binding obligation; that the taking off duties from luxuries was opposed by the anti-tariff party, and the provision to supply

any future deficiency, as it is now proposed to supply it, was inserted in the compromise act at the instance of that party; and, lastly, that if the question were a new and an open one, a tax on luxuries is, on every principal of political economy, and on every consideration of sectional equality, the fairest tax. I do not doubt that I shall be assailed and misrepresented for my course on this subject by those who are not very scrupulous in that way; but I have no sort of apprehensions on that score. I represent a constituency who are not to be influenced by falsehood or misrepresentation, or I should not now be here. I owe them much too deep a debt of gratitude to sacrifice their interests rather than encounter the risk of being misrepresented. I know that it is a maxim with some politicians never to do any thing which requires an explanation. The rule of a virtuous politician should be to do right, disregarding consequences. If I do right, and have to explain it to a virtuous and enlightened constituency, I do not doubt that I can do it. If I knowingly do wrong, I never can explain it to my own conscience.

SPEECH OF MR. DAVIS,

OF KENTUCKY,

In the House of Representatives, January 27, 1841—On the Treasury Note Bill.

MR. CHAIRMAN: Neither the head of the Treasury, nor the honorable chairman who has reported the bill under consideration, proposes or considers it to be a measure to increase the means applicable to the service of the year. Both the communications from the Department that relate to it, and the argument of the member, assume the position that the other and ordinary resources of the Treasury will be sufficient to meet the whole estimate of demands upon it for the aggregate of the year; but that the receipts and expenditures will progress unequally, and these five millions of Treasury notes are only intended to be available for a short time, in settling balances against the receipts for the first months. They state, as facts, that the produce of the Treasury will, at the close of the year, be sufficient to meet the estimates of its whole service, including the redemption of these Treasury notes; and will, besides leave an unexpended balance of \$824,273. I was gratified that these fiscal officers proposed an adequate provision, without making any charge upon the ensuing year, but this feeling has been dashed by the strongest conviction, after investigation, that their promises as to both points are illusory and deceptive. It was the duty of the Executive to suggest and request sufficient means for the administrative operations of the Government; and, if the resources by which they were to be supplied are inadequate, to ask Congress to provide others that would make good the deficiency. Now, I state that neither the public service is adequately provided for in the estimates and specifications of the Department, nor will the resources of revenue relied upon by the President produce the sum which he and his advisers inform us to be necessary.

The Administration that is about going out of power has the majority in both Houses of Congress, and upon it devolves the business of making a suitable provision for an adversary that has supplanted it, to execute this great governmental trust until the close of the year. Do not patriotism, justice, and honor require that the supply should be ample to enable General Harrison to discharge promptly and conveniently every duty devolving upon the Executive, and to preserve untarnished the public faith and the public honor? I then appeal to the honorable chairman of the Committee of Ways and Means, if the general average surplus in the Treasury of \$824,273, which they propose to create, is a sufficient guaranty against possible failures of supply, and against large, unforeseen, and irregular demands upon it? If power were to continue in their hands, would they think it prudent to risk so small a redundancy of means? The chairman tells us that the Secretary is high authority, and is entitled to our faith and confidence; let us hear him for a moment upon this point. In his communication to the honorable chairman,

dated 29th December, in which he asks the aid of this very measure, he uses this language: "The amount of means might judiciously extend to the five or six millions which have been usually kept on hand in former years, as a balance to cover all contingencies and fluctuations." If to this it be replied that such a surplus is greater than is tolerated by "the policy of Congress," I would answer that it was usual, and was deemed both prudent and safe in our better days, and when the receipts and expenditures of the Government were millions less than they are now, or are ever again likely to be. Nor was the surplus ever intended to be reduced below that minimum, by the settled policy of Congress: it was the retrenching processes of this prodigal Administration, in its reckless and irresponsible wantfulness, in its wholesale plunder of the public Treasury, that exhausted it and brought down the surplus. But if gentlemen persist in maintaining that surplus to be too large, hear the Secretary again, for another moment, in terms precise and emphatic: "One mode, then, of obviating any difficulty from that circumstance will be to reduce the aggregate of new appropriations, by postponing some and lessening others, so that the means probably available will be sufficient to meet all calls upon the Treasury, and leave in it an average balance of about two millions." "It is believed, for reasons enumerated hereafter, that such a reduction is possible, without essential injury to any useful object; and that this balance is the smallest which is adequate to secure promptitude and good faith in public payments so heavy in amount as ours, so unexpected at times in the demands for them, and so dispersed over a wide territory." Previous to the last three or four years, the surplus was rarely ever below five millions of dollars; within that period, profligacy has kept it ranging between one and a half and two millions. Is not the honorable chairman convinced, by the force of the authority which he commends to us, and by his own enlightened consideration of the subject, that the proposed surplus will be too small? Then let him come forth like a magnanimous appointee and a just and true patriot, and propose such additional means as will secure a proper one—which cannot be less than \$2,000,000.

But there are other claims upon the Treasury of a large amount, known to the Secretary when he made up his estimates, and not included in them, and to meet which, neither he nor the honorable chairman proposes any supplies whatever. Is this omission caused for the purpose of exhibiting to the country a seeming and deceptive economy in expenditure? Did the Secretary intend to conceal those heavy demands, and throw them upon the next Administration, without furnishing any means to discharge them; or was the Administration too pusillanimous to meet the responsibility of asking Congress to supply the ways? On the 17th of December, the Secretary of War forwarded to the honorable chairman his "estimates of appropriations for the Florida war," amounting to \$2,388,579 75. Why this unusual proceeding? It is the duty of the head of the Treasury to furnish Congress with estimates for every branch of the public service, and such has been the uniform practice. Has Mr. Secretary Woodbury abandoned the Florida war, and left the head of the military department "alone in his glory" in its management? Well, Mr. Poinsett wants supplies for this war, for which he cannot get Mr. Woodbury's sanction, and he declines to approach this House through its official organ, the Speaker, but sends his estimates and his urgent request to the chairman in the committee-room for those supplies. Here is an anomaly, and a gross abuse which sprung up under the late Administration, and which has been frequently practised by the present one, that I hope, ere long, to see reached by the hand of reform. The Secretary of the Treasury, in conformity to all usage, sends to Congress his estimates of appropriations necessary for the current year. These accompany the President's message, are printed with it, and spread before the country. Afterwards, the Secretary, or some other member of the Administration, sends additional estimates and requests for millions to the chairman of the committee, which are reported and voted by Congress. The

appropriations exceed the published estimates, but these private, informal ones induce the additional supply, and thus the whole responsibility of it is thrown upon Congress, when the larger share ought to rest upon the Executive. I have no doubt that this deceptive, stealthy mode of obtaining appropriations has been often adopted to heave the responsibility from the shoulders of the President. Besides, such communications evading this House through the medium of the Speaker, and seeking the chairman of the Committee of Ways and Means directly, seem to claim a confidential, semi-official relationship between him and the Executive branch of the Government, against which I make my solemn protest. He is not, nor is the chairman of any of the committees of this House, an Executive functionary or agent. All are the organs of this House, belong absolutely and exclusively to it, and are subject wholly to its expressed will; and any formal and official communications between the Executive Department and these chairmen are innovatory and improper. Information officially communicated, and designed to influence our action, ought to reach us through the Speaker. I trust, whenever General Harrison's administration may desire money to be voted for any purpose of Government, that a frank, honest, old-fashioned communication, expressing precisely its object, will be addressed to the Speaker of the House of Representatives, so that the nation may know and understand it. But this estimate of appropriations for the Florida war is to pay and supply troops that have been already mustered into the service of the United States by the President for terms of three months. The Secretary of War informs us that one of their terms has expired, and that they have been, some time since, enrolled for another; and he proposes to enlarge their number from 1,500 to 2,000. From his statement, more than a million of this money must now be due, and by the termination of this Administration half as much more must become payable.

Is it not, then, a bold and reckless disregard of duty for the Secretary to neglect, and the chairman of the Committee of Ways and Means to refuse, to provide any supplies to meet these Florida estimates? It is true that these expenditures have grown out of the employment of what the head of the War Department calls the "sedentary militia;" and that, by the terms of their enrolment, they are not to be embodied, but by general order are directed to pursue actively their ordinary business, and have expressly stipulated that they are, under no circumstances, to be marched twenty miles from their residence. This force has been created by the extraordinary power of the President, and his war Secretary, without deigning to consult Congress; but because they abused, or were unequal to their official discretion, and have constituted a large corps in a form not only inefficient, but ludicrous and ridiculous, still the cost is a debt, and as such, good faith and the public credit require it to be met.

But there will be still other large claims upon the Treasury above and without the estimates of the Secretary. He computes that the sum necessary for pensions will be something upwards of half a million of dollars less than was required for the past year; to produce which result the poor pensioners would have to die at a rate exceeding 25 per cent. But the gentleman from Maine [Mr. EVANS] has shown that 10 per cent. per annum is largely above their diminution by death; so that at least \$250,000 more should be supplied, that the plighted faith of the Government to these recipients of its justice and bounty may be preserved. Neither has the Secretary estimated one farthing to satisfy the claims of the States against the General Government, or to pay private claims, or to cover objects which, amidst such a vast variety, might escape his attention, or the necessity for which might arise during the session. Maine has claims, originating out of her military movements to repel British aggression upon her territory, amounting to between two and three hundred thousand dollars; and New Hampshire and Georgia both have their claims. A bill providing for the payment of those of New Hampshire has passed

the Senate, and the House Committee on Military Affairs are prepared to report unanimously in favor of those of Maine. Now I demand to know of the gentleman representing those two States, how they can urge or vote for the payment of the claims of their respective States, whilst they stand opposed to raise enough of supplies to meet them, and to pay for the other necessary public service? It is neither just, patriotic, nor decorous. I have not been so much surprised at the cold neglect with which the private claimants have been treated. During the last session all their demands, just or unjust, were systematically and perseveringly opposed by this Administration and its majority in both Houses of Congress; and so successfully has this hostility been followed up, that I do not believe a dozen private bills will have passed by the 4th of March. Many of them are of the most just and meritorious character; and some of the individuals to whom they are due have been hanging around this Hall until they have grown old. From year to year, they have been sustained by the consciousness of the justice of their demands, and by the bright and glorious but receding illusions of an American Congress, impressed upon them by the lessons of their youth. They have been taught to connect it with the loftiest conceptions of ability, intelligence, virtue, justice, decorum, dignity, and business aptitudes. But they have seen it gradually sinking into degeneracy, rent and torn by contending parties, passively registering Executive edicts, abandoning its constitutional and appropriate duties, and giving itself up wholly to cabals to control a Presidential election, trampling upon the Constitution, disregarding the public good, and contemning the claims of private justice. When these individuals have seen our debates running into interminable vagaries on every subject but the one before the House, and the days allotted by our rules to an adjudication of their rights filched from them by an unscrupulous and tyrannical majority, and that time and money which justly belongs to them given up to faction and profligacy, who could be surprised that they should utter against us curses deep and bitter; that, smarting under a sense of slight and wrong, they should invoke some Cromwell to drive us from the seats we dishonor?

I submit it to the intelligence and candor of the honorable chairman whether for the appropriations to cover the claims of the States, the demands of individuals that ought reasonably to be pressed, and subjects that may have escaped the attention of the Secretary of the Treasury, or that may be provided for by the independent action of Congress, the sum of one million of dollars would be too large? Why, sir, if there should be an ordinary degree of vigilance and fidelity in superintending the public service, that amount would be greatly insufficient. In 1838 the expenditures exceeded the estimates more than four millions of dollars; in 1839 this excess was \$1,360,578; and in 1840 it was \$2,723,349; and in each year the excess was composed principally of items that had been omitted by the Secretary in his estimates. These facts, with a great many others, prove how prone to error is the head of the Treasury Department, and admonish my honorable friend to abate something of the high confidence which he is disposed to give to his estimates for the present year. But conceding for the present that they are accurate so far as they go—and still it is demonstrated that they are minus by millions, certainly not less than by the difference between his estimated surplus and the aggregate of the several items which I have here presented, and this difference cannot possibly be less than \$4,564,306—how can the chairman of the Committee of Ways and Means or Congress evade the duty to raise the requisite supplies to meet it?

But let us examine very cursorily the adequacy of the provision which the minister of finance proposes for the year's service. He estimates a less expenditure for this year than what was actually incurred during the last by \$3,333,349; and if the items connected with the Florida war, which had actually accrued, and were then in arrears, be, as they ought to be, computed, this excess of expenditures for last year would be more than \$4,000,000.

The difference between the expenses of the short and long sessions of Congress, and the diminished sums necessary for the public buildings, and to execute Indian treaties, made in the aggregate, in favor of this year, about \$500,000; but in addition to the \$250,000 which will be required for the payment of pensions, there are other large amounts which the Secretary has cut down in his estimate, and, as it seems to me, to the prejudice of the public interest. Last year there was appropriated for the Ordnance Department \$963,000; this year but \$766,000. In 1840, the appropriations for fortifications were \$878,198; whilst for 1841 the Secretary estimates \$415,500 for the same works. As they are all in an unfinished state, and more money must be expended on each before they are completed, the reasonable presumption is, that as large expenditures would have been required upon them in this, as during the past year. But then the Secretary of War informs us that, in consequence of these appropriations for the past year having been postponed by the President, little or nothing of them had been expended; there is an apparent necessity for enlarged operations, and sums exceeding those which were voted at the last session. This difference between the appropriations of the past, and the estimates of the present year, might be traced, but in a less striking degree, in a great many other items. But let me pursue, for a moment, this suspension or postponement (if the term suits better) by the President of certain appropriations made at the last session. In his annual message he uses this language: "Nor has it been found necessary, in order to produce this result, to resort to the power conferred by Congress, of postponing certain classes of the public works, except by deferring expenditures for a short period, upon a limited portion of them, and which postponement terminated some time since," &c. From the President's statement, every person would infer that this postponement had produced but an inconsiderable interruption to operations on these works, and which, slight as it was, had long since wholly ceased. But what is the information given us by the Secretary of War upon this subject? In his annual report he says, "In consequence of the suspension of the application of funds appropriated for the prosecution of the works under the supervision of the Quartermaster General's office, during the season for active operations, little progress has been made in them since my last report." The difference of statement between the two high functionaries in relation to the same matter produced some ambiguity; and to clear it up, this House called upon the President for the true state of the case. Well, Mr. Van Buren sends us his message, in which he admits that he had suspended the whole of the appropriations for fortifications, and large sums for other objects, amounting in the aggregate to \$1,638,317; and this suspension continued at least as late as the 8th day of November. Congress was shortly to assemble, and might be a little curious about this matter; it was therefore deemed advisable that Mr. Secretary Woodbury should on that day send a communication to the President, informing him that the Treasury was in such condition that this suspension or postponement might be terminated, and we learn of no further official action upon the subject. The President had directed the suspension of these appropriations; and were the officers and agents charged with their disbursement, or any person out of his privy council, duly advertised that it had ceased? The member from Ohio [Mr. DUNCAN] on yesterday read us a letter from the Secretary of War, in which he concedes that the contractors upon the works at Old Point Comfort had not been paid for their labor; and that they could not receive payment until the 1st of April, in consequence of the President having postponed the appropriation for that fortification. Mr. Poinsett pushes the President still deeper into the morass. But this is only one of the instances of duplicity, concealment, and prevarication, with which the President's annual message teems. However, it is characteristic; for if ever he has written a single sentence that carried an honest purpose and meaning in plain straightforward language, I do not recollect to have read it. Among the reforms which I expect to see in-

roduced by his successor, will be State papers unambiguous, frank, and comprehensible; unsophisticated in argument, and in detail of facts presenting the naked and reliable truth. Yes, when President Harrison speaks to the American People and to Congress, it will be in language frank and intelligible, to which every body may confidently appeal, as the exponent of his principles, and as the vehicle of accurate information.

But the President's confidential officers have presented to him directly still stronger testimony of the insufficiency of these estimates. The Secretary of War, in his annual report, says: "The whole coast, from Passamaquoddy bay to the Sabine river, is exposed, on every point not defended by nature, to be invaded with impunity; and in the event of war, the expense of attempting to defend this long line by troops, for one year only, would cost more than to erect the works which have been planned, and which are deemed sufficient to defend the several points of attack along the whole coast." Again: "During your administration, nearly forty-one thousand Indians have been added to those already residing on the western boundary, while the additional securities to the border States have not been commensurate to the additional dangers to which such an increase of warlike and discontented neighbors exposes them." But Mr. Poinsett presents the paucity of our means in a still stronger point of view. "Whenever," says he, "the condition of the Treasury will permit, it is very desirable to erect new barracks at West Point. Those at present there are dilapidated buildings, originally badly constructed, and now in a state of decay, which renders them as unhealthy as they are inconvenient."

But do these gentlemen propose to be any more provident of the interests of our glorious Navy? The Secretary of this Department directs the Board of Navy Commissioners to make out their estimates for that arm of the public defence, not according to its wants, and with an enlightened regard to its vigor and efficiency, but allows them to select "objects and amounts of expenditures," within the scope of an inexorable restriction to \$5,025,000. This arrangement meets the more pressing demands of the Navy, and leaves to be applied to its permanent increase the paltry sum of \$100,000. Now, sir, upon this review, we, the friends of the coming in Administration, reproach those who are going out of power, that they are not making an adequate and proper provision for the public service; that they sacrifice patriotism and the lofty pride connected with national power and glory to a blind, despicable party attachment, and to the ignoble purpose of embarrassing the Government of their country, because it is about to be swayed by a President not of their choice. And for this we are taunted, that at the last session our song carried all the time the popular burden of retrenchment and economy; that we are suddenly metamorphosed by the acquisition of power, and are giving early indication of a propensity to run a career of large and extravagant expenditure. Those against whom we were lately hurling the heaviest thunders of denunciation for a reckless and profligate waste of the public treasure, are now attempting to turn this battery upon us. Let us look a little deeper into this matter. Mr. Van Buren and his minister of finance propose to allow General Harrison to expend, during the next year, in every branch of the public service, \$19,250,000, provided they have not over-estimated the resources by which that sum is to be raised. And how is that to be realized and brought into the Treasury? Mr. Woodbury calculates the customs to furnish \$19,000,000, and the sales of public lands \$3,500,000. Last year the same resources yielded \$17,120,103, of which the avails of the customs were about \$14,000,000. Now, we have returns from the Treasury, which inform us that the first quarter will produce something more than three millions. This is not matter of conjecture, but one of the tests of time. In December next, by the operation of the compromise, the duties will fall off \$2,500,000; and as that sum would amount to a pretty good profit upon the importation of dutiable articles, no more of them will be brought in for some considerable time before that

date than will be required by the active demands of our market. We can only form opinions; but give to these two facts their proper consideration, and can any candid man come to any other conclusion than that the Secretary has greatly over-rated the produce of the customs? Can any reasonable expectation be indulged that the last three quarters will produce each upwards of five millions of dollars? No, sir; the customs cannot be relied upon for more than fifteen millions; and, from the aggravation of the general contraction in our monetary affairs that will be produced by the operation of the Sub Treasury, and a general attempt of the banks to resume specie payments, the amount arising from the sales of public lands will probably not exceed three millions of dollars. Then, a surplus in the Treasury of \$2,000,000; the estimates of the Secretary of War for the Florida service being \$2,388,579; the amount necessary to meet the claims of individuals and the States, and unexpended objects of expenditure, amounting at least to \$1,000,000; and the excess of the Secretary's estimates of the receipts of the year, make an aggregate beyond his anticipated surplus of \$9,064,306. I do not think any candid man would venture an opinion that the deficiency in the revenue would not be at least that amount, and in my judgment it will be considerably above it. But the condition of things will be much worse for the next and subsequent years, unless Congress adopts some remedial legislation. Mr. Woodbury informs us: "The progressive reduction of the present tariff, which has been going on since 1833, will, after December, 1841, take effect to a much larger extent than heretofore. Nearly two millions and a half of dollars will then be deducted at once." "On the first of July afterwards, at least two millions and a half more of duties will be removed; making an aggregate, in six months, of quite five millions. If the imports, then, should not differ much from those of 1838, this would leave an income from them not probably exceeding ten or eleven millions annually." The Secretary presents his side of the case as favorably as in any candor he could; and, I have no doubt, gives us a larger result than will be justified by experience. The average amount of imports will not equal those of 1838, and the revenue arising from them will generally be under ten millions. The sales of public lands will bring in about three millions yearly; and thus there will be thirteen millions annually to sustain this Government in all its multi-form and extensive operations—our large and ramified civil list, our Indian relations, our foreign intercourse with all the nations of the earth, our army, our navy, our vast internal polity. The Secretary knows that this cannot be done upon the scale which has so long prevailed, and reasons with himself a remedy for this state of things. He presents, in their order, issues of Treasury notes or loans—the distinctive panacea of this Administration; a recall of the surplus deposited with the States; direct taxation, and some extensive modification of the present tariff; all of which he repudiates; and he winds up by choosing "the large reduction of the expenditures," and recommends that "the reduction be pushed vigorously." As our resources would be only two-thirds of what he has admitted, in his meagre, stinted estimates, to be necessary for the service of this year, to bring down the expenditures to the receipts would require a reduction more vigorously than has ever yet been seen. A person uninformed of the fact would conclude that this Secretary, in his administration of his Department, must have been a great friend of economy, and have signalized himself by the extent and importance of his retrenchments. That, as he had expressed his opinion with so much confidence, that about thirteen millions annually would suffice his successors to sustain this Government and to foster and protect all the interests of this great nation, surely it could not have required more than fifteen millions to have enabled him to effect the same objects. But what would be his amazement in turning to the archives of the Treasury office, to find that this Secretary, who has been so ostentatiously reading lectures upon economy to those who are to follow him, had in the last four years expended an aggregate

of \$135,679,548? Be not startled, sir, 'tis true, 'tis passing true; though 'tis strange, it is wondrous strange; and thus this vast amount is distributed through that period. In the year 1837, were expended \$35,281,361; in 1838, \$37,150,118; in 1839, \$36,604,413; and in 1840, \$26,643,656; and this grand aggregate would have been swollen to \$145,000,000, but for the vigorous assaults made by the Whigs upon the present party in power for its unprecedented wastefulness; and that the last session of Congress immediately preceded the Presidential election. But there are the unsatisfied balances against the Treasury, untold, unknown, but doubtless sufficient to eke out that mighty sum. Now, in the name of the American people, I demand to know of the Administration what has it done with this immense treasure? How has it been appropriated, and where are the commensurate results? Have our important harbors been cleared out, buoys erected to warn the mariner from dangers beneath the ocean buried, and light-houses peered high, with inspiring gleams shooting across the midnight watery waste, to guide him to his haven? Has our Navy been increased apace with our growth, and kept fully sufficient for the exigencies of a commerce spreading into every sea, and exploring every land? Have roads and canals been called into existence, to speed the interchanges of intelligence and commerce throughout this extended confederacy, and to concentrate its power at any point where danger may threaten on its four thousand miles of frontier, of ocean, lake, and forest? Have our Atlantic cities and commercial emporiums been secured against sudden invasion by impregnable fortifications, armed with great ordnance, whose deep intonations mimic Heaven's artillery? In this great and warlike nation, armed, in full coat of mail, resting in dread repose, but ready for the shock of battle, desiring friendly relations with the nations of the earth, asking of all nothing but "what is right," and determined and fully prepared "to submit to nothing that is wrong?" No, sir, no; all these questions, fraught with so much of momentous interest to the American people, must be answered in the negative. Any man not particularly informed would have supposed, that the leading and permanent objects, the repairs of the Navy, the gradual increase of our military marine, the construction of fortifications, the making of roads and canals, the improvement of harbors and rivers, the procurement of ordnance and the armament of our fortifications, would, in the aggregate, have claimed at least one-fourth of this total disbursement. How would he be shocked and outraged to learn that those nine great and essential interests had, altogether, shared less than twelve millions of dollars of that immense expenditure; and that, excluding \$4,400,000 for the repairs of the Navy, all the others had had, in the last four years, but \$7,553,123 appropriated to them, without deducting any thing from that amount for unexpended balances that have remained more than two years, and thereby fell back into the surplus fund. In the session of 1839, there was nothing appropriated for harbors and rivers; the last session, nothing; and the whole of the last appropriation for fortifications was virtually repealed by the President's exercise of the suspending power.

The Secretary of War tells us that our situation is so defenceless that we are exposed to be attacked with impunity at every point where nature has not interposed her protection, and that our very barracks are falling into dilapidation and ruin. But who can contemplate the condition of our Navy without feelings of indignation and humility? Years ago, Congress directed the building of the frigate Congress, and also of six small ships of war; but so pressing and important have been other demands upon the Treasury, that no money could be spared for the frigate and for one of the smaller ships. The few vessels we have in commission are barely kept afloat, in a state of great inefficiency; whilst those in ordinary and on the stocks have been slowly, but certainly, going to decay. Our commerce has been suffering for the want of a sufficient force to protect it, in almost every sea. About the time of the commencement of the commercial troubles at Canton

our traders to that port petitioned the President to send a squadron into those distant regions to protect American interests. Such is the imbecility that administers our Navy Department, that though our great commercial rival had made a descent upon China with a heavy military and maritime force—though the British merchants, from feelings of rivalry, were torturing their ingenuity to cut up the American trade, and their commanders were perpetrating outrages upon our ships and lawful traffic by violations of the laws of nations and of blockade—still twelve months expired before the feebleness of the Administration could despatch a squadron to look after these interesting concerns. And what sort of an armament was it? Our smallest frigate and a single sloop sent out to protect our trade from China, in a state of quasi war between her and Great Britain; and so tardily, that they probably have not yet reached the theatre of their operations! A pretty demonstration of American power and greatness was this to make upon a semi-barbarian people, in the presence, too, of a wary and jealous rival, powerfully armed, and unscrupulously using every means to eject us from the trade, and to secure for herself an exclusive monopoly of it. Even now, the pusillanimity of the Chinese may be awed into submission by this imposing display of British force and prowess; and they may be negotiating a total change of the system of their commercial intercourse with the rest of the world, under England's military dictation, when there is not an American gun on all their seas, whose thunders shall awaken them from the stupor of their fright to the recollection that there is any such country as America.

It is, both to our injury and dishonor, notorious that our military marine, whether in commission or in ordinary, bears no proper proportion to our mercantile tonnage, and is greatly inadequate to its protection. France has one gun for every seventy tons of shipping—England has one for every hundred tons, whilst the United States has but one for every seven hundred tons. The application, too, of steam power to the propelling of ships is producing a great and radical change in naval warfare. In port attack and defence, and for celerity and certainty in coast descent, experienced seamen accord to steam ships vast efficiency over ordinary shipping. To a country having numerous ports and a great extent of coast, it is of vital importance to be strongly armed with this formidable means of offence and defence. England has thirty-two men-of-war steam ships, France has eighteen, and the United States has two on the stocks, and the miserable thing called "the Robert Fulton" afloat. Gentleman vaunt their friendship for our navy, and their pride in its glorious achievements; let them give a more satisfactory and solid testimony that they in truth possess those truly American and ennobling sentiments, let them vote enough of money to make it great as well as gallant. I, sir, am prepared now to vote three millions in addition to what has been proposed for the Navy; and I would sooner attempt to justify myself to my constituents for that vote, than for any I shall give during the session. They are an agricultural people, situate in the heart of this Union. Their position gives them comparative security from foreign aggression. They know that the first onset must be made upon our navy and upon our coast; and considerations coupled with their own security, as well as a desire to see danger warded off from their countrymen and brethren, prompt them to favor measures that will fully strengthen both. They understand that a strong and effective navy can never endanger public liberty, and is the only, and yet a powerful means of beating back from our shores the bloody tide of war. They look with fraternal feelings and with national pride to those States which have given to the stars and stripes the best and noblest tars that ever spread canvass to the battle or the breeze; and in the fulness of their hearts they desire to cover them with the ægis of the nation, and to draw them closer to their embrace. We hear gentlemen on this floor fulminating war against England, and rebuking our own Government for having borne so much from her pride, her arrogance, and her thirst for dominion. We

certainly have a long and grave account to settle with her, and she perseveres in still running it up. She has violently held possession of a portion of our territory for a generation against the clearest right; and she answers our demonstration of her wrong by extending her claim to embrace another large portion of the State of Maine. An armed expedition from one of her provinces invaded the State of New York, cut a steamboat out of one of her ports, and perpetrated the crimes of arson and murder; and when one of the felons comes within our jurisdiction, and, having audaciously boasted of his deeds, is apprehended for his crimes, her Minister has the boldness to justify him, and demands his release because he was acting under the authority of his Government. She receives our runaway slaves into the Canadas, and immediately arms and forms them into regiments to keep ward over our frontier, denying to their owners both compensation and the right to reclaim them. When our ships put into her West India ports from stress of weather, having slaves on board, she seizes upon this property against the laws of nations, assuming the extraordinary position that the legislation of Parliament can change the principles of that universal code, and give freedom to the slave the moment he touches her possessions. Under color of suppressing the slave trade, and other pretexts, she takes forcible possession of our unarmed ships engaged in lawful traffic, and breaks up their voyages, to the ruin of their owners, when her real motive is jealousy of our growing commerce and to cripple it to her purpose. That man deludes himself who believes that she will retrace her steps, that we can reclaim our territory, or procure from her redress for those other wrongs, except at the cannon's mouth. When has she ever faltered in her career of encroachment and usurpation in which, stimulated by her avarice and rapacity, her love of power, and domination, she has been steadily marching for more than a century? At this time, beyond all former periods, fortune seems to favor her ambitious projects. In Syria, and Turkey, Northern India, and China, she is advancing covertly or openly with a giant's stride, and we are left in doubt whether the achievements of her arms or of her diplomacy are the most signal. Hers is far the greatest, past or present, of all earth's empires. It is spread and is spreading over its four quarters, and travels with the eternal circle of the sun around it. Power, the great corrupting principle of the heart of man, is acting with an energy without parallel upon her rulers, and, for the future, her leading national propensity will be, to plant her foot upon the nations. How can we, her greatest commercial rival, hope to elude it? Whenever she is engaged in a general war, she will not permit us to enjoy the rich and teeming harvest of the commerce of a world in arms. Her usurpation of the right of search, and of declaring subjects of lawful trade to be contraband of war, will force us to become parties to the conflict. Sooner or later, from some of these causes, the storm will burst upon us, and it is the duty of people and of rulers to be prepared for it. The way to protect ourselves and to make England feel the vigor of our arms, is to throw impregnable fortifications around our important commercial emporiums, and to build up a powerful navy.

But, sir, when a Secretary, who in the last four years has spent one hundred and forty millions of dollars, and yet left all our internal channels of communication unadvanced, our whole defences in such an unprepared and miserable condition, our military marine in dilapidation and ruin, and not a single great object of permanent national utility to note to the future that Mr. Van Buren's Administration has been, gravely lectures General Harrison that the Government of this great people can be properly administered, and their mighty interests adequately provided for, by an annual expenditure of thirteen millions of dollars, does it not strike every unprejudiced mind as a most unparalleled piece of impudence? Nothing but his adroitness in mystifying the national concerns over which he has presided could save him from the contempt and scorn of the great honest mass of his own party. He strongly reminds one of the description

which Don Quixote gave of Sancho to the Duke—"that, to judge from his cunning, you would suppose he was a knave; but then his absurdity will incline you to believe he is a fool." This Secretary could not have recommended a smaller amount of expenditure, even if the present Administration had been so wise, so fruitful of great results, as to have left nothing for the next and its friends to do towards national improvement and national security, but simply to maintain our internal polity, and our relations with the Indian tribes and with foreign nations. It is not because the large sum of money has been expended, that the indignation of the people has been awakened against their incompetent and unfaithful agents, but that it has been all wasted, without producing any permanent good. It has gone as the spoils of victory; it has been plundered by defaulting officers and unfaithful employees in the Florida war, and squandered in a thousand ways, whilst the Government was totally regardless of its high and solemn trust in the disbursement. From the Presidency down, all have acted exclusively upon the spoils principle. The benefit, power, and glory of the nation; purity, fidelity, and wisdom in administration; the security and preservation of liberty, have been unheeded; and all, all have been animated by the sole, absorbing ignoble purpose of holding on to power. It would have been cheerfully conceded to them to have appointed their own friends to office had they given to the country good and true men.

But it was proclaimed by their official reports in the Senate chamber that the officers of Government were expected to take an active part in politics; and those who were daily deluding the people, by invoking the name of Jefferson and Democracy, poured contempt upon his memory by disregarding, wholly his great conservative principle of making an active interference, by any officer of Government, either in State or Federal elections, a cause of removal. The appointing power never asked "is he honest, is he faithful, is he capable," but is he influential, active, and noisy?—how much can his support add to, or his opposition abstract from, the popularity of Mr. Van Buren and the party? The incumbents who attended quietly and faithfully to their duties were ruthlessly and ignominiously dismissed, notwithstanding they voted in favor of the Administration. That was not enough; they were expected to give their time and their energies, their soul and sense, up to electioneering, to the manufacture of popular sentiment, to the corruption of the ballot-box. Their decent quiescence was treason against their party; they were dragged forth and immolated upon its foul altar; and their places filled by unscrupulous, mercenary trainbands, whose last care was to perform the duties of the stations they but nominally filled. After this system had been enforced in all its rigor, and the party leaders and apostles resisted registry laws; and every attempt to throw defences around popular suffrage, and to guard its purity—and one of their great principles of operation has been any fraud upon it—now it is the height of effrontery that they should set up as its especial guardians. When the people appealed to the Government—not as an independent concern, but as their agency, instituted solely for their convenience and good—they were sternly reproved, that they "expected too much of Government"—"that it was the duty of Government to take care of itself." Is it strange that, under such auspices, the Government should have become corrupt in all its ramifications; the Treasury should have been given up to plunder and bankruptcy; the national defences abandoned; our foreign intercourse neglected; the rights of our merchants trampled upon by our rivals, and our honor tarnished; our currency in hopeless disorder; our credit and commerce prostrate; and our system fast changing its character of a representative Democracy to an elective monarchy? Is it wonderful that the American people have given to the power that caused all this such a signal overthrow? Let its fate be a beacon-light for all future Administrations, warning them to keep afar from its principles and its measures.

But, sir, there are other large existing demands against the Treasury. The Administration chair-

man of the Committee on Finance in the Senate [Mr. WRIGHT] concedes that we owe by treaty stipulation with certain Indian tribes, \$2,300,000. Our Government is bound to advance the money and vest it in annuities for their benefit; and the covenant we have made with these poor sons of the forest has long been in a state of infraction. The sums we owe other tribes augment our Indian debt largely above \$3,000,000. The amount of unsatisfied balances, growing out of the Florida war, our contracts for fortifications, for army supplies, and for numerous other objects, who at present, can number the aggregate? The systematic concealment, the thick veil, which this Administration has always thrown over such "secrets of State," must be rent before it can be told; but the most intelligent members of Congress compute it at from seven to ten millions. So that, beyond the estimates of the Secretary of the Treasury, there are present urgent claims against the Government for debt due, and for the most essential public service, amounting to about \$20,000,000. If it be even possible to drag on a miserable, dishonorable existence for another year, with the aid of Treasury notes, is it wise and statesman-like to do it, without creating other and permanent sources of revenue? This responsibility cannot be postponed much longer, and yet no legislation that can reasonably take place at the next regular session can provide for it, with any practical effect, short of eighteen months. By the provision of the compromise act, the credit of three and six months for the principal amount of duties will continue until July, 1842; any which might be imposed at the next session upon luxuries could not possibly be available sooner than the ensuing midsummer, and no considerable amount before the fall and winter following. Then, postpone the action of Congress upon this subject twelve months longer, and it will throw together upon the Treasury all existing unsatisfied balances, and the present heavy deficiency in the revenue for two years. The rates of duties will necessarily have to be higher than they might now be affixed, as they must be sufficient not only for the annual expenditure, but for the liquidation of all the debt that may in the mean time accumulate. But if we proceed at once to meet the difficulties of our position, we mitigate a cause that must necessarily produce some agitation and charge in trade and business; and there is time yet for reasonable notice to be allowed to our importing merchants, before any new law might be made to take effect. They could then exercise a provident forecast, and modify their importations according to the charge produced by our legislation—a matter of vital interest to them, and by no means of indifference to the country.

The necessity upon Congress to raise more revenue is indisputable, and is daily becoming more urgent; and now is the time, the appropriate time, to enter upon it. There cannot, in reason, be any question in relation to this matter, except as to the mode by which it is to be done. There is but a solitary gentleman in the House who has proposed direct taxation, and, notwithstanding it may have here a few more friends, it is not seriously to be considered. It is the most expensive, vexatious, and oppressive form of taxation. It is in conflict with all the habits and feelings of the American people, and they will not and ought not to submit to it, except in time of war, or some other extraordinary and pressing emergency. The withdrawal of the deposits from the States is, if possible, more objectionable; because that measure was intended and regarded at the time as but another mode of distributing the proceeds of the sales of the public lands; and it was only prejudice against the measure designed expressly for that purpose, which had previously passed both Houses by the most decisive majorities, and its distinguished author, that prevented it from being so in form as well as in substance. The money had resulted from the sales of the lands; it of right belonged to the States, and they have so used it. If Congress were to reclaim these deposits, it would be requiring from the States that which is theirs, and which they could not return to the United States Treasury only by the most grievous direct taxation

upon the people. The resort must be to the long approved and appropriate form of duties upon importations. By the terms of the compromise act, silks, wines, and other articles of luxury were nearly wholly exempted from duties, because none of them were manufactured or produced in the United States; and the chief amount of revenue raised by imposts was placed upon articles that come in competition with American manufactures. This arrangement was made to afford to our own manufacturers more protection than would have been provided for if the revenue by duties had been distributed among all our subjects of importation. The compromise further declared that the duties then in existence, (about twenty per cent.) should be reduced ten per cent. per annum until December next, when half of the remaining excess above that rate should abate; and on the 30th day of June, 1842, the other half should also come off. No additional duties were to be imposed upon luxuries, unless the revenue should prove deficient. The effect of this arrangement was, that the articles of import that pay the great mass of revenue are mostly necessities; and by its subsequent operation, in reducing the rates of duty by annual instalments, there has been, and will be from this time forth, a heavy deficiency in the revenue. Will Congress meet it by imposing duties upon luxuries equal to those that are now paid by protected articles, or will we spread it over all our importations, without regard to the existing tariff, or add it to the burden that now exists upon necessities? It seems to me to be only necessary to state these propositions to enable gentlemen to choose between them; and I am astonished that there is any diversity of judgment upon the subject. A tax upon luxuries will fall principally upon the wealthy and the prodigal; nor have they been cheapened to any person since they have been admitted almost free. The consumers of necessities may well object to any more burdens upon them until luxuries are made to pay at least equivalent duties; and this would seem to be more agreeable to the South, since they would fall equally upon every section of the United States according to its consumption. But put them upon articles similar to those made in our Northern manufactories, and you necessarily increase the price of the products of that portion of the people of the United States, and give them a profit not shared by those whose industry is not employed in the same pursuits.

But the North does not insist upon this. Its enlightened representatives on this floor, in a spirit of justice and good feeling, have most distinctly expressed their concurrence in the project of imposing upon all luxuries the same rate of duties as now exist upon protected articles; or they are willing for the additional burden to be thrown upon the latter, at the option of gentlemen from other sections of the Union. It is a principle of justice, and wise policy too, that all taxes ought, as far as practicable, to be paid according to the ability of those upon whom they are imposed. I avow myself in favor, then, of the amendment of the gentleman from New York, [Mr. BARNARD,] which proposes to borrow ten millions of dollars by direct loan, and to lay duties upon luxuries, to meet the deficiency in our revenue. A direct loan is always the most honest, and would now be the cheapest mode of raising the money. It is a transaction without any concealment or mystification, and overtly informs the people of the true condition of the Treasury. The issue of Treasury notes is an indirect and insidious mode of borrowing money. It has been chosen during the last four years for the purpose, and is well calculated to evade responsibility, and to hide from the people the real condition of their affairs. How many American citizens, particularly friends of the present Administration, will credit the statement that, by the agency of Treasury notes, it has, since 1837, borrowed \$25,000,000; and, by the bill now under consideration, is proposing \$5,000,000 of additional loan. It ought only to be attempted when all the usual modes of borrowing money have failed. Instead of alleviating, it increases the burdens upon the Treasury, by charging it with the interest which the notes bear, and all the heavy incidental expenses of their issue. But when there has been

a growing deficiency of the revenue for four years, and, in addition to its annual produce, Mr. Van Buren has expended twenty-five millions of Treasury notes, the fourth instalment of the deposits with the States, amounting to upwards of nine millions, the surplus of more than six millions which was in the Treasury when he came into office, the seven millions of Government stock in the late Bank of the United States, being an aggregate of extraordinary means of more than \$47,000,000; and when the ordinary receipts of the Treasury are about to fall off \$10,000,000 annually, and the condition of the country and its great interests are in such a deplorable condition—for the President and his finance Secretary to propose no remedy for this state of things but another issue of five millions of Treasury notes, and for the majority of Congress to refuse any other provision for it, prove an enormity of faction, a flagitious desertion of duty, a reckless disregard of consequences, that ought to draw upon them the unmitigated reprobation of the whole American people. When the friends of the next Administration became dominant in Congress, they will march steadily forward to meet every proper responsibility. Whilst they always have been, and never will cease to be, animated by true principles of economy, they are not to be frightened from their propriety by a senseless cry about it. They understand that governmental economy does not consist in expending the smallest sums of money, but in producing the greatest amount of necessary and useful results from the same means. They have seen this nation, with right hearty good will, pouring forth countless treasure to vindicate her rights and to redress her wrongs; and they are proudly conscious that their constituents will hold them now to the performance, within the Constitution, of every thing that shall be required by their safety, their prosperity, their honor; their glory. Whilst we avow our willingness to raise millions for those high and necessary purposes, we proclaim not one cent for spoils and plunder.

SPEECH OF MR. NISBET,

OF GEORGIA.

In the House of Representatives, January 22, 1841.
On the Treasury Note bill.

MR. CHAIRMAN: I voted during the last session of Congress for the issue of Treasury notes. I was then satisfied of the power of the Legislature to contract a loan upon this plan. I am still convinced of the power. I can now see no constitutional objection to it. Having then presented my views upon this subject, to that argument I have nothing to add, and from it nothing to subtract. I was willing then to exercise the power, avowing that, because of the seductive, easy, and deceptive character of this mode of raising money, it should be resorted to with great care, and only in cases of extreme necessity. Such a case, I believed, was then presented. The Government was, as was conceded on every hand, upon the verge of bankruptcy. She could not wait for any less rapid measure of extrication than the prompt one proposed. I was constrained to come to the rescue of the Treasury, and relieve it from monetary and political dishonor. The obligations of patriotism, irrespective of all party views, required it. In a like case of emergency, my conduct will be of like character. Whether, therefore, I shall vote for the bill now before the committee, depends upon the necessity which may be shown now to exist to raise five millions of dollars at once. It is not questioned that the Government will need this sum in addition to the revenues which will accrue from all ordinary sources during the year 1841. The chairman of the Ways and Means [Mr. JONES] admits that there will be a deficiency, but calls it temporary, and assures us that it will be reimbursed in the last quarter's income. The Secretary of the Treasury takes similar grounds. Indeed, the very proposition of the officers of finance to borrow money assumes both the want and the inability of the usual resources to supply it. To justify my support, however, I shall require the gentlemen to show that the exigencies of the Treasury are so imminent that they cannot await the process of a permanent

and wise system of revenue. This they will scarcely be able to show: for, however deeply the Government may have been involved by the absurd and temporizing expedients and experiments of Mr. Van Buren and his friends, I believe it may be relieved without resort to a measure of always doubtful expediency.

Mr. Chairman, I do not propose to discuss the financial administration of the party now expiring. I do not intend to show up its errors of theory, and its infidelity in practice—to demonstrate the existence of a national debt—the amount or the mode of its origin and augmentation. I do not propose to analyze the mystic and oracular report of the Secretary, whose external aspect is so fair, and whose secret meanings are so various and pregnant. Other gentlemen have done all this. That the Government is in debt is a postulate—the only mooted points are the amounts and the mode of payment. The amount has been variously estimated from eight to sixteen millions of dollars. It is to the manner in which the money should be raised to discharge this debt, and also for the usual purposes of the Government, that I propose addressing myself. This inquiry is important, because it involves the permanent financial system of the coming Administration; and to Southern statesmen, the vital question, how far and in what form the revenue is to be raised by duties on imports. The tariff, the compromise act, the rights and feelings of the South, are therefore brought into the discussion. Upon the question of a revision of the tariff, nor as to the origin, effect, and maintenance of the act of 2d March, 1833, known as the compromise, would I have said one word, but for the course of argument and remark indulged in by my friend from South Carolina, [Mr. Rhetor.] To him I hope to be able to reply successfully.

Sir, as a member of the Harrison party, I would discard shifts and financial subterfuges. I am for adopting, in the very outset of the new Administration, a system which will pay the debt entailed upon the State, and keep her out of debt—a system that shall be equal to a supply in a uniform way of all the wants of an economical Administration. The reliance of this Government for revenue is upon, 1st, the public domain; 2d, direct taxation; and 3d, imposts. Should the usage of the Government for past years, in relation to the public lands, continue to be its policy for years to come, and they should be brought into market on the most favorable terms, reasoning from the past to the future, three million dollars must be the extent of income from that quarter. The expenditures of the Government cannot fall below twenty millions annually. A very small part, therefore, of the annual wants of the State can be realized from the public domain. But, sir, how long shall we receive this small revenue from lands? Who shall tell us the destiny of the vast territory of the Union? Who so seer-like as to predict its disposition? A few years may witness the total loss of this magnificent mine of wealth; scattered to the winds, dissipated to feed the aspirations of unhallowed ambition; a bone over which the mad zealots of party fight; an interest which we may live to see sold to buy the bauble, the Presidency, to amuse for a moment some spoiled child of power. The new States claim it even now as their own, and threaten to seize it with the strong arm of their outnumbering representation under the next census. And leaders of party—one at least—would conciliate this Warwick power of setting up and pulling down Presidents, by substantially giving what it asks, and transferring the title to these lands to the new States in which they lie, alleging as a reason that, if we do not give them the lands, they will soon have the power to take them; thus violating a trust to avoid a robbery. Or this rich legacy of the old States, either given in their munificence, or bought with their blood and treasure, may be squandered by a spendthrift trustee in pre-emption privileges to foreign immigrants, invited by Democratic cupidity for power to come and rule over us, and paid out of a fund not its own to stamp upon our system either the impulsiveness of revolutionary mobs; or the despotism of European dynasties. Or, it may be, the States, distrusting the fidelity of the Government in the management

of this trust fund, all charges upon it having been paid, will divide its proceeds, as they have a right to do, equitably among themselves.

I will not now, Mr. Chairman, pause to discuss, as others have done, the distribution bill of Mr. CLAY. Sufficient to the day will be the duties it may bring with it. I advert to these measures, in relation to the public lands, for the sole purpose of showing that from them we have no certainty of deriving revenue to any amount whatever.*

The gentleman from South Carolina is the only statesman of the age who has approved direct taxation, in time of peace, as a mode of raising the public moneys. He stands alone in this regard. He, with his usual independence of thought and action, has ventured to recommend direct taxes instead of indirect taxation by duties on imports. But, sir, his system is revolting to the feelings of our free people. They abhor it with all its odious machinery and throng of gatherers; its Executive patronage, its expensive execution, and its cruel exactions. It is true that it may be plausibly said of it that it is the only plan of apportioning taxes with mathematical equality among the people; that it adjusts, rightly, the proportions of property and taxation. But, sir, however fair may appear the reasoning of its friends, when drawn out with all the aid of figures, it is still true that, in a political sense, the scheme has the effect of vastly augmenting the taxes of A and B against their consent, and of diminishing those of C and D, which, under a different system, they pay willingly. Taxation by imposts is a voluntary system to a great extent; by direct imposition, one of constraint. The former levies its contributions upon consumption, which is great or small, according to the means of the citizen, his whim or caprice, his luxurious excesses, or his necessary wants. All the tax which the citizen pays over and above his necessary consumption is paid voluntarily; whereas the tax which the law directly levies must be paid with or without consumption. If, indeed, direct taxation, in time of peace, were right in principle, it would be in vain to attempt its adoption. You might as well expect to stamp leprosy upon the body physical, as direct taxes upon the body politic of this nation.

Whenever, therefore, Mr. Chairman, we need more money to defray the necessary expenses of the Government, we must resort to imposts. This is the ancient, well-approved means, adopted by the wise fathers of the Commonwealth, and persevered in by every Administration from Washington to Van Buren. Gentlemen decry increased duties as at war with State rights. They cry tariff! tariff! and vainly, as I believe, strive to stir up the South upon this ancient alarm note. Sir, this unreasoning, illiberal panic device has lost its power at the South. Its day has gone by; we have become so accustomed to the "extraordinary crises" of certain political leaders, that they are held pretty much as periodical matters of course. For myself, I have thrown off the shell of my political immaturity, and haply feel able to run or fly on my own account. Nor is my State, sir, in the leading-strings of any self-constituted director. She is free in her opinions as the winds of her own mountains, and steadfast as their granite foundations.

I shall show, sir, I trust, that I advocate no tariff for protection; on the contrary, that the course I recommend is the best guaranty against it. The people who sent me here are, as they ever have been, utterly opposed to a tariff for protection.

*The public lands were either ceded by the States within whose limits they lay to the General Government, or purchased (as Florida and Louisiana) with the common funds. In most of the compacts of cession, it is stipulated that the lands are to be applied to the payment of the national debt; and when that is discharged, shall be held by the Government for the use of the United States. In the treaty of cession between Georgia and the Government of 1802, by which she relinquished the vast territory which constitutes the greater part of Alabama and Mississippi, it is provided that the lands shall be charged with the payment of \$1,250,000, and the costs of a few grants, and shall then be held for the use of the United States, herself included. So that, according to these compacts, particularly that of Georgia, the charges on the land being satisfied, it is clearly the right of the Government, if thought advisable, to distribute its proceeds among the States. All controversy, however, as to the power of Congress over the territory of the United States is, to my mind, settled by the Constitution, which in words, clothes Congress with the power to dispose of the territory of the United States.

That opposition is stern, unflinching, and universal, and in times to come will know no abatement. No one from the South has advocated a tariff for protection. My able friend from South Carolina [Mr. Thompson] has yielded no anti tariff principle, and I am at a loss to perceive why all this talk about a new tariff. If it be to arouse in advance public indignation against duties on luxuries for revenue, and thus forestall the public judgment, I am sure that gentlemen will probably fail of their object. My constituents, at least, have the power to discriminate between low duties for revenue, and high duties for protection.

I am, sir, a strict constructionist—a very strict constructionist; a Pharisee of the Pharisees. The State right principles I profess have been brought into disrepute by the fierce extravagance of ultra leaders. As by some expounded, they become wholly impracticable, and, if at all available, make our system of Government too feeble. It is the habit of one distinguished name to bring almost every proposed power of the Federal Government within the range of a constitutional doubt, and thus nullify its indispensable action. No one sustains himself with more dialectical ability; he decks his sophistries in the beautiful robes of genius, and gives to them emphasis and impressiveness by the fiery zeal of his advocacy. He is still an unsafe leader, because the past has proven that, with the same masterly ability, he has sustained the most antagonist policy. He is a changeling; and has the infirmity of being unconscious of it, or the hardihood to deny it in the face of the most demonstrative proof. His course is still a blazing track in the firmament of politics; like the meteor, having no established orbit, but wheeling madly athwart the firmament.

My idea of State rights is to deny to the Government all powers not expressly granted, and to exercise fearlessly and freely those that are. Nor am I willing, with metaphysical subtleties, to refine upon the conceded powers until their utility is reasoned away. Then, sir, the power to lay imposts is expressly granted. I am now ready, under the restrictions I propose to suggest, to use it.

Before entering upon this branch of my argument, allow me to digress but for a moment, for the purpose of saying that the wasteful expenditures of this Administration are to be attributed, in part, to a careless or merely partisan selection of disbursing agents; and that this is fully proven in the vast sums expended in the conduct of the Seminole war. The proximity of my own State to the Florida line, and the part her citizens have borne in the sufferings of that disastrous and doomed conflict, conflict, constrain me to know and condemn its management. My own State has not been exempt from savage incursion, her villages have been in some instances burnt, and her households butchered. To us the parent Government has extended no protection. Our own chivalry has repelled the foe.

As to Florida, after years of suffering, she is still the victim of Indian craft and cruelty; of Federal incompetency or carelessness. Her lands are untitled, and her tropical fields yield no fruits. The war-whop wakes the slumber of infancy unto death; manhood and femininity are alike defenceless. The cottage of the woodman and the palace of the rich planter crumble before the torch of the incendiary. The blood of the bravest and best has mingled with her yet unconquered soil. And still the Yemasee warrior lingers in his lair. The Seminole herds still roam over her plains, or skulk in her everglades. The war still rages, and the people suffer. These sufferings are so common, that they seem of late to attract no attention, and command no sympathy. The complaints of Florida reach not the ear of power; her agonies touch not the hearts of her rulers. Money enough has been expended in conquering these marauding savages to clothe the Territory in the bloom and beauty of art, science, and religion—a richer bloom by far than that which a genial climate begets upon her woods and fields. I make these remarks, sir, not alone to record my condemnation of the past, but, if possible, also to enlist sympathy for the future.

Assuming that there is a debt of the Government to be paid, and that the income is not equal to the

wants of the Government, it is my conviction that resort must be had to an increase of duties upon luxuries, which, by the compromise act, are free, or bear a less rate of duty than 20 per cent. Such an increase will not be in violation of that act, but in compliance with one of its express stipulations. I do not make void, but establish the compromise. And the great reason why I would thus early commence the imposition of duties is, that the act of 1833, not merely until its own limitations shall repeal it, but through generations to come, in all its conservative stipulations, may become the permanent policy of the country.

Before proceeding to show that an increase of duties is provided for in the act of 1833, I beg leave to say that I consider that act in the light of a compact, and that Southern interests, more if possible than Northern, require it to be so held, and as such religiously maintained. It is an agreement founded in concession. It provides guaranties in behalf of the free trade principles of the South. It originated in an imperious political necessity; it was devised in wise and patriotic counsels; and its result was the arrest of civil strife in its incipency. I need not recite its history, depict the evils it prevented, or aggravate the dangers to our Union which it avoided. The passions of that day have cooled down, and we may look back upon it with reason's unclouded eye. The then dense cloud of war; and the fogs and winds and lightnings which it engendered, have passed away, and we now see, not darkly, but truly, the political heavens and earth. That was in fact a crisis. All men felt it to be so. And in its moment of utmost and most fearful interest the master spirit of that day came to us, the bird of reconciliation, with the olive bough in his beak. The fiery and proud spirits of the South accepted the overture of harmony, and this act was the result. It is an agreement, sir, not to subsist for its term of legislative being only, but settling principles of perpetual obligation. The gentleman who has just taken his seat [Mr. RHETT] denies that it is obligatory upon us. He says, and says truly, that the Congress of 1833 could not bind that of 1841; and that the act is now subject to repeal. Sir, I know one Congress, by a mere act of legislation, cannot bind another. The gentleman is right technically; but, sir, the act of '33 is binding in a higher view of the subject. It is obligatory according to all the requirements of good faith, honor, and honesty. In what light did the men of that day view it? Did not the Nullifiers of South Carolina accept it as satisfactory? Did they not haul down their palmetto banner, rescind their ordinances, and disband their forces? Yes, sir, they did. And it was upon sufficient consideration; or otherwise they are open to the imputation of abandoning recreantly the lofty ground they had taken.

[Mr. RHETT here remarked that Mr. Calhoun avowed, at the time of its passage, that he did not hold the act of '33 so far obligatory as not to be subject to repeal or modification.]

It matters not, sir; he accepted it, and so did his friends; and they have acquiesced in its provisions from that day to this—all, sir, except my friend, [Mr. RHETT] He, I know, never did accept it. He, (to use a phrase peculiar to a man at the other end of this Capitol,) "solitary and alone," resisted, in the midst of his friends, the rescinding the celebrated Carolina ordinances. He is, therefore, now consistent.

Viewing it, then, as a compact, one of its stipulations is in the following words, to wit:

"Provided, That nothing herein contained shall be so construed as to prevent the passage of any act prior to the 30th day of June, 1842, in the contingency either of excess or deficiency of revenue, altering the rates of duties on articles which, by the aforesaid act of 14th July, 1832, are subject to a less rate of duty than 20 per cent. ad valorem, in such manner as not to exceed that rate, and so as to adjust the revenue to either of said contingencies."—See sec. 6, act 1833.

The 30th June, 1842, is the time at which the compromise act expires. Before that time, you perceive, sir, that provision is made for altering the rate of duties, in the contingency of excess or deficiency of revenue; that is, if before the 30th of June, 1842, the wants of the Government should require more money than would be raised under the act, provision is made for supplying that want by the imposition of additional duties. Not only so, but

the act itself prescribes the articles upon which the duties shall be imposed, and limits the height of them. Such is the contract. The contingency anticipated has, in fact, occurred; there is a deficiency of revenue; the debts of the Government cannot be paid. Indeed, independent of any debt, the ordinary wants of an economical Administration cannot be supplied by the revenue which is forthcoming under the act. The income of the Government is still to be reduced by the necessary operation of that act, because it cuts down all duties, by 30th June, 1842, to 20 per cent. Each following year, the deficiency will increase, necessarily, until 1842. And, making all allowance for increased importations, I have no idea but that the deficiency in both 1841 and 1842 will be very great. Now, sir, it is to supply this deficiency, and pay the national debt, that I would lay new duties. Are we not permitted, nay, sir, is it not one of the imperative obligations of the compact, to do so? What becomes, then, of the idea of gentlemen, that we interfere with the compromise. These demonstrations, I apprehend, are designed only to excite a uniform opposition to what, I trust, will be the policy of the Harrison party in relation to revenue. That policy, I believe, ought and will be to raise the money necessary, by imposts upon luxuries that are unprotected, in addition to the amount that may come in, according to the minimum rates, under the act of 1833. It would seem, sir, that the manufacturers themselves, if any body, ought to complain of a disregard of the compromise; yet they complain not. The complaint comes from the alarmists of the South; that South which, I am prepared to show, holds a deeper stake in the solemn guaranties of the compromise than any other section of the Union.

By the section of the act of 1833 which I have read, you will perceive that the articles made dutiable by new legislation are such as, by the act of 1833, bear a less rate of duty than 20 per cent. ad valorem. Upon no other articles can you lay duties; and it is only upon them, or rather principally upon such articles as bear no duty, that a duty is proposed to be laid. Of course, no free article is protected, nor are such as bear a duty of less than twenty per cent.; for it is admitted that even twenty per cent. affords no protection. If, therefore, you this day readjust the duties on this class of articles, you pass no tariff act for protection; and such rate of duty as I am willing to lay, such as would raise ample revenue, would not at all affect even the importation.

Those articles upon which it is proposed to lay duties are silks and wines, and some others, being luxuries. The importation of silks from France is very great. The average imports from France and her West India dependencies annually amount to about \$11,000,000. This enormous trade pays no tax. It would seem but reasonable from this source to realize revenue. But it is said by the gentleman from South Carolina (Mr. RHETT) that a duty upon silks would injure the South. His argument is briefly this: A duty upon goods imported from a foreign State affects our own exports to that State, by reducing them. France is a market for the cotton of the South, which she pays for by sending us her silks and wines; if we tax her silks and wines, it will operate as a tax upon the export of cotton, and thereby reduce the amount of it.

Let us look into this argument, and see how far the principle assumed be true, and how far it is applicable to the trade between the United States and France. The position, I conceive, sir, is just in two contingencies. If the duties upon the imports are so large as to amount to a prohibition, it may be conceded at once that it will, in ordinary cases, prevent exportation; or, if the exports and imports are equal to the extent that the duty diminishes the importation by lessening the consumption, will usually, though by no means necessarily, reduce the export. Now, the argument of the gentleman seemed to assume that we propose to lay such a duty on silks as would amount to a prohibition, and upon that assumption there might be force in it. But not so; no one has dreamed of such a duty. The highest rate of duty suggested by any one is twenty per cent.; and I believe half that amount would be sufficient. The gentleman has wholly

failed to show that such duties would affect at all the consumption of silks in the United States. No, sir; a moderate duty would not at all affect the import, because the consumption would be undiminished. Our belles and beauties, our dames and their daughters, will still flourish in flounces, fur-belowes and silks. The wealthy, who are the consumers mainly of silk goods, would not regard a small increase of price. Pride, fashion, and vanity, would still ask their supplies, and take no denial.

If the gentleman will lay duty on no article that is paid for in whole or in part by American cottons, why then he will never lay one; his position will drive him necessarily from imposts to direct taxation; for he knows well that cotton, in our commerce with the world, pays, in some degree, and indeed in great part, for all our imports. When asked by his colleague [Mr. THOMPSON] to name an article that was not so paid for, my friend was wisely silent.

Nor, sir, are the imports from and exports to France so nearly equal as to endanger our cotton trade. On the contrary, the balance of trade is largely against us. And this fact must demolish wholly the argument of the gentleman. The entire export from the United States to France, composed principally of cotton, rice, and tobacco, amounts to about \$19,000,000; and the importations from France and her West India dependencies to about \$33,000,000—leaving a balance against us of \$14,000,000; which balance is paid by an export of specie. Now, sir, before it is possible to affect our cotton trade with France, the consumption, and, consequently, the importation, of her silks and wines, &c. must be reduced more than \$14,000,000. No rate of duty that I shall ever consent to impose, and none that an economical Administration may demand, can ever thus lessen the importation of French goods.

Again, sir, the cotton which we send to France is consumed by her own people principally, and that demand must continue irrespective of any foreign demand for her silks and wines. And conceding, only for the sake of the argument, that a duty as proposed would lessen the consumption of silks, I believe in the same ratio would it increase the consumption of cotton fabrics. If silks are excluded, cotton will become the apparel of the rich as well as the poor. We are under no obligation, either, sir, of commercial courtesy to France; for she levies a duty at her own ports upon American cottons—and that a discriminating duty, it being more than she levies upon Egyptian cotton.

Now, sir, inasmuch as the Government is in debt, you must either pay its obligations honestly or continue them by loans; to pay them, the present and prospective income is inadequate. You must, therefore, open up new sources of income. What will be your resort? Doubtless new duties upon imports; and, if driven to this, you are to determine whether you will impose them upon luxuries, which are free, or increase them upon necessities, already heavily burdened; that is, whether you will tax the rich or the poor. Will you grind the poor man's face by your legislation, and mollify the sleek cheek of wealth with the oil of exemption? Sir, I never have raised shouts to poverty, enlisting its honest zeal in behalf of either men or measures—decrying its imaginary oppressions and alienating the different orders of society. I have never labored to arm the poor against the rich, to array vice against virtue, and ignorance against knowledge. I have considered a diversity of estate an unavoidable condition of all social organization, and that one of the highest obligations of patriotism is to improve all grades, and, if possible, to harmonize all orders of men. I have ever claimed, and shall always claim, that American citizens shall be equal under the law. It was said in triumph in France, at the adoption of her amended constitution, "all Frenchmen are equal under the law." It was not the fact. I doubt if France ever realizes so almost divine a consummation. We, sir, with more propriety, claim for all our people political equality. We practise, with nearer approaches to truthfulness, the sublime doctrines of civil equality; and yet we have not attained to this high state of political perfectibility. Our people are unequally taxed.

The burdens of Government are not equal, nor are the benefits. The luxuries of the rich, many of them, pay no duty, whilst the necessities of the poor are all taxed. By the tariff laws of this Union, the silken drapery which envelopes the gorgeous couch of the rich man pays no tax; whilst the cold thin mattress and scant blankets of the poor bear a heavy duty. Strange, sir, yet true. I have always considered the exemption of luxuries as one of the anomalies of Republican legislation; and have wondered, often wondered, how so much of practical oppression could have been so long tolerated. It is now time to amend, if not atone for, the errors of the past.

Gentlemen may talk of reform; we invite them to the work here. They are the friends of the poor, now is the time most gloriously to signalize their regard. We ask the poor man's friend to attest the sincerity of his professions by his deeds. The wine that gladdens the heart of wealth, and maketh merriment the board of his festivity; the silks which high-bred women wear; and the spices which stimulate the sated palate of the luxurious gourmand, are now proposed to be moderately taxed. Sir, you must do this, or raise your money from the overwrought muscles, the blood and bones of laborious poverty. We shall see, sir, who are in truth the friends of the poor.

The rate of duty will be regulated by the amount of money required. I have already stated that I am opposed to all duties but for revenue; and I now say I will vote only for so much revenue to be raised as will pay the expenses of an economical administration. The expenditures of the Government ought and I hope will be reduced. We are not now called upon to vote any specific amount of duties; the proposition is, that the Committee of Ways and Means be instructed to report what amount may be required. Sir, whenever this bill is brought forward, I shall not support it if it raises one dollar more than will pay the national debt and sustain the Government. The public debt must be first ascertained, and the estimates of the expenditure furnished. I am, therefore, pledged to support no bill which does not fall within the position I now assume.

The member from South Carolina remarked that he was at a loss to know the reason why duties were now proposed to be laid, until he heard it alleged in the Senate that more revenue would be necessary to supply the deficit in the public income, occasioned by the distribution of the proceeds of the public lands. For myself, I am influenced by no such reason. I am aware that it is said, and reiterated daily, that high tariffs and profuse expenditures, each begetting the other, will be among the leading measures of the new Administration. For one, I do not believe it. Whether the distribution measure prevails or not, it is apparent to all that the Government must have more means. That necessity ought to be, by candid men, considered as sufficient reason for a revision of our import laws.

Mr. Chairman, I have been greatly surprised to find leading Southern statesmen so willing to relax the obligations of the compromise; obligations so essential to Southern interests. I remarked before that, in that agreement, are to be found the strongest guarantees against protective duties. In it are stipulations conservative of Southern principles. Whether it was originally just to the South or not, it is useless now to acquire. She has acquiesced in it, and so have the manufacturers. Interests have grown up under it which we may not now rightfully disturb; the benefits provided for the North have been secured. The manufacturing interests, I am induced to believe, are satisfied with the protection it affords them; they desire no change. And the time has arrived when the conditions favorable to the South are beginning to be operative. Our guarantees are now to be available; and shall we cast them off, by annulling the compact? No, sir; rather let us ratify it anew, by now acting under its provisions. What are some of those conservative guarantees? I call your attention to one, sir, of vast moment, which, if faithfully observed, will quiet forever the exciting and topic of protective duties. One of the covenants of the contract is, that "until the 30th June, 1842, the

duties imposed by existing laws, as modified by this act, shall remain and continue to be collected; and from and after the day aforesaid, such duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the Government."—See 3d sec. act 1833.

Now, sir, you perceive that, by virtue of the compromise act, it is the solemn pledge of the parties thereto, that, from and after the 30th June, 1842, no duties shall be laid but for revenue. Not only so; but that the amount of such revenue shall be limited to the wants of an economical administration.

The principle of protection is discarded. No one can rise up after '42 and ask for protection. The North is estopped. The South can point to the agreement, and demand that duties shall be limited to purposes of revenue; not only so, but that the revenue shall not exceed the limits of a just economy. A power to lay duties for revenue never has been denied to Congress. It was against a perversion of this power, sir, that my own State and all the South rebelled. It was the doctrine of protection, as held by the manufacturers and those who represented them, that stirred the ire of my constituents and awakened the burning eloquence of such men as Cobb and Crawford, McDuffie and Hayne.

Suppose, sir, that these principles shall prevail; that the compromise is observed; that duties in times to come shall be laid only for revenue; where is the politician so fastidious as to complain? Will not peace rule in our councils, and fraternal feeling pervade all sections? If, sir, economy in public affairs, which shall confine appropriations to constitutional objects, and revenue only for the public wants, are the guiding stars of the Harrison Administration, let no man fear that the ship of State will not sail over prosperous seas beneath benignant skies. Are gentlemen prepared to yield the obligatory power of the act of '33? To yield in the moment of victory the fruits of the war; to open again the fountains of strife; to loose the elements of commotion, now happily tied up; and invite the storm and court the tempest? Now is the time for the Harrison party to identify itself with the principles of that act. They should be now affirmed; we ought to be committed upon them. And the most effectual mode of identification is, to start our revenue system according to its provisions, by laying duties now on unprotected articles. Now is the time to stereotype the compromise.

To avoid a protective tariff, it is necessary to condemn it before the compromise expires. I would proclaim it to the people of my own State. I desire it to be known all over that sunny land, from her mountains to the sea, that now is the time to act upon this great question. It was said in the late canvass, that Harrison, the honest, valiant, and successful Whig candidate, was a tariff man. The reply we made, sir, was, that he was in favor of the principles settled in the compromise. Upon this explanation we triumphed. And now who shall object, when he confirms what we then said of him? Of his friends, no one; of his enemies, of course all.

We should not wait until after June, '42, to arrange the revenue, because then it will be said, the compromise having ceased by its own limitations, the whole subject of protection is open. Attempt, then, to lay imposts, and you encounter the conflicting interests of the whole Union. Every article of domestic manufacture will demand protection; capital will wield its might against free trade; selfishness will clamor for legislative bounties. Discriminate, then, you must. Angry passions will again mingle in your councils; State authority may again array itself against Federal law; the cannon of the Union may again be pointed against some Southern city, and there may be none so potent as to command the jarring elements into peace.

REMARKS OF MR. LANE,

OF INDIANA.

In the House of Representatives, January 25, 1841.

Mr. CHAIRMAN: I had not intended to have par-

ticipated in this debate, when it commenced; but, from the wide range which it has taken, bringing within its scope, as it does, all the great and momentous questions, either directly or remotely connected with it, I have been forced by a sense of duty to those whom I have the honor to represent on this floor, to give to the committee and to the country the reasons which shall govern my action on the measure now under discussion. But, sir, I do not rise to address you with the vain expectation of influencing, in any great degree, the action of the honorable members of this House; my only object is to give my views in relation to the various and important measures which now engage the attention of this committee and the whole country. I shall not debate this question as a Van Buren or a Harrison man, but as an American and a freeman. Sir, we have now before us higher and far more important duties to discharge than simply to labor for the petty triumphs of a party. We should remember that, if we have a party to serve, we have also a common glorious country to love. Then, Mr. Chairman, I hope we shall proceed fairly and candidly to the investigation of the condition of the National Treasury, without any party bias, and with the most ardent desire to preserve inviolate the plighted faith of the Government. This can only be done by providing, and providing speedily, the means for the payment of our just debts; for that there is at this time a deficiency in the Treasury all parties admit. The only grounds upon which a diversity of opinion exists are, in relation, 1st, to the character of the deficiency, whether it be permanent or temporary; 2dly, in relation to the amount of that deficiency; and, 3dly, as to the best means of supplying the deficit, whether by the issue of Treasury notes, or by a direct loan. We are told, Mr. Chairman, that the deficiency in the revenue is only temporary, and that the accruing revenue during the present year "will relieve the Treasury of all embarrassment." This we have been told, from time to time, ever since the present Administration resorted to the miserable and dangerous expedient of issuing Treasury notes. When the Secretary of the Treasury, in October, 1837, at the extra session, asked of Congress the power to issue ten millions of Treasury notes, we were then told that this issue was to supply a temporary deficit; and during the next session of Congress, the Secretary again asked permission to issue ten millions more of Treasury notes, under the same false and specious pretext that the issue was only intended to meet a temporary deficit; and again in 1839 the same law was extended under the same siren song of temporary deficit; and yet again in 1840 Congress was called upon to authorize the Secretary of the Treasury to issue five millions of Treasury notes to supply a temporary deficiency in the revenue; and now we are called on to authorize the issuing of five millions of Treasury notes, and still the cry is, a temporary deficit. Sir, this deficit smacks too strongly of eternal duration to be very transient or temporary in its character. If the present deficiency may be called temporary, every debt which this Government has ever contracted might, with the same propriety, be called a temporary debt. The chairman of the Committee of Ways and Means tells us that the Treasury cannot, during the first quarter of the present year, discharge obligations resting upon it; but that, during the year, we shall collect enough revenue to pay our debts. So, Mr. Chairman, of the debt incurred during the Revolution, and of the debt entailed upon the country on account of the late war, we could not pay those debts at the time they were contracted; yet no one doubted our ultimate ability to pay them. Hence, from the argument of gentlemen, we are to infer that those debts were only temporary. We may call this a temporary or permanent debt, but no one doubts its present existence, or that it will continue to exist until Congress shall provide some method for its payment. But, Mr. Chairman, the evidence of indebtedness, shown by the issue of Treasury notes, is not the only indebtedness on the part of the General Government of which we have knowledge, and of which I shall take occasion to speak before I resume my seat. It will be recollected that the President, in his annual message to Congress, dated

December 24th, 1839, held the following language: "If the debts due from banks during the next year be punctually paid, and if Congress keep the appropriations within the estimates, there is every reason to believe that all the outstanding Treasury notes can be redeemed, and the ordinary expenses defrayed, without imposing on the people any additional burden, either of loans or taxes." That, sir, was the prophecy; and what was the fulfilment? The banks have paid to within a trifle all that was expected, and Congress only exceeded the appropriations about three hundred thousand dollars, and still there is now outstanding four millions and a half of Treasury notes, and we are asked to grant permission to issue five millions more; making in all nine millions and a half of dollars! The committee will recollect that the President, in his last message to Congress, holds this language: "Our Government, as is believed, is the only Government which, having fully and faithfully paid all its creditors, has relieved itself entirely from debt." Let us, Mr. Chairman, for a few moments examine this high sounding though empty boast of the President, that the Treasury has been relieved from debt. How stands this matter? You have already had an able expose of this matter from the honorable member from Maine, [Mr. EVANS,] and the honorable member from New York, [Mr. BARNARD,] and I shall detain you but a few moments on this part of the subject.

There are now Treasury notes outstanding to the amount of . . .	\$4,650,000
Interest due and to fall due on them . . .	250,000
Balance of funded debt, and debt of the District of Columbia, amounting to the sum of . . .	1,835,000
Amount payable to Indians, and to be invested for them, and amount due the Navy pension fund, making . . .	4,780,000
Indian annuities, part payable for a term of years, and part in perpetuity, estimated at . . .	5,000,000

Present debt, probably . . . \$16,515,000

To which may be added the claim of the States for the 4th instalment of the surplus revenue, which is theirs, and which they would have received but for the profligacy and wasteful extravagance of the present Administration. This claim is nine millions of dollars. We should also add the private claims of individuals and States, not on the bounty but on the justice of Congress. How much they may amount to no one can now tell. A large amount of claims growing out of the Florida war is now due and unsettled: so that we set down the debt now owing by the United States at at least thirty millions of dollars. So much, then, for the candor and fairness of our Democratic President.

And now, Mr. Chairman, before we proceed to examine the estimates of the Secretary of the Treasury for the year 1841, let us inquire what reliance can be safely placed upon those estimates. Is there any thing in his former reports which should induce us to trust implicitly to his statement upon this occasion? What were his estimates for the expenditures for the last year? About twenty millions of dollars. What did those expenditures amount to? Nearly twenty-four millions of dollars; a difference of about four millions of dollars. And again: he, the Secretary, estimated the receipts of revenue, from the import duties of last year, at fifteen millions of dollars. What amount was realized? About twelve millions and a half; and, for the last six years, since Mr. Woodbury has been at the head of the Treasury Department, his annual estimates for the accruing revenue for each respective year have, taken in the aggregate, shown mistakes to the amount of over sixty millions of dollars. You recollect, Mr. Chairman, the confident tone of the President and his Secretary of the Treasury, at the commencement of the last session of Congress, in relation to the ability of the Treasury to relieve itself from debt during the last year, and yet we find the same Secretary of the Treasury asking for Treasury notes in February, 1840, and again in July, 1840. What reliance can be placed in such a Secretary? Sir, during the whole time

that he has been at the head of the financial department of this Government, we have had nothing but such gross and glaring inaccuracies and mistakes as would have disgraced a counting-house clerk of six months' experience; and yet we are called on by honorable gentlemen to rely on his statements. But what are his estimates for the current year? He estimates the whole receipts for the year to be \$24,723,473. Let us look to some of the items from which this amount is expected to be received. Take, for instance, the estimated receipts from customs: he calculates that, during the present year, the revenue derived from customs will be nineteen millions of dollars; upon what data no one can tell. To realize nineteen millions of dollars from imports, during the present year, we must import goods to the value of forty-six millions of dollars more this year than we shall during the next, by his own showing; for his estimates for the value of importations during the next year are about one hundred and fifteen millions of dollars. How comes it that we last year imported about one hundred and ten millions of dollars worth of foreign goods, and in the year 1842 we are to import very little, if any, over that amount; and yet, during the present year, according to this most wise and candid Secretary, we are to import foreign goods to the amount of one hundred and fifty-eight millions? These things cannot be. We have a foreign debt owing to Europe by the States, and corporations, and individuals, which will require any annual exportation to the amount of ten or twelve million of dollars, and to that amount the duties will be diminished; that is, we shall not receive duties upon a return importation to the amount necessary to meet the foreign debt. Other causes, as the Secretary tells us, will have a tendency to lessen the amount of importations during the present year; but, Mr. Chairman, see you not that it would be most ruinous to the country to import during the present year goods to the value of one hundred and fifty-eight millions of dollars? But it is idle to talk of it. Instead of nineteen millions of dollars being received from customs during the present year, in view of all these facts, is it safe to count on the receipt of more than fifteen millions of dollars to be derived from our custom house? Sir, with all deference to the President and his Secretary, I cannot think that we shall receive more than fifteen millions of dollars from importations this year. There, Mr. Chairman, is a deficit of \$4,000,000.

So much, Mr. Chairman, for the Secretary's estimates for receipts during the present year. Now let us test his estimates for expenditures. He puts down the expenditures at \$19,250,000, exclusive of payments on account of the funded debt and for the redemption of Treasury notes; which, taken together, amount to the sum of \$4,649,200. The gross expenditures he makes \$23,899,000; which, deducted from the estimated receipts, leaves a balance of \$820,000. This is not, according to the Secretary himself, a suitable balance to be left in the Treasury by a million and a quarter of dollars. But, Mr. Chairman, does any gentleman believe that General Harrison and his friends can administer this Government for the sum of nineteen millions and a quarter of dollars, and out of that sum pay an ascertained debt now due of over seven millions of dollars, which must be met and discharged this year? Sir, the same charges and objects of appropriation exist now that did last year; it then required \$24,000,000; we are now required to administer the same Government for a much less sum, and in addition to pay the debt now due! That General Harrison will administer the Government better and far more economically, I most earnestly desire and believe; but can he strike off more than \$10,000,000 from the list of expenditures during the first nine months of his administration? I fear not. Now, Mr. Chairman, one of two things is true: either that the gentlemen are not candid in supposing that General Harrison will not need more money than they estimate, or that they believe that the administration of Martin Van Buren has been most wasteful, profligate, and extravagant. Which horn of the dilemma will gentlemen take? They are welcome to all the consolation which they can derive from either.

I shall now address myself for a few moments to the calculations of the honorable gentleman from Virginia, the chairman of the Committee of Ways and Means, [Mr. JONES.] He estimates the receipts of the first quarter of the fiscal year from importations to be \$3,000,000, and from other sources at one half million of dollars more, making three millions and a half. He makes, you see, the duties in the first quarter to be only three millions, and in the other three quarters he makes them \$16,000,000, notwithstanding the Secretary of the Treasury assures us that the receipts from importations must fall off largely during the last quarter. For the first quarter, he makes the expenditures overrun the receipts about \$2,000,000; and yet, at the end of the year, strange to tell, he leaves a balance in the Treasury of over \$800,000. Sir, does it require any argument to refute these calculations? I have greatly misconceived the good sense of the committee if it does. From all these facts, I can come to no other conclusions than, first, that the revenue will be inadequate during the present year to meet the demands necessary upon it, by at least \$10,000,000; second, that this deficiency is not temporary, but permanent. Now, sir, is it not our duty, as honest men and as patriots, to provide means, ample means, for the speedy liquidation of this national debt? What, now, is the honest, the appropriate, and the constitutional method for discharging this debt? Why, surely, by borrowing money sufficient to pay it, and then providing the means for the payment of the loan; for whatever is right to be done in this matter, we should do directly, and not indirectly—openly, and not secretly.

I desire, for one, that the people should no longer be deceived as to the true condition of the finances by the deceptive issues of Treasury notes, but that they should know the truth; that they should know that the present Administration has entailed upon them a national debt, and that it is necessary to provide for its payment. I am opposed, Mr. Chairman, to the bill before us, because, in the first place, I believe it to be unconstitutional. These Treasury notes are nothing more nor less than bills of credit. What is a bill of credit? It is a paper issued by the sovereign authority, intended to circulate as money, and for the payment of which the credit of the State is alone pledged. Sir, do not Treasury notes come within this description? They surely do. At the time of the formation of our present Constitution, the convention which formed that sacred instrument positively restricted the several States from issuing bills of credit. This was necessary; for, without this restriction, the States would have had the right to have issued bills of credit in their sovereign capacity. But the Federal Government has no power except that which is expressly granted in the Constitution, and that which is necessary to carry out the powers expressly granted. No power to issue Treasury notes is found in the Constitution. Under the Articles of Confederation, this power was in the General Government, and it was inserted in the original draught in the Constitution, and stricken out by the convention. This shows most indubitably the opinion of the convention. If the power to issue bills of credit exists in the General Government, it must exist as auxiliary to the express power of Congress to borrow money, or as an incident to the war-making power. Now, Mr. Chairman, is this measure a borrowing of money? Surely not. It is the using of the credit of the Government, by extending the time of payment, and giving these promissory notes as evidence of debt, and not as payment. And can this measure be justified as incident to the war-making power? Surely not. I grant you that these notes might be issued during a war, when it was necessary for our protection or self-preservation that we should have money, and we had no other means of obtaining it. Treasury notes were issued during the late war, but means were provided for their redemption at the same time they were issued. Does the same necessity for their issue now exist? Can the present exercise of this power be now claimed as auxiliary to the power to declare and carry on war? No gentleman will contend for a doctrine so absurd. But, Mr. Chairman, granting the constitutionality

of the measure, I should oppose it on the ground that it is not the best means of supplying a deficiency in the revenue: it is temporary in its duration, deceptive in its character, and can only result in sinking us deeper and deeper in debt. Mr. Chairman, it appears to me that the remedy proposed falls very far short of the evil intended to be remedied. We should not only provide for the deficit in revenue for the present year, but we should, as prudent and patriotic representatives, provide for the deficit which must exist during the next, unless speedily provided for. The Secretary of the Treasury tells us that, during the year 1842, under the operations of the compromise act, there will be a diminution of duties to the amount of \$5,000,000. Sir, we must provide for that deficiency also; and we should now provide for a distribution of the proceeds of the sales of the public lands among the several States, to which it justly belongs, and of which I shall presently take occasion to speak. Let us now see how the Secretary of the Treasury proposes to remedy the deficiency in the Treasury. He proposes these different methods: First, he hints that a portion of the surplus revenue heretofore deposited with the States might be recalled; but he seems to abandon that project himself. And, sir, who believes that any portion of that deposit will ever be recalled? Who is bold enough to rise here in his place and propose it? No one. Another plan named by the Secretary is to resort to direct taxes. Is this to be the end of that system of financial quackery which has so long cursed the country? Let the party now in power propose it if they dare, and they will find that, even though they are labelled with the time-honored and glorious word Democracy, they could not stand before their constituents long enough to be knocked down.

I desire, Mr. Chairman, to show how a direct tax would operate upon the people of Indiana. The deficit for the year 1842, as I have shown from the report of the Secretary of the Treasury, will be from ten to twelve millions of dollars; add to that the proceeds of the public lands, which will be distributed among the States as soon as public opinion is properly reflected and truly represented on this floor; the deficit will then be swelled to the amount of perhaps fifteen millions of dollars, certainly as much as fourteen millions of dollars. But for the argument, put the deficiency at ten millions of dollars, and then Indiana, according to her population, will have to raise four hundred thousand dollars to meet this deficit by a direct tax; and in order to sustain our State Government, and to pay the accruing interest on our internal improvement debt, we shall have to raise at least six hundred thousand dollars by a tax. Add this sum to the four hundred thousand dollars, and you see the State of Indiana would have to collect annually, by a direct tax, one million of dollars! Indiana, with all her vast and increasing resources, could not collect this immense and startling amount of revenue.

The Secretary also proposes to meet this deficiency by reducing the appropriations below the estimates, with what candor, let the facts answer. My colleague [Mr. PROFFIT] introduced, some time since, a resolution of inquiry, directed to the Secretary of the Treasury, asking him to inform Congress in what particulars the appropriations might be reduced below the estimates; that resolution of inquiry was promptly voted down by a party vote.

I now come, Mr. Chairman, to the only practicable mode of meeting this deficiency in the revenue which is suggested by the Secretary of the Treasury; and that is, an extensive modification of the tariff laws. Public expediency and public justice alike require that those laws should be modified. We should at once lay a sufficient tariff on foreign luxuries to meet the deficiency in the Treasury now existing; and to enable Congress to distribute among the States the proceeds of the sales of the public lands, the true course of policy to be pursued is, I think, to lay a duty on French wines and silks, and fine linens and spices, and upon all other articles of luxury which are now admitted duty free. What is now the operation of your tariff laws? They operate mainly upon articles of necessity—articles consumed alike by the rich and the

poor, and upon which all pay the same duty on the amount consumed; but the wealthy pay no duty on their fine silks and costly wines. The gentleman from Mississippi [Mr. THOMPSON] and his political associates have heretofore claimed to be the exclusive friends of the poor man; and we find them ready to vote against raising revenue by a duty upon the luxurious indulgencies of the rich, when the only alternative is to raise the amount by a direct tax upon the rich and the poor. Sir, this is, to my mind, a very equivocal manifestation of friendship for the poor, and one for which the gentleman and his friends will receive no thanks from them, for I believe, as I believe in my own existence, that if this question were now put to the American people, ninety-nine of them out of every hundred would prefer to raise revenue by a duty on foreign luxuries, instead of a direct tax. Let the honorable gentleman and his friends go and tell the people that they are their best friends, because they refuse to lay a duty on foreign luxuries consumed only by the rich, in order that the tax-gatherer may have an occasion to pay them a friendly visit, to assess their lands, their houses, and all their personal property, to raise revenue to support the General Government: think you that the hard-handed and noble-hearted pioneers of the West will be deceived by a pretext so shallow? No, sir, no. They will treat this pretended friendship as they did the doctrine recently promulgated, that the poor man was to be relieved by reducing the miserable pittance which rewards his daily toil.

But, Mr. Chairman, there are other and vastly important reasons why this tariff on French wines and silks should be laid by us, and now. Sir, look to the history of our trade with France for the last five years. During that time we have, upon an average, imported from France goods to the amount of twenty-eight millions and a half of dollars per annum; and of that amount seventeen millions have been admitted free of duty. For the same period, we have annually exported to France, of our productions, only to the amount of about fifteen millions of dollars; and upon the articles of our exportation we have paid a heavy, and on many articles a most oppressive duty. From this trade between this country and France, there is an annual balance against us of about fourteen millions of dollars. This balance must be mainly paid by an annual exportation of gold and silver from this country to France.

But the honorable gentleman tells us that this scheme to tax French wines and silks is a shot aimed at French interests. And has it come to this, that we cannot manage our own legislation as we please, without being taunted with enmity to France, or with British influence? This duty can be laid without violating either the letter or spirit of the compromise bill of 1833. Sir, I am, I trust, the last man who would be willing to violate the provisions of that bill. I remember too well the circumstances under which it was passed. A sovereign State had assumed an attitude at war alike with the laws and Constitution of the Republic. Disunion and civil war was threatened. The gallant vessel of State, which had for half a century withstood "the tempest's shock and battle's rage," was about to be engulfed beneath the mountain waves of political commotion. Then it was that the thrilling and commanding eloquence of Henry Clay was heard above the fury of the storm, proclaiming peace to all, without compromising the honor of any! I am not disposed to disturb that noble peace-offering upon the altar of my country. It was then, as now, regarded as the bow of peace and of promise, overarching the storms which threatened our beloved country; and may God perpetuate that sentiment forever!

I have no doubt of the constitutional power of Congress to pass a protective tariff law; but I think that its exercise is not now called for, further than our present duties for revenue operate as a protection to American manufactures. I have said that the provisions of the compromise bill should not be disturbed; but a state of things may arise when some modification of that act may be proper and necessary: for instance, if we should be involved in a war, or if the present rate of duties would not yield a revenue sufficient to meet the wants of the

Treasury, under an economical administration of the Government.

Mr. Chairman, the subject of the public lands has been referred to by the honorable gentleman from Mississippi, and, it seems to me, with great propriety, inasmuch as the public land is one great source of our national revenue. The honorable gentleman seems to think that the measure of distribution is unconstitutional, and complains that it is now considered almost out of order to quote from that sacred instrument. I grant you, Mr. Chairman, that, for the last few years, that sacred chart of a nation's freedom does seem to have been almost forgotten; but, sir, who should complain of this? The gentleman and his friends?—the party now in power? Sir, it but ill becomes that party, whose triumphant march for the last twelve years has been over the broken fragments of the Constitution, to talk of its infraction; that party whose ruthless action mutilated the journals of the Senate, and, at the mandate of one man, prostrated the proudest deliberative assembly upon earth at the footstool of Executive power; that party which so recently disfranchised a sovereign State, for the purpose of fixing the odious and anti-American Sub-Treasury system upon the country; they, forsooth, are now the friends of the country. I hope that the late overwhelming and unprecedented defeat of the party in power will bring about a wholesome change of measures and change of practice; and that hereafter the Constitution shall again become the text-book of national legislation. We find that Congress, by the express terms of the Constitution, has the unlimited power to dispose of the public lands and other property of the United States as they may deem fit, being governed only by a sound discretion. This power to dispose of the public lands does not depend upon construction or implication, but is most explicitly granted. There is surely nothing in the deeds of cession limiting the power of Congress over this subject. The public lands were ceded by Virginia, New York, Georgia, and all the other States that made cessions, for the mutual benefit of all the States then composing the United States, and all other States which should afterwards be admitted into the Union. These grants of cession embrace all the public lands within our territorial limits, as defined by the treaty of peace of 1783, and over that portion of our public domain which we acquired by the purchase from France of Louisiana, and from Spain of Florida. No one, it seems to me, can doubt our full and unlimited constitutional power. The whole action of the Government, from its commencement, has proceeded on the ground that she has the entire control of the public lands. If Congress has not such power, what becomes of the title to the immense grants of land which we have to the States, to corporations, and to individuals? I take it for granted, then, from the Constitution? from the deeds of cession, from the very nature of the subject, that we have the right to dispose of the public lands. The question is, then, presented, What is the most just and equitable mode of disposition? The cession of the lands to the States in which they lie has been proposed. Are there any constitutional objections against distribution which do not hold with greater force against cession? The argument is, that we cannot distribute the proceeds of the lands equitably among all the States entitled to them; but that we can give the land exclusively to a part of the States. This is bad logic, and worse morals.

Sir, the noble old Commonwealth of Virginia, by her munificent and patriotic grant of all that immense tract of country northwest of the Ohio river, for the common benefit of all the States, Virginia inclusive, evinced a liberality and patriotism having no parallel in the history of nations. And shall we defeat the object of that grant by diverting the revenue derived from that source from its proper objects, or by giving the lands to a few of the States? I trust not. The other grants of cession were substantially the same as the grant from Virginia, and on the same terms, and subject to the same conditions. I desire briefly to show the committee how the State, a part of whose citizens I have the honor to represent, would be affected by cession. If the proposition made by a distinguished Senator

on this subject should pass, what would Indiana receive? It is estimated that there are now about four millions of acres of public lands remaining unsold in Indiana. Upon the proceeds of these lands, we should receive thirty-five per cent. and then our equal share of sixty-five per cent. upon the whole sales of public lands. Indiana, with a population of seven hundred thousand souls, with thirty-five per cent. on the sales of four millions of refuse lands, while Arkansas, with a population about one-fourth as large as ours, would receive thirty-five per cent. on the sales of about twenty millions of acres, and then divide equally with us the balance of the sales; and in order to get our thirty-five per cent. upon four millions of refuse lands, what would Indiana give? Sir, she would abandon her undivided right to ten hundred and eighty millions of acres of public domain; the proportion to which the State of Indiana would be entitled out of this amount of public lands is over fifty millions of acres. And, sir, do gentlemen expect us to abandon the fifty millions of acres for the paltry consideration of thirty-five per cent. upon the sales of four millions, or even less, of refuse lands? If the land bill of Mr. Clay had become a law when it passed both Houses of Congress by such decided majorities, the State of Indiana would have received, under its operation to this time, over four millions of dollars. And what, let me ask, have we received? Nothing, comparatively nothing. The party in power told the people of the new States, from time to time, that they were to have cession and graduation. We have been induced to forego the certain advantages of distribution, and are now no nearer cession or graduation than we were when these specious humbugs were first proposed. The gentleman from Mississippi and his friends have had all power under the Government for twelve years, and why have they not made good their promises of graduation and cession? Sir, I am forced to believe that they had not the will, inasmuch as they had the power and did not exercise it. If the State of Indiana had received the four millions of dollars to which she would have been entitled under the provisions of the land bill, what might she not have accomplished with it? The interest, without touching the principal, would have constituted a fund large enough to have educated every child within her borders for all time to come. It would now pay one half of her internal improvement debt, or, if invested in profitable stocks, it would pay the interest upon her State debt without a resort to taxation. And if the distribution bill were to pass now, we should annually receive about \$200,000. Now, what are the objections to this measure, so just in itself, and calculated to confer equal, great, and lasting benefits upon every State in this Union, and calculated to put to rest forever all legislation upon this embarrassing subject? First, it is said that the proceeds of the public lands are to be held out to the States as a bribe to purchase political influence at the sacrifice of the independence of action among the States. Sir, the people whom I represent, and the party with whom I act, are not to be bribed by "filthy lucre." I dread not its influence upon the proud-spirited, fearless, and generous sons of Indiana. The gentleman best knows whether his constituents and his party are above temptation. I hope they are. But there is a strange inconsistency in this objection; they propose to give the States in which the lands lie all the lands, and there is, they tell us, no danger of that corrupting them; yet when we propose to give them their fair proportion of the proceeds of those lands, that is highly dangerous. Another objection is, that this measure would be an assumption of the State debts. I cannot, I confess, see the force of this argument; for, if it is right to distribute the proceeds of the public lands among the States, it cannot be rendered wrong because the States are in debt; that only furnishes an additional reason why Congress should now do its duty and pay this honest debt to the States. The States, in their sovereign capacity, have a right to contract debts, and there is no power in this Congress or upon earth to restrain them. No one has ever dreamed of asking the General Government to assume the payment of the State debts. All that the States

ask or expect is, that they shall be left to manage their own legislation in their own way. Sir, the State of Indiana, crushed and paralyzed as she has been by the present Administration, is, thank God, still willing and able to pay her honest debts. But what right have gentlemen to attack State stocks and State credit, under the idea of combating the assumption of State debts by Congress? No American ever has proposed this assumption, and I trust none ever will. Sir, this attack is anti-American, anti-national in its character, for, although we are divided into different States, we still are the same great people, holding in common the same history of the past, bound together by the same interests in the present, and looking forward to the consummation of the same high destiny in the future. Who, then, that has an American heart in his bosom, would mar the prosperity or destroy the credit of any State in this Union? Who would dim the brightness of one single star which adorns the emblem banner of a nation's sovereignty and glory? Sir, the man who could do it is unworthy of his country, and unworthy of that liberty which its Constitution bestows upon him. Whilst upon the subject of the public lands, suffer me to say that I agree with the honorable gentleman from Mississippi in the support of a well-guarded pre-emption law, and shall certainly vote for such a law. But, Mr. Chairman, I have already detained you too long on the subject of the public lands; the importance of the subject must plead my excuse.

I will now, for a few moments, examine with the honorable gentleman the claims of this Administration on the score of economy alluded to by him. How stands the account? The Administration has, during the four years of its continuance, expended \$30,000,000, over and above its ordinary revenues. It has expended in four years \$135,000,000, being an average of \$33,750,000 per annum. What has been effected for the public good by this immense expenditure of public treasure? Out of this \$135,000,000, there has been appropriated to the increase of the Navy, to fortifications, harbors, light-houses, roads, dry docks, arsenals, armories, and to every other work of permanent national importance, only about \$11,000,000. Every branch of the public service has been most shamelessly neglected.

The Secretary of War tells us that there is not one harbor or seaport town along the whole range of our Atlantic seaboard, from Passamaquoddy bay to the Sabine river, which is in a defensible condition, or in a condition to protect our commerce; and our chain of frontier fortresses, stretching from the Northern lakes to Louisiana, constituting our defence against that horde of savages which the policy of the Government has thrown upon our Western frontier, is in a most ruinous condition. Very little has been done to increase our navy; and for this year the estimate for that purpose is \$100,000 only. I am no alarmist; but he must be blind to the plainest indications of passing events who does not see cause of apprehension in our present relations with Great Britain. The Northeastern boundary question is yet unsettled, and daily becoming more difficult to adjust amicably. The burning of the *Caroline*, which has been avowed by the British minister as an authorized act of the British Government; the right claimed and exercised by Great Britain to search our merchant ships upon the ocean; all these difficult questions, growing out of our relations with Great Britain, threaten, if not speedily adjusted, to involve us in a war with that formidable power. The present condition of Europe is not at all favorable to a lasting peace. Numerous causes of discontent exist in the relations of France and England. These great and rival powers must ever be the first and principal parties in any general war in Europe. The causes are now in being which, at no distant day, will shake the Gothic framework of European society to its deepest foundation; and the torch is now blazing which, ere long, will light the flame of war throughout the length and breadth of that great continent. And, in the event of a general war in Europe, this Government, in all human probability, will be forced to become a party. Sir, notwithstanding the glowing descriptions of nation-

al prosperity depicted in the President's message, are we ready for that great emergency? We are ready, so far as the bravery and patriotism of our citizens are concerned; but are our army and navy and our national defences suitable to the condition of war?

One word, Mr. Chairman, on the subject of national improvement. The harbors of our Northern lakes seem to have been forgotten or entirely overlooked. Many of them, after having been commenced at great expense, are now suffered to fall into ruin for want of a small appropriation to finish them. These harbors are of the utmost importance, whether we consider them as the security of our lake commerce in peace, or its protection and the protection of the Northern frontiers in time of war. During the last year we had no appropriation on the harbor at Michigan city, although an appropriation was necessary to prevent its falling into ruin; but the Government issued an Executive order to sell the apparatus and furniture provided for its improvement to sustain the sinking credit of a bankrupt Treasury; and so of the Cumberland road—the only two works of national improvement within the State of Indiana. All the lake harbors, I believe, shared the same fate. And yet we are told by the President that the Government has promptly met all the obligations devolving upon it.

The honorable gentleman from Mississippi has talked of the unconstitutionality of a United States Bank. I shall not now enter upon the discussion of that question. I consider it a settled question—settled by the decisions of the highest judicial tribunal known to the Constitution, settled by the legislation of Congress, and settled by the voice of the American people. And, as a necessary fiscal agent of the National Government, I shall be prepared to vote for it when the proper time arrives, and the people require it, if I shall then have a seat in this body.

The gentleman prophesies that Gen. Harrison will have an extra session of Congress. If he and his friends wish to avoid it, let them vote to raise a sufficient revenue to support the Government during the present year, and thereby obviate the necessity for a called session. If an extra session of Congress can be avoided, I am as much opposed to it as he can be. But if gentlemen are determined to force General Harrison to have a called session, I hope that much good to the country may result from it. I hope that the wishes of the people, so plainly indicated in the late elections, will be carried out; that we shall have a thorough, searching, and entire reform of abuses in the Government, and that the Sub-Treasury—drawn from the rotten, corrupt, and crumbling monarchies of Europe—will no longer remain a stain upon your statute book and a curse upon the country.

Mr. Chairman the charge has been made here, and has gone forth to the world, that British gold had its influence upon our elections; that the Administration was not tried for, and condemned on account of, its ruinous measures. It is not enough that the pensioned presses of the country should have made this charge; but here, even here in the halls of National Legislation, those who represent freemen are found to endorse it. The influence of British gold, indeed! The people are governed by other motives and considerations. Tell them of danger from abroad, or of the establishment of domestic tyranny at home, and at once you command their warmest sympathies and their mightiest energies. Sir, the late signal triumph of the people over their oppressors was the result of that pure end elevated love of country, of that unyielding and quenchless love of liberty, which ever has, and I trust ever will govern the actions of freemen. They saw their currency deranged, their commerce destroyed, their enterprise crushed, their industry unrewarded, the Government of their fathers, though nominally the same, fast degenerating into an uncontrolled and uncontrollable despotism. Is it, then, any cause of wonder that they should rise in their might and majesty, and hurl from place and power those who had so long and so grievously abused the trust confided to them?

Sir, they would have been unworthy of their noble parentage if they had done less.

The honorable member from Mississippi is now able to foretell what will be the measures of the next Administration, and to state what will be its principles. How long has it been since the friends of the party in power could not tell any thing about General Harrison's principles? But now, before he has entered upon the discharge of his official duties, they can tell all about his measures, and are ready to condemn them in advance, and to prophesy their overthrow. True and constitutional Democracy is now in the ascendant, and I hope always may continue so. But gentlemen need not "lay the flattering unction to their souls" that the spoilsmen will again come into power. Locofocoism, agrarianism, subtreasuryism are buried, now and forever, and the light of no resurrection morning shall ever dawn upon the grave which covers their ignoble remains.

Mr. Chairman, I thank you and the committee for the kindness and attention with which you have heard me, and shall show my thankfulness by not longer trespassing on your patience or the time of the House.

NATURALIZATION LAWS.

SPEECH OF MR. DUNCAN, OF OHIO,

In the House of Representatives, January 26, 1841.

The following remarks of Mr. DUNCAN, of Ohio, in favor of an amendment of the naturalization laws, were made in Committee of the Whole on the bill to authorize the issue of Treasury notes, but were not included in his speech as published heretofore for want of room.

Mr. DUNCAN exhibited the bill to amend the naturalization laws, and said it was his intention to introduce it, but lest he should not have an opportunity to introduce it, and express his views upon its merits, he would claim the time and attention of the committee while he would submit a few remarks. Mr. D. proceeded and remarked:

What are the objects of this bill? Why, sir, they are no more nor less than to secure to those who flee from despotism, and civil and religious oppression, the same rights, and a participation in the same privileges, which our ancestors secured by their flight, and which they have transmitted to us, and which, too, they have transmitted to us free of the trammels and pretended obligations that bound them in obedience to the mandates of a British throne, and the dictates of a haughty aristocracy called "the mother country."

But what is the Government which our ancestors have transmitted to us? In a word, it is a Government of the people. Our Government is called emphatically "the asylum of the oppressed." Ours is a Government of free institutions, and we have ever regarded the elective as the most valuable of all our free institutions. It is the freedom of our elective franchise that makes us a free people, and our Government a free Government. The elective franchise is an institution which forms the principal ingredient of every free Government, and just in proportion to the extent to which that franchise is enjoyed in a Government, so is that Government free.

I have ever thought, from my earliest attention to the principles of Government, that the elective franchise of this country, as it related to foreigners, has been unnecessarily limited and trammelled. Our naturalization laws have been, and are now, complicated, and the time required for foreigners to become citizens unnecessarily prolonged. The difficulty and expense attending naturalization, are incompatible with the name of our Government, and the nature of our free institutions. It has ever been my intention, since I have had the honor of a stand on this floor, at the proper time, not only to express my decided hostility to the naturalization laws as they now exist, but also to exert my feeble abilities to have them amended, so as to make them conform to the character and nature of our Government, and the spirit of our Constitutions. It affords me inexpressible satisfaction to have on this occa-

sion the privilege to take part in the commencement of a work which has long been near my heart.

When our Government was formed, it was, to some extent, an experiment. It was formed with a trembling hand, and with fearful apprehensions. It was the subject of contemptuous derision and malevolent ridicule to the crowned heads, and the aristocracy of all Europe, and there were not wanting many able statesmen and experienced politicians in our own country, who predicted its downfall in less than half a century—who predicted that ours would go the way of all Republics that had gone before it. Hence it is that some of our institutions are trammelled with restrictions, others enlarged with powers and privileges which do not comport with the free principles of a simple Republican Government, and the spirit and general character of our free institutions. Among those are to be found a Federal judiciary for life, and the limitation of the elective franchise, as applied to foreigners, or the restraints interwoven in the naturalization laws; though these last proceed rather from legal restrictions than constitutional prohibition. The sincere caution and patriotic motives which governed and guided the greater number of our ancestors, will prohibit every grateful American from reflecting upon the framers of our Government for what he may now think an unnecessary restraint, or a dangerous power imposed or bestowed upon any of our institutions. Some of our institutions were framed with an eye to those of a similar character in the country from which we were emancipated. Many of our customs, maxims, and rules of action, as well judicial as political, common to our country, were retained, as well from an attachment to precedent as a confidence in their utility, and a belief of their intrinsic worth; and it is due in gratitude to the services and memory of our ancestors, to say that all our institutions were made as free as the experience of the age and the nature of circumstances at that time would permit. But it is now more than "half a century" since the organization of our Government, and the harmony and regularity which has distinguished all its movements, independent of the agency of the restrictions and embarrassments which this bill is intended to remove, (and some powers and privileges which I hope to see soon abolished) must convince every one that many of the apprehensions entertained that our Government might be "too free" were unfounded. An experience of more than fifty years of the practical and successful operation of our Republican Government must serve to convince the most doubting and incredulous, that the people have every requisite for self-government, viz: wisdom, power, and honesty. Hence there is no longer any apology for retaining restrictions, powers or privileges, incompatible with our free institutions or personal rights, which originally had their foundation in the want of a full confidence in the intelligence, capacity, and stability of the people for self-government.

There is no man now living who is imbued with pure Republican principles, who can desire to see that provision of the United States Constitution perpetuated or longer continued, which secures to the Federal judiciary their offices for life. There is surely no advocate of equal rights and pure Republican principles at this day, who will not cheerfully lend his aid and voice to so amend the Constitution as to limit the time for which our Federal judges shall hold their offices.

The idea of an office for life in a Republican Government, a fundamental principle of which is "rotation in office," is so revolting to every patriotic feeling, that one cannot think of it without horror, who is not tainted with an attachment to the principles of aristocracy. The existence of an office for life in a Republican Government, is a contradiction in terms, which nothing but an unprincipled sophist and a political hypocrite can reconcile at this day, and with our experience of the virtues of a Republican Government. The moment an office for life in a Republican Government is bestowed on any one individual, a gloom and despondency, to a certain extent, is cast over the prospects of every other individual in

the community, whose qualifications and virtues entitle him equally to the same office. To admit the necessity of a life office in our Government, is to admit the preposterous supposition that no person but he who fills it is qualified; or the truth of the anti-republican principle, that the people, by themselves or their representatives, are incapable of filling offices with those who are qualified.

A life office in a Republican Government is a blight and a political mildew. It is a sapping, sucking vampire upon all free institutions. It is a blasting, freezing curse upon every human political prospect. The secret prayer of a freedom-loving community for an early death, is the lot of him who holds an office for life in a republican Government. If I have one wish above another, it is that I may live to see our Constitution so amended that no man shall hold an office for life in our Government. I hope to live to see the day when our Constitution shall be so amended that our Federal Judiciary, like other men, shall hold their offices for a limited time. I have no notion that one class of officers in this country shall ride upon the storm of party in constitutional security, and themselves be partisans, while all others are liable to perish and sink. If the tempest of party is to perpetually howl through this country, as it will, and does, in all Governments not purely despotic, then let those who are *partisans* be placed on the same footing. If the political ocean, long and wide as this Union, is to heave from its foundation, and rock and shake, and toss the ship of State, let all who ride in her be made equally liable to be swallowed in the vortex of party. I contend that the principles of justice, of equality, the nature of our free institutions, and the name and character of our Government, all unite in demanding that the Federal Constitution be so amended that no office can be held for life in this country. But, sir, I did not rise to talk about the Federal jurisdiction, I rose to talk about the naturalization laws.

Sir, the objections I have to the naturalization laws, consist in the time they require a foreigner to reside in this country before he can become a citizen; the complication in the laws themselves and the expense and trouble they impose to become a citizen. I wish to see it put in the power of a foreigner to become a citizen with a shorter residence in this country, with as little trouble and expense as possible, and when he takes the oath of allegiance, I wish him to enjoy all the rights and privileges of a native born citizen, which the Federal Constitution does not deny him. So thought Thomas Jefferson, as is evinced in the following extract from one of his messages:

"I cannot omit recommending a revival of the laws on the subject of naturalization, considering the ordinary chances of human life, a denial of citizenship under a residence of fourteen years, is a denial to a great proportion of those who ask it; and controls a policy pursued from their first settlement by many of those States, and still believed of consequence to their prosperity. And shall we refuse to the unhappy fugitives from distress that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe? The Constitution, indeed, has wisely provided that for admission to certain offices of important trusts a residence shall be required sufficient to develop character and design. But might not the general character and capabilities of a citizen be safely communicated to every one manifesting a bona fide purpose of embarking his life and fortune permanently with us?"

Why has he heretofore not enjoyed such benefits? We have had two parties in this country from the commencement of our Government to this time, and we are likely to continue to have. A Federal party and a Democratic party. A Federal party, so called from their attachment to Federal principles, or a strong and powerful Federal Government concentrating in it the sovereignty and independence of the States; and, to a great extent, the liberties of the people; and also in favor of all measures and all institutions which will foster, secure, and perpetuate those objects. A Democratic party, so called from their attachments to the principles of Democracy—to a Federal Government of limited powers—to the sovereignty or independence of the States, or so much as has not been surrendered to the Federal Government by the letter of the Constitution—the broadest freedom to the people, whether natives or foreigners.

The Democratic party, in accordance with the

principles which give them name, have always been in favor of the broadest liberty of speech, the freedom of debate, and the freedom of the press—the most liberal exercise of the elective franchise, and the least possible restraint upon the privileges of naturalization, which the safety of the country would admit. The Federal party have ever exerted themselves to limit the freedom of speech, of debate, and of the press, to circumscribe the elective franchise within the narrowest possible bounds, and to throw all the restrictions and embarrassments possible in the way of naturalization, and are now endeavoring, in violation of the Constitution, to deprive foreigners of the rights of citizenship. I make no assertions here but what I can prove, so I proceed to prove these.

I will not trace our political history for this purpose further than the administration of the elder Adams. The Federal party had the ascendancy in both branches of the National Legislature, as well as in the Executive Department; and here are some of the fruits of that Administration.

I hold in my hand volume third of the United States Laws, page sixty-one, which contains an act supplementary to and to amend the act entitled, "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject." This act was passed during the Federal administration of the elder Adams, and was approved by him, June 18th, 1898. The first section of this act provides that foreigners shall not be naturalized short of a residence of fourteen years in this country next preceding their application. This act was a Federal measure, was introduced by Federalists, was sustained by Federalists, passed by Federalists, and approved by a Federal President. It was opposed by the Democratic party in Congress, as the journals show which I hold in my hand, and by the Democratic party out of Congress, as the political history of the country shows. I hold in my hand the act which is now in force, and which repeals the fourteen year act, and reduces the residence of foreigners necessary to naturalization to five years. This act was opposed by the Federal party then in Congress, as the journals which I hold in my hand show. It was passed by the Democratic party; but it was passed as the surgeon draws the tooth—it was passed by the hardest effort. But I wish to be brief: I will come up to modern times.

Last winter, a Democratic member (Mr. HAND of New York) introduced a bill, at an early period of the session, to shorten the residence required by the act now in force. That bill was referred to the Committee on the Judiciary. A majority of that committee were Federalists (modern Whigs) but no power on this earth was able to rescue it from their hands. It slept the sleep of death. The same gentleman introduced a similar bill at the commencement of this session. A motion was made to refer it to a Committee of the Whole House on the state of the Union; that motion failed by a party vote, the Federalists voting against it. A motion was made to refer it to the standing Committee on the Judiciary; that motion was carried by a party vote—every Federalist in the House voting for it, and the Democracy against it; and there that bill now is safe for an eternal sleep. But I shall not pursue the history—this is enough for my purpose. I could make a book of the party struggles on the subject of naturalization; in every instance of which, the Democracy have been on the side of liberality, and the Federalists on the side of restriction. Here is proof—historical proof—documentary proof, of the fact, that it is a cardinal principle with the Federal party to throw every possible restriction and embarrassment in the way of naturalization. But the Federalists do not stop at restrictions and embarrassments; they seek to overthrow the privilege and constitutional rights of naturalization; they seek to deprive the foreigner of the right of citizenship at present, and in all time to come; they seek to make the foreigner a vassal—"a hewer of wood and a drawer of water." The country is, at this time, overspread with "Native American Associations." Native American Associations! I will remark upon that term before I take my seat. Yes, sir, our country is overspread with Native American Associations! And

what is their object? I hold in my hand a memorial which answers the question. Here it is:

"To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:
"FELLOW-CITIZENS: The petition of the undersigned citizens of the United States, and of the State of Illinois, respectfully shows their belief, that time has fulfilled the object had in view by our fathers at the period of adopting the Constitution, when they gave the Congress the power of passing laws for the naturalization of foreigners; and your petitioners also show their belief, that the farther admission of foreigners to a participation in the political rights of native Americans, would be hurtful to the interests of our country, and if continued will, sooner or later, prove destructive to our Republican institutions. Your petitioners, therefore, ask the attention of your honorable body to the various petitions for a repeal of the naturalization laws which have been formerly presented to your honorable body; and they farther ask your honorable body to repeal entirely the laws which now exist in regard to the naturalization of foreigners."

What do you think of that, sir? Your Clerk's desk groans with such petitions from "Native American Associations," and Federalists not associated under that name. And of whom and of what are those Native American Associations composed? Federalists; I answer, without the fear of successful contradiction, Federalists. There is not a pure Republican in the United States, who has ever favored at heart the principles of Democracy, who has initiated himself in one of those infamous associations. Infamous, did I say? Is that too hard a term? No, not when we contemplate the object. The name is good—it is honorable. It is not the first time we have known a name to be assumed for a purpose foreign to the purpose which the name would imply. We have frequently known a name to be used to cover the basest frauds. We have seen, within the last twenty-five years, the political vocabulary exhausted of names to cover the dangerous and subverting principles of Federalism; and such is the object of both the name and the association in question.

The true interpretation of "Native American Association" will be understood by every patriot when things shall be called by their right names. The translation of "Native American Association" will be, base demagogues; violators of the Constitution; corrupt minions of Federalism; polluters of the pure fountains of Republicanism; infamous despoilers of the elective franchise; myrmidons of despotism on the soil of our free institutions; calumniators and foul detractors of the American character and Republican principles; reckless political swindlers, who would sacrifice their country, and sink to eternity her free institutions, to live a day themselves on their ruins; high-handed political rascals at the rewards due to the immortal memories and patriotic services of Lafayette, DeKalb, Pulaski, Montgomery, Kosciuszko, and a host of other foreigners, whose names will be sung when those who compose your "Native American Association" will be lost in forgetfulness. Native American Association! Sir, the name, in connection with the object, sickens me.

Such an Association, for such a purpose, disgraces the American escutcheon, and merits the indignant scorn of every lover of human liberty and republican freedom. Such an institution, for such a purpose, is worthy, with its members, to be the ready instruments, the tools, and the corrupt minions of a swindling, shinplaster, rotten borough, stockjobbing aristocracy, and of which, too, they are a part. And yet, strange to say, and almost incredible, I am told there are foreigners who have enrolled themselves in those associations. If there be such a foreigner, that man is prepared to open his jaws for the bit, bend his back for the saddle, and, like Balaam's ass, receive the kicks of his master, without even the right to say, "My lord, my lord, why smitest thou me?"

Sir, I could compile a book of Federal memorials, resolutions, orders, sayings, &c. that have for their object the disfranchisement of foreigners; but time will not permit: I will have to confine myself to two or three more exposures. I hold in my hand an address of one of those associations called "Native American," from which I will read an extract: "We do solemnly resolve to oppose the election or appointment of any but American citizens to office, and henceforward use our united efforts and unsparring zeal to procure such an alteration in the naturalization law as shall exclude from the right of suffrage all foreigners who come into the country after such law has passed."

In the opinion of a Federalist of high standing, among other things, we find the following:

"Of the Irish foreigners, most of them are paupers, strangers, sojourners, loafers, and other cattle, who contribute not one cent to the maintenance of the Government, and are not found save on the days of election, and are never seen afterwards. They swear falsely with perfect impunity as respects punishment in this world, and according to whose faith, perhaps, the price of a day's labor gives them [the Roman Catholics] absolution for the next."

I am no Roman Catholic; but I believe this a base slander upon the Irish, worthy of a demagogue and a liar; and, I believe a foul detraction from the principles of the Roman Catholic religion, worthy of a polluted heart or a benighted mind.

The present Executive of the State of New York, Governor Seward, in his inaugural message, says:

"There is another resource which is ours, neither by inheritance nor by purchase, nor by violence nor by fraud. It is the LABOR, the incalculable LABOR of the European States. The truth of this statement every native American is proud to admit; it is, indeed, by their labor, AND BY THAT ONLY, that foreigners render ANY SERVICE to the United States; and it is the duty, as it is the just prerogative of the American people, TO CONFINE THEM TO THIS THEIR ONLY PROPER VOCATION IN OUR COUNTRY."

This sentiment is worthy of the edict of a heartless despot. But it is now time that I should introduce the alien and sedition laws as a part of my expose of Federal hostility to foreigners, as well as the liberty of speech, the enjoyment of debate, and the freedom of the press; and first of the Alien law, I read from vol. 34, United States Laws, page 66:

"AN ACT CONCERNING ALIENS.
"And be it enacted, &c. That it shall be lawful for the President of the United States, at any time during the continuance of this act, to order all such aliens as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the Government thereof, to depart out of the territory of the United States, within such time as shall be expressed in such order; which order shall be served on such alien by delivering him a copy thereof, or leaving the same at his usual abode, and returned to the office of the Secretary of State, by the marshal, or other persons to whom the same shall be directed. And in case any alien so ordered to depart, shall be found at large within the United States after the time limited in such order for his departure, and not having obtained a licence from the President to reside therein; or having obtained such licence, shall not have conformed thereto, every such alien shall, on conviction thereof, be imprisoned for a term not exceeding three years, and shall never after be admitted to become a citizen of the United States."

"Approved, June 25, 1798."
I will read no more from this law—this is enough for my purpose. And now for the sedition law. In the volume 3, United States Laws, page 98, second section of an act entitled an act for the punishment of certain crimes against the United States, we find the following:

"That if any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing or publishing any false, scandalous or malicious writing or writings against the Government of the United States or either House of the Congress of the United States, or the President of the United States, with intent to defame the said Government, or either House of the said Congress, or the said President, or to bring them or either of them into contempt or disrepute, or to excite against them or either or any of them the hatred of the good people of the United States, such person being convicted thereof, before any court of the United States having jurisdiction thereof, shall be punished by fine not exceeding two thousand dollars, and by imprisonment not exceeding two years."

These two extracts constitute all that is necessary for me to expose of these laws. They would have been better fitted for a place in the codes of Caligula or Nero than in the American statute book. I might ask the foreigner, I care not from what despotism he may have fled, whether or not his condition would be much improved under the existence of such laws as these. I have exposed them, and I intend to make them a part of my printed remarks, because I think they cannot be too frequently exposed. I think the safety of our free institutions and our personal liberty require their frequent exposition. True, they have been repealed, still they occupy a place in the American statute book to its disgrace and infamy. But I would not let them remain on the statute book, but I would have them translated into every tongue, and posted upon the high ways at public corners—upon the church pillars and in every forum. They would serve as warnings and beacons to the unwary, that even here liberty is only to be perpetuated by a vigilance and an unceasing watchfulness, which can only be surpassed by the bravery and patriotism which rescued it from the grasp of despotism.

To understand the motives which gave birth to those legal monsters, it is necessary to refer to the history of the times of their passage.

The Federal party, in 1796, triumphed in the election of the elder Adams, and not only in his election, but in the election of both branches of Congress. That was their first triumph. Having gained the ascendancy, the next object was to retain it. The sedition law was intended to operate on native born citizens, as well as foreigners. It was intended to benumb the tongue, palsify the hand, and suppress the press. It was intended to secure the re-election of the Presidential incumbent and the Federal members of Congress, by preventing any and all exposes of their Federal principles and their subverting corruptions, by making heavy fines, forfeitures, and imprisonment the penalty of the exercise of rights which the Constitution secures, and which is the prerogative of freemen at all times and in all places; and perhaps no law was ever more faithfully executed than was that infamous law. Presentments, indictments, prosecutions, judgments, convictions, imprisonments, and forfeitures, were the order of the day. The prisons groaned and the public newspapers teemed with sheriffs' and marshals' advertisements for the sale of forfeited estates and confiscated goods and chattels, to satisfy the "crimes against the United States;" and the crimes consisted in the exercise of the rights of freemen, and an expose of a corrupt, a worthless, and a despotic Administration.

The alien law was intended to operate on foreigners. This act, it will be seen, authorized the President of the United States to order any foreigner whom he might think dangerous to the country to depart therefrom. It is to be understood, from the fact that both the alien and sedition laws were only to be in force for two years, that they were intended for the sole purpose of securing the re-election of the Federal Administration, and securing it in the full and unchecked exercise of its corrupt and despotic measures which so justly designated it "the reign of terror." The safety of "the good people of the United States," and the preservation of the country from the influence of foreigners, formed no part of the consideration for the passage of either the alien or sedition laws. I repeat, it was to perpetuate in power the Federal party; hence it was, that power was given to the President to order any foreigner to depart the country. It was enough for him to know that the foreigner was opposed to the Federal party, their principles, and his re-election: that being known, the Executive mandate could issue. He who had the misfortune to be born without the United States, by that mandate could be cast upon the widespread deep, without preservation or support, to be landed wherever the tempests and waves might land him, for no other crime than that of being a Democrat. For the exercise of this high and arbitrary prerogative, no presentment to a grand jury was necessary—no trial by a petit jury—no judgment of a court was necessary—all forms of trial and of justice were dispensed with; and if the unfortunate victim of Executive Federal vengeance failed to comply with and obey the mandate, his fate was still harder; for, without presentment, trial, or judgment, a mandate from the same authority cast him into a loathsome prison, to linger and languish and waste away three years of a life which had periled every thing that life and fortune could peril, to secure a home and an asylum here.

No time I have now will permit me to enumerate the prosecutions under and by those odious laws. I will allude, however, to one case, though involving no other principle or hardship than any or all others. I name it because the victim was distinguished for his talents, his integrity, his purity of principle, and his fearless patriotism. The individual to whom I allude was Matthew Lyon. He was an Irishman by birth, but a naturalized citizen, consequently without the pale and power of the alien law. He was the editor of a Democratic newspaper in the State of Vermont, and a member of Congress elect. He was indicted, tried, and found guilty, for publishing a political article against John Adams, the President of the

United States. He was fined one thousand dollars, and costs of suit, and sentenced to four months' imprisonment. The fine to the last cent was collected, and the imprisonment inflicted and endured. But Federalism, not satisfied with prosecuting him to insolvency and the prison, sought to persecute him to political disgrace, with no less avidity and bitterness. Here is the resolution which was introduced for his expulsion from the House of Representatives. I read this resolution, and shall make it a part of my printed remarks, not only to show it to the present generation as a precious reminiscence of Federalism as it then was, but also to show the depraved and malignant spirit with which the party sought to prostrate the man who dare maintain the rights of a freeman. Here is the resolution:

"Resolved, That Matthew Lyon, a member of this House, having been convicted of being a malicious and seditious person, and of a depraved mind and wicked and diabolical disposition, and of wickedly and maliciously contriving to defame the Government of the United States; and of having, with intent and design, defamed the Government of the United States, and John Adams, the President of the United States, and to bring the said Government and President into disrepute and contempt; and with intent and design to excite against the said Government and President the hatred of the good people of the United States, and to stir up sedition in the United States, hath written and published certain scandalous writings or libels, be therefore expelled from this House."

This is the resolution, and here is the list of Federalists who voted for it, beginning with John Allen, and ending with R. Wain, forty-nine in number, the whole Federal pack then in Congress, (of the House.) Here are the names of the Democratic members, all of whom voted against the resolution, beginning with G. Bain, and ending with R. Williams. Now, sir, to give you and the country indisputable evidence that the Democracy of this day are contending against the same Federal party, governed by the same principles and spirit, so far as the disposition to restrain by law the exercise of individual political rights is concerned, I ask to read a bill, which was introduced in the Senate not long since by a high-toned modern Federalist, [Mr. CRITTENDEN, of Kentucky.] Here is the bill: it is called the modern sedition bill:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the first day of April, in the year one thousand eight hundred and thirty-nine, no marshal or deputy marshal, no postmaster or deputy postmaster, no receiver or register of a land office, or any of their deputies or clerks, no surveyor general of the public lands, or any of his deputies or assistants, no collector, surveyor, naval officer, weigher, gauger, appraiser, or other officer or person whatsoever concerned or employed in the charging, collecting, levying, or managing the customs, or any branch or part thereof, no engineer, officer, or agent employed or concerned in the execution or superintendence of any of the public works, shall by word, message, or writing, or in any other manner whatsoever, endeavor to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of any person to be elector of President and Vice President of these United States, or for the choice of any person to be a Senator or Representative in the Congress of the said United States, or for the choice of any person to be Governor or Lieutenant Governor of any State, or of any person to be a Representative or member in the legislative department of any State of this Union, or for the choice of any person to serve in any public office established by the law of any said State; nor shall any such officer or person interfere in any of the elections above mentioned, or use any means with intent to influence or control the same, otherwise than by giving his own vote; and every person offending therein shall forfeit the sum of five hundred dollars, one moiety thereof to the informer, and the other moiety thereof to the United States aforesaid, to be recovered, with costs of suit, by any person that shall sue for the same, by action of debt, bill, or plaint in any of the district or circuit courts of the United States; and every person convicted, on any such suit, of the said offence, shall thereby become disabled and incapable of ever bearing or executing any office or place of trust whatsoever under the said United States."

This bill involves the same principle of the sedition law of "black-cockade memory." Mr. BELL (true blue) of Tennessee, of the House, introduced another of the same character, and so nearly in the same words that I shall not ask your time to read it. Those bills were opposed by every Democrat in the Senate and House, and were sustained by most of the Federalists, I believe, who did not skulk the vote. There is an insidious attempt to make the impression that those bills were intended to prevent the interference of Federal officers in elections, but that was a mean hypocritical sham: so we will find it when the power elect comes into office. We will hear of no complaint then of the interference of Federal officers in elections. Interference in elections will be made part of their official duty. The Federal banner will bear the inscription, "Federalism expects every man to do his

duty at the polls." I trust I have displayed sufficient political history to illustrate the fact that the Federal party have been what they are now, and that they are now what they have been, enemies to the free exercise of the elective franchise, opposed to the constitutional rights of foreign emigrants, and in favor of prohibiting the freedom of speech, of debate, and of the press. I now ask your attention while I present some of the evidences) with which our political history abounds) to prove that the Democratic party, whether in or out of office, have uniformly opposed all political measures calculated to suppress freedom in any case, within the meaning of the Constitution or the spirit of our free institutions, in addition to the fact that the Democratic party to a man opposed the alien and sedition laws, as well their passage as their execution. In every instance when the question of making the naturalization laws more favorable to foreign emigrants has been presented, the Democracy have exerted themselves in their behalf, as the journals which I hold in my hands show, and such is the well known history of the country and of the parties. Here are two or three extracts from the Kentucky and Virginia Resolutions, so called. They speak the Democratic feeling which prevailed in the country at the time that the alien and sedition laws were in force:

First extract:

"That the General Assembly doth particularly protest against the palpable and alarming infractions of the Constitution, in the two late cases of the 'Alien and Sedition Acts,' passed at the last session of Congress: the first of which exercises a power nowhere delegated to the Federal Government; and which, by uniting Legislative and Judicial powers to those of Executive, subverts the general principles of a free Government, as well as the particular organization and positive provisions of the Federal Constitution; and the other of which act exercises, in like manner, a power not delegated by the Constitution; but, on the contrary, expressly and positively forbidden by one of the amendments thereto; a power which, more than any other, ought to produce universal alarm; because it is leveled against that right of freely examining public characters and measures, and of free communication among the people thereon, which has ever been justly deemed the only effectual guardian of every other right."

Second extract:

"That the friendless alien has indeed been selected as the safest subject of a first experiment; but the citizen will soon follow, or rather has already followed, for already has a sedition act marked him as its prey: that these and successive acts of the same character, unless arrested on the threshold, may tend to drive these States into revolution and blood, and will furnish new calumnies against Republican Governments, and new pretexes for those who wished it to be believed that man cannot be governed but by a rod of iron; that it would be a dangerous delusion, were a confidence in the men of our choice to silence our fears for the safety of our rights; that confidence is every where the parent of despotism; that free Government is founded in jealousy and not in confidence; it is jealousy, not confidence, which prescribes limited Constitutions to bind down those whom we are obliged to trust with power; that our Constitution has accordingly fixed the limits to which, and no further, our confidence may go."

Third extract:

"It can never be admitted that the removal of aliens, authorized by the act, is to be considered, not as a punishment for an offence, but as a measure of precaution and prevention. If the banishment of an alien from the country into which he has been invited, as the asylum most auspicious to his happiness; a country where he may have formed the most tender connections; where he may have invested his entire property, and acquired property of the real and permanent as well as of the moveable and temporary kind; where he enjoys under the laws a greater share of the blessings of personal security, and personal liberty, than he can elsewhere hope for, and where he may have nearly completed his probationary title to citizenship; if, moreover, in the execution of the sentence against him, he is to be exposed, not only to the ordinary dangers of the sea, but to the peculiar casualties incident to a crisis of war, and of unusual licentiousness on that element, and possibly to vindictive purposes which his emigration itself may have provoked; if a banishment of this sort be not a punishment, and among the severest of punishments, it will be difficult to imagine a doom to which the name can be applied."

I will trouble you with no more extracts from this source. The Kentucky and Virginia resolutions abound with Democratic principles and patriotic sentiments, worthy the Democracy, and the friends of human liberty at all times. But I only exhibit these extracts to show that the Democratic party was then what it is now. I will read a short resolution to show that the Democratic party is now what it was then. It is a resolution unanimously adopted by the late Democratic National Convention held at Baltimore. Here is the resolution:

"9. Resolved, That the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned in the Constitution, which make ours the land of liberty and the asylum of the oppressed of every nation, have ever been cardinal principles in the Democratic faith; and every attempt to abridge the present privilege of becoming citizens, and the owners of soil among us, ought to be resisted with the same

spirit which swept the alien and sedition laws from our statute book."

I have other evidence and demonstrations expressive of the liberality which have characterized the whole course of the Democratic party; but my time and the limits of a speech will not permit me to make farther displays of them at this time.

Who are foreigners, and why should the name be a reproach and a word of taunt, as it is here and elsewhere? Who are foreigners, and why should they be deprived of the benefits of our free institutions, of which the Constitution does not deprive them? Were our ancestors, who first settled the country, felled the forest, and subdued the savage, in defiance of every terror and of every danger, not foreigners? Who were the patriots of the Revolution? Who periled their lives, spilled their blood, and pledged their fortunes in a nation's redemption? Were they not foreigners, or the descendants of foreigners? Who were they who stood forth so nobly, so gallantly, and so successfully in our second struggle for independence? Were they not foreigners, and the descendants of foreigners. And who are they who make up the entire population of the United States and the Territories thereof? who maintain the country in peace, and who, it is to be hoped, will again stand forth in her defence, without distinction or regard to their land of nativity—are they not foreigners, or the descendants of foreigners?

Sir, I have stated that the restrictions interwoven in some of our political institutions by our ancestors, were the result of patriotic caution. But from the success of the Federal party in 1796, to this time very different motives have governed that party in relation to foreigners. It was well known then, as it is now, that the German and Irish constitute a majority of all the foreign population in this country. It was well known then, as it is now, that a large majority of those classes of our foreign population are Democrats in principle, as they are in practice. The Federal hostility, which has always been manifested towards foreigners, has reference to the Irish and Germans, not to foreigners in general; nor does that hostility proceed from any apprehension of danger to the liberties of our country, or the overthrow of our Government by those classes of our population, but from the fact that Federalism cannot be what it would or might be but for the German and Irish political influence. If the German and Irish population could be cut off from their political and constitutional privileges, we would hear no more of "Native American Associations," nor would we hear any thing more of Federal legislation on the subject of naturalization, except to remove all restrictions upon foreigners. All would then be right; Federalism could then be just what its advocates desire; that is to say, always in power.

Sir, I have the candor to acknowledge that a leading object with me, in advocating an amendment of the naturalization laws, is to secure our Irish and German population (as well that *in esse* as that *in futuro*) the broadest possible privileges which our Constitution will admit; yet I would not vote for the passage of any law that would not extend equal privileges to all foreigners, without distinction of birth, country, or the party to which they might belong. The charter of our liberties was sealed by the blood of almost every nation. The blood of the foreigner mingled with that of the native American in every battle which was fought in our glorious Revolution. Had our patriotic sires of the Revolution no object beyond their own emancipation and the freedom of their posterity? They looked to the oppressed of the countries from which they fled. Was it not something more than mere colonial emancipation that forced the gallant Lafayette from his family, his friends, and the "blushing wine hills of his native France," "to crusade for freedom?" He was actuated by a love of liberty which had no restraint—a love of liberty which was neither limited to the colonial citizens nor their posterity. His love of liberty grasped the world. It extended to all then living, and to all who were to live. He periled the ocean, shed his blood, and sacrificed his fortune, in America's cause, not merely that the

foreigner who fled the iron rod of despotism and the excommunications of bigotry and superstition, should find peace of conscience and civil protection, but that, in addition, he should walk erect as a freeman, and participate in all the political rights of a citizen, which he shed his blood to purchase. Who but an ungrateful despot at heart, or a base minion of aristocracy, would deny to the countrymen of Lafayette the rights of an American citizen?

Sir, the blood of every foreign patriot which was shed in the Revolution, as well as in our second struggle for independence, cries aloud from the ground that drank it, and demands, as a matter of right, that his countrymen shall be admitted to the rights of an American citizen. The common principles of reciprocal justice, patriotism, and gratitude, demand that that call should be implicitly obeyed. But, sir, while it is a principal object with the Federalists to abolish or prohibit the political franchise of our Irish and German population, because they are opposed to Federal principles and Federal institutions, I would maintain and extend their franchise because they favor Democratic principles and Democratic institutions. I look upon the support which our free institutions receive from our Irish and German population as a high guarantee for their duration. I look upon every Irishman and every German who comes to this country in health, or with abilities or means to maintain themselves, whether by labor or other honest means, as an acquisition to our national strength and wealth.

I believe I have used the name of DeKalb. That is a sacred name with every grateful American. I cannot consent to pass it without notice. It is ungrateful to select from the band of patriots who shed their blood on liberty's altar the name of any one as the subject of eulogy. But, as it is the rights of Germans I am maintaining, I must be permitted to speak of that distinguished patriot. The name of DeKalb stands prominent on the sacred history that records the noble and daring deeds of the brave; his memory entwines the heart of every lover of his country; his name is the host and pride of all who delight to recount the services of those who achieved our Independence; his services live immortal, to welcome to the land of his redemption every German who seeks a refuge from his home of oppression. DeKalb was a son of Germany. He was born to battle with despotism. He was one of Heaven's decrees, to rescue the oppressed from the grasp of the tyrant. His noble daring corresponded with the noble purpose of his destiny. He forsook as if by divine intuition the land of his birth, and the home of his relatives, the endearments and associations founded in youthful friendships, to battle in the gloom and clouds of war for a people who had no claims on him. He came in the Revolution, when want and calamity were the darkest, and when the devastations of war were spreading the widest, and when the "torch of the enemy was in the midst of destruction." His sacred regard for the cause of human rights allowed him no time for reflection. He at once sought the most dangerous post and the hottest fight. Soon after his arrival he was appointed to the command of the regulars in the Southern division of the army, and gloriously fell in the battle of Camden, a martyr to the cause of liberty. Who, I ask, that is now basking in the sunshine of liberty, purchased by the blood of DeKalb, will refuse the rights of an American citizen to the German?

I have no time to specify the signal services of the American Irish, either in the Revolution or our second struggle. I will say, however, that the American historian has but poorly discharged his duty, who has failed to give the Irish a high place in the historical temple of fame, in his description of our glorious and successful struggles. But I have used the name of Montgomery. That too is a sacred name, and should not be uttered but in affection and patriotic reverence. I dare not pass that name without recounting briefly the gallant deeds of him who honored it, and the glorious part he took in a nation's emancipation. Montgomery was an Irishman. He distinguished himself as an officer and a soldier under Wolfe, at the taking of Quebec by

the British, by which he acquired a high military reputation. Previous to the American Revolution he settled in the State of New York. He took a decided stand with the Colonies against the "mother country." In 1775 he was appointed to the command of the northern department of the Continental army, in conjunction with General Schuyler; but the declining health of the latter threw the whole of the command on him. He captured Fort Chamble, St. John, and Montreal; after which he proceeded to besiege Quebec. The siege continued a month, when he attempted to storm the place; but, in the act of doing all that courage, bravery, and skill could do, he gloriously fell, with two of his aids by his side.

Who would deny to the countrymen of Montgomery the rights of an American citizen? None, sir, but he who is unworthy of such rights himself. Where was the time, or where the peril, that the Irish were not at the post of danger? So it always will be. A love of freedom, and a sacred and unconquerable attachment to the principles of liberty, constitute the Irishman's nature. No hand, however oppressive, no time however long, no laws however tyrannical, while they permit him to breathe, and wear his manly form, can bend him from his attachments to human liberty, nor paralyze his efforts to sustain and defend it, nor cower his burning and indignant brow from frowning upon the despot. That manly hatred, that just revenge, that patriotic and uncompromising hostility which have a just residence in the breast of every honest Irishman, whether in this country or in his native Erin, towards England for the oppression and tyranny to his injured and oppressed land, is a high and valuable security to American liberty at all times, and against all invaders, but more especially against British invasion to which we are more exposed, and from which we have more to fear, than from all others besides. But he who wishes properly to appreciate the Irish character, must not limit his research, either to the noble resistance to British oppression, or to the displays of Irish patriotism and courage in our national struggles. The Irish nation claim an ancestry superior to the Anglo Saxon race. They are the descendants of the Carthaginians, who were a family of Phœnicia. No people on the face of the earth were more distinguished for all the requisitions that form a brave a persevering people than were the Phœnicians. Their noble daring, and fearless bravery, gave them the control of the seas, and the command of the commercial world. No sea or ocean in the known world, in their day, was too broad, too deep, or too tempestuous, for them to encounter. No country was too distant for them to reach and penetrate. Phœnicia enriched herself by the commerce of all nations. Carthage was a colony of Tyre, and partook of her bravery and daring, as well as of her skill in the art of navigation, and perseverance in commerce; and, in turn, enriched herself at the expense of all nations. I say the Irish were a colony from Carthage, and such is their pride of ancestry, and such their love of country, their laws, their customs, and their institutions, that even the subverting arm of Great Britain has been unable to overthrow or extinguish them. Even to this day, though three thousand years have elapsed, they speak the Carthaginian language almost in its purity. He who wishes to know the Irish history, and the Irish character, must avoid the English historian as he would the book of slander and detraction. It has always been an object of national policy, as well as national pride, with the English historian, to present the Irish people to the world as a wild, reckless, and an ungovernable people. English historians pass off their patriotism, and their struggles for liberty, as the result of a wild and unconquerable hatred to the rules and restraints of civil government, with a view to cover the iniquities and violence of British oppression. It is a vile slander of the Irish nation and the Irish character, as the fact of the duration of their national customs and language proves. Nothing goes so far to prove the stability and regularity of a nation as an attachment to the support of customs, maxims, institutions, laws, and language which have been found convenient and

promotive of human happiness. I say there is no nation on the face of the earth that can boast of such certain and remote antiquity, none can trace instances of such early civilization, nor do any possess such irrefragable proofs of their origin, lineage, and duration of language and government.

Before the introduction of Christianity, no people of the globe better or more orderly maintained their civil institutions, under Paganism, than did the Irish. I believe the first minister of the cross who visited Ireland was St. Patrick, who was sent by Celestine, Bishop of Rome, with twenty assistants, eminent for their piety, virtue, and learning. Those divines applied themselves, with faithful assiduity, to the work of their mission, and their success exceeded all human calculation at that time. In no land did the Gospel spread with such rapid progress—in no land was it so slightly opposed at its first introduction. The people, says a distinguished historian, received the doctrines of Christianity with a sort of spiritual violence, and no people, from that day to this, adhere to the principles of Christianity, as taught them, with more firmness and resolute perseverance, than do the Irish. But with all their attachment to the Christian religion, no people ever more resolutely and successfully resisted the attempt of religious innovation upon their civil rights. But here a field of Irish history opens which I have no time to traverse. I can only say that Ireland was betrayed to Henry II of England by the infamy of Dermot, though she has never been conquered to this day.

Ireland has never kissed the English rod. She withstood the arms, the bribes, and the oppressions of England, from the nominal subjection to Henry II, till the union of the two Kingdoms—a period of near four hundred years. Prior to that, every attempt at reduction or subjection was met on the field of blood. The farthest innovation of the British arms or color of subjection, did not extend beyond the *pale*—which was limited to the counties of Dublin, Kildare, and Meath, with the cities of Waterford, Cork, and Limerick; over the other parts of the Kingdom which were without the *pale*, neither Henry II, nor any of his successors, until the reign of James I, either had, or pretended to claim, more than a naked sovereignty, marked alone by a formal homage, a trifling tribute, and an empty title. And what now is the union, or what is it worth? To be sure, it is a political union that serves to oppress Ireland, but it is no union of friendship, feeling, or national ties. The true and patriotic Irishman bears, in every feeling he possesses, the same hostility to the English nation, her Government, and her laws, which burned in the bosoms of his ancestors, when their country was treacherously surrendered by the infamous Dermot. Every true Irishman transmits to his posterity the seeds of that hostility, which will, some day, overwhelm the oppressor, and redeem Ireland. The arm of British oppression, under which Ireland now groans, will be paralyzed by the abuse of the corrupt means by which it gained its power. The Irish mind is like spring steel—it may be borne down by the weight of oppression, but no time nor no tyranny can destroy its nature. The Irish spirit may, for a time, be smothered, but it will, eventually, burst into flames. It is impossible for a land like that of Ireland, destined by its Creator to be the abode of freedom and happiness, always to remain the land of oppression and misery. Fear not, Irishmen! the sleeping lion will one day awake; Ireland will one day be free.

Sir, there is no people for whom I entertain a higher feeling of personal and national respect, than for the Irish; and I feel that that respect is well founded—I have high and undoubted authority for it. The history of the Irish nation, and the qualities of the Irishman, unite in fixing that opinion with me. Their attachments to the principles of Democracy, which no influence can shake, or bribery seduce, must fix upon them the confidence of every friend to our free institutions; and so thought our ancestors. I hold in my hand the journals of the Continental Congress. From them I will read a short extract of an address to Ireland, by a committee of Congress for that purpose. I read it, and shall make it a part of my printed re-

marks, in order to place the views and feelings of our gallant ancestors towards the Irish, in contrast with the stand now taken against them and the Germans by the Federal popinjay shinplaster aristocracy of this day. Here is the extract:

"Permit me to assure you that it was with the utmost reluctance we could prevail ourselves to cease our commercial connection with your island. Your parliament had done us no wrong. You had ever been friendly to the rights of mankind; and we acknowledge with pleasure and gratitude that your nation has produced patriots who have nobly distinguished themselves in the cause of humanity and America. On the other hand, we were not ignorant that the labor and manufactures of Ireland, like those of the silk worm, were of little moment to herself; but served only to give luxury to those who neither toil nor spin. We perceived that, if we continued our commerce with you, our agreement not to import from Britain would be fruitless, and were, therefore, compelled to adopt a measure to which nothing but absolute necessity could have reconciled us. *It gave us, however, some consolation to reflect, that should it occasion you much distress, the fertile regions of America would afford you a safe asylum from poverty, and, in time, from oppression also: an asylum in which thousands of your countrymen have found hospitality, peace, and affluence, and become united to us by all the ties of consanguinity, mutual interest and affection.*"

What objects had the venerable patriots of the Revolution when they expressed this high opinion of the Irish, and extended this pressing invitation to them to flee from that oppression which was crushing them to the dust, and sinking them to the grave? Was it their intention that they should be made beasts of burthen to do the "labor," as Gov. Seward says, and as Federalism says, or was it their intention that they should be freemen and American citizens? Was it their intention to seduce the Irish here to spill their blood in the Revolution, and when liberty should be secured, cast them and their countrymen after them off as unworthy of the benefits and blessings which that blood should purchase? The thought is monstrous, and to name it is infamous slander.

But, sir, there is a question of policy, independent of the motives of patriotism and gratitude, which makes it important to extend to our Irish and German population at an early period and at a cheap rate the rights of citizenship. I repeat that the support which our Democratic principles and our free institutions receive at their hand, constitutes a high guarantee for their duration. It is the dictate of good policy, without any other consideration, to admit them to the full benefits of our free institutions; while a denial of them would mark us as a people of a selfish and jealous disposition, unworthy of a great and growing Republic. That national jealousy and selfishness which prohibits foreigners from a participation in legal and political benefits is worthy of despotism, or of narrow and petty Republics, and rarely ever fails to produce their evils. It is ever so with restrictions, when carried beyond the bounds of good or liberal policy. For the truth of which, we may refer to the history of many national disasters, and from which the wise and the experienced may draw many useful lessons.

The Assyrians repudiated the Babylonians, refused them the protection of their laws, and even admission into their empire; by which they deprived themselves of many useful maxims, as well as the improvement in arms of national defence and their practical use. The Babylonians rejected the improvements, learning, and language of the Medes and Persians; and the Medes and Persians those of the Macedonians; and the Macedonians those of the Romans. And yet the empire of Assyria made way for the Babylonians; the Babylonians were conquered and subdued by the Medes and Persians; the Medes and Persians were overthrown by the Macedonians; and the Macedonians by the Romans. There is little doubt but that the overthrow of each of those empires may be traced, to some extent, to causes which had their foundation in that jealousy and selfishness which induced the one to prohibit the other from a participation in its political institutions.

It was the same miserable, narrow policy which was marked, too, by a haughty pride, that induced the citizens and policy of Carthage in her degenerate day, to reject not only the Grecian manners, customs, language, and arts of war from being taught in their dominions, but even to prohibit a Grecian from settling on their soil: for want of the benefits and advantages of all which, Carthage sunk a victim to the Roman arms; but Rome her-

self, in her degenerate days, fell into the same fatal error. When Rome was in the zenith of her prosperity, and the height of her real grandeur, it was her general policy to admit the nations she conquered to the rights of Roman citizens, or to extend her laws, her maxims, and her political institutions over dominions that gave way to her arms. It was not until after she had sunk into Eastern effeminacy and Eastern vices, produced by unrestrained indulgence in Eastern luxuries, purchased at the sacrifice of her revenue which should have supported and maintained her national defences on her frontiers, that she substituted the amphitheatre of sport and unbridled licentiousness for the forum of virtue, political science, and national intelligence. Then it was that she treated the subdued and conquered victims of her arms as barbarous, unworthy of her protection, sacrificed them to the sport of mental depravity, by casting them into the pit to be torn to pieces by wild and ferocious beasts, and trained them as gladiators for the destruction of each other to gratify the degenerate and corrupted appetite of assembled thousands. Then it was that Rome, whose standard had borne her eagles over the civilized globe; whose arms and whose laws and maxims had supplanted the nations of the earth, fell a prey to and became the pillage, the plunder and the spoils of a few half naked untaught bands of barbarians. So we may trace among the causes to which Rome owed her overthrow, that of the barbarous and worse than brutal treatment of those whom it was her policy and her duty to have protected and defended, and made Roman citizens.

I have stated that in the formation of our Government some of our institutions were framed with reference to some of the political institutions of the country from which we were emancipated. The legal prohibitions against foreigners in England had their influence. I believe it was in the reign of Henry the Eighth that the Pope's bulls and ecclesiastical processions were prohibited the realm of England, and the Protestant church made independent of the church of Rome. At the same time the King was made head of the church in place of the Pope. But perhaps this stroke at the Pope did not so much proceed from hostility to the Roman Catholic faith, as from a determination to abolish his influence, and the power of the Roman church, over the civil institutions of England. At that time the arms of Charles the Fifth, Emperor of Germany, was shaking every throne in Europe. Charles himself was wedded, in principle and policy, to the Roman church, and it was not more his object to subject all Europe to the imperial crown, than it was to make the Roman Catholic faith the national religion wherever his arms extended. It is, therefore, neither unfair nor unreasonable to suppose that a leading object with Henry the Eighth, in overthrowing the Catholic faith and abolishing the Pope's power in the realm of England, was to unite to his own power the influence of the Lutheran reformation against the combination of the arms of Charles and the ecclesiastical influence, as well as the arms, of the Pope. But the stand taken by Henry did not stop with denouncing the Pope, and rejecting his ecclesiastical supremacy, and the Roman Catholic faith as the national religion. It became for a time the policy, not only of Henry, but many of his successors, to deny to the Roman Catholic citizen not only the right to hold office, to acquire and hold property, but even the benefit of the laws, to some extent, for his personal security. Not very creditable prohibitions, we would say, at this day. But it was not merely the Roman Catholic and the Roman Catholic faith that met with a repulse in England; other religious denominations, through whom nothing fatal to the interests of the State was to be feared, met with treatment but little more favorable. For many ages the Jews were compelled to purchase religious privileges at an enormous expense. Under the reign of Henry the Second, and the beginning of the reign of Edward the Third, the Jews paid to those monarchs in less than seven years the almost incredible (at that time) sum of more than four hundred and twenty thousand pounds sterling for no other consideration than the rights of conscience

in the island of Great Britain. Notwithstanding the exaction and the payment of that oppressive tribute, the Jews, in the reign of the same Edward, to the number of upwards of fifteen thousand, were banished the realm, and were never permitted to return until Oliver Cromwell admitted them.

The tragedy attending their banishment was a disgraceful stain upon the reign in which it was ordered, a brutal violence, unworthy of any age, and a black and damning spot on England's character, which time can never efface.

On their banishment, the richest of them, having put themselves, with their treasure, in a ship of large burden; when the ship was under sail, and got down the Thames towards the mouth of the river, and below Juinsborough, the master of the ship confederating and conspiring with the mariners, invented a stratagem to destroy them. The master commanded anchor to be cast, which was done, and the ship kept riding at anchor until at the ebb of the sea, she laid on the sand. The master and his criminal confederates enticed the Jews to walk with them on the sand for their health and recreation, which they did. When the master had understood the tide had risen, he and his associates stole away from them, and got back to the ship. The Jews made no haste, for they were not sensible of their danger, nor the plot which was laid for their destruction. But when they perceived the peril they were in, they cried aloud for help. The master, in taunt and provocation, answered that now was the time to try the power and truth of their religion; they ought rather to cry to Moses, by whose conduct their fathers passed through the Red sea: in a short time they were swallowed up and drowned.

It may be said that the extravagant and oppressive exactions made upon the Jews, their banishment, and the tragedy which I have related was more the result of religious persecution than the exercise of civil power in England. That might have been the case to some extent, but the Church and State were united. The whole proceeded from the principle and spirit which would proscrib[e] foreigners from the enjoyment of political rights in this country. I believe that legal and constitutional disqualifications in all the States or kingdoms of Europe exist against the admission of foreigners to the enjoyment of political, and, to some extent, to legal rights. I am not prepared to say but but what that may be necessary to a certain extent, owing to the contiguity of one kingdom to another, and to the facility with which treasonable plots may be conducted through the medium of speedy intercourse, and the rapidity with which they may overspread a whole kingdom. No such reasons exist with us, our remote distance from all powers, the wide spread of our country and Government, to say nothing of the independence of our several State Governments, which are checks on each other, and the whole a check upon the Federal Government, must ever prevent any individual influence from foreigners dangerous to the stability of our Government. The attempt is hardly possible; or, if ever made, will be nugatory. If, in Europe, a citizen moves from one State to another, he moves but from one land of oppression to another; and the only object he could have to engage in a treasonable plot, or conspiracy, would be to restore liberty; but when he comes to our country, he gains the object which in Europe might incite him to treason.

I repeat, that the restraints thrown around the elective franchise to deprive foreigners of the right of citizenship, and the efforts now making by the Federalists and the "Native American Associations," are directed against the German and Irish emigrants who seek a home with us. Such is the secret understanding and the open declaration, when declarations are made. And here let me ask, what would induce a German or an Irishman to enter into a conspiracy to overthrow a Government of free institutions, to which he has fled for safety and protection? What would induce either to enter into a secret negotiation with the Government from which he has fled because of its tyranny, oppression, and despotism? Sir, the thing is impossible, and not more impossible than fruitless, if attempted. But

when was the time, or where the place, or what the emergency, that the Germans and the Irish have not shown themselves worthy of the rights of American citizens? When have they not, in time of peace, done all that has been required of them in support of the Government? When has been the occasion they have not been foremost in danger and peril when called on by their country? In peace they are the most industrious, hardy, honest, and virtuous citizens we have, take them as a body. Firm to their adopted country, and faithful to her free institutions, as they periled a tempestuous ocean, and encountered the afflictions of a separation from a native home, and the graves of their fathers, for a strange land, in search of freedom, so have they ever manifested a ready willingness to spill their blood, and risk their lives, in defence of that freedom which they have found here. Can you point to the standard of liberty which the Germans and the Irish have not mingled their blood to erect?

Sir, if it is urged as a reason by the Federalists and the Native American Associations, that the stability of our free institutions require that the Germans and the Irish should be disfranchised, I could refer them to some other classes of our foreign population, from whom there is much more danger to be apprehended. I could also refer them to some other influences, subjections, and connections, still more dangerous to the liberties of this people, and the free institutions of this country. I mean the moneyed influence of a British aristocracy, to which we are now unfortunately connected, and by which we are subjected to the payment of an interest on about two hundred millions of dollars, called State debts, and about thirty or forty millions of British bank capital. This is an unhappy and an unfortunate connection, because it is an oppressive tax and a drain upon the honest labor of this country. That is bad, but it is not the worst. The worst is, that it brings a foreign moneyed aristocratic influence, through the medium of our banking, commercial, and mechanical institutions to bear, not only to the corruption of our elective franchise and the ballot-box; but upon every political and civil institution in our country. Not only has the ermine been sullied, and the judgment seat been contaminated, but the sacred desk and the pulpit have been polluted with that influence. Yes, sir, by that corrupt influence some of those who claim to be ministers of the Gospel, ambassadors of our Saviour, and Heaven's bearers of despatches and glad tidings, standard bearers of the holy cross, and those who minister the holy sacraments, have prostrated themselves from that high and lofty station to which none but Apostles, and ministers ordained by Heaven's sanction, should presume to ascend—even some of them, I say, by that influence, have prostrated themselves at the shrine of British Bank corruptions and political iniquity. In place of obeying the commands of their Divine Master, in teaching the way of salvation to a dying world, they have been playing the *political missionary*! In place of leaving witness of the truth of his holy religion, they have been endorsing all the base, false, and infamous slander and detraction which was propagated to the overthrow of this Administration—slander and detraction worthy of the distempered brain of the reckless, political, desperado, the heart of corruption and the tongue of poison.

I cheerfully recognise the right of every individual in the community to exercise the rights of a freeman. But while I hold sacred the names of Christian minister and apostle, I deem it a duty I owe to the holy religion by which I hope for redemption and salvation in the world to come, to denounce the man who will abuse it as unworthy to be its professional advocate. Yes, sir; some of them have even been found participating with, and mingling in, the miserable, drunken Federal orgies, that would have disgraced a bacchanalian feast in the most degraded days of Greece. Such men are made for the tables of money-changers, not for casting out devils. They may grace a gambler's board, but they would pollute a temple. For the honor of the holy religion of our fathers, and the sacred names of minister and apostle, I hope there were not many who so disgraced themselves, their

name, and the religion which it is their profession to teach; but there were some. They will be marked, and made the subject of moral and religious condemnation while they live, and wherever they go. But more of this some other time. Yes, that is the influence our Government and our free institutions have to fear. It is the influence of a British moneyed aristocracy, united with the worthless, penniless, Federal drones in our own country, who live upon the sweat and toil of those they seek to disfranchise. That, I repeat, is the influence we have to fear. It is an influence which is now undermining our free institutions, prostrating our Republican principles, sapping the foundations of our Government, subverting our liberties and establishing among us a rotten borough British bank policy, overspreading our country with irresponsible corporations, and erecting among us a rag baron aristocracy. Sir, it is to foster such a policy and to perpetuate such influences, that the honest and faithful German and Irishman must be disfranchised and forever cut off from the rights of American citizens. But, sir, independent of the obligations that the foreign blood which was poured out in the Revolution brings us under to admit foreigners to the rights of citizenship, there is an intrinsic value and worth in our German and Irish population, which entitle them to our confidence and to full political privileges. Where are our public works, which we call the proud monuments of our country's enterprise, which have not been almost exclusively erected or constructed by Irish and German toil? It is by their patience, their sweat, and their industry, that our Union is linked and bound by the indissoluble ties of turnpikes, railroads, canals, and other State and national improvements. But to the disgrace of our country, and the dishonor of our national character and reputation how often have the patient labor and the honest toil of the German and the Irishman met a reward in the filthy and worthless rags of our swindling banking institutions, which could serve them no purpose beyond the day's maintenance. And let me here acknowledge, that one object I have in amending the naturalization laws, is to procure the whole and the united influence of our German and Irish Democracy, to assist in overthrowing that miserable, fraudulent, and corrupt paper system which rewards honest toil with the ragged promises of bankrupt banks and rotten and irresponsible corporations, which hang upon the prospects of this country, and the industry of every honest man, like a millstone. I desire to put it in the power of every German and every Irishman to do his part to overthrow a system of policy and of institutions which now enables swarms and herds of lazy, lounging, hungry Federal wolves to sap the life blood of honest and industrious society—to overthrow a system which enables the few to array themselves more gaudily than Solomon, in all his glory, though they toil not, neither do they spin; while the many are compelled to toil in sweat and labor in dust, from the time they enter the stage of human action until their exit, for a scanty maintenance. I seek to establish and confirm the political rights of our German and Irish population now and in all time to come, that we may have the benefit of their political aid, to establish a system by which they shall meet an honest and valuable reward, in a sound currency, for their honest and valuable toil.

I need not state a fact that is universally known, and that is, that a large majority of our English population are opposed, and always have been, to the Democratic party. (There are many worthy exceptions. There are many who are an honor to the Democratic party. I speak with reference to those exceptions.) They have, in all our political struggles, been found in the ranks of the Federal party, for reasons which they best understand, and which are, no doubt, satisfactory to them. Their countrymen took a share in the Revolution. They also took a share in the formation of our political system. It is the benefit of our simple Republican institutions which our English population have sought, because, under them, liberty can be enjoyed to more certainty, and to a greater extent, than in the country which they have left. Why they so

universally unite themselves with a party whose cardinal object is to overthrow our equal institutions, and prostrate the rights of all foreigners, they can best answer. I have been unable to account for it. I hope some day they will learn who their friends are. I hope some day they will learn the importance of supporting the party who support them, and the purity of the institutions which they have sought, and to which they look for equal protection. I hope they will find out that it is their interest which the Democracy seek to secure, by sustaining a policy calculated to secure the greatest good to the greatest number; and whatever that policy may be worth, they will have an equal share of it. If, however, they cannot unite with the Democracy, perhaps they may find safety with the "Native American Associations," whose principles and political motives, and the materials of which they are composed, I would respectfully recommend them to examine.

But what is still more extraordinary in politics our Scotch population are generally opposed to the Democracy. I regret this not only from political but from personal and national considerations. I am from a full blooded Scotch stock; and if I have my pedigree correct, I am of the pure Highland blood. There is no one of the race of man that I more delight to meet than an intelligent Scotchman. I delight to hear his rapturous strains of eulogy in honor of his country, her wisdom, her learning, and her morality, for which she is so renowned. I delight to hear him bestow the praise due to the Scotch clans, and the bravery of their chiefs. I delight to hear him praise the gallantry and noble daring by which Scotland's Wallace and Scotland's Bruce, so long and so successfully repelled Britain's invasions and Britain's oppressions, by acts of noble daring, of which none can boast but Scotland. Wallace with a small band, (but of braver men than ever did, before, or since march against an enemy), routed forty thousand of Britain's troops, and slew their leader on one occasion. I delight to see indignation bloom upon the brow, and blush from every feature of the Scotchman, while he relates the treacherous surrender of Wallace to Edward, and the worse than brutal manner in which he was executed, and his quartered body exposed and hung up in the four principal towns of England to gratify a brutal malignity towards Scotland, worthy alone of barbarity in its most degraded form. But why is it, Mr. Scotchman, that no sooner do you land here than you throw yourself in the arms of a party who seek not only to deprive you of the rights of freemen, but are exerting themselves to establish a system of policy and of institutions as fatal to liberty and as destructive of equal rights, as that from which you have fled. Why is it that you, or a large majority of your countrymen, like our English population, are found in all our political struggles arrayed against the Democracy. If it would not be considered temerity in me, I would, in the name, and as the representative of my Scotch fathers, admonish you as you appreciate the freedom you have sought, to rally to the support of the party who ever have, and who are now, exerting themselves to secure to you the rights of freemen and American citizens. While alluding to the politics of foreigners in this country, permit me to advert to the late gallant though unsuccessful efforts of the Canadian patriots to shake off the British yoke in those Provinces, and I only do it to illustrate the fact that the Democracy in this country were united in a favorable feeling towards the patriots, and in an ardent desire that they might succeed in establishing their independence, while the Federal party were as united in feeling against them, and were unsparing in their abuse of them. I have Federal journals in my possession to show the fact. The patriots in Canada are called Whigs. The Scotch in Canada belong to the patriots. The Federal party in this country call themselves Whigs. The Scotch in this country belong (or a large majority of them) to the Federal party. The term Whig in Canada has a different meaning from the same term in this country, and if names are the representatives of things, the term Whig will be found in Canada to represent one thing, and in this country to represent another.

The term Whig in Canada means one who is desirous of abolishing British bondage. In this country the term Whig means one who is in favor of perpetuating British bondage. It is strange that the same word should have a meaning so different with those who speak the same language. And it is strange, too, that Scotch patriotism should mean one thing in Canada, and another thing, the very reverse, in this country. For my part, I prefer the Canadian definitions of Whig and Scotch patriotism. I go for the Whigs and Scotch patriots of Canada. I am much attached to the term Whig; but I think the term as applied to the Federalists of this country is a misnomer. From what intelligence I can gather from the history of parties in this country, I think the Federal principles smack more of Toryism, as understood in the days of the Revolution, and as now understood in Canada, than they do of the ancient, the revered, and patriotic term Whig. I hope the patriots will renew their efforts whenever a prospect of success is presented. They will succeed with half a chance. Go on, then, I say: Justice and patriotism is on your side; and though the odds may seem to be fearful against you, the strength you must gain in a good and a just cause, having for its object the omnipotence of human liberty, the highest object of human aspiration, will eventually redeem you. The laws of nations, the stipulations of treaties, and perhaps national policy, may prevent the American Democracy from taking an open part with you; but you have their feelings and their ardent wishes. I have but little regard myself for the restraints which may prevent American interference in behalf of the patriots. If I possessed the power of Midas, to turn every thing I touched to gold, I would soon furnish the patriots with the means of emancipation; or if I had the power of ancient Jove, with Vulcan at my command to forge thunder bolts, I would demolish every British institution, every British authority, and every British Tory in Canada, in one hour. But, sir, I did not rise to talk about Canadian wars, or English and Scotch politics—I rose to advocate an amendment of the naturalization laws, with a view to secure, at a cheap rate, and with a shorter residence, the rights of American citizens, and the full benefits of our free institutions to all foreigners, without regard to country, or distinction of party.

This is neither the time, the place, nor the occasion, to discuss party principles, nor is it the time or place to solicit party influence. If it were, I would like to indulge in an appeal to our foreign population, to rally, now, henceforth, and forever, to the standard of Democracy and equal rights. I would advise them to turn upon their enemies, who are endeavoring to crush them to the dust. A spirit of resentment, and the means of defence, are principles of nature, and attributes of Creation's family—from man, who was made in the image of his maker, to the insect that crawls in the dust. It is a principle of nature, too, by which each order and class of created animation resists, to the extent of its means, injuries that threaten its peace and safety. Shall man, then, be less spirited than the worm, that turns upon the foot that treads it?

It is now the united effort of the Federal party and of the Native American associations (twin brothers and worthy of each other) to sink the foreigner into contempt and political infamy. But they do not stop at political proscription; they seek to deprive them of other rights. It was but the other day, in the Senate, when the pre-emption bill was under consideration, that a motion was made by a Federalist to deprive the foreigner of the benefit which the pre-emption policy has ever secured to those who settle on our wild lands. That motion was sustained by the Federal members of the Senate, but was successfully resisted by the Democratic members. I would call upon the foreigner in the name of that spirit of resentment, and by the use of those means which the free institutions of our country have made his, to turn upon those who are endeavoring to make him a beast of burden, not only by stripping him of all the political privileges which characterize the freeman, but also by the establishment of institutions which, if successfully persisted in, must one day subvert American liberty, and sink the hardy

and industrious freemen of this country into submissive vassalage to a bank aristocracy. I would appeal to them (the foreigners) as they value that liberty they have sought, and as they fear and abhor that oppression, tyranny and despotism from which they have fled, to rally to the standard of Democracy; in the name of the foreign blood which mingled in the Revolutionary struggle, I would appeal to them to be found at all times in our political battles under the flag of Democracy; for there is no other by which they can secure to themselves—to their posterity and their countrymen who are to come after them—the liberties which that Revolution purchased.

But, sir, if party attachments and political confidence were to have their sway with me in an appeal to foreigners, and that appeal were proper, I would say to the German, as he reveres the memory of DeKalb, and as he appreciates his gallant services in the cause of human liberty, and as he holds sacred his blood, which was drank by the soil he has adopted for his home—as he values the freedom which was the consideration of that blood and those services—to stand by the Democracy as the only security, the only hope, the only sheet anchor of safety by which that freedom is to be perpetuated.

I would say to the Irishman, as he too holds sacred the blood of his countrymen, which was shed in the Revolution—as he holds sacred the memory of Emmett, who was sacrificed on his country's altar for Irish liberty—as he abhors and detests the oppression which crushes his country under the foot of British despotism—and as he values the liberty which he has sought, that he too should be in our political battles, under the banner and in the ranks of Democracy. The blood of Montgomery, spilt upon the heights of Quebec, demand for the Irishman American liberty. The spirit of Emmett, which walks abroad in midday, though unseen, secretly admonishes the Irishman to maintain with his life our Democratic institutions in their pristine purity. The voice and admonitions of O'Connell, that glide with every breeze across the Atlantic, warn the Irishman that he should stand by the party and the principles that stand by him; that he should be found whenever and wherever his vote and his influence may be required to overthrow a party who are exerting themselves to overthrow him and to sink his countrymen into political degradation.

I have used the names of Pulaski and Kosciusko. They are sacred names, and are identified with human liberty and human bravery. Pulaski was a native of Poland, and a soldier who had distinguished himself by brave but unsuccessful efforts to restore liberty and independence to his native country. He came to this country during the Revolution, bearing with him a high and meritorious character. He was appointed Brigadier General in the American army. He was mortally wounded in the attack on Savannah, of which he soon after died. Congress voted to erect a monument to the memory of that brave officer; but I believe it never was done.

Kosciusko was a Pole by birth, and was educated at the military school at Warsaw. He came to the United States with a recommendation to Gen. Washington from Benjamin Franklin, with whom he had formed an acquaintance in France. He was appointed an aid by Gen. Washington. He was afterwards appointed an Engineer, with the rank of Colonel. He fortified the camp of Gen. Gates in his campaign against Burgoyne. He performed many high and valuable services, for which he received the thanks of Congress. At the close of the Revolution he returned to his native country, bearing with him a nation's gratitude. Poland was in revolution. He was appointed a Major General. He fought many battles with great skill and bravery, but Poland then failed, owing to the mismanagement of her Diet. On the breaking out of a new revolution in 1794, he was appointed Generalissimo, with the power of Dictator. He conducted with courage, ability and adroitness, but was finally overpowered by the Russian troops, made prisoner, and carried to St. Petersburg, where he was confined until the death of Catharine. When Paul came to the throne he

was released, and loded with honors. He was offered an office in the Russian service; that he declined. The Emperor offered him his own sword; but Kosciusko said "No, I no longer need a sword, since I have no country." Such an answer was worthy of a Pole, worthy of a patriot, worthy of Kosciusko. But Kosciusko was not the only Pole who could give such an answer. Colonel Klimkiewicz, in a subsequent revolution was made pioneer, and confined in the dungeon at Kamienice Podolski. He was visited by the policeman, who had orders to offer him a bribe of freedom and imperial honors, if he would reveal the names of those who belonged to the secret societies called the "Patriotic Societies." The gallant Pole met the base proposition with a retort becoming a patriot, and one who is worthy of the blood of Kosciusko.

"Retire, miscreant! Thou who grovellest at the feet of thy Ministers! How dar'st thou present thyself before an honest patriot? Thou base-born wretch! forget not that in my veins flows the blood of the illustrious Thadæus Kosciusko; and know that an approving conscience is dearer to me than all else in this world. Retire, I say; I love my country—I love and appreciate the rights of man; and remember, I am not of thy damnable profession, that I should betray either. Leave me, then, to groan in this dungeon, and mourn over the recollection of the wailings and lamentations of those unhappy mothers, under the reign of your modern Nero. Retire forever, thou vile slave of a tyrant! I was examined and condemned by my judges. Thou had'st no right to present thyself, with such base proposals, opposed as they are, not only to virtue, but also to the laws of the Russian empire. Sir, I am a free citizen of Volhynia, and know the laws of thine own country better than thou dost, a vile servant of it, as thou art. Retire, I say!"

Sir, I have read this noble and patriotic retort. I will make it a part of my printed remarks, with a hope that it may be taught with the first lessons of youth; because, as the child is taught to lisp the name of his Heavenly Father in hallowed reverence, so should he be taught to lisp such sentiments in patriotic devotion, honor, and love to his country. That gallant Pole is now a resident of this country. Who is not proud to have him with us? Who does not greet him a welcome guest? His presence is a national honor, worthy of national boast. He is here, ready to march with the American standard when peril may invite him or invasion call him. Such is his noble nature, and such is his promise. At one of our festivals he was called to his feet by a sentiment. He responded, and said, among other things, in thrilling eloquence: "My heart is for Poland, but my arms are for America." What American will deny to the Pole the rights and franchise of an American citizen? Is there one, that man should be stripped of the name of an American, and consigned to Russian despotism. Such a man is only fit himself for a slave.

Sir, the well known history of Baron Steuben, and the services he rendered in the Revolutionary struggle, supercedes the necessity of my naming him. It is sufficient to say he was a Prussian by birth. He was a pilgrim in the cause of liberty. He was a distinguished officer of the Revolution. He fought in the battle of Monmouth, and was commander in the trenches in Yorktown on the day that concluded the contest with Great Britain. The countrymen of Steuben have a claim to the rights of American freemen. But why do I select and call particular nations. The glorious principles of Democracy makes no distinction with the homeless exile. It recognizes the rights of all who have the human form, who seek protection among us. It repudiates, in the broadest manner that intolérant spirit which now marks the Federal party and the "Native American Associations." Democracy meets at our shores the exiled pilgrim; greets, hail, and welcomes him to her hospitality, and a full participation in her free institutions. Mr. Speaker, let me conclude by saying that human rights, the spirit of liberty, the character of our Government, the meaning of our Constitution, the nature of our free principles, and I believe the stability and duration of our Democratic institutions, all unite in requiring that as liberal and as generous a policy should be exercised towards foreign emigrants as that which this bill provides. It extends no privileges which can endanger our country. It contains no provisions but what a generous policy will at all times recognise as just—none but what a liberal and highminded patriotic community will

approve and sustain—none but what the foreign blood spilt in the Revolution, and consecrated to human liberty, demands.

TREASURY NOTE BILL.

SPEECH OF MR. TRIPLETT,

OF KENTUCKY,

In the House of Representatives, February 2, 1841—
On the bill providing for an issue of Treasury notes.

MR. TRIPLETT rose and said: Mr. Chairman, the best return I can make for any attention which the committee may give to me during the remarks I have to submit upon this momentous subject will be to consume as small a portion of its time as the duty which I owe to my constituents and to myself will permit. This I promise to do. I shall, therefore, decline following the gentleman from New York [Mr. VANDERPOEL] in his dissertations upon log cabins and Whig principles. I am rather inclined to think that the gentleman knows as little about Whig principles as he does of log cabins. If he would visit the latter a little oftener, possibly he might learn what Whig principles are, and learn to love them. If, however, Gen. Harrison, when he arrives here, should think proper to adopt the advice of that gentleman, and, instead of taking possession of the White House at the other end of the avenue, should take up his abode in the log cabin at the foot of the hill, (pointing to the West,) I would advise the gentleman to visit him there; and he might then possibly learn, through the rough, rude metre of a log cabin song, something of those maxims which, I hope and believe, will guide General Harrison in his administration of the affairs of this Government. One of these metres, I recollect, reads in this way:

"No Prices, or Swartwouts, or such deceivers,
Shall be appointed Cash Receivers;
And no man what is given to grubbin,
Shall ever enter this Log Cabin."

If Kinderhook, senior, who now inhabits the White House, had practised some of these log cabin principles, it is possible that he might have been re-elected to the Presidency; and then it might have been possible that my friend from New York would have consented to be a candidate for election. I understand that he declines to be so. He will, therefore, have two years' leisure before him. I advise him in the *interim* to visit some of the log cabins of the West; where, perchance, he might meet with a stern reply to some of his insinuations about British bank-bought Whigs, and the influence of British gold in the "recent election." That is also reduced to metre—rough, it is true, but as strong as it is rough. It is as follows:

"A Kentuckian's vote can never be bought,
Try it who may, or can;
All the British gold that ever was told,
Can't buy one honest man."

If one hundred and sixty thousand voters were purchased by British gold to vote for General Harrison, or, to use the gentleman's own classical expression, for "Tip and Ty," I take it for granted that those voters could not have been Whigs. The Whigs intended to vote for those names without British gold; and if British gold has been employed in buying up Democratic votes, the gentleman from New York must blame his Democratic friends for being so easily purchased.

But, Mr. Chairman, the brief space of time I have before me warns me that I must not follow the gentleman from New York, through his "poetry in prose." By the by, it appeared, from some of the observations of the gentleman, that he cherishes an extraordinary hatred against poetry. He says that his colleague [Mr. BARNARD] wrote a book of poetry; and that the gentleman from Maine [Mr. EVANS] wrote another. Now, there is this difference between the poetry and prose of these two gentlemen, and the "poetry in prose" of the gentleman from New York; they put their poetry in a book by itself: it does not appear in their speeches. But the gentleman from New York puts his poetry and prose so promiscuously together, that it is beyond the power of the poor alembic of my wits to separate them. Yes, and the log cabin men of the West could not understand his poetry any more than they could his Latin. His insinuations, how-

ever, some of them might understand and repel in a way not much to his liking. But, let me now come to his facts, figures, and arguments, for it is with them that my business lies.

The first fact with which the gentleman sets out is a most extraordinary one; it is, that a cry of a national debt has been raised by the Whig party, in order to justify an extra session of Congress. Now, I have never seen so much misrepresentation crammed into so short a sentence. There are in it two remarkable misstatements. First, he begs the question that the Whig party wish an extra session; and upon that gratuitous assumption he grounds the position that there is no national debt. It is a sort of *negative pregnant*. I deny for myself; I deny in behalf of the Whig members of this House; I deny in behalf of a large portion of the Whig members of the other branch of Congress with whom I have conversed; I say, I deny that there is one solitary member in or out of this House who desires that there should be an extra session, unless it be demanded by imperious necessity. We may be driven to that alternative to prevent other and greater evils. An extra session is an evil to be deprecated; we all acknowledge that. But there are other and still greater evils to be apprehended, and it may be necessary to adopt the lesser evil that we may avoid the greater. One of these greater evils I now come to speak of. It is this: that it is absolutely necessary for this Government to preserve our national honor and protect our national faith by paying our national debts. I ask gentlemen of the opposite party to lend me their aid for the accomplishment of this great object; I require it of them; I know some of them are sincere in their desire to do so. I know that the very respectable chairman of the Committee of Ways and Means [Mr. JONES] is sincere; and that he does not wish Gen. Harrison to be driven to the necessity of calling an extra session; for it is upon the President the responsibility is thrown by the Constitution, of convening both Houses of Congress, when, in his opinion, the public exigencies require it; and I ask the chairman of the Committee of Ways and Means, and his friends, to attend to me for a few moments, whilst I point out the means by which that necessity can be avoided.

I have prepared a short table, to which I beg leave to call the especial attention of the committee, by which I think I shall be able to demonstrate, that unless the chairman of the Committee of Ways and Means and the party with which he is acting interpose promptly, an extra session will be inevitable.

What is the state of your Treasury? That is the first matter which will naturally attract the attention of the new President. The Secretary of the Treasury, in his annual report, transmitted on the tenth day of December last, stated that there would be found in the Treasury on the first day of January, 1841, a surplus of \$1,580,855. That was the estimate; that was the prophecy. Now let us ascertain to what extent this estimate or this prophecy has been verified by the event. Why are we now in committee? Is it not for the very purpose of raising the ways and means to pay off part of the debts contracted previous to that time, and which the Treasury has no means of paying, notwithstanding the balance estimated to be in the Treasury on that day? What has become of that balance? The truth is, it never was there. But let me go back. I have prepared a table, showing the present state of the Treasury, taking every word of the report of the Secretary of the Treasury to be true, for the purpose of showing that, taking the extraordinary receipts and extraordinary expenditures of the years 1840 and 1811, the extraordinary means which will be required in 1841 to meet appropriations already made by Congress will be upwards of \$9,000,000 greater than the extraordinary expenditures of 1840; thus:

Ordinary receipts of 1840 -	\$17,197,763 00
Balance in Treasury	
1st January .	\$2,246,749 00
Extraordinary receipts .	8,790,000 00
	\$11,036,749 00

26TH CONG....2ND SESS.

Treasury Note Bill—Mr. Triplett.

H. of Reps.

Total receipts of 1840	28,234,512 00
Ordinary expenditures for 1840	22,489,349 51
Extraordinary expenditures for 1840	4,154,306 62
Total expenditures of 1840	26,643,656 12
From extraordinary receipts in 1840 of	11,036,749 00
Deduct extraordinary expenditures in 1840	4,154,306 62
Leaving a balance in favor of the Treasury in 1840, of	6,882,442 38
Ordinary receipts of 1841 estimated at	22,580,000 00
Extraordinary receipts	662,618 00
Estimated balance in the Treasury 1st January, 1841	1,580,855 00
	\$2,243,473 00
Total receipts of 1841 estimated at	24,823,473 00
Ordinary expenditures for 1841 estimated at	19,250,000 00
Extraordinary expenditures for 1841 estimated, but created by acts of 1840	4,692,800 00
Deduct extraordinary receipts in 1841	2,243,473 00
Leaving a balance against the Treasury in 1841 of	2,253,373 06
Add the balance in favor of the Treasury in 1849	6,882,442 38

Making a difference of \$9,135,815 38 in favor of 1840; that is to say, taking the extraordinary expenditures thrown upon 1841, and the extraordinary means furnished to pay them by Congress, and the expenditures thrown upon 1840, and the means furnished to pay them by Congress, and there is a difference between the extraordinary receipts and expenditures of 1840 and 1841 of the sum of \$9,135,815 38; and if the ordinary receipts and ordinary expenditures of the two years are the same, there must eventually be a deficiency in the revenue to that amount.

[While Mr. TRIPLETT was commenting on the item of \$1,580,855, estimated as the balance which the Secretary of the Treasury supposed would be in the Treasury—

Mr. JONES rose and said, Mr. Chairman, with the leave of the gentleman from Kentucky, I will explain.

Mr. JONES's remarks were indistinctly heard by the Reporter; but he was understood to say that \$1,580,855 was only an estimate by the Secretary of the Treasury, and the data on which that estimate was founded were given in another part of the document, &c.]

Mr. TRIPLETT. I will come to that part of the document by and by, and I will show, if I understand the matter, that those \$1,580,855 consisted in Treasury notes, subsequently issued. I have, however, construed this table upon that report, but I have also constructed another, which shows that things are even worse.

One of the reductions of five per cent. on the amount of duties levied on imports takes place in 1841. Yet the Secretary of the Treasury estimates the amount to be received from customs in that year at \$19,000,000, while the actual receipts of the first three quarters of 1840 were only \$10,687,884 79, to which, if you add one-fourth more for the fourth quarter, you have the sum of \$13,362,365 98. Would it not have been fair for the present Secretary of the Treasury, when making an estimate for his successor, to have supposed that the increased prosperity of the country, and other favorable causes, would not have been greater than sufficient to counterbalance the reduction of five

per cent. in the revenue provided for by the compromise act? I have taken that as the basis on which I have constructed this second table, thus: The ordinary revenue of 1840, from all sources, was \$17,179,763

The ordinary expenditures of every kind were 22,489,349
Showing that the revenues or receipts did not meet the expenses by 2,291,586
Add the difference, as shown by the first table, of the extraordinary expenditures above the extraordinary receipts thrown upon 1841 . 2,253,373

And you have the sum of \$4,544,959

Which you must provide for, (unless you intend to go on adding to your national debt,) in addition to the \$10,549,955 of outstanding appropriations, which you are now creating a debt of \$5,000,000 Treasury notes to pay in part.

This brings me to reply briefly to the argument of the gentleman from New York, [Mr. VANDERPOEL,] who, I think, has totally misapprehended the Secretary of the Treasury in his estimates. If I understood the gentleman correctly, he said that only the sum of \$3,749,904 of the \$10,549,955 of the outstanding appropriations would be required to be expended in 1841. This was his assertion; and, at the time he made it, I turned my head back and told him he was mistaken. He then repeated the assertion, but it is most assuredly wrong, for both the sums of \$6,661,123 and \$3,749,904 will be required for the service of the year 1841. To show this, I call the attention of the committee to the construction of the sentence in the report. The true meaning of the Secretary can only be ascertained by distinctly tracing out to what the word "them," which occurs three times in the sentence, has reference. The sentence reads as follows:

"The Departments calculate that \$6,661,123 of the old appropriations will be required to complete the purposes originally contemplated by them."

"They propose to apply about \$3,749,904 of them to the service of the ensuing year, without re-appropriation; and the residue, amounting to \$138,576, it is expected, will go to the surplus fund. They estimate the whole of them, at the close of the year, to be \$10,549,955."

What do those three *them*s refer to? Certainly to appropriations already made by Congress; and, to pay *them*, money must be placed in the Treasury by Congress, or they must go unpaid. The construction I have given to the sentence is most certainly correct, as any gentleman may see who will turn to the table at the back of the Secretary's report. The left hand column commences thus:

"Amounts required to complete the service of the present and former years, though they may not be called for until after the close of the year 1840."

"Not being called for," (continued Mr. T.) that is to say, the drafts not being presented until after 1840, the money must be in the Treasury after 1840 to meet these drafts, or else the Treasury is bankrupt. Gentlemen, I suppose, will acknowledge that. And what is the amount? Instead of being \$3,749,000, it is \$6,661,123 52 in addition, making \$10,411,027, appropriated in 1840 and in previous years, but which has to be paid in 1841.

Now, let us turn back for a moment and see of what the item of \$3,749,000 is composed. It is composed of amounts which will "not be required for the service of the present year, and which may therefore be applied in aid of the service of 1841." In aid! Appropriations applied in aid of the Treasury in 1841! It is not necessary that the money should be re-appropriated, but it is necessary that the money should be in the Treasury to pay these appropriations. Therefore, this sum of \$3,749,000 is as necessary to be in the Treasury as the sum of \$6,000,000 and odd. Is not this palpable? Will it not be called for in 1841? Certainly. And what are your means to pay it? I, for one, taking this document furnished by the Secretary of the Treasury as true, do not see how the means are to be in the Treasury to pay the drafts drawn upon it under laws already passed by Congress. Suppose that, immediately after General Harrison enters upon the administration of the Government, not possessing this cabalistic power "to postpone, by subsidiary contracts," payments for work done or services rendered, as we are in-

formed has been heretofore done at Old Point Comfort—not desiring to exercise the power which we are told has been exercised at Boston under the present Administration, where you are building a custom-house without paying your hands, but postponing those payments also to the first day of January or first day of April, 1841; suppose, I say, that a draft for these six millions and odd dollars, and for the three millions and odd, should be presented at the Treasury, what means have you provided to pay them? Will the five millions which you propose to raise by this bill meet them? If not, I ask the gentleman from Virginia [Mr. JONES] and his party whether they do not thus compel General Harrison to call an extra session, in order to prevent the faith of the nation from being prostrated both at home and abroad? It is as necessary to pay our debts at home as it is to pay them abroad. And this deficiency in the Treasury is permanent. It is in vain to tell me, when we have now Treasury notes outstanding to the amount of upwards of four millions and a half; when you come here and ask for five millions more by this bill, and when your revenue is annually, regularly, and from natural causes diminishing—I say it is in vain to tell me that this deficiency in the Treasury is not permanent.

How, then, will you remedy it? There is a mode pointed out by the Secretary of the Treasury, (as to which I have a few remarks to make,) and a most extraordinary mode it is. At page 10 of his annual report he says:

"It has already been shown that the whole amount of receipts in 1841 will probably be sufficient to discharge all ordinary expenditures, and those parts of the outstanding debt, funded or unfunded, which may become due. But the preservation of a suitable balance in the Treasury may require more, than what will probably be left after satisfying other purposes."

And then he points out a mode by which this end can be accomplished, as follows:

"The raising of any sum for that object in 1841 could, however, be obviated by authorizing a contract to be made, under proper restrictions, extending the period of payment for a portion of the temporary liabilities falling due in that year."

This (continued Mr. T.) is practising on the Old Point Comfort doctrines again—doctrines which will thus become notorious in the fiscal annals of this nation.

Now, I call upon any candid man to answer this question: Are not all these extensions of payment, in fact, a creation of a national debt? Is it not manifest that, when money is due for work done and material furnished, and you postpone the payment to another year, to that extent you have contracted a debt? The remedy of the Secretary of the Treasury, then, is a national debt. To be sure, he baptizes his child by a different name; but that is an art which may be learned and has been practised in this House, as well as by the Secretary of the Treasury. Names are most significant things now-a-days. The creation of a national debt is called a postponement to a more convenient season of the payment of the public dues.

I now ask attention to the following passage, which immediately follows that I have just read:

"Yet, in the opinion of the undersigned, the best mode of providing for this case would be, without either an extension of this kind, or a loan, or a further issue of Treasury notes, or a change in the tariff, but merely by lessening the appropriations for the service of 1841 below the estimates, or by passing such declaratory clauses as to the present tariff, and such acts as to the public lands, as have heretofore been urged on the consideration of Congress."

Who made these estimates, continued Mr. T.? Did not the Secretary of the Treasury himself make them out according to law? And what did the law require him to do? To make out such estimates as were necessary for the public good, and no more. Is not this an acknowledgment that his own estimates are not absolutely necessary for the public good?

[Mr. JONES here explained, that the estimates for the other Departments were not made out by the Secretary of the Treasury, and that he was not answerable for them, they being made out by the Secretaries of the Navy, War, &c.]

Mr. TRIPLETT. If the gentleman from Virginia is correct, how does he account for this most unexplainable sentence, at page 2 of the Secretary of the Treasury's report? In speaking of the estimates for the fourth quarter of the year 1840, he says:

"Estimates by this Department (though higher by the others) for all expenses during the fourth quarter, \$5,000,000."

Here we have the positive admission of the Secretary of the Treasury that the estimates of the

other departments have been diminished by him down to his own standard. This, I think, is a complete answer to the gentleman from Virginia, [Mr. JONES.] The heads of the other Departments said in their estimates what they believed the public service required. The Secretary of the Treasury razes them down to what he says are indispensably necessary for the public service. And yet, in another part of his report, he points out as one of the means which his successors may use to pay off the debt he has created, that they may diminish their appropriations below his estimates. I may, by possibility, be mistaken; I know that the gentleman from Virginia understands these things better than I do. I am but a young member of Congress, and it is only lately that I have turned my attention to this department of our business. But I felt it to be my duty to look into these matters, and I shall do it. I cannot admit that the Secretary of the Treasury is not bound to supervise these estimates, or that he is at liberty to send them here unless he thinks them reasonable and proper.

But to his remedies—and that is a subject in which I feel a deep interest. What is his remedy for the payment of a national debt of four millions and a half of outstanding Treasury notes, in addition to the five millions we are now about to create, and the amount created by the postponement of payments on contracts until some more convenient season? which has already been done in the district of my friend who sits before me, [Mr. MALLORY,] and who, probably, can tell you more of the manner than I can.

The remedy is to reduce the estimates. I have shown that this is a matter of impossibility as regards the coming Administration, because they will not have had time to enter upon such an investigation as will enable them to act understandingly, as the present Secretary of the Treasury might. Why did not he point out the particulars in which the "appropriations could be lessened?" I will point out some particulars in which his estimates ought to have been increased. His sedentary militia in Florida has to be clothed, and fed, and paid, and furnished with ammunition; yet, for all this, no estimates were sent in: yet this, I suppose, is one of the objects in which reduction may be made. Added, then, to those outstanding Treasury notes of four and a half millions, and to the five millions proposed to be raised by this bill, (and for which, I suppose, most of us will vote,) you have the sum of eight hundred thousand dollars for the sedentary militia; and you must add to that the sum of nearly two hundred thousand dollars, as the gentleman from Virginia [Mr. MALLORY] tells us, for due bills issued and payable on the 1st day of January, or 1st day of April, at Old Point Comfort, which have not yet been paid, and for which no estimates have been sent in. Are not these due bills debts which you have succeeded in throwing upon the coming Administration, and which that Administration will be compelled to pay? They must either do so, or they must dishonor your drafts, and say that you have not acted according to law. You must take either one horn of the dilemma or the other. The Secretary of War has already asked an appropriation of two and a half millions, of which this \$800,000 is a part, I suppose. Add this, and then you have a debt made up of something like eighteen or twenty millions of dollars, which the next Administration will have to pay. To be sure, some of this debt may not fall on the year 1841; it may fall on the year 1842. But here is the difference; when the heavy item of unappropriated balances fell last year upon 1840, there was a balance in the Treasury of nearly three millions of dollars to commence with; whereas this balance falls upon the year 1841, which finds us with an empty and exhausted Treasury.

What, then, is the remedy? We must fall back on the second plan prepared by the Secretary of the Treasury. There is a permanent national debt. I now seize upon this as an argument in support of the point to which I am now coming, and which is, to show that we must in some measure regulate the tariff. This brings me to say a few words in reply to the gentleman from Virginia, [Mr. WISE.]

I am in favor—and I think a majority of the

Whig party of this House, of the Whig party throughout the Union, and, in fact, a majority of four-fifths of all the people are in favor—of laying upon wines, silks, brandies, laces, and other articles of luxury, at least as high a duty as will raise the revenue sufficient to meet the economical wants of the Government.

I may be told that this is tariff doctrine. Well, to some extent, I am a tariff man. But justice requires that, in raising revenue, the duties be so laid as to be the least felt by the people themselves. I am not going into an argument (for it is unnecessary) to show that a tariff upon wines, silks, laces, and the like articles—things which are not used by one family in a hundred to the extent of a single dollar—can be better borne, and will be more willingly paid, and less felt by the great mass of the people, than a tariff laid, as it is now, upon what are, to some extent, necessities of life.

I am willing and anxious to continue our present tariff of 20 per cent. on protected articles; but I go one step further. Luckily for a particular interest, which is represented on this floor, so far as Kentucky is concerned, by myself and some three or four of my colleagues, and by some twenty members from other States, the present situation of the Treasury and of the tariff laws seems to present a favorable opportunity to remedy the evils under which that interest labors, without coming in conflict with the views of other gentlemen representing the other great interests of the country. The particular interest, to which I have alluded, is the tobacco interest of the United States; the essential interest of five States of this Union, with a population of at least a million and a half. And here I come to reply to a few of the arguments of the gentleman representing the Accomack district, in Virginia, [Mr. WISE,] and whom I am glad to see in his seat.

I call his attention now to this question of the tobacco interest, which I in part represent. I say it is oppressed to an extent of which no man in this House has the most distant idea. When I demonstrate to you, as I shall, what that extent is, will you fold your arms in silence? Will you say to us, ground as we are to the dust, "you must still bear your burdens?" Well, I can bear them; my constituents can bear them; but they will gnash their teeth whilst they do so.

What is the situation of the tobacco interest? Let me say to the gentleman from Virginia, [Mr. WISE,] that I do not think he has studied this subject as he is wont to study those great national questions which he is compelled to discuss here. He does not represent a tobacco region. He, therefore, has not been compelled, as I have been, to study the subject in all its bearings; he has taken it up incidentally, as a part of his national duties. But it has been the object of my especial inquiry. Let me tell him all the facts, and if his American blood does not stir within him—if his chivalric character is not called into action—if the ire even of the statesman is not aroused, I can only say that I have mistaken the man himself.

The tobacco of the United States, when landed in England, is taxed seventy-five cents per pound, being upwards of eight hundred per cent. on the original cost. Will the gentleman point out to me what other product of the United States is taxed to the same extent in any nation in Europe? I have been asked by the gentleman from Pennsylvania, why does this tobacco interest stand prominently distinguished from the grain growing or the cotton interest? Let me reply, that cotton, worth twelve cents per pound here, is taxed only four cents in England; while tobacco, worth eight cents per pound here, is taxed seventy-five cents: in other words, the one is taxed 33½ per cent. the other 800 per cent. And my grain-growing and cotton-growing friends can look with great equanimity on the misfortunes of their neighbors. The shoe does not pinch them; and, therefore, they ask why we come here with our complaints—why we held a convention—and why we wish to make this particular interest prominent? The reason is this: if, under the safety-valve tariff of Great Britain, which taxes wheat flour at forty per cent. the grain-growing districts grumble, how much more cause have we to complain when our staple is taxed to the amount

of 800 per cent.? Is not the simple statement of this fact sufficient to rouse us into action?

Let us take a look at the other side of this picture. One of the advantages which we expected to derive first from our Confederation, and afterwards from the union of the States, was protection to the commercial interests of every State. Kentucky gave up to the General Government, as did Virginia and all the other States, the power of protecting her agricultural interests abroad. We are, therefore, compelled to appeal to Congress for that protection which we cannot afford to ourselves. Let us see how far this protection is extended to us. What is the amount of our tariff on English imports? Great Britain, as I have shown, receives from us our tobacco at a tax of 75 cents per pound, or 800 per cent. We receive from her fifty-six millions of imports per year, and we tax them at 12½ per cent.; that is to say, she taxes our tobacco sixty times as high as we tax the products of her labor here. Is this fair? Will any high-minded man, whose blood is drawn from the veins of Revolutionary ancestors, submit tamely to this oppression, or say that we ought to do so? I honestly believe that the evil needs only to be understood in this House to be remedied.

But France has served this tobacco interest even worse than England. And here I ask the especial attention of the committee to another fact. France monopolizes the whole of our tobacco trade in the hands of the King, or of those to whom he sells the privilege: this document (House Doc. No. 229, 1st Sess. 26th Cong.) tells us that it is in the hands of Mr. Rogers and six or seven others. How much do they import? In 1839, they imported into France about seven thousand hogsheads. Make the calculation for yourselves. At fifty millions of francs, (something less than ten millions of dollars,) it is a tariff of \$1,428 on every hogshead of tobacco; that is to say, these gentlemen pay to the King that sum as a tax on each hogshead.

The gentleman from Virginia says, if we tax French wines and silks, in retaliation for their high tax on our tobacco, we thereby diminish the consumption of these articles, and lessen the means of France to purchase our cotton, rice, and tobacco. It would be a sufficient reply to this argument for me to say that France, by her high taxes and restrictions on our tobacco, diminishes the consumption of that article in France, and lessens our means to purchase her wines and silks; that she commenced this warfare, and continued it for fifty years on her part, against our repeated remonstrances, before we lifted a hand in our own defence. But a full answer to this and all similar objections is furnished by the fact stated by the gentleman himself, that a tax on French wines, brandies, and silks, will diminish their consumption here, notwithstanding his argument, in an earlier part of his speech, to prove that the high tax levied by France on our tobacco did not diminish its consumption there, and was no injury to the American tobacco planter.

When the producers of French wines, brandies, and silks, find the demand for these products of their industry diminishing, they will naturally inquire into the cause, and will learn that, while heretofore their wines were admitted into America at a duty of five cents a gallon, or ten per cent. on their first cost, and their silks duty free, which caused a large amount of these articles to be consumed here, their king taxed American tobacco one dollar a pound, or one thousand per cent. which caused a very small quantity of that article, comparatively speaking, to be consumed in France; that the Americans, to countervail this duty, and cause it to be taken off, had taxed the wines, silks, and brandies of France, which caused a smaller quantity of them to be used there now. What is the next question the French producer of wines and silks would ask, Mr. Chairman? It is this, sir; it is this: What remedy is there for this evil? Is there no honorable method of getting these burdensome duties taken off of these products of our industry? And they will be told it is a part of American policy—a part of the law which put on these duties—that whenever the King of France diminished or took off his duties on American tobacco, the duties are to be diminished in the same propor-

tion, or taken off of French wines, brandies, and silks. And you will quickly hear of conventions similar to ours, and petitions and memorials from the wine and silk-growers of France, calling upon their Chamber of Deputies to abolish the Regie, or monopoly of the tobacco trade, and reduce the duty on that article to a reasonable standard. And here let me remark, Mr. Chairman, that nowhere, not even in this Hall, is public sentiment more quickly felt and answered to than in the French Chamber of Deputies: a million and a half of their constituents never asked in vain for a redress of any grievance.

The gentleman from Virginia (Mr. Wise) read the other day, from a document furnished to him by a friend, some statistics, facts, and arguments, of a different character from what I am in the habit of using, and I called on him then to say from whence that document came, but he declined doing it. Now, Mr. Chairman, I state, upon the authority furnished by our Treasury Department, that our imports from France are much greater than our exports to that country. For example: Taking an average of three years, from October 1, 1835, to September 30, 1838, the annual average of the total amount of importations from France was \$25,490,276, while the annual average of the total exports of the United States to France was only \$18,804,398, being only three-fourths of the amount of our imports.

But I have other evidence besides this. I yesterday received from the Secretary of the Treasury, in reply to a letter addressed to him by me, the following statement of the amount of imports from and exports to France during the years ending 1838-'9, which I will now read for the information of the gentleman from Virginia and of the committee.

Statement of the amount of imports from and exports to France during the years ending on the 30th September, 1838 and 1839.

Years ending	Value of imports.	Value of exports.		
		Domestic produce.	Foreign produce.	Total.
Sep. 30, 1838	\$17,771,797	\$14,523,414	\$1,260,102	\$15,783,516
Sep. 30, 1839	32,531,321	15,966,108	2,264,811	18,230,919

NOTE.—The accounts for 1840 are not complete.
TREASURY DEPARTMENT,
Register's office, Jan. 29, 1841.

T. L. SMITH, Register.

I do not know (continued Mr. T.) who furnished the facts and statements relied upon by the gentleman from Virginia; but I do know from whence the arguments came which he read to this committee. And here, for the purpose of making the matter more intelligible, I must go back a little. Strange as it may appear to some gentlemen, this subject of the protection of the American tobacco trade in France early attracted the attention of the American Government. Previous to the formation of the present Constitution, Mr. Jefferson, when Minister to France in the year 1783, brought up this question with a power and earnestness which proved him to be as true an American as he was a great statesman. He pressed it upon the consideration of the French Government until he ultimately compelled it, to some extent, to mitigate the monopoly. And what were the benefits resulting from his efforts? In a single year, so advantageous did this mitigation prove, the importation of tobacco into France increased from eight to thirty-five thousand hogsheads. And yet we are told that no advantage would be gained by doing away with this monopoly. The negotiations between our Minister and the Minister of France on this point ceased with the commencement of the French Revolution. From the year 1791, from which that revolution may be said to date, up to the time when the present dynasty of Bourbons were reinstated on the throne, this question was never agitated; but the very first Minister who was sent to France after that event was instructed to urge on the French Government the absolute and imperious necessity of doing justice to the tobacco trade. That Minister, (Mr. Rives,) in a most powerful document, dictated to some extent, I have no doubt, by our authorities here, urged the matter strenuously upon the French Minister, at that time

the Duc de Dalmatia. I will here read a short extract from a communication addressed by the Duc de Dalmatia to the American Minister in 1839; probably the gentleman from Virginia (Mr. Wise) may recognise an old acquaintance in it. The gentleman who furnished him (Mr. W.) with his argument extracted it, word for word, from this very communication of the French Minister; and we have here the strange anomaly of an argument made by the French Minister against the interest of the United States being read as an American argument by an American Representative on the floor of this House. I am aware that the gentleman from Virginia, when he read it, did not know the source from which his correspondent had drawn it. He (Mr. Wise) thought it was plausible—and it was, to be sure, the strongest argument which a French Minister could lay his hands upon. I suppose, also, it was the strongest which the correspondent of the gentleman from Virginia could lay his hands upon. It is, however, the translation of a letter written by the Duc de Dalmatia to General Cass. I will read it. It is dated Paris, September 26, 1839, and is as follows:

"You will also observe, General, (and it is an important consideration,) that not only are the tobaccoes of the United States admitted into our ports without being subjected to any duty, but that they are brought there exclusively under the flag of the Union, which thus receives all the advantages in the way of navigation. As for ourselves, we appear in the markets of the Union with the purchasers from all other countries; we pay the same prices which they pay; and our competition combats the more toward keeping up the price in the markets, as our wants (which may always be calculated beforehand) increase every year in a sensible proportion."

I have (continued Mr. T.) taken some trouble to find this document. I thought, when the gentleman from Virginia was speaking, that I remembered the argument; I thought that I had to reply to it before. Whilst the gentleman was yet speaking, I found it, word for word, and letter for letter, in the House document before referred to. And here let me remark, that a part of this argument is founded upon a fact which I acknowledge to be true, but which is wholly deceitful and deceiving. It says that tobacco from America is introduced into France without paying duty. Most wise discovery! The discovery is also made that the King of the French does not tax his own tobacco! True; but he sells to a company the privilege of importing it free of duty for the sum of ten millions of francs, and he suffers them to make all the profit they can. If, therefore, the King were to tax our tobacco, he would lay a tariff upon his own property; but he sells out to seven monopolists the right of selling, importing, and manufacturing tobacco throughout his entire kingdom. In what a position, then, Mr. Chairman, [Mr. BANKS, of Virginia, was in the chair *pro tem.*] does it place your constituents and mine, when they land this product of our labor in ports abroad? Formerly they carried it there themselves; but they found, when they arrived there, that only one man was permitted to purchase it, and they were compelled to sell it to him at whatever price he chose to purchase it, or reship it to some other port, at the loss of freight and charges. The consequence has been, that, for the space of two or three years past, not one hogshead of American tobacco has been shipped by an American citizen to any port in France, unless you call Mr. Rogers an American citizen. Sometimes, in his communications in the newspapers, he says he is a tobacco planter; probably he may have a farm in Virginia, but it must be a very small portion of his interest.

But the gentleman from Virginia seems to have taken a particular antipathy against this whole subject-matter of tobacco, because he fears we are going for a protective tariff. One word on that point. I wish to see the tobacco interest disconnected from all others; that it may stand prominent here; that the House and the country may see the position it occupies, and the burdens and restrictions which it endures, taxed as it is more than sixty times higher than any other product of our labor. There may be, and probably are, thousands of tobacco planters who are protective tariff men; but, as tobacco planters, we have no connection with that subject, nor do we want a protective tariff for the protection of American interests at home from foreign competition.

We want countervailing duties to force Eu-

ropean Kings to do justice to American citizens. And this is the remedy recommended by some of the wisest statesmen of this country, from Thomas Jefferson down to our present Secretary of the Treasury—many of whose opinions I could read to the committee if time would permit. Mr. Jefferson says, emphatically, "When a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs." And in the very document from which the gentleman from Virginia [Mr. Wise] read long extracts, and praised so highly as the most sensible communication he had ever seen from its author, (Mr. Woodbury,) this doctrine of countervailing duties is acknowledged as legitimate, and recommended. As the gentleman from Virginia did not read this part of the report of the Secretary of the Treasury, I will supply his omission.

[A gentleman near inquired of Mr. T. What document is that?]

Mr. T. It is a report from the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, a plan or permanent change in the tariff, dated January 19, 1841. On the 5th page Mr. Woodbury says:

"And another discrimination, sometimes useful, might be to select those articles in certain cases for an increased impost, not usually exceeding the same limitation which may be proper for countervailing injurious imposts placed on our own productions by any foreign power."

And, some few sentences further, he says:

"Nor can any other country complain with justice, if we counteract their high taxation on any of our products by imposing some corresponding imposts on theirs, and, however unprofitable such conflicts usually prove to all concerned, yet, when such a measure becomes convenient for our own fiscal purposes, or is required by proper self-respect, and is kept within due restrictions as to the amount of duty, it is believed to be entirely justifiable."

Mr. Chairman, if the gentleman from Virginia [Mr. Wise] had seen and read this portion of this document, he must either have changed his opinion as to the correctness of its doctrines, or lost some of his horror of countervailing duties.

Mr. Chairman, several gentlemen around me ask me to define the difference between a protective tariff and countervailing duties. I will do it satisfactorily. A protective tariff is intended for the protection of American industry at home from foreign competition. Is not that a fair definition? Countervailing duties are intended for the protection of American produce abroad from foreign aggression. A protective tariff and countervailing duties are not only not the same thing, but they are to a great extent diametrically opposite things. The one operates at home for the protection of American industry here from foreign competition. Every American statesman may vote for that or not, as his judgment may dictate. The other, countervailing duties, is intended for the protection of American industry abroad from foreign aggression; and I hold that every American statesman, let him come from where he may, is bound to come to the rescue of this and of every other American interest, when unjustly oppressed by foreign Governments. All Greece, from her main land and her hundred islands, poured her armies upon Troy to revenge the injuries of a single individual. All Rome was roused like a lion to take revenge for the death of one of her citizens; and here is an aggravated injury inflicted on a million and a half of American citizens, and we stand here calmly debating whether or not we will extend protection to them. It is a shame. I am compelled, Mr. Chairman, to argue this question thus zealously, in order to obtain the attention of the House to it. What is the spectacle we now present. Look at your own State, because that is deeply interested; your State sends about six out of eighteen thousand hogsheads of this staple to Great Britain. When you land your tobacco there, can you sell it? No. The lion of Great Britain takes a lion's share of the labor of your hands and the sweat of your brow; and he says, You shall give me sixteen thousand hogsheads out of eighteen thousand before I permit you to sell the other two thousand at all in my dominions. This may appear a startling fact to some gentlemen; but it is as true as strange. If we carry four thousand hogsheads from Maryland, the lion of Great Britain lays his

huge paw upon them, and says, You shall not sell them till you have given me four-fifths. Will you submit to this? I trust not. This may be an inauspicious moment at which to moot this question. I know that, it being now near the end of Congress, and when it is understood that the tariff of 1832 will have to be revised at the ensuing session, it may be said, Wait, bring your grievances then, and we will hear you. If I could only hear a consoling voice—if I could only be assured that next year, when, from necessity, the tariff must be revised, you would hear us, I would promise, if I could, to meet you here, and claim your attention then. I would demand your attention as a matter of justice, not of favor, to my constituents, and to the constituents of some twenty-eight or twenty-nine other members of this House.

Mr. Chairman, the clock warns me that I have but a few moments remaining. I regret to be thus circumscribed, although I voluntarily imposed a limit upon myself, in order that I might not interfere with the wishes of other members. I regret that it is not in my power to lay before the House some other facts that are in my possession.

[Mr. CARY here rose and said that the gentleman from Kentucky (Mr. TRIPLETT) had stated that a duty of 40 per cent. was laid upon wheat in England. He (Mr. C.) wished to know by what rate the gentleman arrived at that conclusion?]

Mr. TRIPLETT. By reference to documents from the Departments. The tariff of Great Britain on wheat and flour rises and falls with the prices of those articles in that country. The object, as apparent from the law, is to keep the price of wheat at 72 shillings per quarter; as it rises above that price, the tariff is reduced; as it falls below it, the tariff is increased. Indeed, the tariff is varied almost every month; therefore, to come to any correct conclusion, you must take a series of months—say 12 months. For a series of three years, the average duty in England upon wheat imported from America was about 40 per cent.; sometimes it rises to 60 or 70 per cent.; sometimes it falls as low as ten; sometimes as low as one shilling per quarter—but can never get lower. But their tariff upon tobacco is a continuing and abiding oppression, without modification, without relief, or the prospect of relief. I call upon this House, I call upon this country, to say whether, when the revision of the tariff laws shall take place, this evil shall not be looked into. We have borne our burdens with a patience which would have done honor to Job himself; and, practised as he was in that virtue, I believe, if he had been a tobacco-planter, he would not have submitted as long as we have done.

Mr. Chairman, I thank the committee for the patient hearing they have given me on this occasion. I see that there are many other gentlemen anxious to obtain the floor, and I will therefore yield it now. It is probable that I may avail myself of some future occasion to add something to the remarks I have already submitted on this most interesting topic.

SPEECH OF MR. BRACKENRIDGE. OF PENNSYLVANIA.

House of Representatives, February 3, 1841.—On the bill providing for the issue of Treasury Notes.

Mr. Chairman: No person can feel less desire than I do to throw difficulty in the way of the present Administration, in providing the means for carrying on the Government during the present year. A very small portion of that time, however, belongs to it, and it will not require any great amount of money to enable it to retire with decency, no matter what may become of the Administration which will follow. But, sir, I have very serious objections to the mode of raising money proposed by this bill. The manner of doing a thing may be more important than the thing itself. I regret, therefore, that it is not in my power to vote for the bill on your table.

In the first place, I cannot, consistently with the opinions I have heretofore expressed, vote for the issue of Treasury notes under the present circumstances. They are in truth a loan, a debt, and yet they do not profess to be so. They are not only loans, but loans in the worst form, even if they

were not loans in disguise. During the late war, when contending under great disadvantage with a powerful enemy, already oppressed with the heavy debt of the Revolution, and with feeble resources compared to our present ability, the issue of Treasury notes was resorted to. But this was from dire necessity, because we could not effect loans on reasonable terms or in time to meet our pressing wants. And can it be possible that, after more than twenty years of peace, without a public debt, (as the President tells us in his message,) and with national resources augmented beyond any example in history, we are now reduced to the same severe necessity that we experienced during that gloomy period? If it be so, the present Administration must bear the blame. But, sir, although our finances are deranged, our Treasury empty, yet our credit is still sound; we can have no difficulty in borrowing what money we may need, and on better terms, and at less expense, than by the issue of Treasury notes. This latter mode may suit the policy of the Administration which has so studiously labored to disguise the fact of our being in debt, and being obliged to borrow, because this would instantly induce the people to inquire, and lead them to the painful conclusion that their affairs have been most abominably mismanaged.

The President, in his message, gives us a most agreeable picture of our finances. He tells us that there will be a million and a half in the Treasury on the first of January; that the receipts of the year will be sufficient to meet all the current expenses, and leave a balance of a million and a half of dollars in the Treasury at the end of the year. He is fortified by the report of the Secretary of the Treasury, although on a close inspection of this report some misgivings may be discovered. Now, is this view of our finance correct? It is admitted on all hands not to be. And yet here are documents coming from the highest authority, printed at the public expense by tens of thousands, multiplied by the press every where, reaching every log cabin in the most secluded valley of the mountains, and travelling to the farthest West, and yet these documents are only calculated to deceive! For years past this deception has been practised. The people have lost confidence in these State papers, which ought to be stamped with the highest authority. The opinion now very generally prevails that they are only regarded as the means of slurring over and concealing the faults of those who have been entrusted with the management of our affairs, and not to give plain, intelligible, correct, and satisfactory information to the people, in order that they may be enabled to determine whether their public servants have done well or ill, and whether it may not be advisable to make a change. This machiavellian character of our public documents is, perhaps, one of the principal causes of that dissatisfaction which they have so decidedly manifested. Suppose, sir, that the minister of a European monarch were to lay before his master a false and deceptive budget, would it not be regarded as a high offence, as a sort of treason? It would certainly be visited by the just displeasure of the offended sovereign. Here the people are sovereign, and have a right to know the truth, and the exact truth. And yet the President in his message, and the Secretary in his report, documents intended for the widest circulation, tell one story, and immediately after, as if for the private ear of this House, and out of hearing of the people, the Secretary comes and tells a very different story. We are told, in a side whisper, that the Treasury is empty, and that an issue of Treasury notes to the amount of five millions is absolutely necessary to meet the demands on it during the first quarter of the year. After that, money will come in plentifully; and, if it does not, to them it will be a matter of indifference, as by that time they will have been relieved from the cares and anxieties of State affairs.

This story of five millions of Treasury notes for the first quarter has now been regularly repeated for the last three sessions. So fearful was the Secretary of disclosing the real nature of this demand, that, in the first instance, it was ingeniously called the exchanging the notes of the Government for specie! It was thought that this would serve as an effectual mask to conceal its ugly and unpopular

features. It was not the creation of a debt; it was simply procuring specie, by giving for it a piece of paper, with a promise to pay written on it. Was that paper any thing more than evidence of debt, like the note of a private individual? Its value would depend upon the ability to pay back the amount for which it was given, and not upon its intrinsic value. But these notes are not only equivalent to specie, but superior, because they bear interest! They are not only good bona fide bread and butter, but have a little sugar sprinkled over them besides.

Now, sir, I think it proper and necessary that the people should know the true situation of their Treasury. They should at least know whether they are in debt, or free from debt. This is necessary, in order that their Representatives may be required to retrench expenses, if it can be done without injury to the public service, and, if not, that suitable means may be adopted to procure a certain and sufficient supply. Attempts have been made during this debate to defend the Administration from the charge of extravagance, and perhaps it has been proved that the last year was not quite as extravagant as the preceding years. But it has been demonstrated by the gentleman from Tennessee, [Mr. BELL,] who has investigated this subject with great ability, and also by the gentleman from New York [Mr. BARNARD,] and the gentleman from Maine, [Mr. EVANS,] who have gone into details and analyzed the Secretary's report, that the necessary and usual expenditures for national defences have either been suspended, or remain a charge to be met by the new Administration. Instead of meeting this and explaining it, several gentlemen on the side of the Administration have attempted to give an unfair representation of the ground thus taken. They cry out that the Whigs are now for lavish expenditure, and charge the late Administration with parsimony, while before the election the charge of extravagance was continually rung in the ears of the people. This manoeuvre is too obvious to deceive any one. The Whigs are consistent—they want no lavish expenditure; they want no increase of expense in furnishing the President's house. Gen. Harrison will think it good enough for him; and I have no doubt he would rejoice if the money which was laid out in its splendid curtains, and golden spoons and dishes, were now in the Treasury.

The Whigs go for economy and reform, but have no wish to see a false economy in providing for the safety and welfare of our country, for the improvement of our navy, the completion of our fortifications, and for national works undertaken at the public expense. The gentleman from New York, [Mr. VANDERPOEL,] who labored so much in the defence of this condemned Administration, referred, among other items of extraordinary and unavoidable expenditure, to our *Indian relations*. I might refer him to the *electioneering relations*, equally expensive, and equally as fruitless as the Florida war. One thing is undeniable: the expenses of the Government within the last six years have all at once doubled the expenses of the preceding twenty years, without any national debt to pay, while at the same time there has been a great reduction in the expenditures for national purposes. These are facts which are not easily explained. The burden of this explanation lies on the Administration. A proportional increase in our expenses was to be expected; but, after making this allowance, and for the Florida war and Indian relations, still the increase is to me "perfectly unaccountable." They have not explained to us why the expenses of the Government under Monroe and Adams were but twenty-three millions, with an annual debt of ten millions to be paid out of this sum, while under the present and late Administrations they were from thirty to thirty-nine millions, after the debt was paid off! The weight of this explanation lay upon the late Administration; it could not bear it, but was crushed under it, never to rise again, unless in some new form, or some new combination, which will conceal its identity.

Even at the last session, the true character of these Treasury notes was attempted to be concealed. They were not a loan, it was said—they were only Treasury notes. Instead of being ex-

changed for specie, they were taken at the banks, which gave their own notes in exchange, even after they had stopped specie payments. It was one of those humbugs which characterized the late Administration. But the necessity for disguise has ceased, and it is admitted that they are loans, but not quite a debt. The mask is partially removed, half concealing and half disclosing the features behind it. They are a *temporary* loan! Mr. Van Buren, by way of casting the shadow before the coming event, has bestowed upon us a very impressive parental admonition against the creation of a *permanent* national debt. And who ever thought of doing this? Great Britain may be said to have a permanent national debt; and the saying has been attributed to Alexander Hamilton, "that a national debt is a national blessing." If he did use such an expression, it was condemned as soon as uttered, and has never been received into the creed of any party in this country. It was never supposed by us for a moment that any of our loans were permanent. The debt of the Revolution, and that of the late war, awakened the deepest solicitude for their speedy extinguishment. What, then, is a temporary loan? A loan for one year is as much a loan as one for five years, and both are temporary.

On the passage of the bill there will be five millions of Treasury notes out, as soon as the notes now called for shall be issued. And this has been renewed from year to year, and it is called a temporary loan, to distinguish it from a loan for a longer time than a year. The debt is renewed like a note in bank, which may be renewed for seven years, and still be called a note of ninety days. Let things, then, be called by their right names; call a spade a spade, and the issue of Treasury notes the creation of a debt. If the nation is in debt, let the nation know that it is in debt. Let it be known that we are obliged to borrow, and if it be necessary to authorize the Secretary of the Treasury to negotiate a loan, let him be allowed to have recourse to the issue of Treasury notes in the last resort. There could be no difficulty, I repeat, in effecting a loan at a lower rate of interest than six per cent. the amount payable on the Treasury notes. The credit of the nation is still good as to its ability to pay, and its character for integrity will, of course, rise under the new Administration. From every indication which I see, the public confidence in it will not be surpassed by that reposed in any Administration since the days of Washington.

It has been shown by those gentlemen who have so ably analyzed the Secretary's report, that the sum of five millions, in addition to the current revenue, will not be sufficient for the present year. They have shown a large amount of debt which must be provided for now, or at no remote period hereafter. It must have struck every one as very strange that there should be a difference between the gentlemen to whom I have just alluded, in their respective understandings of the report, to so large an amount as six millions. No one will question the acuteness of their perception. The Secretary must be either remarkable for his talent for mystification, or very unfortunate in the manner of expressing his ideas. But no one can speak with certainty of the amount of outstanding claims which will be presented at the Treasury during the present year. I approve the amendment offered by the gentleman from Maryland, [Mr. JENIFER,] authorizing the loan of ten millions of dollars, if required, for the use of the Government. The first quarter of the next year should be provided for, not to speak of the prudent precaution heretofore pursued, but of late years discontinued, of always having at least five millions in the Treasury to meet unexpected contingencies—that is, of always having enough and little more. The Secretary estimates the probable receipts from the customs at sixteen millions of dollars, and the gentleman from New York [Mr. VANDERPOEL] declares that it will exceed that amount; that he is assured, by private letters from the city of New York, that there will be very large importations. But this, after all is but conjecture: for many circumstances may occur to check importations. The further reduction of the amount of duties on some article

towards the end of the year, together with specie-payments, may lessen the receipts. The severe lessons taught by excessive importations will have an effect both at home and abroad. The banks will be cramped by their effort to resume and maintain specie payments, and it will not be in their power to extend their discounts. The business of the coming year may be a sound and safe business, but necessarily limited. It is not in a year, you may rest assured, sir, that this country can regain the full tide of its prosperity. It is very possible that the receipts from customs may fall considerably below those of the last year.

I will ask, Mr. Chairman, whether it is fair for the outgoing Administration to leave their successors without ample funds to carry on the Government, and to meet all the appropriations of Congress? The power is still in their hands, and surely the intimations coming from those who will share the confidence of the new Administration ought to have some weight.

The supporters of the Administration have charged upon us the desire to call a special session of Congress, and the charge is thrown back, on account of the apparent unwillingness to provide sufficient means for the new Administration. I do not suppose it is the wish of any one to call an extra session; but it may be the desire of each party to shift from itself the responsibility of such a measure, should it become indispensable. I hope it will not be necessary; it will be expensive and inconvenient, and nothing but the most urgent necessity will justify it. But it is not the province of this House to determine upon that necessity. The Constitution has assigned this duty to the discretion of the Executive, and we have no right to forestall or dictate to that branch of the Government in its appropriate action. Until the President shall enter upon the duties of his office, and the heads of Departments shall have examined into their situation, it is impossible for him to know what necessity there may be for such a measure. Unforeseen events may happen to render it wise and prudent. The public voice may demand it in order to draw the exact line of distinction between the last and the present Administrations. At all events, the necessity and propriety lies with the Executive, and not with this body.

And why should not General Harrison have the same privilege as Mr. Van Buren? Soon after that gentleman came into office, he was induced, reluctantly, to call an extra session. He was not blamed for this, but it was supposed that something would be done for the country. The nation was disappointed; instead of proposing any measure to relieve the distresses of the People, the President made the novel and ominous declaration, which has stuck to him like the garment of Nessus, that the people are in the habit of expecting too much from the Government; that it is enough for the Government to take care of itself, and the people must take care of themselves! This Congress extraordinary did nothing but pass a Treasury note bill, although the follower in the footsteps had received a letter from General Jackson, after the explosion of the pet bank bubble, telling him, above all things, to beware of Treasury notes. Thus the mountain was in labor and brought forth a mouse. The people expected too much from the Government! When the Executive called itself the Government, and controlled the action of the Legislature, it was natural for the people to look up to it for more than it could perform. The Executive could lead the people into difficulty, but could not lead them out again. It was a different matter with Congress, which was the people represented by their immediate agents. The law-making branch of the Government, through which they express their will, is, or ought to be, in the hands of the people; and to tell them that they expect too much of the Government, is to tell them that they expect too much from themselves. The Executive had assumed powers which did not belong to it; it had attempted to interfere where it had no right to interfere, and mischief and misfortune had followed, and then it suddenly discovered that the powers which it had usurped are to be found nowhere. It was most unfortunate that this discovery had not been made before the commencement of those experiments,

which have thrown our country into almost irretrievable disorder. Happily, they have put an end to that centralizing, despotic, unit-power grasped by General Jackson, but which his successor could not retain.

And if Mr. Van Buren was justified in calling an extra session, how much more will be General Harrison? The disasters which rendered it necessary for Mr. Van Buren to resort to this measure, were brought about by the conduct of the preceding Administration, of which he was *particeps*, while, if General Harrison be compelled to resort to this measure, it will be in consequence of the misfortunes brought on the country by his predecessor, whose measures he had condemned. What were the causes, proximate and remote, which led to the call of an extra session by Mr. Van Buren? It was the stoppage of specie payments by all the banks in the Union, the failure of the pet bank system, the danger of losing the public money placed in their keeping by General Jackson on his own responsibility, contrary to the will of Congress, and in violation of the Constitution. If this was afterwards involuntarily sanctioned by Congress, it was but an aggravation of the offence. The consequences of these arbitrary acts had been foretold again and again, but the warning was despised. The public documents, the message of the President, the reports of the Secretary of the Treasury, who had become his officer, and no longer the officer of Congress, as in the olden time, continued to deceive the people to the last moment, by false representations of the operation of the pet bank system. At the very moment of his retiring from office, the General, in imitation of Washington, sent forth his farewell address, in which he proclaimed, like a sentinel on the watch tower, "all's well," when, in truth, *all was not well*. Instead of furnishing a better currency than the Bank of the United States, instead of preventing the expansions and contractions of the currency, it did nothing but *expand*. The number of banks increased from three hundred to six hundred, and their issues were enlarged in proportion. There was nothing but expansion and expansion, until the bubble became so thin that men of common sagacity must have seen that it would burst. Speculations in the public lands, as well as every kind of speculation, and the importation of foreign goods, were stimulated to phrenzy. Surely this was the work of the party which placed Mr. Van Buren in power! By the means of that party discipline which had been established, the executive and legislative power had become almost consolidated in the hands of Mr. Van Buren; and if the party is not responsible, or at least its leaders, I know not who is responsible. They had the making of the laws, and the execution of them; and if Government be potent for good, it is also potent for evil. If General Harrison shall be compelled to call a special session, the necessity for it must be traced to the present Administration, as the immediate as well as the remote cause of the difficulties in which our country has been unhappily involved. I hope the measure may not be deemed necessary, and something may be done by placing ample means in the hands of the new Administration.

This debate has taken a wide range, far beyond the limits of the topics immediately connected with the bill. Gentlemen have taken the occasion to express their opinions upon a variety of subjects, probably from a belief that no other opportunity may offer, and because they may as well be expressed on this occasion as on any other, as they are intended for effect elsewhere rather than here. To some extent I mean to use the same privilege.

The gentleman from Virginia, [Mr. WISE,] whom I perceive now about to occupy his place, has said some things in which I heartily concur, and others in which I differ from him. But every difference of opinion, with respect to measures and policy, is not a difference of principle. I take pleasure in expressing my acknowledgments for the undaunted and courageous stand he has taken against this Administration, and for his untiring efforts to lay open its abuses. Those who are faithless to the country in proportion to their fidelity to party have no difficulty in following a common leader, because they are not actuated by principle, but by the interests of party. On the contrary, those who seek the

public good must often differ, although they have the same great objects in view. This agreement on all occasions, and referring every thing to a party vote, to say the least of it, is suspicious, as much so as the exact coincidence of half a dozen witnesses in a court of justice.

I differ from the gentleman from Virginia on the subject of this bill, as a mode of raising money to supply an empty Treasury. I differ from him on the subject of the compromise act; on the subject of the distribution of the public lands; and on some other subjects which I do not mean to discuss; but it is an honest difference of opinion on both sides. I did not expect him to surrender his opinions, and those of his constituents, nor does he expect me to do so as to mine. I regard this difference as the first favorable symptom of returning health and soundness in our public councils. The venal courtiers of a monarchy may hold their necks awry, because the King is compelled to do so from disease, but among freemen; among genuine Democrats, every one stands erect, and disdains a slavish surrender of his opinions; he is willing to obey the clearly expressed will of his constituents, but no further. At the same time, I am aware that parties are unavoidable in a Republic, and within certain bounds are, perhaps, salutary and necessary. If it be necessary to make some sacrifice of opinions and predilections, it should be for the sake of our country, and not for the success of party. Concert in action for the attainment of great objects may render it necessary to suspend the assertion of minor opinions. What I condemn is, that excessive devotion to party which is ready to make a sacrifice of country, and every interest, for that of party, and nothing but party. That kind of vicious party spirit has become too common, both in our General and State Governments. It began with the administration of General Jackson, and continued to increase to the very close of the present. In marking its progress, we are struck with the contrast between the present improvement in party discipline and subserviency, and that which was seen in the first period of General Jackson's administration, when party was still in its raw militia state. When he put forth his denunciation of the Bank of the United States for refusing to become a party engine, his denunciation, instead of being received with Eastern servility, "to hear is to obey," was flatly contradicted and rebuked without disguise, by committees of both Houses, composed of his warmest supporters. The Bank was rechartered by the votes of his supporters; Mr. Clay's land bill would have passed in spite of his veto, and he could not obtain the sanction of Congress to the removal of the deposits. For the last few years we have seen no such instances of stern Republican independence—rather the Administration has been abandoned by every one who possessed this virtue. If any one now dare show symptoms of desertion, the suspected is whipped into the ranks by those two hideous fiends* who stand brandishing their whips of scorpions.

I therefore cordially agree with the gentleman from Virginia, that one of the fruits of the recent victory has been to restore freedom of opinion, and to break loose the shackles of party. That tyranny and discipline of an Administration party, for the indiscriminate support of all Administration measures, I hope is forever at an end. I am confident that the Democratic Whigs will shun the pernicious example which has been placed before them. I could cite melancholy examples of that nature, and where the welfare of the country has been sacrificed to the interests of party. In my own State, it is not long since a conspicuous member of the Legislature, having voted for a certain law, a few days after it had passed, voted for its repeal, merely because the leader of the party had given the word to face about. On that occasion, the member declared on the floor that he was conscious at the time that the law which he voted for would spread ruin and destruction from the centre to the circumference, but that he could not vote against the Democratic party.

Mr. LEET. The gentleman will permit me to explain. The gentleman to whom that language

was imputed solemnly denied ever having used it.

Mr. BRACKENRIDGE. He did so on the very spot where it was uttered; but was instantly contradicted, and not a single voice was raised to support him. There are gentlemen behind me who reassert the fact. If this be the spirit of modern pseudo Democracy, which has repudiated the Democracy of James Madison, of Albert Gallatin, and Alexander J. Dallas, a most happy escape has been made from it. I will give an instance of this blind devotion to party, which has been witnessed within the walls of this Capitol. A few years ago, the distribution bill of Mr. CLAY passed, by large majorities, through both Houses of Congress. Party discipline had not then attained its perfection; the centralization of power in the hands of the Executive, through the instrumentality of party, was not yet complete. The bill was retained by the President; he did not dare to trust it to the Senate and House of Representatives, not yet sufficiently broken to submission. He knew that it would pass by two-thirds, and, in violation of the Constitution, refused to afford them an opportunity to act upon it. The principle of that bill has, within a few days been voted down in the Senate, and there is danger that it will share the same fate, by a party vote, in this House. The delegation from my own State is divided; and although we have received instructions from our State Legislature to go for the principle of distribution, a portion of the delegation refuse to obey, because their allegiance to party is stronger than to their State. They are willing to make a sacrifice of one of the most important interests of Pennsylvania—one in which her citizens of all parties agree—they are willing to make this great sacrifice to the centralized party arrangements here, so that it may be used for the purpose of preserving some of the new States, almost the only political stock they now possess, and almost the only hold they have upon those States.

A MEMBER FROM PENNSYLVANIA. The Legislature of Pennsylvania has only requested the members from Pennsylvania to vote for the distribution.

Mr. BRACKENRIDGE. True; and when I ask this little boy for a tumbler of water, I do not say bring it, but please to bring it. The people of Pennsylvania, without regard to party, are in favor of distribution, because it is not only for the benefit of the State, but no more than strict justice. At whose instance, I will ask, do those gentlemen refuse to comply with the request of the people of Pennsylvania, as expressed through their representatives in the State Legislature? Is it not in obedience to the tactics of the party, which is, from the mere force of habit, endeavoring to prop up its falling wall? Or has the policy of throwing away a portion of the common patrimony been declared a new article of the Democratic creed? If so, it agrees well with those other preposterous articles which have operated so unhappily on our State and national prosperity. But there are two other subjects far transcending anything we have heretofore witnessed, or are likely to witness again, as respects open disregard of justice, and in the determination to carry into effect party arrangements in defiance of the people. The party is now ashamed of the New Jersey election case; it was alluded to and condemned, in energetic language, in the course of this session, by a gentleman from Ohio, [Mr. MASON,] and not a single individual rose to say a word in its defence. The climax was the passage of the Sub-Treasury bill, in which we discover the last lingering spark of independence of the centralized power of party—it was but touch and go, it just rubbed through, and that was all. Yet this very project, when first introduced into Congress, was denounced by the Administration press as revolutionary and ruinous; it afterwards, on the bursting of the pet-bank bubble, was taken into favor by the Administration, was twice recommended to Congress and twice rejected, in

* It was my intention to have omitted this part of my speech in the publication, the case having been referred to merely by way of illustration; but, on mentioning it to some of my Pennsylvania friends, who were present while I was speaking, they insisted on my retaining it, as the passage was too marked and public to be passed in silence.

consequence of its well known unpopularity. Party can do much, but it cannot do every thing, or it would have re-elected Mr. Van Buren. The Sub-Treasury, however, passed in defiance of the great majority of the nation, and from that moment the downfall of the Administration was rendered certain. A new swarm of Conservatives joined the Whig hive, the third or fourth which had swelled its numbers, and the self-styled Democratic party was left in a lean minority.

Sectional feeling is, in my mind, praiseworthy, compared to this unbounded and unscrupulous support of party. Perhaps it is the duty of a faithful Representative to look first to the interests and wishes of his immediate constituents before he extends his view to the wider circle; and, perhaps, whether it be his duty or not, a zealous Representative will do so. Such a course may lead to compromise or conciliation—each surrendering something in order that the common good may be secured. But this discipline of party, especially a "spoils party," strides over every thing; it sacrifices both sectional and general interests; all, save those of party, must fall down before it, as before the African Simoom, whose hot breath withers, scorches, and kills, as it sweeps over the interminable sands of the desert. The interests of the whole will, however, be found, in general, that of the parts. A sound and healthy trunk can alone nourish sound and healthy branches. And where shall we look for the trunk of that tree? Where is the great body of the nation—the seat of empire, for whose prosperity a wise legislation must be chiefly directed? It is in the West, sir; in the great valley of the Mississippi, and in the valleys of its tributary waters; in western Pennsylvania, western Virginia, Maryland, western Carolinas, and in the States of the West and South-west. In twenty years more this nation, unless checked by some great calamity, will number thirty millions of souls. In that short period another nation, equal to that which now occupies our soil and fills our towns, will rise up in the midst of us; and this increase will be nearly all in the West, which, from its situation and relative position, is one and indivisible. The navigation of the Mississippi is a common bond, as well as indispensable to its safety. New York, connected with the lakes, and the lakes with the Ohio, with the New England States, may form the top of the tree; but it is chiefly to the interests of the great trunk of this Republic that legislation ought to look now, and to which it must look before many years shall go round. The statesman who looks a little beyond the present hour ought to know that, if the time shall come when the Republic thus defined shall consider protection by legislative enactments necessary to its commerce and manufactures, it will not be withheld; that if a National Bank be required as a fiscal agent, and as a regulator of the currency, it will be established.

I agree with the gentleman from Virginia on another subject, as one of the happy results of the late election. It will bring back the Executive branch to its proper place under the Constitution. It is made the duty of that branch to communicate information to Congress, and to recommend such measures as it may judge necessary and expedient; but there its duty ends, and that of Congress begins; and until their deliberations shall assume the form of law in the matters recommended, or in matters originating with either House, the Executive has nothing more to say. It has no right to interfere, and, by intrigue and management, and party drill, attempt to carry those recommendations into effect. According to the principle avowed by General Harrison, legislation belongs to the Representatives of the People, who are the interpreters of their wishes. We are no longer to inquire what the Administration is going to do when we refer to the great measures of the Government, but what measures will Congress adopt. Some gentlemen, from a bad habit acquired under the late Administrations, speak of the measures of the President elect, and condemn them in advance, when these are measures of legislation which do not fall within his province. He may think it prudent to be sparing even of his mere recommendation, so as not to lessen the perfect freedom which ought to be enjoyed by Con-

gress in the performance of the duties confided to it, and for which this body is responsible. If, hereafter, the country should be injured by bad legislation, let the blame rest where it ought to rest, on the people themselves and on their Representatives. The people will thus be thrown upon their own energies, and they will call their Representatives to a more strict account. What measures may be adopted by the new Congress it is not for this Congress to discuss; neither can it be known to the President elect until after it shall have assembled. We must endeavor to unlearn the bad habit we have acquired under the two last Administrations, of looking upon the President of the United States and the heads of departments as the Government, and as the arbiters of the fate of the country. We must learn once more to look up to our Representatives and at the same time to depend upon ourselves. If the next Congress, representing the wishes of the people as it does, and as this does not, shall determine to touch the tariff, and at once modify it, so as to secure a sufficient revenue, it will do so. If it shall determine to charter a National Bank, or distribute the public lands, it will do so. We are but agents here, not assembled to consult our petty interest of party, but to obey the will of those who sent us, and to adopt such measures as will promote the general welfare. We come here to carry into effect the will of the people, and not that of the President and his Cabinet; and I have no doubt we shall hear the same thing from General Harrison himself. The tampering with the duties exclusively belonging to Congress was the great sin of the late Administration, which had gradually acquired an ascendancy over it, entirely incompatible with the spirit and letter of the Constitution.

But the great point gained by the late election is, in my opinion, the establishment of what has been called the *ONE TERM* principle. This was coming up at once to the line of true Democracy. Is there any one on this floor who will now openly declare himself against it? On this subject, at least, it must be admitted that public opinion has declared itself. General Jackson was elected on this principle. I appeal to the records of Tammany Hall.* He disregarded it, and it has recently been declared on the highest authority, that he and his kitchen cabinet were desirous of a *third term*, but the party could not be brought to it. One of the mottoes of the Van Buren party was, "the Constitution as it is," and there is nothing there to limit the number of terms to two or three. During the late contest, this one-term principle took the lead of all other topics of discussion. The people were convinced that their free institutions have been endangered by the re-eligibility of the Chief Magistrate, and by the political intrigues and corruptions attending the struggle for re-election. They believed that the first term was regarded as the stepping-stone to the second; that the time of the President, and that of his subordinates, instead of being devoted to the duties of their stations, would be occupied by plans and political arrangements and exertions to secure that re-election, and at the same time to establish the succession, and preserve the offices to those who occupied them. Our past history may furnish some exceptions. I believe that of Mr. Adams was an exception; but the future presented a dreary prospect.

Doubts have already been expressed of the sincerity of those who have contended for this principle at the late election. For myself, I repel the charge of insincerity; and I will take upon me to say that those who really entertain such doubts know but little of the individual who has been chosen to fill the office of Chief Magistrate. I do not so much confide in his solemn pledge as in his unsullied public and private integrity. But public opinion has settled the question. Hereafter, no President, without braving that opinion, will present himself for re-election, and the people will re-

quire that it be made a part of the Constitution, as a recorded as well as a practical amendment.

When Washington was called to the office of President, he was re-eligible without limitation. It might have been held for life; at least, there was nothing in the Constitution which forbade it. But he was not one of those who loved power for its own sake; he earnestly wished to retire after serving one term, and only yielded to the solicitations of the friends of the new Government when he was, for the second time, elected by a unanimous vote. Mr. Madison and Mr. Jefferson joined in those solicitations. The example set by him, of declining a third term, has been a law to his successors, and effected a practical amendment on the Democratic side. The people themselves have now infused into the Constitution a further portion of Democracy, by declaring in favor of one term. The one term principle, in the abstract, has received the sober and dispassionate approval of the great majority of the American people of all parties. The first suggestion may be traced to Mr. Jefferson, in his letter to Mr. Adams, written from Paris in 1787, in which he declares the want of such a limitation to be one of the most serious objections to the new Constitution. The one-term principle was recommended by Gen. Jackson—to commence in future with his successors! It would have been as easy for him to have set an example of one term as it was for Washington of two, especially as he was considered pledged to this Democratic principle announced by the "Republican party," as it was called—for Democracy, as well as Federalism, had gone to sleep. The practical amendment effected by Washington's example is a reduction of power by shortening its duration in the hands of any one set of men and restoring it to the people, and thus preventing the consolidation in the hands of a faction or junta. And here, in my opinion, is the first cause for rejoicing in the victory the people have achieved at the ballot-box over a party which sought to perpetuate itself by the very means placed in their hands for the purpose of administering the Government. The odds against which they had to contend were fearful. Against a hundred thousand office holders, with the vast circle of their influence; the disbursement of the revenue; the press, in the pay of the Government—against all this host the people had to struggle. And the effort was a mighty one. They rose up peacefully, but in masses of from five thousand to fifty thousand. They succeeded. Power is once more in their own hands, to be transferred to new agents, executive as well as legislative, at the end of the next four years; and I hope they will never again lose sight of the maxim "eternal vigilance is the price of liberty."

Henceforward there will be no motive "to bring the public offices in conflict with the freedom of elections." The Administration will have ample time and leisure to attend to the business of the country instead of neglecting it, and Congress itself will feel the effect of this salutary example. The Executive branch, sir, was fast verifying the predictions of the immortal Patrick Henry—it was grasping at all power—the sword, the purse, legislation; and even the judiciary was not entirely safe. It had almost succeeded in overturning the freedom of elections by means of its organized, disciplined army of office holders spread throughout the country. General Harrison has pledged himself that hereafter the office holders shall apply themselves exclusively to their duties, and abstain from interference in elections. They now know the conditions on which they take office; there will be no tax upon their salaries to raise an electioneering fund; no salaries will be augmented, and no new offices will be created, in order to increase that tax, and thus, in point of fact, apply the money of the nation to secure their offices. In short, I repeat, sir, the people have once more got the power in their hands, and have become the masters of their own Government.

Mr. Chairman, the wide range which this debate has taken, will be my excuse for giving my opinions on some subjects which are but remotely connected with it. I will say something respecting the tariff, which has been so frequently referred to. I represent a district deeply interested in the subject. I differ from the gentleman from Vir-

ginia [Mr. Wise] as to the obligatory nature of the compromise act. If a compact, who were the parties to it? What authority had the agents to make it? Have any rights, individual, corporate, or State, been vested under that act? These questions cannot be answered without taking away the foundation on which it stands. It differs in no respect, legally considered, from an act of ordinary legislation. To say that it cannot be touched now, and that after '42 it becomes perpetual, is to give it a higher force than the Constitution, which provides within itself the mode of amendment. The compromise act would be as irrevocable as the laws of the Medes and Persians, and bind the generations "yet unborn." The expediency of the arrangement at the time to patch up an unfortunate family quarrel, and the propriety of leaving it to run its course undisturbed, are different questions. I am desirous to leave it untouched until the experiment be fully tried. This must be left to others, and not for us to decide. But I am of opinion that, for the purpose of revenue, without infringing the compromise act, duties may be imposed on silks, wines, and some other articles which pay only a nominal duty. It is not likely, however, that any thing can be done at this session: it must be left to the next Congress.

If, at the expiration of the compromise act, two years hence, the people, through their Representatives, shall require a revision of the tariff, for the purpose of revenue as well as of protection, we may rely upon it that revision will take place. I consider that the principle of protection, instead of being surrendered, has been recognised by that act. It is, in general, impossible to distinguish, practically, what portion of the duty on any specific article may be set down for revenue exclusively, and what for protection; because a very small duty may, in many instances, in addition to the mere expense of importation, act as a protection. A fixed per cent. according to the value, applied to all articles alike, instead of specific duties, may either produce too much for revenue or too little. If the maximum of the full twenty per cent. be laid on a number of selected articles, and others suffered to come in free, this will act as a bounty on the importation of the free articles; and this is proved by the excessive importations of free articles since the compromise began to take effect. It is impossible to foresee the practical effect of disturbing a tariff, which has for a long period of time regulated our foreign trade, and to which that trade has adapted itself. Some of the articles admitted duty free do not come cheaper to the consumer, and, at the same time, the duty is lost to the revenue. The duty is either levied by the foreign power, or is pocketed by the importer, or divided between them. I am not, in general, a friend to high duties; because they encourage evasion. I am no advocate of protective duties at all, which require to be permanently continued merely in aid of the manufacturers; and in this I think my opinion is not different from those who have been most zealous for protection. It has only been asked for as temporary aid to infant establishments, to new investments of capital, whose first efforts are feeble, and easily repressed by the overgrown establishments of Europe. When these establishments are completed, and the necessary skill and instinct of art attained, the nation is compensated by a cheaper article, from the effect of competition, and better than the imported; at the same time that its wealth and its independence are increased by the acquisition of a new branch of industry. The practicability of accomplishing this object should be taken into consideration in imposing duties for protection. Other nations go much further than we have ever done; they exclude, by duties, and by prohibition, articles which they can never produce to advantage, or produce at all, such as sassafras and tobacco, because they will not encourage the establishment of a class of imports which may turn the scale of commerce against them, and which may be dispensed with. In this instance, it is the community, the general commerce and general prosperity, that is protected.

Our tariff requires revision, in order to ascertain what articles have completely established themselves, and no longer require protection. Gentle-

*"Experience has satisfied us that one term of office is sufficient to repay any services, or gratify any ambition! At present, the first four years of an Administration are passed in efforts to confirm the bargains and pledges as to the right of succession. It is thus that the great interests of the country are sacrificed at the shrine of personal ambition."—*Resolution passed at Tammany Hall, April, 1828.*

men unfriendly to protection are much mistaken on this head. They look at the tariff, and see what they consider high duties on particular articles, and suppose the whole of that duty enters into the price paid by the consumers, while it forms no part of it; because importations of similar foreign articles have ceased, and could not be revived by a removal of the duties. We are in a very different situation now from that in which it was declared to us, as colonies of Great Britain, that we should not be allowed to manufacture a hob-nail! We now enter into successful competition with Britain in her own West India Islands, when admitted there, and in foreign markets, especially those of South America. To Cuba alone we export nearly five millions, chiefly American manufactures, and bring home a balance in our favor, in specie, to the amount of a million annually. The products of our manufactures and our farms enable us to carry on a profitable commerce with Mexico and South America, from California to Chiloe, and from La Plata to Matamoras and Santa Fe. No doubt many foreign articles also enter this trade. But, in passing, let me ask, what would be the foundation for the golden humbug without this trade, based on the manufactures of the North and provisions of the West, which furnish the means of purchasing our supply of the precious metals? Cotton—cotton, is the reply. But even now cotton does not suffice to pay for the manufactures we import from Britain! And if our manufactures were destroyed, what would become of the golden stream which flows in from this source, and flows out again, to settle our balances with those nations on whom we are dependent? Our little trade with Cuba alone procures us double the amount of gold that we obtain from all our gold mines, from Virginia to Georgia.

In the revision of the tariff, it will be necessary to select those articles which need protection, and they will be found fewer in number than is generally supposed. The maximum of twenty per cent. with cash payments, the home valuation, and the more accurate estimate of the Spanish dollar, will, in the opinion of many well-informed persons, afford a sufficient protection. We hear the words high tariff, high tariff, continually repeated on this floor, while there is no one proposing it; not a single memorial from any quarter has been presented to Congress in favor of such a measure. The cash duties will be a protection, not only to our manufactures, but a protection to the country against excessive importations. It will incidentally operate as a kind of sumptuary law; and it will prevent the British manufacturers from throwing into this country accumulated stocks, which they are compelled, from time to time, to sacrifice. We can derive no benefit, as a nation, from these gambling irregularities of trade, any more than from dealing in stocks and bank notes—the harvest of brokers and exchange dealers, whose interest it is to keep up this uncertainty and disorder. The objection to the protective principle, on constitutional grounds, is, that duties must be raised for revenue and nothing else; that they must be so arranged as to exclude every incidental effect, whether it be its incidental operation in favor of manufactures, or as a protection to the nation at large. Now, I think I have shown that this is impossible. Every duty on the same article we manufacture at home is, as far as it goes, an incidental protection, because it lessens by so much the ability of the foreign article to compete with it. The cash payments—the home valuation, operate as protection.

I have said that I was not in favor of high protection; yet, there are two articles which, possibly, might form exceptions, but this would require mature reflection—these are, iron and woollens, which we ought to produce for ourselves, at least for the great bulk of our consumption. Without these, and especially the first, our nation can hardly be said to be a nation. So important does Great Britain regard her woollen manufactures, that, in order to counteract the duties of other nations on her woollen fabrics, she reduced the duty on foreign wool from eight pence to one penny, thus sacrificing a large amount of revenue, and, of course, affecting the home production for the sake of more important advantages. Three years ago

the value of wool produced in the United States was estimated at \$30,000,000; nearly equal to one half of the cotton crop of the South; the last year it fell to seventeen millions. And yet no complaints have been made by those who have thus suffered. It may be, in part, owing to the want of protection that our woollen factories have declined, and it may become necessary to institute an inquiry; but, in my opinion, the great cause of injury to every branch of internal trade is the derangement of the currency produced by the sad experiments of the late Administrations. The day will come when the article of wool will be regarded as one of the most important items of our national wealth; more important even than that of cotton. A large proportion of the vast region beyond the Mississippi is well adapted to the rearing of sheep, and but poorly adapted to any thing else.

I cannot suppose that the enlightened statesmen from the South who complain of the injurious effects of the tariff have no cause whatever for dissatisfaction. It is impossible to enact laws which will not bear unequally on different parts of a country so extensive as ours. I consider it the duty of those who possess the power—the majority—to use their power with prudence and moderation. The principle of the greatest good to the greatest number should be qualified in such a way as not to oppress the minority. Although I have too much respect for the statesmen of the South to say that their complaints against the tariff are entirely groundless, yet I cannot but think there has been great exaggeration. It is natural it should be so. I am a native of western Pennsylvania, and can recollect the pitch of extravagance to which the people were carried in consequence of the oppressions of the excise law. There were no roads across the mountains, the navigation of the Mississippi was closed, and they were obliged to transport kegs of whiskey on the backs of horses, to purchase a little salt and iron, together with other articles of the first necessity. We rose up in bloody insurrection, and were called "whiskey boys," and no doubt were very bad boys. We had, perhaps, just cause to complain; the law was, it is true, a good law for the rest of the State, but partial and oppressive to us. I might mention the embargo, which bore so severely on the shipping interests of the Northern States, where it was denounced in the most violent and intemperate manner. The unoffending word itself became an object of vengeance, was put to the torture, and, being spelt backwards, was pronounced *ograbme*; a sort of revenge quite as rational as that of a celebrated despot of manufactures, who declared that he never saw a sheep without feeling inclined to go out of his way to kick it. A member on this floor, the other day, after speaking with great energy against the tariff, declared that he never heard the word but he felt as if the cry of mad dog was raised near him; and, indeed, it does seem to me to have a magical effect on some gentlemen, for it is no sooner mentioned than they leap and dance as if they had been stung by the tarantula. If I am not mistaken, that undefined horror associated with the word, which so generally pervaded the South, has very much diminished, and the topic is now oftener used for the purpose of declamation and oratory than from any serious alarm. Some years ago, it was the general bugbear. I was told of a young lady in Georgia, who was asked concerning the health of her mother. "She is very ill." "And what is the matter?" "I don't know, unless it is that odious tariff." It seems to me, as it does to others, who view the subject dispassionately, that the fall in the price of cotton, the grievance at the bottom of the complaints against the tariff, is most plainly to be attributed to the over production, which runs ahead of the demand. It has fallen in price in all parts of the world, tariff or no tariff; and but for the home market originally created by the tariff, it would be still lower in Great Britain; for certainly no one will contend that, if the whole of these States depended on Great Britain entirely for their cotton fabrics, we should consume as much cotton as we do now. It is equally evident that the demand for cotton in Great Britain would be affected by the falling off in the demand for her manufactures in the United

States. Britain is, moreover, making great efforts to introduce the culture of the short staple cotton in her East India possessions; her hostility to our manufacturing and commercial enterprise, and to our institutions, is well known; her power and perseverance in carrying into effect a favorite policy are equally well known. It would, therefore, be wise in the South to foster the home market, which they can enjoy exclusively, to encourage American consumption, and American manufactures of their great staple, which will make the States, in the end, better customers to Britain, and Britain a greater consumer of cotton. To a certain extent, they should use the natural advantages they possess, and manufacture for themselves.

I differ entirely from the statistics of the gentleman from Mississippi (Mr. Thompson), who attempts to show that the whole of the duties are paid by the cotton-growing States. His idea is not original; it is of the same class with the forty-bale theory. He tells us that Mississippi exports to the amount of \$16,000,000 a year, and consequently must import to that amount, and if she were to retain the revenue derived from that importation there would be \$4,000,000 paid into her treasury. Now, the duties collected in the whole of the United States are estimated at about \$16,000,000, and, however ingeniously and correctly gentlemen may place their figures, it is rather imposing too great a tax on our credulity to tell us that Mississippi pays one-fourth of the duties on the importations into the United States. It is no less difficult to believe that she consumes one-fourth of all those importations—which must be the case if she consumes to the amount of sixteen millions. Instead of consuming sixteen millions, two millions will come much nearer her proportion, and about half a million her part of the revenue. These two millions are, perhaps, the whole of the crop she can call her own. The other fourteen millions must be set down in favor of the other States, North, West, and South. The North furnishes American manufactures, capital, transportation, and foreign articles at second-hand; the West, provisions; the Southern States not engaged in planting furnish slaves. Now, deduct the annual expenses from the gross amount, and then we shall be able to see the portion which, in point of fact, belongs to Mississippi. This great staple is, for the greater part, purchased as a remittance towards paying for the general consumption of foreign articles. It is a joint production; the mere labor of the cultivator of the soil forms but one item. Suppose, says the gentleman from Mississippi, she were an island in the ocean, and produced her sixteen millions worth of cotton. This would not vary the case. She must either, in addition to the production of cotton, supply herself with all those articles she now procures from the Northern and Western States, or she must be dependent as she is now. It is very possible she may consume an amount equal to the value of her cotton crop, and more too, but not of foreign importations. The whole system is no doubt wrong—Southern gentlemen are well aware of it. It is impossible to remedy it entirely, but the evil might be lessened if it were possible for each planter to raise less cotton, and apply a part of his land to the raising of provisions, and employ a part of his laborers in domestic manufactures.

Having lived many years in the South, I feel a sincere interest in the prosperity of that portion of the Union, and an affection for many of its citizens. The opinions which I have expressed on the subject of the tariff, I have long entertained, and have been confirmed in them by my residence in the South. I have often disputed the policy of going altogether for cotton, and nothing but cotton. I was of opinion that their agricultural occupations should be more varied, and that they should endeavor to introduce new staples. The article of silk, for instance, is well adapted to the greater part of the South. Virginia and the Carolinas may become the Italy of America in respect to this valuable production. The silk of Italy may be found in the marts of England and France, and at the fairs of Germany, commanding a regular and steady price, the supply always below the demand; and this, perhaps, of all the products of human economy, approaches nearest in its permanent and in-

trinsic value to gold and silver. I have been long convinced that the Southern States do not make use of their natural advantages. They have water-power, raw materials, and other advantages, and yet they have been slow in developing the great natural resources of the fine region they occupy. I believe, however, that the day is approaching when they will turn their attention to their true interest—and to see it, will be to pursue it. I unite with the gentleman from Kentucky, [Mr. POPE,] whose experience and mature judgment entitle him to great respect, and request the gentlemen of the South not to be too implacable on the subject of protection. The time may come when they may need it, and the Northern States be indifferent about it. There is one great Southern interest which now calls for the fostering care of the Government—I allude to the article of tobacco. If there be a reasonable hope of compelling foreign nations, by means of countervailing duties, to adopt a more liberal policy, I am for trying the experiment. According to my opinion, it is the duty of the Government to foster and protect every branch of industry, commercial, manufacturing, or agricultural, where it can be done by wise legislation, taught by our own experience and that of other nations. It is not because the South is the South, that it disdains protection; Louisiana, for instance, has always been a tariff State, on account of the protection to her sugars. I contend that even the article of cotton is indirectly protected by the indirect advantages it derives from the extension of the market here and elsewhere.

We have heard much of late years of the theory of free trade, which no nation practises, as it exists between the different States of this Union. It is the doctrine of the Swiss school of abstract political economists, and it is the fashionable doctrine. Foreign nations are continually preaching it to each other, but none set the example; on the contrary, their practice is directly opposite. England is willing to open her ports, where the foreign article cannot compete with the same article produced there, where even the cost of transportation is a protection, together with the excise levied on her own manufacture, from which the foreign article would not be exempted. She does this with twenty per cent. higher wages than the manufacturers on the continent, by means of her immense capital, the superior skill and intelligence of her workmen; and that superior skill is the offspring of liberty. In the latter respect we have the advantage over Britain, and can compete with her with higher wages; and but for her great advantage in respect of capital, we could go ahead of her. The smaller the capital, the larger must be the profit, as we see from the huckster with a hundred per cent. to the wholesale dealer who is content with five or ten. It is this vast capital which makes the power of Britain, and from which protection is necessary on our part, as much for the sake of the country as of the manufacturers. Lord Brougham declared in the House of Commons that it was the policy of England to break down our manufactures at any sacrifice, in order, as he was pleased to say, to preserve the natural course of things; that is, to keep us dependent on England, which, to my mind, is a very unnatural course of things. Switzerland, which is cited as an example for us, is in a situation entirely different. Her superior intelligence and skill render the surrounding nations tributary to her, notwithstanding the poverty of her soil, and the bleakness of her mountains. All her people are engaged in manufactures, more or less, as they are in our New England States. Instead of attempting to tariff out the productions of France, Germany, Austria, and Sardinia, it is the policy of those States to tariff in those of Switzerland. A Swiss statistical writer* thus expresses himself, and complains of the hard fate of his country, because the surrounding nations are unwilling to be overrun with their watches, ribands, toys, and a thousand articles, which throw the balance on the side of Switzerland: "The prohibitive systems, adopted by a great number of the neighboring Powers, injure and interfere with her essentially." This, no doubt, is

felt as very unnatural by the Swiss; but it is considered quite natural by her neighbors.

Mr. Chairman, there is a principle of political economy which, if not found in any system, deserves to be. I have not met with it in Adam Smith, in Say, Professor Wayland, or in any other writer, and yet I do not lay claim to originality. It is simply this: that, as a general rule, labor commands a compensation in proportion to the degree or amount of mind combined with it. This may be referred to the self-evident proposition, that mind is superior to matter. Take, for instance, the article of cotton itself, and compare the share of it which is earned by the gin, and then take the amount of mere manual labor employed at the gin, compared to that of raising and preparing the cotton for the mechanical operation. The case of sugar is still stronger. The mere culture of the cane, the cutting and transporting it, are among the simplest kinds of labor, requiring little more than mere animal strength; but the process of manufacturing the sugar calls for science and art. There are the machinery for expressing the juice, the kettles for boiling, the employment of the steam-engine, and the distillation of the liquid poison from the molasses; these require mind and the exercise of judgment. The driver of the cart receives four times the wages of the horse, without one-tenth of the physical strength, because mind is required for his labor, which the other does not possess. The work of the mechanic is better paid than that of the common laborer; the merchant, the professional man, better than the mechanic. This is the reason why the mere products of the soil, where no extraordinary skill is required, are more poorly paid, in proportion to the labor bestowed, than any other. We may rely upon it, that that nation which combines the highest degree of mind in her operations will hold others dependent upon it; and if we desire to lessen our dependence on England or France, we can only do so by keeping pace with them in the march of mind.

When gentlemen declaim so earnestly against the protective legislation of the United States, they seem to forget with whom it originated. Permit me to take a short review of its history. From the time of the passage of the first act of Congress for revenue and protection, so expressed in its title, until the administration of Mr. Jefferson, our manufactures had made considerable progress, compared to the state of things before that time. A variety of manufactures had been firmly established; still they fell far below the wants of the country. Our enterprise was chiefly directed to foreign commerce, and especially the carrying trade, which would cease with the return of peace. But when the rival nations vied with each other in spoils on our commerce, we began to look out for safe employment for our capital accumulated in trade. The non-intercourse, embargo, and war, taught us to see our weakness, and dependence on foreign countries for the most necessary and common articles of manufacture. Necessity compelled us to establish manufactures, and capital was invested in them which could find no other employment. And, permit me to ask, in whose hands was the Government at this time? In the hands of Southern statesmen, who carried their measures by the votes of the Western and Middle States. They were the authors of the war; it was their policy which drove the Northern people to manufactures. At the close of the war, it was found that an astonishing progress had been made in manufactures, and that a large amount, withdrawn from trade, had been invested in them. These establishments were in their infancy, however, and unable to stand the shock of an attack upon them by the powerful British establishments, backed by the British Government. The Southern statesmen, under Mr. Madison's administration, stood up in their defence: it was their policy which had called them into being; it would have been cruel to abandon their own offspring. The tariff of 1816 was the result, and it was so regulated as to afford incidental protection as well as revenue. I cannot erase from my mind the lessons of wisdom I received in listening to the speeches of Mr. Clay, of Mr. Lowndes, and of Mr. Calhoun, when engaged, as it were, in settling the

future policy of the nation on what was afterwards called the American System. The report of Alexander Hamilton on manufactures, republished by the House of Representatives in 1809, the report of Mr. Gallatin, explaining his splendid system of internal improvements at the national expense, the recent powerful report of Mr. Dallas in favor of a National Bank, were the text-books of the day in the hands of Southern politicians, with very few exceptions. The war administration of Mr. Madison was still predominant, and it was this Administration which adopted the American system. This phrase has been associated with the name of Mr. Clay. I am sorry to be obliged to pluck a single leaf from the honors which cluster around his brow, but this belongs to another, who is hailed as the apostle of Southern Democracy. Mr. Jefferson thus speaks, in his letter to the "American Society for the Encouragement of Manufactures," and dated June 26, 1817:

"The history of the last twenty years has been a sufficient lesson for us all to depend for necessities on ourselves alone; and I hope that twenty years more will place the American hemisphere under a system of its own, essentially peaceable and industrious, and not needing to extract its comforts out of the eternal fires raging in the old world."

This was addressed to a New England association. In consequence of the act of 1816, capital had been vested in manufactures to a great extent in Maryland, New Jersey, and Pennsylvania, as well as in the Northern States. This now seemed to be the settled policy of the nation. And was Mr. Jefferson a false prophet in relation to the effect of the American system during the succeeding twenty years? No, sir, he was not. It paid off two hundred millions of national debt; it applied large sums to the gradual increase of the navy; it laid the foundation of an immense line of fortifications, and completed many of them, along our Atlantic coast, and around our borders; it extinguished the title to a vast amount of the Indian lands; it contributed large sums to internal improvements. And what has the nation done since this system has been abandoned and cried down? Look around upon our whole country and behold its consequences.

Mr. Chairman, the ruinous condition of the country is no longer denied by any one. But we are told by the friends of this Administration that it will be for those coming in to remedy these evils. They say they have promised to do so, and we be to them if they do not keep their promise! Sir, the brand of an idiot boy may destroy in an hour the edifice which called forth the labor of thousands, and required half a century to rear. General Harrison and his Cabinet will do all they can, but they cannot work miracles.* But it is for the people themselves, through their representatives, to apply the best remedy the case will admit. It will be the work of time, and we know not half its difficulty; but, in the language of the Roman patriot, let us never despair of the Republic.

When gentlemen speak of high duties, high tariff, and refer to the tariff of 1828, I must remind them that even that was the work of the South. The high duties were introduced by its enemies, in order to defeat the bill. It was not satisfactory to any party: it was a compound made up both by friends and foes. I must remind those with whom the name of General Jackson still retains some share of popularity, that he was in favor of a protective tariff. He so expressed himself previous to his election; he afterwards spoke of a "judicious tariff," with reference to this subject, and, in one of his Messages, he expressed the opinion that we ought to encourage the manufactures of those articles which would render us independent in time of war. And how shall we determine what those articles are? He could not mean merely the manufacture of gunpowder! Perhaps, without intending it, the passage covers the whole ground of protective duties.

We must go back to the days of James Madison, and endeavor to follow in the footsteps of the great Democratic statesmen of that period, who set

* J. Picot, of Geneva, p. 53.

* Shortly after the election, a Quaker was met by a Locofoco in the street at Philadelphia, and was thus accosted: "Well, friend, I suppose you think General Harrison is going to work miracles." "As to that friend I cannot tell thee, but I incline to think he will have power given unto him to cast out devils."

to work honestly and earnestly to repair the ravages of war, and to place the nation on a solid ground of future prosperity. I have retained the lessons of national wisdom and policy I then imbibed. The experience of the last six years, especially, has not served to change my opinions. What a triumph for Alexander Hamilton, could he have risen from his grave, and have seen his report on manufactures the text-book during the Administration of his great political rival! What a triumph to see the failure of the attempt to destroy that American system which had been sanctioned by Jefferson, by Lowndes, by Clay, by Gallatin, by Dallas, by Calhoun, as well as by others of opposite politics! I was what is called a Jeffersonian Democrat, a supporter of the embargo and the war, and by no means free from prejudice against Alexander Hamilton. I have carefully studied the rival productions of those two great men—the report of Mr. Jefferson on commerce, and that of Hamilton on manufactures; and these, with the report of Mr. Gallatin on internal improvements, and that of Mr. Dallas on a National Bank, are, in my opinion, among the best works that can be placed in the hands of a young American statistic. I by no means give the praise of superior foresight and sagacity to Hamilton over Jefferson. These two great men regarded the same subject from different points of view. If Jefferson had been a New Yorker, he might have written the report on manufactures; and if Hamilton had been a Virginian, he might have produced the report on commerce. Hamilton regarded manufactures as the true basis of commerce. The very instrument of commerce before his eyes, the ship, was itself the most important of all manufactures—the master-piece of the arts, and the *ne plus ultra* of science. Mr. Jefferson lived in a country depending entirely on foreign commerce, and with only two great staples to support it—wheat and tobacco. It was natural for him to suppose that the exports would command the imports, and where these would centre there would be the great mart of trade. I am informed he at an early period entertained the opinion that Norfolk would be what New York has since become. And if his theory had been correct, such would have been the result. But it was erroneous; Norfolk was not, like New Orleans, the sole depot of a vast interior. Beyond the local exports and imports, commerce on a large scale requires ships, seamen, accumulated active capital; and these are not likely to be found in communities who devote their energies to the cultivation of the soil, and have no manufactures, fisheries, or internal trade.

I have taken much of the time of the House in discussing the subject of the tariff; my excuse is, that it is one of deep interest to my constituents. They believe that it is in some way owing to a want of a proper adjustment of the tariff, for the purpose of protection, that their manufactures have declined, and many of them have been prostrated. The details of this protection are by no means settled. Many individuals, and I am of the number, attach more importance to the derangement of the currency than to the operation of the tariff, although I am convinced it requires to be revised. Of what avail is it to the manufacturer that he has his warehouse full of manufactured articles, if those who are anxious to purchase are unable to procure a proper currency? Some of our manufacturers pay annually from a thousand to three thousand dollars in exchanges. They depend on the internal trade, and that cannot be carried on without a currency. There is a falling off in every kind of business, for the same reason. The amount of specie is admitted to be insufficient for the wants of a new and growing country and an enterprising people. A mixed currency of specie and sound paper is indispensable. The State banks cannot furnish a currency for general circulation. Since the Administration began its tinkering with the currency, and its partisans have been engaged in crying down banking institutions, specie has been regularly exported, and the paper currency has been growing less and less safe. In the general demoralization, it is highly probable, also, that many abuses may have crept into the management of these banks. But it is impossible, where there are so many States

creating banks, and the character and solvency of those banks so various, to furnish any thing like a uniform currency. It would be the same thing if they were so many different mints, with different coinage and alloy. The effect on internal trade and on every branch of business during this disordered state of the currency, is well described in the masterly work of Mr. Prescott, the History of Ferdinand and Isabella.

"Under Henry IV of Castile, it is computed there were no less than one hundred and fifty mints openly licensed by the Crown, in addition to many others erected by private authority. The abuse came to such a height, that the people at length refused to receive, in payment of their debts, the debased coin, whose value depreciated more and more every day; and the little trade which remained at Castile, WAS CARRIED ON BY BARTER AS IN THE PRIMITIVE AGES."—Prescott, 1 vol. 224

The remedy for this was making a monopoly of the coinage in the Crown, just as we made it a monopoly under our Federal Constitution. In the Swiss cantons, the same inconvenience would be experienced, with their twenty or thirty different kinds of money, but for the circumstance of their having an *ideal* money, and also using bills of exchange and paper of various kinds. If bank notes will still continue to be regarded as money by us, it must, like the coinage, be in some mode a monopoly in order to give it uniformity and certainty of value. This has been twice accomplished successfully without an absolute monopoly, by creating an institution under the authority of the General Government, which has controlled and regulated those established by the States. This institution has been found the only safe and convenient fiscal agent. One kind of money for the Government and another for the ordinary transactions of the community, you may rely upon it, will never answer. It was the last desperate resort of the present Administration, because it had failed in its other projects, and knew not what else to do. It cut itself loose from the people, and with its empty Sub-Treasury chest is now moving in one direction, while the Democracy is moving in another.

When the late Administrations were told that their measures would ruin the currency, they indignantly repelled the idea, and boldly declared that they would preserve it in a state as sound as they found it, and even make it better. When it was actually deranged, they were the last to admit the fact; and when, at length, it was felt and lamented by every man engaged in honest and regular business, they suddenly became the loudest in crying out that the currency was ruined. But who ruined it? They say, the money power. According to them, this is some foul and ugly fiend, which walks abroad in the dim twilight, with its settled abode, without defined shape or form, but busy in working mischief to the sons of men. It is a sort of money goblin. But, according to others, it has its seat and residence in Wall street: it is that speculating, heartless money power, which fattens upon the embarrassments and distresses of sober industry, and on the destruction of all regular business and sound credit. It causes the disease, and then renders itself necessary to the diseased. It is in the hands of the brokers, the stock-jobbers, and exchange dealers, who have instigated the ruinous measures of the General Government. There is the real money power, the greater part foreign, too, rejoicing in the downfall of our prosperity, and glutting themselves on the spoils of a ruined currency. For years has this power been systematically working its way, like some foul disease in the human constitution. Twelve years ago, I travelled in company with an agent of one of the Wall street establishments from Charleston to Norfolk. He inveighed bitterly against the United States Bank, which surprised me, because I had heard no one else speak against it. The reasons which appeared to influence him had a different effect on my mind; the currency was not lamentably healthy; the field for money brokers was almost closed! And then the Southern banks were hostile also, because their issues returned upon them every six months; the far South could not establish real estate banks, instead of specie banks; the West was checked in the establishment of new banks! From that time I carefully marked every step in the progress of the war on the National Bank, and knew its source. A being, whom

I hold in such detestation that I will not name him, was in my opinion the instrument, the pensioned instrument, employed to win the ear and kindle and feed the ire of that unhappy old man, who, for our sins, was placed at the head of this Government. Under that influence, the legislation of this once prosperous and growing country was forced out of its natural and well defined channel, and lost among shallows and quicksands. The safe barriers were broken down; the country has been flooded by unsafe stock institutions, and disorder and confusion now reign supreme. And what a harvest, what a field for that moneyed power of brokers and shavers! And yet we hear both those who are the victims, and those who are the accomplices of this power, cry out, The currency is ruined, the currency is ruined—the money power has ruined us! Yes, but I repeat the question, Who are the authors of this ruin? The Wall street brokers are the principal authors of it. The nation must open its eyes to the truth at last, and turn its attention to the real authors of this ruin—the money brokers, and the corrupt party politicians.

DEBATE ON THE TREASURY NOTE BILL.

REMARKS OF MR. PRENTISS,

OF VERMONT,

IN SENATE, FEBRUARY 12, 1841.

The following resolution, submitted yesterday by Mr. PRENTISS, coming up for consideration, viz.

Resolved, That the act entitled An act granting half-pay and pensions to certain widows, approved July 7, 1838, ought not to be construed to derive any widow its benefits in consequence of her having married after the decease of the husband for whose services she may claim to be allowed a pension or annuity under said act, provided she was a widow at the time the same was passed; and that the Committee on Pensions be instructed to report a bill to that effect.

Mr. PRENTISS said that he had been induced to present the subject in the general and compendious form of a resolution, in order to obtain the sense of the Senate upon it in a more summary and expeditious way than he could otherwise do, and to save the necessity, which he was always desirous to do, of special legislation in particular cases. There were several cases before the Committee on Pensions, depending on the construction of the act of 1838, granting annuities of pensions to certain widows whose marriage took place before the year 1794, but not early enough to bring their cases within the pension act of 1836. The cases to which he referred, were cases where the applicants were widows at the time of the passage of the act, and were still so, but had been married a second time, and on that account their applications had been rejected at the Pension office. It seemed that, according to the construction which had been given to the act, if the widow of an officer or soldier of the Revolution had married a second time she did not come within the act, and was not entitled to its benefits, although she was a widow at the time the act was passed. The subsequent intervening marriage, though long since dissolved, was held to deprive her of all right under the act. It was this construction which was complained of in the petitions before the committee, and to bring the matter before the Senate for its consideration and speedy action was the specific purpose of the resolution.

The doctrine which had obtained at the Pension Office, Mr. P. said, appeared to him to be clearly erroneous, and wholly unsustainable. He was at a loss to know on what reasoning, or upon what principle or rule of interpretation, it had been adopted. Was it that by the second marriage the woman ceased to be a widow and became a wife, and that, on the death of the second husband, she became his widow, and could not be regarded or treated as the widow of the first and so did not come within the letter of the law? A wife he supposed, was a woman who had a husband; and a widow he took it, was a woman whose husband was dead. The same woman might be a wife many times, and of course might be a widow many times; but however often she might marry and become a widow, she lost none of the rights belonging to her in any instance in that character, or attached to or growing out of that relation at any

time it may have existed. A second marriage did not take away her right of dower as widow of the first husband. Her right in his estate still continued; and though the control of it might be vested in the second husband during the marriage, yet, when that ceased, she had the sole dominion over it as at first. Her choses in action, her rights of action, and all her former rights, left unappropriated by the husband, survived to her. The marriage did not extinguish, but operated merely as a suspension of these and other rights during its continuance. In cases arising under pauper laws, on the dissolution of the marriage, the settlement derived from the husband ceased, and the maiden settlement revived and returned to the widow. If she had been married twice, and both husbands had died, she was the widow of each of them, and might claim as the widow and in the right of either. It did not follow from this that, under the pension laws, she could claim and have two pensions. The laws did not allow a double pension to one and the same person. If she came within the act of 1836, she could not claim under the act of 1838; for the latter law provided only for such cases as were not embraced in the former. But if it was otherwise, and she might claim in the right of the first husband under one act, and in the right of the second husband under the other act, such result, if the legitimate effect of the laws themselves, could not authorize or excuse a construction at variance with the express terms and plain meaning of the acts. The general rules of law applicable to the subject were therefore clearly against the construction which had been adopted. But the question, after all, depended upon the act itself. And what did the act say?

"That if any person who served in the war of the Revolution in the manner specified in the act passed the seventh day of June, 1832, entitled 'An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution,' have died, leaving a widow, whose marriage took place after the expiration of the last period of his service, and before the first day of January, 1794, such widow shall be entitled to receive, for and during the term of five years from the fourth day of March, 1836, the annuity or pension which might have been allowed to her husband, in virtue of said act, if living at the time it was passed: *Provided*, That, in the event of the marriage of such widow, such annuity or pension shall be discontinued."

Now, what facts, Mr. P. would ask, were necessary to bring a case within the terms and meaning of the act? Why, 1. That the officer or soldier for whose services the annuity was claimed served in the war of the Revolution in the manner prescribed in the act; 2. That he died leaving a widow; and, 3. That the applicant was the person so left a widow—her marriage having taken place within the time specified, and she being a widow at the time of passing the act, and still remaining so. These were the essential requisites of the act; and, when they were made out, a clear case was made out, within the very terms of the law.

What (Mr. P. would ask again) did the act say? Why "that, if any person who served in the war of the Revolution, &c. have died, leaving a widow, whose marriage took place, &c. such widow," that is the person so left a widow, "shall be entitled," &c. The expression "such widow" was descriptive of person, and denoted the woman who was the wife of the officer or soldier who had served as required, and was left by him a widow. Apply the same phraseology to other subjects, and how would it be understood? Suppose it should be enacted, and Mr. P. believed the statutes of some of the States did so enact in terms, that if any person should die intestate, leaving a widow, such widow should be entitled to dower in her deceased husband's estate: no one, it would seem, would be at a loss to know what was meant by such an enactment, or would allow himself to think for a moment that the right of dower, although it was a right resting in action only, would be lost by a second marriage, or that the woman would be incapable of asserting her right in the first husband's estate as his widow, because she had married again and become the widow of a second husband. It was further to be observed, that the widow was to have "the annuity or pension which might have been allowed to her husband, if living;" that is, which might have been allowed to the person who served in the war of the Revolution, and died leaving her a widow. The husband's services

were the meritorious cause or consideration of the annuity, and it was intended to give to the person who had been his wife, and become his widow, the same annuity or pension he would have been entitled to if he had not survived him.

Such (Mr. P. said) would appear to be the only exposition which the act was capable of receiving. The right to the annuity was given in absolute terms, to be held and enjoyed for the term of five years, subject only to the condition "that, in the event of the marriage of such widow, such annuity or pension shall be discontinued." The condition was a condition subsequent, depending on a contingency afterwards to happen. In the event of a future marriage, the annuity was to be discontinued: in other words, it was not to go to the future husband, but to cease. This was the only condition the act contained; and it was a rule of interpretation that the expression of one condition or exception was an exclusion of all other conditions or exceptions. The maxim, *expressio unius est exclusio alterius*, applied to things as well as to persons. To deprive an applicant, then, of the annuity, on account of her having married a second time, she being a widow at the time the act was passed, and still continuing unmarried, was nothing short of an arbitrary and unwarrantable introduction, by way of construction of a new condition, or rather exception, into the act.

The act of 1838 was a literal transcript of the act of 1836, with this difference only, that the act of 1836 required the marriage to have taken place before the expiration of the last period of the husband's service, and gave the pension to the widow during the time she should remain unmarried. In no other particular whatever, except these two, was there even the slightest verbal variance between the two acts. The form of expression throughout both was otherwise exactly the same; and it was worthy of special notice, that it having been held by the Executive officers, under the act of 1836, that an intervening second marriage deprived the widow of the pension given by it, Congress, in 1837, passed an explanatory act, declaring that the benefits of the act of 1836 should not be withheld from any widow in consequence of her having married after the decease of the husband for whose services she might claim to be allowed a pension, provided she was a widow at the time the act was passed. It could hardly have been expected, after this declaratory act, this legislative expression of the sense and meaning of the act of 1836, that the act of 1838 would receive a construction which had been repudiated by Congress in reference to an act in language identically the same.

The question (Mr. P. said) was not whether the act of 1838 was founded in justice or policy, whether it was expedient or inexpedient, or whether it ought to have been passed or not. The act was the law of the land, and the question was, whether the law should be administered fairly and impartially, and be executed in good faith, according to its plain meaning and intention.

SPEECH OF MR. MONROE,

(OF NEW YORK.)

In the House of Representatives, February 3, 1841.—On the bill providing for an issue of Treasury notes. The House being in Committee of the Whole on the state of the Union, [Mr. CASEY, of Illinois, in the chair.] on the bill to authorize an issue of Treasury notes; and the question being on the motion to strike out the enacting clause:

Mr. MONROE rose and said: Mr. Chairman, I have no disposition to debate this bill. I had hoped it would have been suffered to pass with such discussion as had been given to it by the Committee of Ways and Means. But, contrary to my expectations and my hopes, the debate has taken a very great latitude. Gentlemen have discussed the Florida war; they have discussed the tobacco trade; they have discussed the policy of General Harrison's administration in advance, without pretending to know what that policy will be; in short, topics of all kinds have been brought to bear upon the consideration of this bill, many of them having not the slightest legitimate connection with it. I

am not myself disposed to take up more than twenty or thirty minutes of the time of the committee. I find, from the statements made by the regular organ of the Administration in this House, the Chairman of the Committee of Ways and Means, [Mr. JONES,] that the Government is without the necessary funds to carry on its operations; and much as I am opposed to this plan of issuing Treasury notes, (to which I am in principle opposed,) yet we seem reduced to the alternative either of suffering the wheels of Government to stand still, without the means to pay its honest debts, or of resorting to this plan of raising immediate funds for its support.

The Administration party in this House tell us that you cannot raise money by any other mode in time to meet the exigency. I deny it. If you would issue Government bonds, bearing interest at 5 per cent. I have no doubt that they could be disposed of freely at any moment in the money markets of the United States. I do not question that you could raise twenty millions of dollars, if you needed it, within thirty days. But that would not answer the object of the Administration party in this House. They desire no national debt; you must not give this thing the name of a loan—for that, they tell you, would be creating a national debt; whereas, by issuing Treasury notes, you are but using the faith of the Government for the purpose of anticipating its resources a short time. I will not detain the committee with any disquisitions on that point. I find that the Government is without the means of paying its just debts. I am desirous to grant those means in some form or other, and I am not inclined to make war upon an Administration now about to resign its power. We have had enough of that; for the last eight or ten years, denunciations have been dealt out with an unsparing hand. They may retire, so far as I am concerned, without denunciation. I make none; I have disapproved their measures; I have opposed them to the best of my ability; the people have rendered a verdict against them, and I, for one, am willing that they should go in peace. I do not approve the course which has been adopted towards that party. I think they should have been permitted to go out of power with all the quietness and decency possible. I have no wish to assail them. I know that there are many honest men of that party, in this House and this nation, who differ honestly with me, and who, I believe, would not remain a single hour in the ranks of that party if they did not believe its motives to be pure and its intentions honest. If I believed that a majority of the two great parties now so nearly balanced, in opposing each other, must necessarily oppose the institutions and the welfare of our country, I would not live in the land. Pride of opinion, we know, induces men to go further in their support of measures and men than their candid judgment will sanction. They go along, step by step, until at last it is impossible for them to proceed with their own approbation, or to retrace their steps without incurring reproach and denunciation. I have no desire to touch the acts of this Administration until General Harrison shall take the place to which the people have called him. If there is the corruption in the several departments which we believe to exist, let us wait only a short time and we shall know its extent; and I believe that the Whig party will carry out in sincerity and good faith the reforms to which it has pledged itself before the whole people.

Gentlemen have thought proper to take up the time of the committee for several days past in "defining their positions." I wish they had not done so, because the business of the country might have gone on more rapidly; but, as the example has been set, I must consume a few minutes in "defining my position" also. In doing this, I shall speak for myself alone—I shall not speak for General Harrison. Of his opinions and intentions I know no more than any other individual here; and I shall leave his acts and his measure to be passed upon when they shall be laid before the country. Of one thing, however, I am satisfied—that, be those acts or measures what they may, General Harrison can do nothing worse than has already been done by those who are about to resign

their power into his hands. Those who have had any acquaintance with my public career, know that I did not enter the ranks of the Opposition from the mere love of opposition. I should have been glad to have seen the last (as well as the present) Administration go on successfully in a course of policy calculated to promote the great interests of this nation, and to have given my feeble support to them. Towards its head I have always maintained personal good feeling, coupled to an unfeigned solicitude that he might so administer the Government as to secure the great purposes for which it was designed. Believing that he had not done so, I early threw myself into the Opposition against General Jackson's administration. I believed that he was usurping all the doubtful powers of the Constitution, and I went against him. And when the present Administration came into power, had they done what was right, I would have gone with them. I have, therefore, gone with General Harrison; I will support his administration just so long as I think it is right, and no longer. I am under no obligation to him or any other man who may be called to the helm of this Government, to support him one hour longer than I can approve his measures and believe that they will promote the interest and the welfare of our common country; no, not a moment. And I care not whether he is in favor of a Bank of the United States—of a distribution of the proceeds of the sales of the public lands—or of a tariff; I shall look at his measures as a whole, and, as such, I shall pass my judgment upon them. If I believe that there is enough of good in those measures, I shall support them—if I believe they are fraught with evil, I will oppose them. This has been my uniform course, and I pledge myself to men of all parties that I shall not depart from it for the time to come. I am not going to talk about my patriotism, nor am I willing to judge in advance what are to be the measures of General Harrison; I leave his policy to him, simply remarking that, whatever it may be, I shall watch it narrowly.

The question of the tariff has been brought up during the discussion on this Treasury note bill. I have been a close observer of the course of Southern gentlemen on this floor and elsewhere; and I now say, with all respect, that it is my honest conviction that you cannot get any one Southern man, giving him a week to do it, to bring in a tariff bill which any other Southern man will approve. In other words, I do not believe you can get any two Southern men to agree upon a tariff for this country. Nay, I go further, and say that if, perchance, they should agree upon a bill and should both vote for it, one or the other would, at the very next meeting of Congress, move its repeal or modification. There is a total want of affinity in all their views. The gentleman from South Carolina, near me, [Mr. PICKENS,] asks me whether Northern men can agree? I say, yes; and the reason is to be traced directly to the common school system—to that practical, sound, common sense derived from these schools. And with all the pride which I feel at the recollection that I was born in the South, though at very early years I went to the North, I will say that, notwithstanding all the professions we hear, I do not think that there is any more individual honesty in the South than in the North; I am disposed, however, to give to the South a little more credit for liking constitutional abstractions and for dealing in technicalities, about which, as I have stated, no two men amongst them can agree. They tell you here that they will not go for a duty on silks and wines. Why? "Gentlemen of the South (say they) watch this thing well; these men from the North, who understand their interests better than you do, may commence with a pin, but they will secure a large entering wedge before they have done; be on your guard, therefore." Now, sir, I say that, so far as I know and believe, there is no intention in the North to attempt such a violation of the rights of the South as is here indicated. The simple question is, what will Southern gentlemen on this floor tell us they are willing to tax in order to create a revenue? I want none of their abstractions. I do not want them to tell me that we do not require money. I know as much about that

as they do. But, let them tell me what they are willing to tax in order to raise revenue? Let them name the articles; and I will undertake to say that my friends will meet their views, if even they should partially militate against the interests of the North. Let gentlemen from the South name any fair thing, and adhere to it, and we will make a compromise with them! Some years ago they came here and demanded a modification of the tariff, which resulted in the act commonly known as the compromise act. At that time it was urged in the South that luxuries ought to be taxed. Well; the North said, if necessary, tax them. The compromise bill passed, and now the South tells the North, you shall not tax these luxuries, because, though you may commence with a pin, you will make a large entering wedge before you have done. Sir, that is not our mode of proceeding. The North asks the South to adhere to the compromise act; they do not desire to disturb it. But the South comes now and takes a direct issue with the North upon Northern principles, on the score of what? Of the great watchfulness of the South on the tariff question.

There are two subjects which Southern gentlemen on this floor seem extremely tenacious of keeping up. Why, I know not. I admit the generosity, the talent, and the high mindedness of the South; but it would be well, I think, if they could discover some other objects on which to test their abstractions. They have taken up abolition with a great noise, and that matter being about used up, they have gone back and taken Northern ground on the tariff, and assumed that as high-toned Southern ground. We are without revenue; and now the simple question which arises is this: Will the Congress of the United States tax certain articles of luxury (or, if you choose to say manufactures, be it so) for the purpose of raising revenue? We only ask you to name the articles from which revenue shall be derived, because we must have it; no man doubts that, let him read the Secretary's report as much as he pleases. What the amount may be, is not so certain—gentlemen differ about it. The gentleman from Georgia [Mr. BLACK] has proved to the entire satisfaction of himself, and, I suppose, of his political friends, if of no one else, that his object is to avoid increasing the revenue, because, he says, we shall have, in the course of two years, by an *ad valorem* duty of 20 per cent, a revenue of thirty-two millions of dollars; and he fears, if it is increased, that there will be a scrambling for the loaves and fishes. I have no such fear; at all events, I can assure him that his distinguished friend in the other wing of the Capitol [Mr. CALHOUN] will look warily to that matter at the proper time.

It is not my intention to speak to Southern gentlemen in a disrespectful manner; and had I not myself been born in the South, I would not have spoken so plainly as I have done. But I feel authorized to take great latitude in these matters. I do not come here forgetting that I was born in the South, although I am a representative from a Northern State; nor do I wish to claim any thing from the South beyond what I am willing the South should claim from me. But in telling them that our common schools of the North have enlightened our citizens—that the plain common sense education which we give to our youth has fitted them for the business of the world, and has enabled them to jump over the abstractions with which my friends of the South are eternally annoying themselves and us, I tell them no more than the truth. It was well enough to discuss these things under the colonial system. [Mr. M. here adverted to the course of education pursued under the colonial system, and its effects on the character and minds of the young men of the country, but he was not heard distinctly by the reporter. Mr. M. then proceeded as follows:]

We have all learned that this is a better Government now than it was supposed to be at the time of its formation; and every man of us will rally in its defence, no matter what his education may have been.

There is another thing to be taken into consideration. With all their national feelings, Southern gentlemen may be better read in the Constitution

than we are—they watch it with a closer vigilance than we do—as the weaker man will watch the movements of his stronger adversary with a keen and fixed contemplation. The balance of power we know is not exactly even. But let us alone in the North—our eyes are upon you—and we regard your rights much more than you suppose. And although you may understand constitutional questions better than we do in the North, yet, let me say, the North is not less patriotic or less national; and though the men of the North may be very careful of their own interests, yet that they will show as ready a hand, and as good a sword in the common defence as ever the South can boast; that they will give their blood as freely and come up to the line, if need be, in the day of battle, with as little dodging as the South or any portion of it.

One word in relation to protection. In am not in favor of protecting manufactures; but I will take the trouble to show what Mr. Madison thought of that as a question of right. I am not going to discuss the subject. I want nothing of that kind beyond what the compromise act gives us. I have not a dollar in the manufacturing interests. But simply for the purpose of showing what was Mr. Madison's view of the constitutional power, I will read the preamble of the second law passed by Congress in 1789, and which was draughted by him. It is in the following words:

"Whereas it is necessary for the support of Government, for the discharge of debts of the United States, and the encouragement and protection of manufacturers, that duties be laid on goods, wares, and merchandises imported.

Now, Mr. Madison thought that the right to protect did exist, or he would not have stated so in this law. My friend from Virginia [Mr. WISE] will not gainsay any thing that was ever proclaimed by that illustrious man. And let me say that I myself defer to his authority the more willingly because he did not deal quite so much in abstractions as some gentlemen, professing to be his followers, do.

Mr. WISE here rose, and desired to know whether the gentleman from New York [Mr. MONROE] had been educated in one of the common schools of the North?

Mr. MONROE said he had received precious little education any where, but he knew one thing, that he had lived too long in the South in his early years to have received any thing like a practical education.

Mr. WISE. Then I have had the advantage of the gentleman; for I was educated in the schools of the North.

Mr. MONROE. Then you have had a great advantage over me in having been educated any where. And this accounts for the removal of local prejudices, the liberal feeling, practical deductions and illustrations of my friend from Virginia, [Mr. WISE.] Though I do not concur in whole with his remarks the other day, I confess that I listened with pleasure to them, and that I accorded my approbation to much that fell from him. And here let me say that the honorable gentleman has publicly expressed that which I and many of our friends on this floor in private have declared.

I hope that I shall not be understood as intending, by any remarks I may make in relation to the common schools of the North, to cast any reflection upon my friends of the South. However much my friend from Virginia and myself may differ as to national policy, no one will question his patriotism and purity of intention; and I take pleasure, and it is due to him, to say, that, whatever may be his difference of opinion with political friends, there is no member on this floor who has more the personal confidence, respect, and good feelings of this House, without regard to party, than the gentleman himself.

I have one word to say in reply to my colleague from New York, [Mr. BARNARD.] He has laid down rather a broader basis of action, in the remarks he made, than I am willing to sanction. But he was dealing only in generalities; and I do not doubt that, when he comes to particulars, he and I shall agree perfectly well. There was not much of abstraction, however, in what he said—there was a straightforward candor about it that

rather alarmed me. I was a little afraid that he was letting out rather more than General Harrison would venture to confirm. But my colleague can make a speech for himself. We shall be here, I suppose, as we are in New York—we shall have much to do to keep ourselves in power—and all we can say is, that we will sustain General Harrison so long as he is right. New York will not support him if he is in the wrong. She repudiated her own son—notwithstanding State pride and personal good feeling could not have rallied far short of twenty thousand votes in his favor. I cast mine against him with much reluctance. If I could have got from him any thing like the shadow of a promise that he would put away from him the corrupt men (I speak not of his Cabinet) who have been brought into office, and who have introduced into this Government the abuses and iniquities which have so long prevailed it, I would still have gone with him. I do at the same time believe that, had the President known the character of these men, there are nine out of every ten of them whom he would never have appointed. The ratio of qualification has been reduced within ten or twelve years more than 80 per cent.—almost as heavy a ratio as that in which my friend's tobacco [Mr. TRIPLETT] is taxed in France. And I went against Mr. Van Buren because I believed that the great moral principles upon which this Government was based could not be sustained unless our offices were filled with men of talent, capacity, and honesty. Sometimes, to be sure, he has appointed men of talents; in other instances he has jumped over every the ordinary requisites of a common school education; and, in others, he has appointed men to take charge of public concerns whom he would not have entrusted with his own private affairs—men who could not do that which was honest; for my experience teaches me that if men will cheat you before they get into office, they are not apt to let a chance for doing so escape them after.

My Colleague from New York [Mr. BARNARD] has not attempted to compromise any portion of this House, but he has laid down his plans pretty broadly; and I have a word to say as to some of them.

Mr. BARNARD asked the gentleman to specify when, or in what particular, he had laid down too broadly.

Mr. MONROE. I will go into particulars soon; for instance as to internal improvements.

Mr. BARNARD. I know that in various quarters of the House some portion, and probably this portion, of my remarks has been objected to, upon the ground that they were too broad—that I go for too much—for too much expenditure. Now, if the remarks I made here should be written out and published, and gentlemen will do me the justice to look at them, they will find that, from the beginning to the end, I recommended no system of internal improvement whatever. I do complain that this Administration has abandoned a system of works, partly executed, in the midst, and suffered them to run into dilapidation and decay. I do not contend that all the works which have been undertaken should be carried on; probably some of them should be abandoned. But none of us suppose that all should be abandoned, and I am in favor of finishing those which should not. I go for the improvement of harbors and rivers; and whenever the improvement of a harbor or river is conceded by the good sense of the Government, as well as of the whole country, to be proper, I say it should be made. That is my position. But I took no particular ground. I do not specify what the particular improvements are, nor how much money should be expended, nor any thing about them.

I will add that I do not think my friend and colleague will ever find me voting for a single harbor or river which he would not himself go for.

Mr. MONROE. The allusion I made to my colleague [Mr. BARNARD] has answered one good purpose, at least, in bringing him to the floor to explain his own position; and I trust that his explanation will quiet the conscience of the gentleman from Georgia, [Mr. BLACK.] I hope it may

have that effect, for he really manifested much solicitude on the subject.

[Mr. ALFORD, of Georgia, here addressed the inquiry to Mr. MONROE: What effect do you think a tariff on silks and wines would have on the cotton of my region of country?]

Mr. MONROE. I will answer the inquiry promptly. My friend from Georgia [Mr. ALFORD] endeavored yesterday to get the floor, but did not succeed. I was sorry he did not, because I think, if he had, it would have saved me the necessity of taking it to-day. But as regards the effect which a tax on silks and wines would have on his cotton, I am satisfied that, with all the ingenuity which Southern gentlemen can bring to bear on the subject, and with all the arguments they can possibly advance, they cannot show that it will have any effect in reducing the price of their cotton the smallest part of a farthing; nor do I know that it would have the effect of increasing the price. I cannot see how the thing is possible. Yet this I will say, that if the gentleman from Georgia should succeed in obtaining the floor, and should convince me that such a tax would militate against the South or any of its interests, I will go against it here and elsewhere. But I cannot discover how it can be. I know that, not having the kind of education peculiar to my friends of the South, I may be at fault in these things. But I do say, here in my place, that a tax on luxuries seems to me to be the most equitable that can be devised. I speak of luxuries which the working-classes do not use, and which the wealthy (I will not say the superior classes, for there is no such distinction made by an American) do use. I say luxuries ought to be taxed. Does a laboring man on my farm drink wine habitually? No. Well, I do not want to put a tax upon silks to prevent his wife wearing a silk gown; but where his wife does not buy more than one in a year, and my family buy ten or a dozen to that one, I tax myself; I put that tax where it ought to be. So with wines. When the laboring man drinks no wine, and I drink wine as freely as I desire, I am willing to pay for it—not merely such an amount as will pay the importer, but such an additional amount as will bring revenue into the Treasury, and in some degree relieve the laboring class from taxation. If you want no more money—if your tariff is all right—leave it so. But if you do require money—if your tariff is not adequate to all the indispensable purposes of the Government, then I say I am willing to tax any thing that the South will name; let it be my carriage or my horses, or what it may, I will go with them. But I think they do not treat us with entire fairness in declining to name any one thing on which they are willing a tax should be imposed.

One word further. If your revenue is exactly what it should be now, if you really do not want another dollar, I, for one, would relieve the tax upon certain articles that are now taxed and used by the laboring classes, and I would lay it, where it ought to be laid, upon luxuries, even if I wanted to derive precisely the same revenue we have now, and no more. We have no intention of interfering with the compromise act; no man at the North entertains such an idea—I, at least, never heard of one who did. Every dictate of honor, every principle of justice, every feeling that should exist in the heart of an American, forbids it. But, at the same time, I say to my friends from all parts of the country, if you have deficient funds at the present to answer the current wants of the present year, your duty is not yet ended; you must not stop there. You have other objects to accomplish; you cannot suffer your country to remain in the defenceless condition in which she now is. You are not in a state to meet a foreign foe. If you do that which, I believe, your duty as statesman requires you to do, you will not abandon this Hall without appropriating at least three millions of dollars for the increase of your Navy, and three millions for your fortifications and your harbors. If you have enough for the present moment, be assured you have not enough for the future. You have been fast asleep in all matters connected with your Navy, your Army, your fortifications, and every thing else—as if we never again were to have a war.

I have seen enough of the politics of the world for the last ten years to satisfy me that there are yet enough of bad passions, selfish motives, and restless ambition to bring a war upon us at any moment. I say its flames may be kindled in a moment; that we ought to put our country in a state of preparation for it; and that we are bound to do so. I see, indeed, no prospect of war to-morrow, nor the next day, nor within the year, if you please; but there may be soon—there may be in less than five years. There is no wisdom, there is no policy, in this slipshod mode of legislating for the country—nor is there any necessity for it. It is disreputable, it is unworthy the Representatives of a free people; and I will go for an increase of the revenue for the purpose of putting our country in a state of defence, whenever we can do so without a violation of the compromise act. I have no predilection for being whipped by a foreign foe; but whipped we certainly shall be one of these days if a war should come and find us in the defenceless condition in which we now are. I am no alarmist. If a war comes, I shall take my chance; but I say that we ought to raise a revenue from some source for the purpose of placing our Army or Navy, and our coast defences in a proper condition. I am not in favor of an unnecessary increase of the Army, but I wish to see it in a proper condition; I wish to put our forts in a state of defence; I wish to build steam-ships, to be ready in case of need; and, if not needed, and they rot, why, supply their places with others.

Mr. Chairman, I do not wish to consume more of the time of the Committee. I have already said much more than I intended. I will not now say any thing as to a distribution of the proceeds of the sales of the public lands, nor will I enter into any discussion upon the Florida war, and all such matters. I will conclude by saying that, though I know nothing of the policy which General Harrison intends to pursue, yet I shall support him and his measures so long as I believe them to be conducive to the public good. I hope he will take his course firmly, and with a single eye to the welfare of his country. I believe that, if Mr. Van Buren had done so—if he had directed his attention more to the discharge of his duty to the Constitution and the laws, and less to his own political prospects—if he had looked more to our foreign policy and less to his own domestic policy—I say I believe he would not now have been called upon, by the overwhelming voice of the freemen of this land, so soon to descend from his high political station. I trust his example may serve as a beacon to all who may succeed him.

DEBATE ON THE TREASURY NOTE BILL.

[SPEECH OF MR. WISE,

OF VIRGINIA.

In the House of Representatives, January 27, 1841—
On the bill providing for an issue of Treasury notes.

Mr. WISE, having obtained the floor on the question to strike out the enacting clause of the bill to authorize an issue of Treasury notes, in the Committee of the Whole on the state of the Union, rose and said—

Mr. Chairman: Before I proceed to discuss the question before the committee, I beg leave to prove a fact which I stated the other day, by the permission of the gentleman from New York, [Mr. BARNARD,] when he had the floor, and which, I am informed, was contradicted by a member from Ohio, [Mr. DUNCAN,] when I was not in my seat.

The gentleman from New York was speaking of facts in his possession going to show that there is an unknown, unliquidated amount of public debt now outstanding, and the payment of which has probably been postponed by the present Administration, to fall upon those who are to succeed. As corroborating and establishing this fact, I obtained the gentleman's permission to state that, during the last fall's political campaign, I had put into my hands two circulars, signed by the superintendent of works at Old Point Comfort and the Rip Raps, notifying the owners of slaves who were laborers on those works that these laborers would not be paid until the first day of January thereafter, or,

perhaps, not until the first day of April next; and further, that the pay of the laborers, after a given day, would be reduced from sixty to fifty cents per diem. In verification of this statement I now produce, from the Richmond Whig of the 25th inst. the following as a true copy of the circulars I saw addressed to different individuals:

"ENGINEER'S OFFICE,
"OLD POINT COMFORT, August 18, 1840.

"SIR: You are hereby informed that the laborers employed on the fortifications in Hampton Roads will not be paid until the 1st day of January, or, should the Government prefer it, until the 1st day of April next.

"You are also informed that, under the present circumstances, the pay of the laborers, after the 1st day of September next, will be fixed at fifty cents per day, instead of sixty cents, which is now paid for them.

"I am, with respect, sir, your obedient servant,

"R. E. DE RUSSY, Lieut. Col. Engineers.
"To Mr. Wm. JENNINGS, Hampton."

Two circulars like this, in every word and figure, were placed in my hands at Hampton, and I have one now, in manuscript, signed by this same officer, Lieut. Col. R. E. De Russy, who, I am confident, would not have issued such circulars without authority from the War Department. In vindication, sir, of that officer, I now ask my honorable colleague [Mr. JONES] whether he knows that the Secretary of War did cause to be issued authority for this circular?

[Mr. JONES of Virginia said that, after a conversation with his colleague, [Mr. WISE,] he [Mr. JONES] had called on the Secretary of War to ascertain the facts of the case; he had expected that he should, ere this, have received a written communication on the subject; he had, however, understood the Secretary of War to state that, under the power conferred upon the President by the act of the last session, to postpone the appropriations for fortifications, &c. written instructions were given to the superintendents of the works from which it was proposed to withhold the appropriations, to discharge the laborers employed on them; retaining as many as might be necessary to preserve and take care of a large amount of perishable property belonging to the United States. That this course was rendered necessary in consequence of an apprehended deficiency in the Treasury, which would put it out of the power of the Department to advance funds for these objects, until the 1st of January, 1841, or the 1st of April; and that the laborers employed should have notice of these instructions, as well as the owners of slaves, where slaves were employed, and that it was at the earnest request of the laborers themselves, that they were allowed to go on, with a distinct understanding that they would not be paid until either the 1st of January or the 1st of April, at the pleasure of the Government. As to the reduction of wages, of which his colleague spoke, he had called the attention of the Secretary to that subject also; and his answer was, that there existed no good reason, in his opinion, why the persons employed on the public works should be paid higher wages than were received by those doing like service in other places; and that the wages paid were a full equivalent for the services performed.]

Mr. WISE. I thank my colleague for his frank answer, which confirms my statement, and shows that Lt. Col. R. E. De Russy had authority for issuing this circular. My object was to show by the statement that *there is an outstanding public debt—unknown, unliquidated, unmeasured.* But I now go further, and say that payment for work and labor done and performed and for goods furnished for Government has been postponed without notice to creditors before the work was done, or the goods furnished. I have a witness on this floor who, I believe, is himself a public creditor, without notice before the debt was contracted, to whom payment has, in like manner, been postponed. I refer to my colleague from the Norfolk district, [Mr. MALLORY,] and ask him to state whether such be not the fact.

[Mr. MALLORY, in answer to the call of his colleague, observed that the statement made by Mr. WISE, save in one particular, was substantially correct. The Government was not indebted to Mr. M. for any thing, whatever it might be to his neighbors. The circular just read to the House he could vouch for, having seen several last summer in the hands of his constituents, who were not a little surprised at the notice, but who, having re-

ceived their slaves for the purpose of working on these fortifications, had no choice left but to keep them at home in idleness, or to trust the United States for their wages. The officer superintending these works, he well knew, had not acted without instructions from headquarters, and he felt assured that his neighbors had made no such application as that alluded to in the letter of the Secretary of War read at the Clerk's desk a few days ago. This postponement proceeded, doubtless, from the "tightness in the Treasury," to use the words of his colleague, [Mr. JONES] and to show how great was this "tightness," Mr. M. stated that he had been informed by those in whom he placed every reliance, that the bread and meat furnished on Government account to the laborers on these works was not even paid for, to say nothing of the wages of these men, which remained unpaid since August last. But the "tightness in the Treasury" went even further than this postponement of the price of labor and bread. A bill of \$9 for surveying a small piece of land, purchased by the United States for the use of Fort Monroe, was presented, and payment deferred for the want of funds. This he had from the surveyor himself, a few days before leaving home. Mr. M. said he had been wont to charge the honorable Secretary of the Treasury with permitting a habit of "looseness" (as Mr. V. M. Garreche would say) to work on the Treasury, but he regretted this running into another extreme, which had occasioned a tightness that greatly incommoded and injured those in Government employ.]

Mr. WISE. It matters not, sir, whether the postponement of payment was for work done, or to be done; the work is done by this time, and the payment is postponed. I have proved more than all I stated. I do not usually attempt to prove my assertions. I have taken the trouble to do it in this instance, because I am informed that a communication directed to the member from Ohio [Mr. DUNCAN] from the Secretary of War seemed to contradict my statement.

[Here several gentlemen said to Mr. WISE, "No, it is only substantially the same as what Mr. JONES says, which confirms your statement."

Mr. WISE continued. I have never seen or heard it, nor do I care what it contains. I should not be surprised if it contradicted not only my statement, but the Hon. Secretary's own statement to my colleague, [Mr. JONES,] as well as the files of the Department itself. No matter what is its character for veracity, I like not the mode in which it comes before this committee. This is not the first time that, whilst a debate has been pending here or in the House, the practice has been pursued of running off to the Heads of Departments to get written, unofficial communications to contradict or to puzzle members. These Secretaries had much better come at once, like royal Ministers, into the Commons, budget in hand, where they can be catechised and cross-examined upon the evidence in their possession, which they may now hold back or reveal at will, as may suit their purposes to conceal or disclose. We have had, during the last summer, an example of how this power has been abused by this same Secretary. This is a bad practice, and ought to be abolished. I am also informed that, in my absence from my seat, the member from Ohio [Mr. DUNCAN] made some personal allusion to me: that he said, after telling some gentleman he had "gone off half cocked," that I had perhaps "fired before my time." Sir, it matters not what that member says of me. I notice no personalities from that quarter. Some gentlemen know, and it is well they do, that *I fire quick, and that I hit, too, when I fire.* At all events, I am not one of those old rusty fire-locks which, *without flint, or 'steel in the firzen,' are everlastingly snapping, and never fire!*

Having cleared the decks of this matter of fact, I now proceed to the regular debate.

Sir, I freely pardon my friend from Kentucky [Mr. PERKINS] for depriving me of the floor. I am sure he intended no injustice or disrespect, and would not have insisted on his claim to the floor if he had understood the case as I did. He was, indeed, from age, experience, and ability, entitled to the precedence of me or almost any other gentleman in the House. I am glad that he preceded me

in debate, and that I obtained the benefit of his enlightened views. It is true, as he says, that I am in debt to him for his attention to me on a former occasion—at the called session, near midnight, when, before I commenced a four hours' speech, I invited gentlemen to go home and go to bed. Nearly all accepted my invitation except the gentleman from Kentucky, who, as he says, "sat me out." And, sir, from that time to this, I have always made it my duty and my pleasure, as it was to-day, to "sit him out." He always reminds me of this obligation, and I am always fully repaid by faithfully observing it. Are we now even in compliments? The gentleman nods assent, and I am satisfied.

Sir, though now indisputably entitled to the floor, I know not whether I ought to occupy it. I am physically unfit to talk in this hall for two or three hours. If my own friends had been content to vote in silence, I would have been silent too. I should much have preferred to meet them like brothers apart in caucus, to conciliate our differences, rather than to bring these differences into the collision of debate here.

I regret to take the floor, too, because I am pained to differ from any of my friends. But they have chosen to advance and defend their votes and their views, and have rendered it necessary for me to advance and to defend mine. If they would not remain silent, they must not complain if I speak. If they will attempt to give impression to public opinion, so must I. If they will attempt to manufacture public sentiment here to affect those coming into power, I must in time undeceive those who are soon to become the Executive. If they differ from me, they must not murmur at my differing from them, especially, when no two of them have as yet agreed with each other. If they will debate here, here I am ready to meet them.

I regret, moreover, that I am now compelled to vote for this bill to issue Treasury notes. I shall try to make it as perfect as possible before I do vote for it, by an amendment which I shall offer as soon as the pending motion is disposed of; but, though my amendment should fail, I will vote for the bill as it is. I have always voted against the various bills heretofore to issue Treasury notes. These notes are objectionable on two important grounds. They are too convenient an issue for the economy and republican simplicity of a Government like ours. A Treasury note bill converts the Government into a factory of paper issues, and makes it a spendthrift by too readily facilitating the credit operation of giving a note, instead of paying the debt. Again, by the aid of this machinery to engrave these images of bank notes, the eyes of the people are blinded to the reality of a public debt. I believe, as was said by the gentleman from Kentucky, (Mr. PERKINS,) that many honest, ignorant people, of late, took these notes to be only so much paper money coined by the sub-Treasury; and they could not be persuaded that this Administration, which has been so hypocritically denouncing credit and a public debt, has been all the time it has been in power issuing only evidences of debt, promises to pay, instead of that gold which was promised. Treasury notes are a perfect blind to a public debt. In ordinary times I would prefer always to negotiate a loan, and to appraise the people honestly of a public debt by advertising for a contract of loan. Such a publication in the newspapers would call attention to the condition of the finances, and would wake up the tax payers to the extravagance of Government. But at this time, and under the present emergency, I shall vote for this bill, for three very vital considerations. I shall vote for it—

1st. As the friend of the coming Administration, to provide it with the means immediately necessary to carry on the Government until the next regular session of Congress in December.

2d. To prevent a called session of Congress.

3d. To prevent, during the present year, a premature revision of the compromise tariff act, a premature agitation of the National Bank question, and to prevent the passage of a law at any time to empty an empty Treasury of the revenue derived from the public lands to make a pretext for increasing the

tariff, or to increase the tariff to make a pretext for distributing the revenue from lands.

These several reasons I propose to discuss in limine. To discuss them as I have considered them, on mature deliberation.

I say, sir, first, "as a friend of the coming Administration."

Would any one have supposed three months ago, when I was seen bearing the heat and burden of the late election campaign—six years ago, when, from that time to this, I have been bearing the brunt of the colossal tyranny of the two last Administrations—that I—I should have, two months before the next Administration comes in—when all the energies I exerted to bring it in are not yet relaxed—to defend myself against the imputation of not being its friend?

[Here Mr. STANLY said across, "There is no necessity for you to do that."]

Mr. WISE. One of my friends says there is no necessity for such a defence. I know there is not with those who know me. But there are many who do not know me. Some foe-friend or friend-foe may know perhaps that General Harrison himself does not know me; and I will show that there is a necessity for this defence.

In the Richmond Enquirer of the 19th instant, containing a letter from Washington, dated the 14th instant, is the following significant query:

"Would you be surprised to find Wisconsin amongst the opponents of the new Administration? Things more improbable than this have occurred. He is in a terrible rage at the prospect of Rives's election."

This, sir, is the insidious and false dealing of the foe. This was to be expected from this quarter, and to show how little this source of slander knew about me or my acts, I have only to appeal to my friends in the Virginia Legislature, who did me the honor to consult with me on the subject, to prove that, so far from my being "in a terrible rage at the prospect of Mr. Rives's election," I advised those who had ever once voted for him to vote for his election again; and that, too, upon the express ground that it would be seeming treachery in the Whig party now not to elect him, at the same time declaring, however, that, never having voted for his election myself, I never would, if I were in the Legislature; no, not "until the cows came home."

But this imputation of my being a renegade did not originate with my old political foes alone. My real friends have told me that some Whigs had begun to feign to feel a suspicion. That some "busy bodies," no doubt with the deepest interest in me, have been whispering the innuendo, "He is erratic, and delights in opposition; no wonder if he is soon against us!" Sir, let me inform such friends that they are seen and known. Once for all, I pronounce the charge that I am not a sincere and devoted friend of the coming Administration—no matter whether it be made by a Loco Foco, from motives of policy to drive me into his own minority for vengeance sake on account of the past, or by a malicious Whig hypocrite, to destroy an influence, much or little, in the way of his own preferment in future—a base and unfounded slander.

This much I feel constrained to say—not to secure a personal benefit or to prevent a personal injury, but to relieve my arguments, my counsel, and my course with my party from an unjust prejudice. Let him who doubts whether I am a friend of the Whig cause and of a Whig Administration, stand up and show his face! Let me see whether he is one who has, during an eight years' war, been side by side with me in the forlorn hope against the hosts of spoilers, or whether he is one of those "eleventh hour" men who have come into the Whig ranks just in time to share the spoils. Let me see his stripes, his persecutions, his toils, and his sufferings and sacrifices, and compare them with mine, and then I can tell whether he be a better Whig than I am.

Sir, who has the right to question my being a Whig? Who—what one man is it who claims to be the Whig party, with power to excommunicate me? I think I have the right to claim to be the Whig party as much as any other one man in the ranks; and gentlemen had better beware lest they be unchurched themselves before they unchurch me.

One of the richest fruits of our late triumph is, I hope, the restoration of perfect freedom of thought and independence of action. I do not admit that I am acting contrary to my party; but if gentlemen opposed to me are the party, let me tell them at once that I will submit to no party dictation. If the "screws" are to be applied so soon, they will find one Saul "kicking against the pricks"—especially at this time, before the President elect has even reached the metropolis, and before I know that he will approve of a single line of policy which seems so anxious to prescribe for him. Who here undertakes to speak for him? He will speak for himself, sir, and may agree with me, and differ with gentlemen. In what sort of a predicament will they be then? Who, then, will be the party? With those very gentlemen themselves, sir, I will be apt to be the party then, and nine out of ten of them will acknowledge that I am right, and they are wrong.

Sir, that there was a great variety of opinions in the Whig party was known before the election. That party was the opposition, and the opposition always unites discordant materials. The party in power alone can amalgamate its friends into one mass of sentiment and feeling. A party coming into power usually, in taking its direction of policy, dissatisfies a portion of those who brought it in, sloughs them off, and forms new allies from old opponents to supply the defection. This was the case with the party which brought General Jackson into power. He gained friends from among old Federalists faster than he lost Republicans, who placed him in the Presidency. This is not the first time I have been in a large majority, and it was not until the fifth year of the reign of Andrew Jackson that I departed from him, after the bad company had increased too strong for my taste around the throne. During the late contest I urged "a union of the Whigs." I do so still. I desire nothing so much as general and frequent consultation—caucus consultation, if you will, among ourselves, to settle the points upon which we agree, and to "agree to disagree" on those vexed questions which we ought to avoid. Before the election it made no difference with me, sir, whether you were a Republican Whig, a National Republican, or a Nullifier. To each I gave the hand of fellowship cordially, and united heartily with all to pull down a rotten dynasty, worse than any which can be established. We knew our differences beforehand, and each took the chance of his faith and his policy becoming the prevailing faith and policy with the new Administration. Believing General Harrison to be a Republican of the old school, as I believe still, and shall not believe otherwise until he himself undeceives me, I united with all my energy and all my zeal to put him into place and power. Indeed, if I had known he was not of my faith—if I had expected to oppose his Administration the moment after he goes into power, still I would have supported him against the present "powers that be," because "the country might be benefited and could not be worsed." But, sir, I knew that, after he came in, there would be a race between his different supporters as to whose faith and policy should be pursued. I did not expect that race to start before the inauguration, but it has begun. I would have avoided it so soon, forever if I could, but it is on the track, and the contest must be encountered. If one set of friends are busy to engraft their creed upon the Administration stock, so must the others be, unless they mean to desert their principles and to be merged in what will soon get to be called—"the party." I will not desert my principles, sir, and will do all in my power to advance their pre-eminence over all others. Gentlemen must pardon me for this position, when I have caught them first in precisely the same act. Neither of us can say as yet which is "THE PARTY" until the President himself arrives and decides between us.

I am myself, sir, in favor of the Republican policy. There is no prefix to my political name—it has neither "National" or "State Rights" attached, but is simply "Republican." Mr. Madison has ever been the model of statesmen with me, and I am content to follow his examples of wisdom and virtue. And, sir, I will proceed to tell you what I con-

ceive one of the Republican tenets to be. One especially which I shall expect the President to observe is, that he will not be ruled by a party. I repeat it, that I shall expect him not to be ruled by a party! If he is, the country will be misruled, as it has been for twelve years past.

Sir, the late contest resulted precisely as I desired it. One of the greatest achievements of the victory is, that it was not a party triumph. It was a great and glorious national triumph. Gentlemen of the party in power wonder how they were defeated. They are astonished at the number of votes polled—at the increase of votes approaching nearly one million. Sir, I can tell them the reason of this: there is in this country a corps de reserve of wisdom, virtue, and sterling worth and patriotism, who do not usually mingle in the excitement of politics—who avoid the dust of the electioneering arena, and who only come up to the help of the nation, to the rescue of the country, when there is a crisis of real danger. That crisis had come, and this corps of moral power stepped forth and decided the struggle. Old men, whether aristocrats or poor, who had not been seen at the polls for twenty years, came forth—the old, young, lame, halt, blind, rich and poor, of all classes and conditions—who had been merely looking on at the politicians, and taking no part with them, but observing the events and the tendencies of causes only, heretofore—all alike feeling the pressure of necessity, the call for action—all by the impulse of patriotism, not of party, sprang forward to save, to preserve, and relieve our people and their institutions. This, sir, this was the grace and gladness and glory of the late contest for the Presidency. What then is the duty of the President elect? It is to be President of the nation, not of a party! Yes, sir, to be President of the Loco Focos themselves—to be their servant as well as the servant of Whigs—a benefactor and blessing to all, to the whole country. So to be President that even those who voted against him shall exclaim—"It is good for us to have such a man elected, and for the Republicans to succeed!"

Some gentleman whispers that I "expect too much from the President."

[Here Mr. MASON of Ohio rose and said, "No, too much from Government!"]

Mr. WISE. No; I reverse the maxim of "the Government." I will expect every thing, and the nation must never imagine that we can expect too much from the wisdom and virtue of their rulers. The very expectation, sir, will exalt and qualify them to meet our highest hopes. Now the experiment is to be tried, and I hope it will be the only experiment of the new Administration, whether a pure and virtuous and enlightened Administration—looking alone to the country and its business, not its politics—will be sustained by popular favor. Sir, I hope to see that experiment made, and to see it successful. Nothing short of its success can save this country from the fatal end of all Republics. I desire to see General Harrison, above all things, imitate that godlike virtue of Washington, which advised, and consulted with, and took counsel from good men of all parties and all creeds—which heard and compared the opinions of all the good and the great in the land—which had a Hamilton and Jefferson both in the Cabinet, and consulted both—and which, after weighing and reflecting profoundly, decided firmly and without shrinking from responsibility. Believing that he will hear all, govern all, be the President of all—that he possesses the virtues which qualify him to govern and to fill the office for which I was and am his friend—I shall vote to entrust him with the means immediately and absolutely necessary to carry on the Government, after the 4th of March, until the next regular session of Congress.

And now, sir, I have a word to say to the friends of the Administration yet in power. You should do as you have been done by. You should in good faith assist in providing those means for the coming Administration which you have for years been providing for yourselves. It is policy in you to do so, or the blame, if any, will fall on your majority in both Houses of the present Congress. You have, since September, 1837, passed no less than four, and this will be five, Treasury note bills to

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Treasury Note Bill—Mr. Wise.

H. of Reps.

enable you from time to time to get along, and you ought to leave your opponents no excuse for any extraordinary measures to meet emergencies, by extending liberally the provisions of this act to your successors.

By the act of October, 1837, you authorized President Van Buren to cause to be issued *ten millions* of Treasury notes, as the exigencies of the Government required, of denominations not less than fifty dollars, with a limitation of one year. This power ceased on the 31st December, 1838.

By the act of May, 1838, you authorized the Secretary of the Treasury, with the approbation of the President, to issue Treasury notes, according to the terms of the act of October, 1837, in place of such notes as had been, under said act, paid into the Treasury and cancelled.

By the act of March, 1839, you extended the two former acts, as to the remainder of Treasury notes, &c. to June, 1839.

By the act of March, 1840, you renewed the act of October, 1837, and the subsequent acts, and gave authority to issue Treasury notes in lieu of others thereafter or before redeemed, but not to exceed in the amount outstanding at any one time the aggregate of *five millions*. And this act continues until March 31st next.

And you now propose by the pending act, in addition to the power to keep five millions outstanding under the act of 1840, to issue five millions more at any one time for one year after the passage of the bill.

Now, suppose this act to pass to-day, what will be its effect? Why, sir, from now until the 31st day of March, this act being cumulative upon the act of 1840, there will be a power to keep outstanding, under the two acts, at any one time, the sum of *ten millions* of dollars. After that period, the 31st of March, *five* millions only can be kept outstanding at one time. The effect is, that you will have, for the remnant of your days in power, the double power, or the power under two acts, to issue five millions; the power, in a word, to issue *ten millions*, and the coming Administration will have the same power only to the 31st, from the 4th of March; and may not, indeed, have any power at all to issue a Treasury note before the act of 1840 expires, in case you choose to issue the full *ten millions*, and to leave that amount outstanding when you go out.

The law, then, as proposed, is unequal. It does not do as you would be done by. I therefore propose, when the pending question is disposed of, to submit an amendment, providing that, if the sum of five millions, or less, be issued under this act prior to the 4th day of March, 1841, in addition to the sum of five millions, or less, authorized to be issued under the act of 1840 and prior acts, then the President may, after the 31st day of March, 1841, cause to be issued a like sum of five millions or less, in addition to the sum authorized to be outstanding at any one time under this act.

This will place both Administrations, as to means, on precisely the same footing. I have submitted this amendment to the consideration of my colleague, [Mr. Jones,] and at the proper time I shall propose it. I hope it will not meet with any opposition from him.

[Mr. Jones of Virginia said he would take the occasion to state that it was not expected by the Secretary of the Treasury that more than one million of dollars would be used before the 4th of March; the greater proportion of which would be required to pay pensions which will fall due after the 3d of March. It will not, therefore, be required to meet liabilities falling upon this Administration, but upon that which is to succeed it; so that General Harrison's Administration will have the full benefit of five millions of dollars for one year after the 3d of March. A similar bill was deemed necessary for the present Administration, under like circumstances, at the commencement of the last year; and Mr. J. considered it just and proper now to make a similar provision.]

MR. WISE. I fear there will be *outstanding debts*, not now estimated, which will more than make up for all that this Administration will have to pay for the next. At all events, sir, with my amendment to the bill, I am quite confident that this bill will

provide means sufficient to meet all immediate wants and demands, and to supply for a time the deficiency in the Treasury. We are told that this deficiency is very great. I have no doubt, sir, it is fully as great, if not greater, than gentlemen calculate. But we can never know what this deficiency is until we get into power and have surveyed the wreck. Then we shall see. Now we have not the data upon which to contradict the statement of the Secretary of the Treasury, and I shall not now attend to discuss either the causes or the extent of this deficiency. There is a deficiency, though, to some extent; and we cannot resort to a loan—we cannot resort to a tariff—and certainly gentlemen will not resort to *distribution* of the revenue for supplies immediately needed. I know of no other plan of immediate supply besides an ample issue of Treasury notes, as proposed by this bill.

[Here the committee rose.]

THURSDAY, JANUARY 28, 1841.

After alluding to some matters touching the election of a Virginia Senator, now inserted at the proper place in the first day's remarks, Mr. Wise proceeded.

MR. CHAIRMAN: I wound up yesterday one branch of discussion, or, rather, concluded one reason for supporting this bill. I told the committee I should vote for this bill as a friend of the coming Administration, to provide it with the means to get along, and I would place it, as to means, on the same footing with those now in power. I admitted there is a deficiency, and contended that Treasury notes are the only means of immediately supplying it.

I now proceed to my *second* reason for supporting this bill.

2d. *To prevent an extra session.*—The effect of this bill, if it pass with proper amendments, must be to obviate all necessity, and to strip gentlemen of all excuses and pretences for that, to me, *dreadful* called session!

Sir, I have an *instinctive* dread, inspired by experience, of an *extra*—a *called* session. I venture to assert—and I appeal to the sagacious of the party to confirm the opinion—that the *called* session of 1837 did more than any other ten acts to overthrow the present dynasty. [Here several members of the Van Buren party nodded assent.] I believe, I am certain, that, if tried again, it will be fraught with mischief to the Whig party from disappointment to the whole country. As a Whig, and as a friend to General Harrison, I deprecate it as a fruitful source of agitation, contention, confusion, error, and ruin. Mr. Van Buren struck on this unwise expedient with the most calamitous results. He found the public mind, after the suspension of specie payments, in a restless and dissatisfied state, the finances in a wretched condition, commerce decaying or dead, and, instead of breasting the storm, he yielded to his fears, and called Congress to relieve him. What was the result? *Congress did nothing*, and he lost public confidence; when, if he had shown nerve; if he had taken upon himself due responsibility; if he had summoned caution and courage, instead of Congress, to his relief, he would have gone through with all the difficulties which surrounded him.

Why is a called session always dangerous? Because, sir, your very proclamation admits your weakness, and that weakness is ever increased by the fears and alarm it creates in some, and by the too high expectations, which are sure to be disappointed, it excites in others. No captain must, as long as he can possibly avoid it, admit a doubt or a danger to his crew or his passengers. If he trembles, or throws up his command to any other man, in the midst of difficulty or danger, he disqualifies himself, and justly throws away the confidence in him upon which alone he can rely in any emergency for success. Mr. Van Buren's called session *did nothing* and lost all; and so it will be with us if we "follow in his footsteps."

Sir, the state of the public mind and the state of the times are both inauspicious to a called session. What are they?

I remarked yesterday, sir, that the country could not expect too much from the wisdom, virtue, and

patriotism of rulers; that we ought to expect every thing from men placed in the highest seats of public trust and confidence. But, sir, there is such a thing as expecting too much from measures. *We may expect too much relief, or relief too impatiently and too soon, from the wisest policy of Government.*

The expectations of the people for immediate, sudden relief are too high already. They cannot be realized by the wisdom of man. Years are the days of nations. Soon in the history of Government is long remote in the life of an individual, and there is not one individual in a thousand who reflects upon this truth so essentially necessary to be well understood and impressed, to fortify confidence in any policy, and to secure it a patient waiting for its results to be developed before it either be condemned or approved. No remedy on earth is worth a farthing without the aid of the great renovator—Nature's own physician—the *vis medicatrix* nature! The quack, sir, always relies upon the *nostrum*—the *pill* or *powder* is every thing with empiricism; but the *regular faculty*, the *secundum artem* doctor, sir, expects most from Nature's own power to restore herself, and nothing without her aid—or rather expects to give no relief but from aiding the laws of Nature. If you violate these laws, counteract or exceed them, or hasten them beyond their own course, you *kill the patient*, sir. The public expectation is already doing that dangerous thing; the stimulus is too high. The people are for the cautery, the knife, the severest drastics, or astringents. I, sir, am for *time*—time for Nature to restore a weak patient too delicate to be tampered with, and for *good nursing*. Any sort of violent treatment will now throw this country again into spasms, after being much, very much weakened too by previous convulsions. Instead of soothing and allaying excitement as we ought, gentlemen propose to raise expectations, already too high, still higher, and to add fuel to a fire which threatens to consume us. The feverishness of the public mind ought to be allayed. Neither *stimulus* nor *depletion* is required; either will be deadly, the nation needs *repose*. *Time*—a pause is required for a safe and radical change of policy. The affairs of a nation cannot be managed in a day, like the affairs of the nursery.

If there be a special session, it will be looked to for a cure of all evils. Every thing will be expected from it. And what, if *nothing should be done*? Is it not certain that nothing could be done to meet the general expectation for immediate and almost miraculous relief? Sir, the state of the times is obviously opposed to an operation of the wisest measures, even if they be adopted at a called session this year. What is our present condition? The present Administration goes out leaving a perfect wreck behind. The commerce of the country is wrecked—the finances of the Government are deranged and bankrupt—the whole monetary affairs of the nation in dilapidation and ruin—a large balance of foreign debt unpaid—the States groaning under two hundred millions of debt—the Federal Government issuing Treasury notes—domestic debts unsafe and difficult of collecting—distress pervading all classes—confidence in trade destroyed—the capitalists hoarding—the debtor classes under the hammer—exchanges high and unequal—no uniform currency—and the banks attempting, in the midst of danger, distress, and distrust, to resume specie payments, many of them under very doubtful circumstances of solvency! Such is our condition. And yet gentlemen, without waiting for further developments of new causes or effects, are for rushing upon measures the *very nature* of which must increase the pressure of the times. An increase of the *tariff* must immediately add to the derangement of commerce—a *distribution* must add to the deficiency of the Treasury—a national bank must cause a still greater and more caustic contraction. There never was a time when the resumption of specie payments or the creation of a national bank did not produce contraction and pressure, and there never will be. What would both at once not do?

Gentlemen must reflect that all of their measure are to be set in operation at once—they are all *à fieri*—all to begin *de novo*. Is it not likely that some of them would fail to pass, or, if passed, would fail of their ends? Then, if *nothing*, o

wrong, be done, or disaster be the first effect of right measures, even of a called session, who of those now contending for the authorship of measures would then contend for the authorship of the mischief to the party or the country? Who would assume so boldly to be answerable to the bitter disappointment of the people? Sir, that is the worst of all popular feelings to contend with—the disappointment of the people! You cannot reason with it—must overthrow you, sir, if you incur and encounter it. It wreaks vengeance, sir, as biting as it is bitter, no matter whether it be just or unjust. The Government, sir, is a mammoth concern, and should move slowly in developing its measures—the development of measures should wait while the development of events. You should see whether these banks can maintain their efforts to resume.* You should wait and see how many of them will fail. You should wait until a restoration of confidence revives trade, and credit, and currency. If you do nothing at a called session, there will be disappointment. If you do something, and distress continues, as it likely will, there will be disappointment. If you do nothing, or something, good or bad, and disasters follow, you will be destroyed. Then you must, for a called session to be successful, be certain—there must be no doubt—you must be certain to do the right thing, to adopt exactly the right measure, whatever it be, which must be followed immediately by the right and desirable effects, or you will egregiously fail to satisfy the expectations for relief. How many chances there are against you the insurance offices might possibly solve.

Some gentlemen seem to apprehend that, so far from the pressure continuing, relief will come of itself. They dread that—such are the mighty resources of this country, and the irrepressible energies of our people—the national prosperity will revive too soon for them to be considered its authors, and to get the credit of relief. Is this a proper motive for a called session? But they need not dream that prosperity and relief will come of themselves, or too soon. I trust in God they may come of themselves, and that right soon, that our wounds may heal “by the first intention,” as surgeons say, without lint or plaster; but there are too many wounds to be cicatrized, and Nature is slow in her operations. The pressure of resumption must run through this year, and my only fear is that it will extend far beyond it. But what, I repeat, if disasters should follow a called session? I tell you, sir, you will have committed suicide.

But these instincts, sir, alone, are not what governs me in opposition to a called session. Sir, I wish to avoid the agitation this year—first of the tariff; secondly of the distribution bill; thirdly of the bank.

Sir, this is not the time for the anti-tariff minority to take up the revision of the tariff compromise. If they take up that question now, they will do it with all the odds against them. They will do it at the most inauspicious period to themselves, and at the most favorable time for the protective party. There is a deficiency of revenue from the stoppage of trade. Wait for commerce to come back, and that deficiency will be supplied. Gentlemen will not violate the compromise. Oh no! they will not violate the compromise as they understand it; yet they can do all the mischief I dread within the terms of their comprehension! All sorts of projects have already been gotten up to raise the duties for revenue, and not one of them pretends to violate the compromise!

Sir, I fear this time will be seized on to raise the tariff to supply deficiency, and the tariff will be seized on to make a surplus for distribution—that most fatal scheme ever devised by the wit of man. What! must we call a session of Congress to distribute a deficiency of revenue? Distribute a deficiency? Who before ever heard of distributing a deficiency? Will any party dare to distribute that which we have not, and which we can raise only by adopting that unconstitutional, irritating, and long-ago exploded policy—the protective tariff? Mind you, any

tariff on any articles is protective which is not for revenue.

Sir, I yield to no man in friendship to a properly organized, properly located, and well-managed national bank. And as a friend to that measure, I inveigh especially against urging it prematurely and in the midst of pressure. If you press it too eagerly, too hastily, at the wrong time, you will lose the question for twenty years to come.

Sir, I have no idea that either of these measures shall be presented to a called session, and be pushed through in the hic hæc hoc hurry of political jugglery. They all require time and reflection.

My advice to the Whig party, then, is, to adjourn and go home. Let the present majority leave us they please; let us go home. Wait a little—from March to December is a short time—and consult the people. Let all the elections be held, and our full strength or full weakness be ascertained. Let us especially submit to our constituents the question of distribution in its new light. Heretofore the question has been the issue of distributing a surplus. Mr. Clay's land bill, which was pocketed by General Jackson, and would have been passed by both Houses in spite of the veto, was a bill to distribute a surplus; and the bill itself provided, I believe, that there was to be no distribution unless there was a surplus of at least five millions. A surplus was then dreaded as a corruption fund. Again: the deposit act of 1836 was a deposit of forty millions of surplus; and the very policy of it was to take it away from the petty larceny of defaulters, and of a corrupt political party in power. Now there is no surplus; it is a deficiency in the Treasury, and I am for submitting the new issue under the sun to the people: Whether they are for distributing a deficiency among the States? No State Legislature yet has ever passed resolutions to distribute a deficiency. I know several of them have to distribute a surplus; but none—no, not one—to distribute a deficiency! No man in his senses ever heard of such a proposition before.

And, sir, “the cat may look at the king.” I have a word to say to General Harrison himself, and as I desire others to hear it. I choose to say it here. My heart's desire and prayer for him is, that he will be President himself, and that he will fulfil to the letter that pledge which bound me to him more than any thing else he ever said, to let no man know on whom he desired his mantle to fall—to have nothing to do with appointing his successor—to leave that to the people themselves. I would exhort him to be the President, not of a party, but of the nation, and to see that every man under him, from his Cabinet down to the lowest postmaster, attends to the business of his office, and not to politics. I would suggest to him that the best mode of perpetuating the Whig strength and Whig popularity is to make every officer look to the success of his administration, instead of looking to the succession of another to the administration—especially to allow no man under him to electioneer for himself or against another for the succession. And, sir, how is he to be expected to act for himself, if he is to be suddenly called on to perform that constitutional duty—the most important he will have to discharge—to recommend to Congress such measures as he deems proper? He has been absent from the national affairs more than twenty years. He is unacquainted, personally, with the actual condition of things in this metropolis of misrule. If he acts, then, as soon as he comes here, he must act from the information of others, who are themselves “new hands at the bellows;” some of whom have never been in before, and may never be again. Will he be recommending his own measures, then, or theirs? Is it the object of the called session to have the measures of others palmed upon the country as his? No, sir, no. I beseech him to look thoroughly with his own eyes into the condition of Government; to survey well the wreck, to see for himself what ought to be done in all the Departments, and then to recommend his own measures. If he will look into the Navy Department, I am sure he will see that we are in no condition, compared with foreign powers, to give away the proceeds of the public lands from an empty Treasury. Suppose a call be made upon the new heads, too, at a called session—who would be ready to give the information desired by

Congress? No member of the Cabinet could be prepared in three months to give information of the condition of the Departments.

Again: The Administration party—the Van Buren party—have been incessantly insisting upon trying the Sub-Treasury. The fact is, that they have found it so impracticable since it passed, that they have not tried it themselves. They have never, to this day, complied with its provisions—they cannot, if they would. Now, ought not Gen. Harrison to try it, to show its utter impracticability, before he recommends its repeal? Ought he not to understand fully its enormous defects, and to make them apparent by an attempted application of it to actual use by Government? Will this not be the best argument for its repeal? Will it not be the best argument for the charter of another National Bank when the Sub-Treasury shall have proved a grand failure, as well as the deposit bank system? Is this demonstration not worth making, and is the time from March to December too long for it?

Again: He ought not to act precipitately without knowing his men. It is with politicians as with the rhetorician—

“Half the rhetorician's rules
Teach him but how to name his tools.”

General Harrison is not personally acquainted with but few men now on the public stage. He cannot, a thousand miles off, have guessed who are fit for the offices, high and low. I wish him, sir, to know his men well before he takes their counsel or gives them his confidence, or acts on their advice. When, then, he has seen for himself—surveyed all—understood men and means, and the condition of things about him—he will be prepared to recommend and to act first for the honor and welfare of his country, and, last, for the glory and success of the party which brought him into power.

Sir, the Whig party should not be intoxicated by its success. We should do nothing in the flushed feelings of victory. Whom have we conquered? Our own countrymen and fellow-citizens, who are to be governed by the same laws, and who have equal rights as ourselves, who differ with us as to opinions merely about men and measures, and who will, if we follow their bad examples of Government, conquer us in turn. I do not know how other gentlemen feel, but for myself, I must say that my feelings the day after the victory were very different from those of the day before. On the stump of the canvass, I felt and spoke and really thought as if government was a very easy task; that to be in power was all that was necessary to reform the evils of which we complained, and to accomplish the good and patriotic ends we desired. When I realized the fact that we were in, the next feeling with me was, as I presume it was with every reflecting patriotic friend of our cause—a deep and humble conviction of our own finite wisdom, of our own weakness, and, it might be, folly, and a solemn sense of the heavy responsibility which had fallen on me and my political friends, and of the dread obligations which the country had devolved upon us. Before the election, it was easy to find fault; since the election, and after the inauguration, it might be hard to redeem the many fruitful promises we had lavishly made during the canvass. I feel, sir, that the man who goes into the Presidential chair, during the days of purification like these, should go there as one shaven for the priesthood! I am not, therefore, for rushing forward and grasping the sceptre of power with an ambitious avidity, and, with the shout of victors, dashing on without a pause to extreme revolutions of policy. I am for adopting and pursuing moderate and cautious counsels. It is by no sudden and brilliant stroke of policy that the country can be relieved. Sudden and immediate relief to this country can be given only by the miraculous interposition of wisdom and power from on high. An extra session, I fear, would be a help any thing else but divine. But so much for it.

I proceed to the third and last reason for voting for this bill—to prevent a premature revision of the Compromise Act and the laying of duties at all for the purpose of distributing the revenue from public lands.

Gentlemen ask why I discuss this reason now. I

* The Philadelphia banks were driven back to suspension the next week after these words were uttered, from the very prospect, probably, that the United States Bank might again be made or attempted to be made a depository of Government funds, or rather from New York jealousy of such a prospect.

26TH CONG....2ND SESS.

Treasury Note Bill—Mr. Wise.

H. of Reps.

answer, because I see *now* a disposition to agitate the subject in order to prepare public sentiment for the future.

This branch of my subject is by far the most important, and, sir, I wish to discuss it in detail.

I say I see a disposition now to prepare the way for a future tariff and distribution; and, if an extra session is to be called, that future is not far distant. Sir, I see the signs—they are in number not quite twelve—they do not fill up the Zodiac—Leo and Scorpio are missing—but I have *ten* out of the twelve signs for the almanac of the coming year.

1st. The first sign of the tariff bill of the last session—the fourteen sections which were added in the Senate to a bill which originated in this House ostensibly to prevent frauds upon the revenue. Under this specious title, “To prevent frauds upon the revenue,” fourteen sections were introduced and added by Mr. Wright, the chairman of the Finance Committee in the Senate, to tax *bleached and unbleached linens, silks, and worsted goods*, chiefly free articles, from 5 to 50 per cent.—in many cases exceeding the rate expressly limited by the Compromise Act, and involving *protection directly to Kentucky bagging*. Yet gentlemen then told us, “Oh, we have no idea of violating the compromise;” and some Whigs and Southern gentlemen voted for that bill—as they are aiding measures now—“God forgive them,” because they knew not what they did!

2d. The second sign is, the great *Tobacco Convention*, which was held lately in this city; which, under the guise of retaliation for French burdens upon Maryland *kite foot*, was another tariff movement to increase duties for no purpose of revenue.

3. The third sign was the reference of the bill already mentioned as passed by the Senate last session, again this session to the *Committee on Manufactures* instead of referring it to the Committee of Ways and Means; when the test question has always been heretofore a question of reference—those who advocated a *protective* tariff always going for referring to *Manufactures*, and those who went for a *revenue* tariff only, always going for referring to *Ways and Means*. And this bill, “to prevent frauds on the revenue,” which is again reported, though without the fourteen sections, is itself an odious tariff of protection, by its unnecessary and hard restrictions upon trade in all foreign articles, and its almost prohibitory provisions against the introduction of foreign articles at the custom-house. It is a *custom-house protective tariff*.

4th. The fourth sign is, another bill to tax certain unprotected articles already reported by the Committee on Manufactures, and now on the table.

5th. The fifth sign is, the resolutions offered by the gentleman from Kentucky, (Mr. GREEN.)

6th. The notice given by the gentleman from New York, (Mr. BARNARD,) to offer his resolutions or amendments in case his motion to strike out the enacting clause of this bill succeeds.

7th. The amendment intended to be offered by the gentleman from North Carolina, (Mr. STANLY.)

8th. The speeches in both Houses of Congress, particularly those in this House, of the gentleman from New York, (Mr. BARNARD,) of the gentleman from Maine, (Mr. EVANS,) of the gentleman from Tennessee, (Mr. BELLI,) of South Carolina, (Mr. THOMPSON,) of Georgia, (Mr. NISBET,) and of the gentleman from Kentucky, (Mr. POPE.) The last gentleman's speech, sir, was more open and plainly intelligible than any. He contended, in the first place, that you will have a *large deficiency in the Treasury*. In the next place, he assumed that you will be compelled to resort to a *large increase of duties on imports*; that the compromise act was no compact; that the *protective* principle was not abandoned by it; that the tariff was no burden upon the South; that Arkansas pays more than Virginia, or North Carolina, or South Carolina, in proportion to population; and he insisted that the whole South will eventually be the advocates of *protective* duties. So far the gentleman was consistent; but in the next breath he magnified the necessity for expenditures upon splendid *internal improvements*, and went still further for emptying the Treasury, already requiring the increase of duties to supply

its immense deficiency contended for by him, by distributing the proceeds of the public lands to supply the large deficiencies in the Treasuries of the several States. Yes, sir, he summed up the whole scheme of distributing a deficiency of the Treasury here to supply deficiencies of twenty-six Treasuries elsewhere! Did you ever hear of distributing a deficiency to supply deficiencies? The meaning of this paradox is—the raising of the tariff directly to pay State debts indirectly! Have we not an odd way of getting at the meaning of measures? Who would ever have thought of thus defining that odd phrase—“distributing a deficiency to supply deficiencies?” I will show you directly, sir, that any duties upon any articles are *protective* duties, if they be not for the purpose of *federal revenue*. Who will submit to a *protective tariff to pay State debts*? In this way, sir, the General Government will not only be paying the cost of State internal improvements and common schools, but all their *municipal expenses*. Thus it will be laying duties, imposts, and excises, not to pay its own debts and provide for the common defence, but to carry into effect actually the powers which are expressly reserved to the States. Who will bear this new and improved latitudinarianism, going far beyond any absolute federalism ever before heard of? But, sir, I am only showing the signs. The speech of the gentleman from Kentucky (Mr. POPE) very ingeniously exposes the whole scheme. *Ex pede Herculem*.

9th. The resolution offered by the gentleman from Vermont, [Mr. EVERETT,] to inquire of the Secretary of the Treasury concerning the rate of duties on articles taxed less than 20 per cent. &c. was the beginning of the second chapter of this tariff movement. I objected to the introduction of this resolution, and must now apologize to the gentleman [Mr. EVERETT] for having done so. It was from no unkind feeling to that gentleman personally, I assure him, for I esteem him as highly as any gentleman on this floor. But I was unwilling, sir, to encourage any gentleman's attempt to procure materials with which to agitate this tariff question; and the gentleman's resolution went a little beyond the other which had been offered, in looking to many articles which belong to the protected class. I did not wish them disturbed.

10th. The second paragraph of the 2d chapter of this movement, and the last sign I have observed, sir, is a small statute lying on your table, reported by the Committee on Manufactures, which I shall for brevity call the *pin bill*. Yes, sir, the *pin bill*. It is a little hedge hog or porcupine bill, which I am afraid to handle.

[Here Mr. TILLINGHAST rose and said, “It is hard for the gentleman to kick against the pricks!”]

Mr. WISE. I ask the Clerk to read that bill. [The Clerk read it.] Sir, I do not know whether our pin manufacturers have learned to put up their pins nicely or not. I know that you may take a paper of French or English pins, and squeeze it in your hand, without danger of being pricked. But lest these papers of Yankee pins be put up loosely, I will not, with the gentleman's permission, handle them this session; I will kick against handling them now, for fear of the lockjaw. For fear, sir, that you will begin with *pin bills*—ay, sir, the least little, tiny *lady pin bills*, and get, before we know what you are at, into *coarse woolsens*—all the heavy protected articles, which would require bodkins or darning needles to stitch them. No, sir, no. If the wolf gets his head in, he will his whole body—the door shall not be left ajar with my consent—I am an anti-tariff man, and that party is in the minority. I begin at the beginning, sir. I will not, if I can help it, entertain even so much as a *pin bill*. If the tariff majority will let me alone, I will gladly let them alone. I abide by the compromise, the very first principle of which is, that the tariff is not to be disturbed at all, except, as it points out, for the purposes of revenue for “an economical administration of the Government.” Let the South remember that, for it is their only ark of safety. They are the weaker party, and these signs are ominous. Let the compromise act alone, is my policy on the tariff.

But, sir, gentlemen all tell us now, as heretofore, that they are for carrying out the compromise; that

they—oh, no! they will not disturb the compromise act.

What is the compromise act? Let us see whether we all understand it alike. What are its terms? What its extent and limitation of operation? Sir, in answer to these questions, I have, from a sense of justice, to do what I thought I never should be called on by any sense to do—to praise a report of the honorable Levi Woodbury! Truly the sweetest notes of this swan are his dying notes!! See Senate document, 26th Congress, 2d session: “Report from the Secretary of the Treasury communicating, in compliance with a resolution of the Senate, a plan of a permanent change in the tariff, January 19, 1841.” In this report gentlemen will find my sentiments precisely; and I forgive Mr. Secretary for much of his usual obtuseness of intellect, and obscurity of style, on account of this clear and able report upon the exact spirit and letter of the compromise act. He truly says:

“That act is supposed to have been *not an ordinary measure of legislation*, but the result of a compromise between certain great and conflicting interests on the difficulty when involved in the agitating matter of the tariff. Hence, though the act was in the form of a law, and therefore *liable, in a proper case*, to any future modification or repeal of its provisions, it is understood that the parties most concerned contemplated thereby a *permanent arrangement of the leading principles* that should afterwards control the whole subject. The importance of the emergency which occasioned the passage of the law, the distinguished individuals who participated more immediately in adjusting its provisions, and the salutary influence of their operation up to the present time, in imparting a degree of stability to our manufacturing enterprise, sought in vain through the previous fluctuations of legislation, have probably contributed to strengthen this impression.

“But, however that fact may have been, and subject to subsequent alterations, as all laws must properly be considered; yet, to change the limitations in this one, so peculiarly situated, and to do it against the wishes of persons most interested, or without the apology of some public exigency or necessity of state, would surely seem to be unnecessary, and, at least, of doubtful propriety.”

This view is my view of the binding obligation of faith and interest not to disturb this important act of legislation which once settled the harmony of this Union, and to disturb which would be again to disturb that harmony. Gentlemen say it is not a compact, but I say it is stronger than a compact, it is a *compromise*, and is sacred. A *compact*, sir, might be regarded as a bond or covenant in some sections, where, if either be given, the debtor thinks he may, if he can, avoid payment or discharge of the obligation because it is a writing obligatory; but if he *promises* to pay only, his honor is pledged and the debt is safe. So here, sir, if this was *constitutional* law, gentlemen who plead it is not a compact might conscientiously claim the power to violate it as they usually, in my opinion, do violate that fundamental instrument which we have called a Constitution; but as it is merely *statute* law, not the bond which may not be denied, I put their consciences aside and rely upon their honor to observe its faith.

Whence sprang this act? From danger to the Union—out of resistance to unequal and oppressive taxation. The bill of abominations, the tariff of 1823, had consummated the protective policy. In 1832, the question was one of a *reduction* of duties. The South contended for a reduction upon protected articles, and for a tax upon luxuries. The tariff interest made almost all the luxuries free, and left the duties on the protected articles. South Carolina, aroused, resorted to her reserved rights—declared herself “the judge of the infraction and of the mode and measure of redress”—proclaimed her ordinance of nullification, and swore by her altar and her gods that both should “sink together in the dust” sooner than she would submit to oppression. Gen. Jackson rose in his majesty, and swore “by the eternal gods” that he would “see the laws faithfully executed,” and hang Calhoun, Hayne, Hamilton, and McDuffie, “as high as Haman's gallows!” And his wrath was no idle wrath—his threat no vain threat. The State had summoned her chivalry, and, as I am informed, one of the members of her convention, now a member of this House, [Mr. RHETT,] went even so far as to propose a dissolution of the Union, and Jackson issued his proclamation, and his orders to the standing army and to the navy. The nation was called “to arms!”—the nation against a single State. No, sir, the North against the South—section against section—the very army and navy would have been divided against themselves—father against son, and

brother against brother! I was no nullifier. I opposed the doctrine. I opposed the theory upon which the resistance was founded. I defeated its advocates in an election for a scat on this floor. I was a Union man and for peace. But let me tell gentlemen that, if war had begun, every Union man of Virginia would have been a Southern man. No standing army would ever have crossed her ancient lines to do battle against a sovereign State, without first fighting her sons of every faith at every pass where volunteers could have made a stand. Why? Because, sir, when the torch of civil war between this Government and a State had once been lighted, the Union would have been dissolved. Once a war, never more a Union—a Union as a Union has existed and should exist. After a war of that kind, it would have been a Union of consolidation, cemented by blood!—such a Union as no Union man of my acquaintance would have been willing to see exist. I doubt whether the officers of the navy or army could have been brought to bear a gun upon their own brethren in arms against what they solemnly deemed unconstitutional oppression.

[Here several gentlemen exclaimed—"Yes! Elliott was there—Poinsett was there, the present Secretary of War.]

Mr. Wise. Yes! and there were others here to pass a "bloody bill," against which my present honored constituent, the present Vice President elect, alone voted! Elliott does not deserve to be called an officer of the Navy. But such, sir, was the unhappy condition of our country when this act passed—an act which, if it be not a compact, is an act of reunion—an act of peaceful compromise of civil hostilities which carried "healing on its wings!" An act, in the authorship of which consists the chief glory of an honored and distinguished Senator, who acquired by its passage the illustrious title of "The Great Pacificator." To that patriot I ascribe all honor, praise, and gratitude, which are due to him; and I mean not to strip him of a laurel on his brow; but there is a part of the secret history of this act which, to the honor of another, has never yet been recorded, and which I will take this opportunity to reveal.

Sir, yesterday I alluded to Mr. Madison as the only lamp of my public life. Him I never saw, and I should have remembered another model of wisdom, and virtue, and patriotism whom I have seen, and seen in all situations of life—long and intimately did I know—well did I love him, and sacredly do I cherish his memory. He is no more. I wish I could imitate his virtuous and hallowed example in life. I mean the lamented Hugh Lawson White, a servant of Tennessee, a son of North Carolina, without whose aid this compromise act never could have become a law—without whose patriotism and firmness there would have been a civil war upon a sovereign State and upon the Union. South Carolina ought to be told of this: South Carolina, who, in 1836, threw her vote from him, her best defender from a tyrant. When this act was before the Senate, he was President pro tem. of that honorable body. He was in the chair, and had the appointment of the committee which had to consider and report upon the plan of adjusting the tariff difficulties. In this high place, with this power, he was warned—I will not say by whom—not to put a certain gentleman (John M. Clayton of Delaware) on the committee. The reason was, that there were rival plans—one proposed by the Senator from Kentucky, of whom and whose measure that certain gentleman was the friend; and the other plan was that of the Administration then in power. That Administration was governed by one of two motives, perhaps by both, in wishing to defeat this act. They wished certainly to give preference to their own plan, and to deprive the authors of this of the honor of the compromise; and, perhaps, the head and chief wished nothing so much as the opportunity to apply "the second section" to the leaders of resistance, whom he charged more with treason to him personally than to the country. The President pro tem. of the Senate knew well the danger of defeating this act. When orders were issued to him not to appoint its friend and advocate on the committee, what was his reply? The reply of that sage, and patriot, and

hero—hero he was, for he had, like his chief, been in the wars—his reply was a plea to the jurisdiction of any power to dictate the manner of discharging his duty. He told the man who assumed this authority, "You are too late. Mr. Clayton is appointed; and if he was not, he should be. I voted for the force bill as a decision merely that the Government had the power to execute its laws. I never intended it should operate or actually be put in force against any portion of my countrymen who happen to differ from me in opinion, and who are as honest and conscientious in those opinions as I am in mine; and, having voted for it, I will afford every opportunity to legislation in my power to prevent its effect." And this, sir, produced the first cause of difference between him and General Jackson. He muzzled the bloodhounds, disappointed his chief of his prey, aided the compromise, and gave peace to a distracted people. Who would wish, even if he could acquire the title of second pacificator, to produce scenes like these again? Sir, if ever this tariff controversy rages again, gentlemen will not find one State alone in her resistance, but they may find their "bloody bills" as vain as any attempt at compromise will be in future. Let us, then, I repeat, consider this act, as does the Secretary, an honorary bond of union, as binding as faith, and as precious as peace.

But, sir, whether an ordinary act or legislation or not, it is and will continue to be a statute, such as it is, until repealed, every section of which will continue, unless repealed in whole or in part. Some, sir, seem to imagine that the act expires in June, 1842. So far from it, sir, then, and not until then, commences the part of the bargain or stipulation intended for the South. From 1833 until then the tariff interest will have had the duties mostly above 20 per cent. and not until then will the maximum duty, not to exceed 20 per cent. become fixed. It will be hard, indeed, if it shall continue a compromise until one party gets all their share of the bargain, and immediately cease to be a compromise, and become a mere ordinary statute, subject and liable, like all other statutes, to be repealed, as soon as the period arrives, by its own limitations, for the other party to derive from it a benefit. This truly will be yielding to the protective gentlemen's construction both the big and the little end of the bargain. A part of the very bargain was, that the excessive protection should be gradually reduced only for nine years, and then not exceed a given rate of 20 per cent. Will gentlemen now say that they will enjoy this excess of protection above 20 per cent. for these nine years, gradually reduced only, and then, as soon as the reduction falls to 20 per cent. that they will repeal the act and pass a new act to suit their cupidity—to go back, if they please, to the highest rates of duty, and that duty laid on what articles they please? If this is what they mean by saying this is no compromise, I agree with them, and admit that, in this sense, it will mean for them to take all and leave nothing for us!

The act of 1832 was an ordinary act of legislation, liable to repeal at any time, but containing no limitation of time for its operation. That act is the basis of this act of March 2, 1833, commonly called the "compromise act." Both acts continue on until repealed, in whole or in part.

The 1st and 21 sections of the act of March 2, 1833, fix the duties on certain articles named in the act of 1832 at 20 per cent. from and after the 30th day of June, 1842.

Section 31 enacts that all duties shall be cash duties "from and after the 30th day of June, 1842;" that "such duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the Government," from and after that day, and it establishes the home valuation after that day.

Section 5th makes certain articles free "from and after that day;" prescribes on what articles duties are to be laid after 30th June, 1842; and provides that the duties on no articles shall exceed 20 per cent. "from and after" that day.

Section 6th shows that the act contemplates its restrictions in some respects to operate after 30th June, 1842.

Here, then, we see that this act is but a modifi-

cation and continuation of the act of 1832. No new legislation is necessary after June, 1842, in consequence of any expiration or suspension of these laws. If let alone, they will work out their own provisions. They do not necessarily require any renewal or change or additional enactment whatever. And the duties laid by these laws are sufficient in ordinary times, when unusual causes do not obstruct trade, to supply revenue for an economical administration of the Government. There is no necessity for your disturbing the act for reason of any defect in it, or that it will not continue to operate.

The extent and limitations of the act are well defined by the Secretary of the Treasury's report:

"What, then, are those stipulations or restrictions?"

"1. The first seems to be, that a reduction, by instalments, of the former rate of duties, when exceeding twenty per cent. should forthwith commence, and continue uninterrupted until July 1st, 1842; so that when that period arrives, no duties whatever should exceed twenty per cent. The leading section of the act is explicit upon this point. Hence, to defer or repeal, as some have proposed, the two reductions now remaining, and which are to take effect in 1842, would keep many duties higher than twenty per cent. and thus be in direct violation of this general provision. But if these last reductions should create a deficiency in the revenue, the 6th section of the act would allow it to be supplied in a different way, because this section provides that, in such an event, nothing contained in the law shall prevent 'altering the rates of duty on articles which, by the aforesaid act of 14th July, 1832, are subject to a less duty than twenty per cent.'"

"2. It will be seen, however, that this provision contains a second restriction by limiting any revision made before 1842 for an increase of the tariff to only such articles as pay a less duty than twenty per cent."

"3. The next and third restriction on a revision is, that though one may be made before 1842, for purposes of revenue, if, when increasing the duties, it be confined to articles paying less than twenty per cent.; yet it should not raise the tariff on those above that rate, even for revenue—much less, probably, for any other purpose. The close of the 6th section seems to be express, that the duty on articles paying a less rate than twenty per cent. if changed before 1842, shall be altered in such manner as not to exceed that rate."

"What would be deemed the proper disposition of this limitation, if a duty of twenty per cent. on all imports would not yield sufficient for the legitimate purposes of revenue, must be settled when the case shall arise. But it is believed that, with proper economy, there is no likelihood of such a case ever occurring in a period of peace."

"4. Another restriction supposed to have been intended is, that if a revision be made to operate after June 30, 1842, instead of before, still, as a general rule, none of the duties shall be then raised above twenty per cent. Thus the close of the 6th section provides that 'all imports, on which the 1st section of this act may operate, and all articles now admitted to entry free from duty, or paying a less rate of duty than twenty per cent. ad valorem, before the said 30th of June, 1842, from and after that day may be admitted to entry, subject to such duty, not exceeding twenty per cent. ad valorem, as shall be provided by law. A change could then be made, at pleasure, from twenty per cent. downwards, to entire freedom from any impost; but no increase was to be permitted to go above that rate. Indeed, the inference would seem to be, that the compromise was intended to prevent any duties from being assessed, even after 1842, exclusively for the purpose of distribution, or protection, whether below or above twenty per cent. in amount; because a clause in the 3d section provides that, after 1842, 'duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the Government,' but is silent as to recognising or sanctioning an authority to do it for any other purpose. The raising such a revenue was the great object of granting any power in the Constitution to lay taxes and imposts. And it would be difficult to find, in a limited grant of powers, like what is contained in that instrument, for laying imposts, a warrant to impose them for other and distinct objects; and especially if the operation of such a measure, apparently under an assumed authority, and on a subject so delicate and momentous to mankind as taxation, should tend to enrich particular classes or sections at the expense of others. In truth, the tariff is as much a system of taxation as a land tax, a stamp tax, or a direct tax of any kind; and is chiefly distinguishable from them by being more subtle and less obnoxious in its form. The confining of all duties, hereafter, to a low rate, was, therefore, desirable to the great mass of the people, because it was confining taxes to a low rate. It was further supposed, without doubt, that, though comparatively low, they would yield, with the other ordinary receipts, an ample supply of revenue for such an 'economical administration' as is contemplated by this section of the act."

"It is also probable that many sound principles of political economy, and a mutual desire to arrange permanently the tariff controversy, united to persuade Congress not only to reduce the duties lower, but to provide that they should always be kept lower. It must have been far seen that this would avoid the useless vacillation, if not folly, of first diminishing all the duties to twenty per cent. by 1832, with a view, afterwards, of again immediately raising them above it. It was obvious, too, that, by keeping the imposts more reduced, the tariff would operate more advantageously to free trade, and the procurement of reciprocal favors abroad. By confining, in substance, any future change to purposes of revenue alone, and within twenty per cent. instead of a wide range of thirty, fifty, eighty, and even more, at times previously in practice, and frequently for protection, it would likewise impart greater permanency and prosperity even to manufacturing, and, with that, to all other descriptions of industry. It is well known, from recent experience, that such stability in our system of duties would be better for the manufacturer, as well as the merchant and the community at large, than even a higher rate, exposed to constant changes; because, in the former case, intelligence and foresight could make more accurate calculations for the future; a more uniform thrif, a more regular reward to industry, and a higher tone of moral feeling, would everywhere take the place of constant fluctuations, mere gambling speculations, and a dangerous

operation, from renewed hopes of high profits, often so very fallacious. Business and the currency would then be steady, and be regulated, as they should be, rather by the great laws of trade than by banks or politicians. Nor is this permanency injurious to the laborer and artisan any more than to others, as all trades and regions of this country are open to enterprise; and a larger share here than abroad of the income in any one branch of business; must and should uniformly go to wages rather than capital, or the workman will, under our free institutions, quit it for more lucrative employment. On the contrary, if an unusually large share go to him for a time, in any particular pursuit or place, others will soon rush in, participate, and reduce it, by competition, even below the average. Uniformity and steadiness, are, therefore, not injurious to any, though engaged in labor or manufactures; but useful to all, except the mere speculating classes.

"Two other restrictions exist in the 3d section of the compromise act, which seem to have been intended more especially for the benefit of the manufacturers and of the revenue.

"5. One is, that after June, 1842, 'all duties on imports shall be collected in ready money; and all credits now allowed by law in the payment of duties, shall be, and hereby are, abolished.' This was regarded, at that time, as a change likely to be very favorable to the manufacturing class, by making the twenty per cent. in cash operate, virtually, as a higher protection than twenty per cent. on a credit (as now) of three and six months without interest. In point of fact, it was, also, a provision prophetic as to evils to come under an excessive credit system, and will be possessed of much importance in curing them, and in securing the Government, and, through it, the community at large, against losses, by credit to merchants for duties, and by defaults of collectors, district attorneys, and marshals, caused by indulgence from them in collecting bonds for duties. After June, 1842, the importers of goods will, in this respect, stand on the same foundation with the purchasers of public lands. While no complaint can then be made by either of favor or discrimination, the revenue will thus be rendered much safer, and public and private morality improved, by the removal of one great source of speculation and bankruptcy.

"6. The other restraint requires the duty, after 1842, to be imposed on the value of the merchandise 'at the port where the same shall be entered.' This will render the twenty per cent. still more important to both the manufacturers and the revenue, by being more secure against frauds and evasions, and being another virtual increase of duty on the same articles, as the latter are usually worth much more here than abroad. Whether the value of them here being not uniform at different ports, would, if taken as the guide in assessing the duty, be justly open to any constitutional objection, it is not deemed appropriate on this occasion to discuss. From these various considerations, the following deductions are made:

"That the present tariff laws should be as little disturbed by any revision as possible, consistent with the public wants, and an adherence to sound principles; that changes should be made chiefly, if not solely, for purposes of revenue; that these changes, when raising the duty, whether operating before or after July 1, 1842, should, as a general rule, be confined to articles not paying a duty as high as twenty per cent.; that, except in extreme cases, it should never raise them above that rate; and, lastly, that the existing provisions for the payment of duties in cash, and the assessment of them on the value of the merchandise at the port of entry, after 1842, are too important to be disregarded."

By the act of 1832—

1st. Certain articles were taxed above 20 per cent.

2d. Certain articles were taxed below 20 per cent.

3d. Certain articles were made free.

4th. The duties above and below 20 per cent. were laid almost entirely upon the *protected* articles.

5th. The articles made free were chiefly, almost wholly, of the *unprotected* class, or luxuries.

By the act of 1833—

1st. The duties above 20 per cent. are to be reduced by June, 1842, to 20 per cent.

2d. Certain specified articles, entirely of the *unprotected* class, are made free.

3d. The duties on no articles, except those paying less than 20 per cent. should be increased prior to June, 1842, and those duties should be increased to 20 per cent. only.

4th. The duties on no articles whatever shall, after June, 1842, be raised above 20 per cent.

5th. After June, 1842, the duties on all imports on which the 1st section operates, on all articles then admitted free, and on all paying less than 20 per cent. may be laid as high as, but no higher, than 20 per cent.

6th. After June, 1842, all duties shall be laid for the purpose of raising such revenue as may be necessary to an economical administration of the Government.

And this last is the great and leading principle gained by the anti-tariff party in the compromise: 1st. A tariff for revenue only; 2d. Only so much revenue as is necessary to an economical administration of the Government.

Such, sir, are the great leading features and principles of the great compromise of 1833.

By these features we can easily distinguish the dividing lines between the North and the South in 1833. Here we can see that neither party got nor lost all. By the debates of that period you can easily find the extreme points for which the respective parties contended.

The resolution of Mr. Hayne, who was truly the champion of the South, and his able commentary upon it, show you what the anti-tariff party contended for and against:

1st. For a tariff for revenue.

2d. For the reduction of revenue to the wants of the Government.

3d. Against the constitutionality of a tariff for protection *per se*; admitting, however, the power of discriminating duties for revenue, but contending for an equalization of duties upon the *protected* and *unprotected* class of articles.

See volume 8th, part 1st, of Congressional debates of 1831 and 1832:

"Monday, January 16.—The Senate took up the following resolution, submitted by Mr. Clay on the 10th instant:

"Resolved, That the existing duties upon articles imported from foreign countries, and not coming into competition with similar articles made or produced within the United States, ought to be forthwith abolished, except the duties upon wines and silks, and that those ought to be reduced; and that the Committee on Finance be instructed to report a bill accordingly.

"Mr. Hayne moved the following modification of the resolution:

"Strike out all after the word 'countries,' and insert as follows: 'be so reduced that the amount of the public revenue shall be sufficient to defray the expenses of Government according to their present scale, after the payment of the public debt; and that, allowing a reasonable time for the gradual reduction of the present high duties on the articles coming into competition with similar articles made or produced within the United States, the duties shall be ultimately equalized, so that the duty on no article shall, as compared with the value of that article, vary materially from the general average.'"

Such were the rival propositions; and reference to the speech of Mr. Clay, at the time, will show the policy which the tariff party contended for. January 11, 1833, he said:

"Although it may be impracticable to say what the exact amount of the public revenue should be for the future, and what would be the precise produce of any given system of imposts, we may safely assume that the revenue may now be reduced, and considerably reduced. This reduction may be effected in various ways, and on different principles. Only three modes shall now be noticed:

"1st. To reduce the duties on all articles in the same ratio, without regard to the principle of protection.

"2d. To retain them on unprotected articles, and augment them on the protected articles.

"And, 3d. To abolish and reduce the duties on unprotected articles, retaining and enforcing the faithful collection of those on the protected articles."

The first two modes he opposed, and the third he supported as equitable and reasonable; taking particular care not to notice or debate, however, a fourth mode—to abolish and reduce the duties on the *protected* articles, and to retain, and, if necessary, to augment the duties on the *unprotected* articles, or "luxuries," as they are now called—the modes for which the South contended.

The compromise retained but reduced the duties on the *protected* articles, and made, contrary to the will of the South, most of the *unprotected* articles or luxuries free.

Then gentlemen of the tariff party resisted the duties upon "luxuries" in order to retain those on the *protected* articles. Now they wish to tax nothing so much as "luxuries." Is it their object now to lay a tax on luxuries in order to have a pretext for increasing the duties on the necessities of life? Sir, can any man read the letter and spirit of the compromise act and not see that this must be the object of those who understand its letter and spirit? Does not every eye see that there is a certain relation kept up throughout the positions assumed, the debates, and the acts of 1832 and 1833 themselves, between the *protected* and the *unprotected* articles? Will it not be, then, simply a question of the single rule of three with protection gentlemen—that, if *protected* articles are taxed only so much, while *luxuries*, or *unprotected* articles, are free, how much shall the duties on *protected* articles be increased when *luxuries* become taxed? If we, of the minority, consent to disturb the tariff on luxuries, do you suppose we will be allowed to stop there? May not, will not gentlemen insist upon carrying out the compromise act, and preserving and continuing these relations established by the act between *protected* and *unprotected* articles? Sir, the moment that gentlemen began to talk even of duties on "luxuries," did we not see the resolution proposed to be offered by the gentleman from Vermont, [Mr. EVERETT], and did we not see the pin bill? If we consent to disturb the compromise, where shall we stop—what security have we that a majority will stop at all? Give up, yield to the first inroad on this act, and you will be stuck full of pins!

[Here Mr. WISE was interrupted in his remarks by Mr. STANLEY.]

Mr. WISE continued. Sir, some gentlemen undertake to shear wolves. I will not. I will wait until I am obliged to contend with a superior force before I fight. I will fight this tariff majority shy. I will retreat, sir, as our fathers did in the Revolution—barefooted first, before I will grapple with a majority tempted by every interest to put me to the slaughter without quarters. That majority, consisting of members of all parties, is now alive and watching for us in the minority to touch "luxuries," and our only hope against protective duties is to contend at once for the first great principle established by the act itself—"not to disturb the compromise without an actual and unavoidable necessity." We have this giant majority bound now only by the shreds of faith; they are weak enough, we all know, and they shall not be unbound with my consent. I fear the beast of a protective tariff, and am no Van Amburgh, to be thrown into a cage of lions and tigers! Other gentlemen may risk the fangs and teeth of a wild majority—I will not.

By the compromise we obtained somewhat of approximation to equalization of duties on *protected* and *unprotected* articles. And whether the act of last session—the fourteen sections of the Senate—were in conformity either to the letter or spirit of the compromise act, let the world decide. Will the gentleman from North Carolina [Mr. STANLEY] say these sections were in accordance with the compromise act? No. And yet we were then told the same thing—that nobody desired to disturb the compromise!

[Here Mr. STANLEY rose and said "he had no objection to say that those sections were in accordance with the compromise."]

Mr. WISE. Then the gentleman's understanding of the compromise is wholly different from mine. What is the compromise? That no article, either before or after the 30th of June, 1842, shall be taxed more than 20 per cent. What were the provisions of these sections? That *silk* and *worsted* goods, and bleached and unbleached *linens*, should be taxed from 5 to 25, and even as high, in some instances, as 50 per cent. Does the gentleman deny this? I know the act was exceedingly complex; it named no duty; it employed, ingeniously enough, a great deal of circumlocution; but I have expositions of its mode of operation, from from the most enlightened merchants and from the Comptroller of the Treasury. Gentlemen and I—all say, they mean to carry out the compromise; but, sir, we understand it differently—there is the rub! Gentlemen and I do not mean the same thing. For example, sir, that bill contained a direct protection of Kentucky cotton bagging—a protection which was aimed at in 1832, and withdrawn by the act of 1833; and yet it was inserted in these sections as perfectly consistent with the compromise. I refer gentlemen to the same speech of Mr. Clay, in 1832:

"The success of the American manufacture of cotton bagging has been such that, by furnishing a better and cheaper article, the bagging of Liverpool and Dundee has been almost excluded from the consumption of the States bordering on the Mississippi and its tributaries. There has not yet been sufficient time to fabricate and transport the article in necessary quantities from the Western States to the Southern Atlantic States, which, therefore, have been almost exclusively supplied from the Scottish manufactories. The payment of the duties is evaded by the introduction of the foreign fabric, under the name of burlaps, or some other mercantile phrase, and, instead of paying five cents the square yard, it is entered with a duty of only fifteen percent ad valorem. That this practice prevails, is demonstrated by the Treasury report of the duties on cotton bagging for the years 1828, 1829, and 1830. During the first year, the amount was 137,505 dollars; the second, 168,668 dollars; and the third, it sunk down to 14,141 dollars!"

So, sir, my friend from South Carolina [Mr. THOMPSON] can here see that it is no new idea to exclude bleached and unbleached *linens* in order to afford protection to the agricultural products of either cotton or hemp, by increasing the consumption of the fabrics of either. The same idea was faithfully pressed by the protective party in 1832; and it is the same protective idea still, whether applied to hemp of Kentucky or cotton of South Carolina.

[Mr. THOMPSON replied. He had said that he had no doubt that the prohibition of foreign linen would increase the consumption of cotton fabrics which would be substituted, but that he would neither vote for a prohibitory nor protective duty upon *linens*; first, he would not because he believed it unconstitutional, and he would not vote

for a measure which he thought unconstitutional, for any paltry benefit to his own section, nor would he, for any present benefit to his own particular staple, recognise the protective principle which, in its general operation, would infinitely counter-vail the benefit of a small increase of consumption of cotton.]

Mr. WISE. I understood the gentleman not to intend to vote for protection to cotton in this sense, but I could not so well understand why the idea was so elaborated by him, and why cotton fabrics were praised as so much "prettier" than silks. I give this principle of protection—this provision of the fourteen sections passed in the Senate last session to tax bleached and unbleached linens of Russia and Scotland, in order to exclude "burlaps," &c. from competition with American hemp—this old and not odd idea of 1832 again revived at this time, when the cry is now only to tax luxuries—as an example merely of the understanding of some gentlemen of how the compromise act is to be carried out! Sir, it only shows that this thing of carrying out this act is a complex and intricate question—it is an edged tool, and we of the minority are treading upon burning ploughshares every step we take in taxing luxuries. This mode of carrying out the compromise—of not disturbing the compromise, has made me distrustful and disinclined to touch the subject of the tariff at all—has determined me to meet the attempt at the threshold, to "take the ball at the first hop."

Besides, sir, the compromise act provides expressly on what articles the duties shall be laid prior to June, 1842, in case of excess or deficiency of revenue. What are they? See section 6th of the act, which provides that, "in the contingency either of excess or deficiency of revenue," an act may be passed prior to the 30th day of June, 1842, "altering the rates of duties on articles which, by the act of 1832, are subject to a less rate of duty than 20 per centum ad valorem," in such manner as not to exceed that rate, and "so as to adjust the revenue to either of the said contingencies."

By the report of the Secretary already quoted—page second—we see also that the second limitation of the compromise is that there shall be no alteration of duties prior to June, 1842, except upon the articles named in this section—to wit, the articles subject by the act of 1832 to a less rate of duty than 20 per centum ad valorem.

What are those articles? See the act of 1832. The list is too long to quote, but many of these articles are of the protected class, and if we touch silks and wines, what is to prevent an increase of duties not exceeding 20 per centum ad valorem on the whole of these protected articles? Did not the resolution of inquiry proposed by the gentleman from Vermont [Mr. EVERETT] point directly to this? I feared it did sir, and, therefore, objected to its reception.

Again: The duties proposed even upon wines and silks and bleached and unbleached linens, &c. involve protection and the whole subject of countervailing duties, and violate the compromise act.

The 4th section of the act provides expressly that "bleached and unbleached linens, table linen, linen napkins, and linen cambrics, and worsted stuff goods, shawls, and other manufactures of silk and worsted, manufactures of silk, or of which silk shall be the component material of chief value, coming from this side of the Cape of Good Hope, except sewing silk, shall, until the 30th of June, 1842, be admitted to enter free from duty." Yet the act of last session proposed to tax some of these very articles as high as 25, and even 50 per cent.

But, sir, I wish to examine a moment the subject of duties on French wines and silks, especially as connected with our staples of tobacco and cotton.

On this subject, sir, I am for "letting well enough alone." I do not know how it is with the pipe and segar tobacco of Maryland—the kite-foot of my friend, (Mr. JENIFER,) but the old James river weed, the chewing tobacco of Virginia, I am told, was never doing better. It never, upon the whole, bore a better price as compared with other articles of export, and our planters are doing too well to enter upon a war of countervailing duties, which never yet ended in anything else but recrimination, making bad, even where there was any bad, worse. I want more light, Mr. Chairman, than the Tobacco Convention has yet beamed upon this subject. Maryland may have cause to complain, though I am told there are more than 76 millions of cigars imported into this country, and the most of them are not only manufactured of our tobacco, but are actually manufactured here and exported to get the Havana stamp before they are sold—that the enhanced value of the cigars will justify the exportation for importation again. However this may be, and I do not vouch for it, I have a full survey of our whole trade with France, which ought to be well understood before we tamper with the delicate subject of countervailing duties. Look to it, sir, or you may lose in one way, and various ways, more than you gain in another. I hold in my hand a full statistical and historical view of our commercial relations with France, to which I beg leave to call the attention of the committee.

[Here Mr. TRIPLETT, of Kentucky, rose and inquired by whom the statement was made?] Mr. WISE. I am not the author of the statement, but I adopt the information it contains, and rely upon it as my own, until some gentleman shall point out an error in it. I will read it.

"The commercial relations between France and the United States are based upon the terms of the convention of the 24th of June, 1832, which does not regulate the general duties upon merchandise, but only the discriminating over-taxes that affect on both sides, to the benefit of the national flag, the shipping of the adverse party. In relation to the respective products, no international stipulations provide for their rates of entry or exportation, and it has always been referred to the general legislation of both nations.

"From these, however, are excepted French wine; on one part, and American long-staple cotton on the other—concessions having been reciprocally made in their favor by the treaty of the 4th of July, 1831.

"Excepting, then, these two articles, the situation as regards the commercial stipulations consists purely in the repeal of the discriminating duties imposed upon the rival flags, caused by the direct transportation of goods, and in the perfect equality of tonnage duties, mutually established at the identical rates of 5 francs on one side and 91 cents on the other.

"In Washington as well as in Paris, the grievances expressed by the Federal Government, directly or through its diplomatic agents, have a double character.

"Some rest on a system of general recrimination against the French legislation of customs, and on a comparison of the advantages derived by both countries in the course of their commercial relations. Others relate to a certain number of designated articles, such as cotton, rice, linseed, tea, indigo, and tobacco.

"The United States participate in the general commercial movement of France in the following proportion:

Amounts expressed in millions of francs.

Years.	Importation.			Exportation.		
	Out of U. S.	By the U. S.	Proportion.	Out of,	To the U. S.	Proportion.
	Mill'ns.	Mill'ns.	Per. ct.	Mill'ns.	Mill'ns.	Per. ct.
Mean for 10 years.	460	64	13	521	94	18
From 1827 to 1836	460	64	13	521	94	18
1837	569	87	15.3	514	53	11
1838	657	101	15.4	659	120	18.2

"Therefore, the Americans, instead of taking the fourth part (as asserted by their Government) of the whole of the French products, only take the sixth; and France, in return, receives from them more than the seventh part of her whole imports.

"The year 1837, even, shows a result entirely to the reverse, as the United States only took the ninth part of the French exportation, while France received from them more than the seventh of her whole importation.

"If compared together, the relative amounts of this double movement of the French commerce with the United States, during the period of the twelve years above stated, will be found to give the following results:

Years.	Amount of imports in millions of francs.		Difference in favor of		Proportion per ct.	
	Imports.	Exports.	Imports.	Exports.	Of the imports.	Of the exports.
	Mill'ns.	Mill'ns.	Mill'ns.	Mill'ns.	In favor of the U. S.	In favor of France.
Mean for 10 years.	460	64	94	30	63	100
1827 to 1836	460	64	94	30	63	100
1837	569	87	29	100	66.6	33.3
1838	657	101	19	34	2	15.8

"It may be objected that the advantages which these tabular results seem to show in favor of France are still increased by the nature of the exchanged products, since those sent to France consist mostly of primitive materials; while France sends

in return a large quantity of manufactured articles. But it is important to notice, according to the above table, that this last circumstance has largely contributed to ensure to the American exportation its almost constant and regular increase since twenty years; that the only decrease in the importation was in 1831; that, in 1837, it was 33 per cent. larger than the French exportation, and that, from 1825 to 1838, it increased from 41 millions to 101; increase equal to 146.3 per cent.

"During that time, the French exports have been submitted to the most abrupt variations, as well in increase as in decrease. From 1832 to 1833, it went from 53 millions up to 107, to fall back again, in 1837, from 158 millions to 53. The 153 millions to which it amounted in 1836 and the 120 in 1838, but particularly the first, may be considered as unusual, being to a great degree the result of the extraordinary impulse given to the commercial intercourse with Europe by the establishment of local banks in the different States of the Union, and the facility they afforded to the commerce to get rid of their own paper. And this impulse may be considered as the source of all the losses sustained by the French commerce in the liquidation of this unusual exportation. And at the present time, like in 1837, the reaction of this system, again felt in the United States, will create, and has already created, a notable reduction in their importation from France for 1839 and 1840. Notwithstanding these observations, if we take as a regular term of comparison the amount of French exports for 1833, we see that, since 1825 to the present moment, it has only been increased from 94 millions to 120; that is, 28 per cent.

"Moreover, the French exportation is diminishing, while that from America is in progress; and, though the difference in favor of France be still 33.8 per cent. the Americans have in fact derived more profit than the French.

"But it is important to mention one fact, showing that the difference in favor of French exportation is far from being a disadvantage to the Americans; it is, that most of their products shipped from France for the different ports of the Union cannot be considered as forming part of the American imports from France.

"Indeed, if we take the amount of the exportation of 1833, though a better one might be used to strengthen this argument, we would find that the consumption of French products, amounting to 120 millions of francs for a population of 12 millions of souls, would make the annual consumption of articles of French industry or production by each inhabitant equal to 12 francs, while the whole of the French exportation to Europe, which amounts to 233 millions of francs for a population of 213 millions of souls, makes the consumption of the same products by each inhabitant equal to only 1 franc 30 centimes.

"The relative wealth of the American consumer does not afford a sufficient explanation of this very great difference. A sufficient reason for it cannot be found, either in the state of the American industry, which in fact is very far from standing out of competition with that of Europe, its annual production having been valued at no less than 300 millions of dollars. To account, then, for this enormous difference, it is necessary to admit, not only (what is otherwise ascertained) that a part of the French products are merely deposited in the United States to be reshipped for other countries of the same hemisphere, such as Mexico, Columbia, Central Republic, Venezuela, Ecuador, New Grenada, &c.; but, moreover, that is done for a large amount. The Americans, in furnishing out of their own ports these nations, who possess little or no navy, with an important part of the products of France, have, besides the profit of navigation, all the benefit of the commerce of deposit and of transit, and even the gains on commercial speculation. This state of things is very unfavorable to France, and annihilates the advantages expected by her as a consequence of her treaties of commerce and navigation with the new States of South America.

"Another grievance expressed by the American Government is based upon the assertion that a duty exceeding 50 per cent. is levied by France upon the primitive materials coming from the United States."

"It is easy to prove how erroneous is this calculation.

"In 1838, France exported to the United States about sixteen millions of francs worth of natural products, and about one hundred and four millions of manufactured articles; amounting in all to one hundred and twenty millions. The following list gives the principal articles, classed according to their importance:

French Exports to the United States.	
Silk goods	51,672,428
Woolen goods	16,478,945
Cotton do.	9,430,278
Linen do.	6,001,431

Wines, spirits, &c.	83,583,055
Worked kids and gloves	10,496,000
Vitification	6,165,000
Hosiery	3,232,000
Military	2,211,000
Fruits	1,751,000
	1,220,000

"In the same year, 1838, France received from the United States eighty-five millions of francs worth of materials necessary to industry, and more than thirty millions worth of manufactured articles; altogether, one hundred and one millions of francs. The principal articles are as follows, according to their importance:

Exports from the United States to France.	
Cotton	78,826,000
Tobacco	12,168,000
Palm-leaf hats	2,514,000
Potashes	1,268,000
Whalebones	1,106,000
Common timber	923,000
Products of animals and skins	851,000
Rice	783,000

"The duties paid on the whole import, amounting to one hundred and one millions of francs, excepting a few more articles of no importance, were 9,817,255 francs.

"So that the duties imposed by the French tariff upon American products, which are said to exceed 50 per cent. are, in fact, according to that same tariff, less than 10 per cent. And, if the same calculation be applied to American cotton alone, it will be found that the duties paid upon it, amounting to 8,714,288 francs are not more than 11 per cent. of its value.

"It is said also that the products of America are generally submitted in France to an overtax of 23 per cent. compared with the products of other countries; and that, while American commerce is thus treated by France so much more unfavorably than that of other nations, France is favored in the United

States by discriminating duties of 10 per cent. imposed upon articles coming in competition with the products of French industry.

"Far from there being even the slightest appearance of discrimination in the duties imposed by the French tariff with a view to give to the products of any nation the preference on those of America, the French legislation is, on the contrary, very favorable to the importation from that country.

"For example: the rice from Carolina is charged with a smaller duty than the rice of any other country, even that of Piedmont, which for many reasons might be favored, and, however, pays a duty of 6 francs, while the first only pays a duty of 2½ francs.

"The duty on American cotton has been brought down to 20 francs, without distinction of quality, while cotton from other countries remains submitted to duties of 25 and 30 francs.

"American potashes pay 15 francs, and those from Russia 18.

"No distinction is made between the flour, the timber, the drying wood coming from any ports of Europe and that imported from transatlantic ports; and the duties are of no importance.

"It is the same thing for turtle shell, on which the duties are regulated by the same quality, varying from 17½ to 25 and 50 francs.

"The same for the following articles:

Whalebones	30 francs.
Fish oils	8 do.
Honey	5 do.
Wax not worked	2 do.
Hides	4 do.
Palmleaf hats, fine	75 centimes.
Do. coarse	25 do.

"But these articles being almost all that constitutes the direct export from the United States to France, it is easy to judge whether the tariff of France deserves or not all the accusations charged against it. It is sufficient to add that all differences of duties which were established by it in favor of French navigation have now turned, since the convention of 1822, to the benefit of the American flag.

"As to the objection representing the discriminating duty of 10 per cent. levied in the United States on Chinese silks as being specially established in favor of French industry, and as relating to a certain number of other foreign products brought in competition with those of France on the American market, it is proper to state that this duty only bears upon one article—the silks imported in the United States from countries situated on the other side of the Cape of Good Hope; that it cannot be said to be favorable to France alone, as it is also profitable to the exportation of silks from all parts of Europe, without distinction; that it has been established less with a view of a European or French interest than for the protection of certain cotton articles manufactured in the United States, and which could not, without this duty, support the competition with common Chinese silks.

"Therefore, the advantage which France, whose legislation of customs is so favorable to the direct importation from America, may find in the American market, is but the consequence of measures taken without regard to her interest, however useful they may prove to her, as the price of concessions at least equivalent. Among these may be speedily classed those made in favor of French wines by the treaty of the 4th of July, 1831, for they have been bought by the renunciation (stipulated in that treaty) to the French claims with relation to the 8th article of the treaty of the 30th of April, 1803, for the cession of Louisiana, and by the promise, since realized, to bring down the duties upon long staple cotton to equal those paid upon the other kind of cotton directly imported on French or American vessels.

"This favor even, notwithstanding the price doubly paid for it by France, has become more nominal than effective, in consequence of certain measures since adopted by the Federal Government.

"Among the special grievances expressed by the United States against France, we have already mentioned those against the duties levied on cotton, rice, linseed, tea, indigo, and tobacco. It is easy to reduce these recriminations to their proper value."

[Here Mr. Wise concluded his remarks on the 23.]

FRIDAY, January 29, 1841.

[Mr. Wise having taken the floor for the purpose of resuming his argument of yesterday—

Mr. RHETT requested him to yield it for a moment to enable him to make an inquiry of the gentleman from Virginia.

Mr. Wise having yielded—

Mr. RHETT said he had understood that the gentleman from Virginia [Mr. Wise] had said yesterday that a member of the convention of South Carolina (now holding a seat on this floor) had in that body (so high had the excitement run) proposed a dissolution of the Union. As he (Mr. R.) was the only member of that convention now on this floor, he supposed the gentleman must have referred to him.

Mr. Wise was understood to say that he did allude to the gentleman from South Carolina, [Mr. RHETT;] that such was the impression then prevailing in the country, and that if the newspapers at that time were to be believed, a dissolution of the Union was actually proposed or talked of in that convention.

Mr. RHETT said that the gentleman was entirely misinformed. Neither he nor any other member

of the convention ever proposed a dissolution of the Union, nor was any such proposition ever made or discussed in the convention.

Mr. Wise was understood to say he was glad he had made the remark, because it had afforded the gentleman from South Carolina [Mr. RHETT] an opportunity of contradicting it. He hoped, so far at least as South Carolina was concerned, that that section of the country would stand vindicated from the charge forever.]

After this explanation, Mr. Wise resumed. Sir, I left off reading yesterday when I came to the special grievances complained of against France. I will proceed to read—commencing, where I left off, with cotton:

"Cotton.—The difference of 5 francs in the duties, which is complained of by the Federal Government, is but a just compensation for the greater value of American cotton compared with that of Turkey and Egypt. This difference has not at all been established with a view to protect one kind more than the other; and the results show it.

"Though submitted to higher duties, (the difference being formerly 25 francs,) the importation of American cotton has increased in fifteen years (1818 to 1832) from 7,669,400 kilograms to 27,333,000; and since the royal ordinance of the 16th of June, 1832, has reduced the difference to 5 francs, the amount of American cotton importation has increased in six years 15,396,000 kilograms; that is, more than one-third, having gone up in 1833 to 43,780,000 kilograms, while from 1823 to 1833 the importation of Egyptian cotton went down from 7,665,000 to 2,362,178 kilograms.

"But a most important fact to notice is, that the difference of duties in favor of Egyptian cotton exists only when brought on French ships, and of this the Federal Government has no right to complain, when the equality of duties stipulated in the convention of 1822 bears exclusively on the importation under both flags of international product. As to the duties levied on Egyptian cotton when imported in vessels of other nations, even those of Egypt, they are established in such a way as to constitute a premium of five francs in favor of the same product from America when brought on American vessels.

"It must be said, also, that certain circumstances, some permanent, some temporary, such as, on one part, the competition created by American planters with each other, the progress of cultivation, and, according to General Cass, the progressive diminution of prices, which must be the consequence of it; and, on the other, the unusual state of Egypt, and the want of extension in the cultivation of that country, paralyzed as it is by a monopoly, leaving no hope for a diminution in the prices equivalent to that which must take place in America—all these circumstances must necessarily ensure to the United States the largest share in the supply of cotton for the French market. The truth of this is fully ascertained by the following results:

"The proportion of American cotton used in the French consumption is estimated at about	87
That from the East	10
And that from other countries, including places of deposit	3

100

"This shows how little America has to complain of the competition from Egyptian cotton, and how little reason there should be to take away the entirely nominal advantage which is left to this cotton, since (to realize the promise made in the treaty of 1831) the duties levied on American cotton have been reduced from 40 francs to 20.

"Rice.—As regards this article, the American recriminations are really incomprehensible—the tariff being altogether favorable to the American product.

Rice coming from the port where first shipped pays, if from the United States	fr. 2.50
If from European ports	4.00
from place of deposit	6.00
from Piedmont, direct by land	6.00
on foreign vessels	9.00

"This renders it evident that the Carolina rice is greatly protected, if compared with that from other countries, even when brought on French vessels.

"Linseed.—This article has never been of any importance in the commerce of France with the United States. Besides, the duty of 5 francs formerly levied upon this product, no matter what country it came from, (excepting, however, a small quantity brought from Russia for seed, which was slightly favored,) has been reduced by the law of the 2d of July, 1836, to 1 franc when imported on French or American vessels, and to 1 franc and a half when brought on all other foreign ships from any country, without distinction.

"Tea and Indigo.—These two articles are also of very little consequence in the commerce of the two nations. In 1833, the quantity of tea brought to France from the United States was but 1,003 kilograms, the whole value being less than 20,000 francs. Of indigo, the importation does not exceed 6 or 7 hundred kilograms a year.

"Tobacco.—The recriminations addressed by the Americans against the monopoly exercised by the French administration touch directly the right possessed by all nations of regulating as they choose the elements of their internal revenue. If such pretensions were admitted upon one point, there would be no means, no reason to repel them on any other. To-day, the subject is the monopoly of tobacco; to-morrow, it would be municipal taxes, &c. and the internal economy of France, as well as all measures calculated to act directly on the conditions and the regulations of exotic products, would become the basis or the pretext of constant and endless aggressions.

"In principle, these recriminations must be expressly declined.

"But, even laying aside this peremptory consideration, the complaint of American planters cannot sustain discussion. The duty imposed upon foreign tobacco by the monopoly being, after all, in whatever form it may be levied, but a duty of consumption, the legitimacy of which is acknowledged, what remains to be examined is, how far it restrains the consumption of foreign product, in the interest of which it is incriminated.

"The nature of the tobacco manufactured by the *Régie* being intended for different classes of consumers, the inferior quali-

ties are composed of the indigenous product, while all the superior qualities are manufactured with the mixture of American tobacco. The increase of prices created by the duties has no restrictive action on the habits of rich consumers, for whom the tobacco from the United States is particularly designed. There is then, in fact, no loss for these qualities, constituting almost the whole of the American product. As to the inferior quality, which is produced in the United States as well as in France, it would be difficult to conceive how the Americans could claim from France a protection for their interest, when that same protection would oblige France to the sacrifice of her own interest at home.

"A proof that there is no loss to the United States is, that the consumption of their tobacco, which forms the four-fifths of the whole of the French imports of foreign tobacco, is in progress; the amount of the importation of 1837, which was the largest one, having been exceeded by that of 1838, as will be seen by the following table, which gives the imports in France of foreign tobacco as well from the United States as from other countries, from 1818 to 1838:

Years.	From the United States.	From other countries.
	Kilogrammes.	Kilogrammes.
1818	952,851	87,232
1819	1,000,421	340,703
1820	4,645,288	184,668
1821	270,162	1,056
1822	2,453,936	2,389
1823	4,493,224	34,394
1824	2,792,180	129,518
1825	2,227,965	333,989
1826	2,747,819	317,799
1827	4,323,222	1,136,815
1828	5,230,750	1,229,819

"It is said that the American tobacco does not find under the French legislation sufficient conditions of equality for its sale.

"It is hardly necessary to answer this assertion otherwise than by noticing that the agents of the French administration, coming in the American market with the buyers from all countries, pay the same prices as the others, and necessarily contribute to maintain these prices by their competition, especially when it is known that the wants of France, which can be estimated in advance, increase every year in an obvious proportion, with the exception of a slight variation, which is in no way a consequence of the monopoly.

"But still, we can show that the monopoly, far from restraining the sale of American tobacco in the French consumption, is, on the contrary, favorable to it. If we suppose for one moment that this monopoly be abandoned, it must be compensated by the creation of new custom-house duties, causing the tobacco to be placed on an equal footing with all other foreign articles of consumption, and consequently submitting the supplying to all the chances of commercial competition. Tobacco would be like tea, pepper, cinnamon, indigo, &c. The American planter would find in the French market numerous competitors opposing his prices and conditions, instead of the present constant and regular issue offered to him by the enlightened preference given to him by the administration. Moreover, the extinction of the monopoly would enable the French planter to produce indigenous tobacco, diminishing, so much, the consumption of foreign product. In all conscience, can the American planter wish for such a change?

"Finally, a last complaint is made by the Government of the United States relating to the navigation between the two countries. Its substance may be expressed in the following words:

"As regards the navigation, the tonnage duty of 5 francs, viz. 94 cents, established by the convention of 1822 upon United States vessels in France and upon French vessels in the United States, throws in the hands of third nations all the benefit of the transportation between the two countries, because the flags of those nations paying but 4 francs 12 centimes consequently derive a profit of 85 centimes, and enjoy in the United States the advantage of a free entry."

"To answer this complaint, it will be sufficient to designate the consequences of the Convention of the 24th June, 1822, the stipulations of which regulate the relations of navigation between France and the United States. But, for a better appreciation of the effects of the convention on navigation, it may be useful to glance over the effects produced in this respect by the different regulations at previous times.

"Three distinct periods have preceded the one regulated by the convention of 1822.

"The first period, during which the French flag paid an overtax in America while the flag of the United States paid none in France, was that which preceded the law of the 23rd April, 1816. If, during that period, the United States enjoyed alone the profit of the transportation between the two countries, it was owing not only to the regulations then established on both sides, but especially to the state of war and the laws of blockade. Therefore, no comparison can be based upon the period of the French empire, and the Americans were wrong to consider, then, as an acquired right, the exclusive advantage of transportation, when they possessed it only in fact, and as a neutral power. As for the two years, 1814 and 1815, the French navy was not yet organized—they cannot, then, be taken as a term of comparison.

"The second period—that which immediately followed the law of the 23rd April, 1816—is the only one that can be taken as a starting point, for with it began a more regular order of things. It established, in principle, a difference of duties in favor of the French flag for the importation of foreign products, not including, however, in this system, the French exports proper. Under that *regime* of discriminating duties, the share of France in the transportation increased yearly. This share, which was nothing previous to that period, amounted, at the end of 1817, to one-sixth of the whole transportation; in 1818 it was one-fourth; and in 1819 nearly one-third.

"The third period was that of the reprisals, by which France was obliged to answer the aggressions of the United States—the last 5 months of 1820, the year 1821 and the first 9 months of 1822. The year 1821 is the only one that offers complete results. During that year, the share of France was a little more than one-seventh, that of the United States a little less than two-sevenths, the remnant to the other flags.

"During the period regulated by the convention of 1822, France obtained the first year (1823) but a little less than one-twentieth; but the event of a war with Spain must have had an influence on this result: the year 1824, free from it shows a slight increase.

"The following table shows the relative shares of both coun-

* This article ensured to French shipping all the advantages given to the most favored nation in all the ports of the given up territory.

26TH CONG. 2ND SESS.

Treasury Note Bill—Mr. Wise.

H. of Reps.

tries, and that of the other flags, in tonnage, between France and the United States, from 1825 to 1838:

Years.	Amount of general tonnage.	Proportion per cent.			
		Share of each flag in the general tonnage.			
		French	Amer'n	Others.	Aggre'd.
1825	106,552	13	87	—	100
1826	151,256	10.4	89	6	100
Mean for 10 yrs. from 1827 to '36	172,000	12	86	2	100
1737	210,338	17.5	78.8	4.7	100
1833	232,131	13	85	2	100

"So that in a tonnage, which in 1833 is nearly treble of what it was in 1816, having increased from 86,542 tons to 232,131, the proportion which can be considered as the usual share all owed to France by the convention of 1822 is but 12 to 13 per cent. that is, about one-eighth of the whole transportation; the remnant belonging almost entirely to the United States.

"This convention has, therefore, made the situation of the French flag worse than it was under the influence of the law of 1816, and even worse than in the time of the reprisals, though the object of this convention was, as it was said in its preamble, to regulate the relations of commerce and navigation of the two nations in a manner reciprocally advantageous and satisfactory. But this is the more worthy of consideration, because the sacrifices imposed by this treaty to French navigation did not find any compensation that could be taken in account, in the condition made to French products, since this condition was not a consequence of the stipulations of 1822, and was only, as it has been proved before, the price of subsequent concessions, at least equal to, or merely the result of general measures taken without regard for French interests.

"Yet there is another element of the question of navigation which it is important not to neglect, in order to get a just estimate of the damages sustained by France in this respect: it is the nature of the products entering into the mutual commerce, and the share that seems to be assigned from the capacity of these products to each party, in the respective navigation, notwithstanding the reciprocity which is the aim of the convention.

"The Federal Government pretended that the tonnage required for the transportation of American products to France was four times greater than the tonnage required for the transportation to America of an equal value of French goods, even including wine and brandy. The French administration, convinced that this estimate could not be correct, and wishing to know exactly the real difference existing in this respect between the products of both countries, ascertained from numerous and decisive sources of information that the difference in more for American products was in the proportion of 23 to 14.

"In this supposition the relative encumbrance resulting from the capacity of the French products requiring but a little less than a third of the tonnage, viz: about 31.3 per cent. the share of France in the transportation should not exceed the equivalent.

"Therefore, even leaving the discussion on the ground adopted by the Federal Government, the heaviness of the losses sustained by the French navy would still be unquestionable, for the share of France in the general movement of transportation being but from 12 to 13 per cent. there would be still for her a constant loss of from 18 to 19 per cent. on an equal value of exchanged products. To this loss should also be added the portion of tonnage that ought to be secured to France for the surplus of value of her exports over imports.

"From this we can judge of the spirit of inaccuracy which characterizes the grievances of the Federal Government and the carelessness brought in the examination of the facts by which are supported these grievances. But another thing quite as strange as the lamentations addressed to France is the pretext given to them, when based upon a pretended encroachment on this transportation by the flags of other nations, whose share in the transportation has not outreached (as shown in the above table) since 15 years the insignificant limit of 2 per cent. Moreover, the cause assigned to this encroachment is no more correct than the assertion itself, and, in this respect, the Federal Government are yet mistaken when they think that the American vessels pay 83 centimes more in France than the vessels of other nations (English excepted). For, to the 4 francs 12 centimes of ordinary tonnage duties paid by other nations must be added all the expenses for expedition, permits, passports, pilots, &c. which exceed for foreign ships the sum required from French vessels or from American ones, as both enjoy the same privileges.

"If we resume the sundry results which we have just had occasion to state, they bring us to the conclusions which we have yet to offer:

"1st. As for Commerce.—During the last 12 years, from 1827 to 1838, the general movement of merchandises between the United States and France has been equal to 1,916,000,000 francs, that is, an annual mean of 160,000,000.

	During the 12 years, from 1827 to 1838.		Annual mean.	Proportion per cent.
	Mill'ns	Cent's		
Share of America, or imports from France,	838	69	42.6	
Share of France, or exports from France,	1118	93	57.4	
Surplus in favor of exports	280	24	14.8	

"But this difference of 290,000,000, an annual mean of 24,000,000, be it 14 per cent. does not constitute a disadvantage for the Americans, for, as before stated, a large amount of French products are brought to the United States to be reshipped for other countries of America; and this amount, which is at least sufficient to destroy the balance against the United States, is a certain source for them of very important profits.

"Therefore, a fact which can be asserted with truth and with-

out exaggeration is, that, as regards exchanges, there is no loss on the part of the Americans.

"2d. As for Navigation.—During the same 12 years the aggregate tonnage between France and the United States (coming in and going out united) has amounted to 2,161,000 tons, giving an annual mean of 180,000 tons:

	Annual mean.		Proportion per cent.
	1841,000 tons.	153,000 tons.	
From 1827 to 1838.	226,000 "	12.3	
54,000 "	4,500 "	2.5	

2 161,000 tons. 180,000 tons. 100

"If we value in the above proportion the difference existing in the capacity of the respective products, the share of France in the general tonnage ought to amount, for an equal value of products, to a little more than one-third, that is, about, viz:

	Annual mean.		Proportion per cent.
	1841,000 tons.	153,000 tons.	
From 1827 to 1838.	226,000 "	12.3	
54,000 "	4,500 "	2.5	

"But the French products having exceeded in value the American products by an annual mean of 24,000,000, or 14 per cent. must have ensured a proportional increase of tonnage to the French flag; calculated in said proportion this increase would be .45 "

"Therefore, the share which France ought to have obtained should be equal to .358 "

"If compared with the one she has obtained in fact 12.3 "

"It will show an annual mean loss for her of .235 p. ct.

"This makes on 180,000 tons a loss of .42,300 tons. "And if from these 42,300 tons we deduct 3,000 tons, taken out of the 150,000 forming the mean annual share of other nations, (because their share is about two-thirds of the going out, and one-third of the coming in,) we will find .39,300 "

To be the amount which, to the detriment of the French flag, formed the annual profits of Americans during these 12 years."

"3d. As for the legislation.—In France, no sort of over tax upon merchandise; entire reciprocity for the flag, privilege given to American products, compared with similar products, not coming from French colonies or from India; advantage to all products coming from the United States over the products of India, not brought directly on French bottom.

"The result of this in fact as has been seen: Equality of advantages in the exchanges; absorption, almost total, of the navigation by the American flag. Such is the situation.

"Such being the state of things, can the United States express any reproach, or threaten to raise the duties on French products? The answer, it seems, is easy to give. And all that remains to be added to the considerations exposed in the present note is, that France, in permitting, as she has done until now, the convention of 1822 to subsist, (this convention giving in fact the 8th of the transportation in the intercourse to the American flag,) has sacrificed the interest of her navigation to the advantages which her commerce could derive from the progressive importance of the markets opened in the United States to her products of all kinds. The commercial relations between the two nations can be maintained, in a manner useful to both, in this sort of balance between the advantages granted to the American navigation and those devoted to French products. But, any modification altering the commercial advantages which alone have caused the concessions made by France to the navy of the Union, and which alone can allow the continuation of these concessions, would evidently authorize the French Government to withdraw favors which, given at her detriment, would have no more compensation.

"The French Government will then await, with calm, the result of the discussions which the tariff may raise in Congress. But it would see itself, although with regret, bound to adopt defensive measures, should this result alter the present state of the commercial relations between France and the United States."

And, sir, in addition to this view of the whole subject, I will present the following views and tables from the New York Herald of December 13th, 1840:

"Instead of devising new means of supplying the extravagance of the Federal Government, the true policy is to cut down the expenses to a level with the revenue. The party about to come into power are already fully cry for an increase of the tariff, and many specious pretences are set up in order to effect that object. The most prominent are the great import of silks from France, and the great duties imposed by that Government upon tobacco shipped from this country. In order to understand the relations between the two countries, we have compiled from official sources the following table of the whole trade for five years, combining years of the greatest depression and inflation:

IMPORTS FROM FRANCE, DISTINGUISHING THE DUTIES.					
Duty free.	1835.	1836.	1837.	1838.	1839.
Autumny,	9,793	8,831	975	28,357	629
Spelter,	-	98,100	5,765	-	41,675
Brimstone,	67,415	33,563	-	-	41,675
Barristone,	40,023	27,755	19,000	27,682	41,675
Furs and skins,	99,076	193,064	-	156,917	4,663,82
Animals to breed,	-	155	-	2,312	840
Old Copper,	71	333	294.5	-	-
Gold,	519,552	4,420,043	878,351	1,516,353	73,603
Silver,	132,527	494,358	173,152	723,327	83,831
Coffee,	25,530	427	201	-	20,694
Cocoa,	4,533	13,328	4,120	-	-
Almonds,	84,094	197,343	99,904	23,092	106,973
Prunes,	12,862	53,339	65,541	8,157	50,571
Figs,	254	156	1,345	367	11,600
Cloves,	13,886	14,610	552	2,357	54,221
Silks,	12,697,366	15,611,188	8,675,815	5,610,591	15,699,478
Silks, worsted,	634,343	2,229,227	1,537,539	1,296,270	1,873,441
Cambises,	45,565	175,892	59,111	41,167	73,335
Worsted stuffs,	564,436	605,910	409,089	735,027	1,007,327
Linen,	261,028	591,071	353,530	241,883	600,67
Bolting cloths,	27,661	45,161	21,124	25,690	63,358
Wool,	11,532	30,957	2,603	17,816	12,351
Opium,	48,071	6,451	1,425	1,450	5,106
Other art.	740,043	889,425	570,710	539,415	1,344,260

"The same calculation for 1838 shows a loss for the French flag of 46,099 tons.

Merino shawls, 1,105	393	96	16,368	54,677
Blankets, 131,767	217,769	129,910	193,745	149,082
Hosiery, 9,449	5,557	5,937	10,980	46,346
Other wool, 7,413	28,085	61	1,400	6,974
Cot. prints, 1,146,553	1,892,020	1,193,982	713,567	1,177,282
Wt. do., 198,673	410,476	433,621	110,165	62,866
White hosiery, 23,292	50,540	49,256	29,578	97,132
Yarn, 1,560	757	4,289	2,006	2,655
Other cotton, 59,382	67,455	112,832	52,767	241,314
Silk, India, 1,410	153	533	116	1,186
Silk, sewing, 51,168	265,439	250,134	202,733	519,030
Lace, 75,990	133,795	144,277	83,038	204,439
Flax manuf., 6,727	61,572	40,583	10,039	65,304
Hemp do., 200	200	991	625	841
Leghorn hats, 27,094	126,334	140,854	92,669	263,840
For hats, 3,070	2,671	2,147	2,195	8,100
Firearms, 27,711	78,706	43,482	19,891	30,012
Iron manuf., 53,893	128,987	60,672	3,458	143,067
Copper do., 26,767	41,365	7,641	11,800	82,938
Brass do., 60,537	120,916	104,885	51,612	92,696
Tin do., 1,189	2,002	2,403	1,019	2,014
Wool do., 94,441	184,290	116,163	79,629	136,788
Leather do., 781,177	745,441	211,705	476,989	953,042
Marble do., 3,235	5,317	2,440	1,658	3,905
Gold and silver, 79,138	153,353	155,814	64,755	93,022
Watches, 255,413	501,445	611,312	275,220	415,900
Glassware, 123,053	211,232	104,905	122,840	247,000
China ware, 106,587	163,745	209,130	110,300	163,460
Paperhangings, 91,300	111,194	128,991	39,168	99,000
Raw silk, 5,030	154	3,722	—	—
Wool, 264,162	1,852	4,201	—	11,000
Other manuf., 103,106	198,470	36,567	53,210	60,600
Not enumerated.	22,501	31,474	15,038	81,176
pay 12 1/2 p. ct.	15,034	439,151	352,547	314,984
pay 25 do	495,996	692,254	509,037	478,933
pay 30 do	19,696	49,387	39,105	7,701
pay 50 do	32,281	26,568	70,671	77,070

Total ad. vl. 4,918,647 7,165,385 5,633,978 3,690,293 7,161,533

Specific duties.				
Flannels, 10,814	1,827	3,316	600	828
Carpeting, 15,050	567	1,133	366	1,663
Flour cloths, 66	54	149	38	19
Oil cloths, 1,773	1,827	145	304	344
Red wine, 663,273	473,467	353,373	251,359	440,868
Other wine, 327,474	298,441	264,108	163,158	135,094
Bottles wine, 602,243	1,172,221	1,116,163	622,986	801,676
Sherry wine, 161	425	207	10	255
Spanish wine, —	626	4,353	—	2,161
Wine of other countries, —	3,211	7,551	6,152	19,691
Dist'd spirits, 558,771	1,139,113	847,651	702,886	1,827,015
Vinegar, 14,093	19,132	15,993	9,634	14,762
Olive oil, 12,633	16,347	6,573	9,333	9,152
Chocolate, 498	153	533	156	6,067
Brown sugar, 4,911	51,632	11,109	—	3,422
Cheese, 5,700	11,244	7,902	6,160	6,228
Soap, 23,861	25,667	13,457	25,381	94,173
Cotton, 25,783	2,829	18,721	—	—
Bristles, 8,269	4,219	3,116	—	—
Ochre, 2,898	8,438	3,945	1,833	493
Sugar of lead, 2,797	1,634	3,138	4,572	10,087
Cordage, 258	75	738	235	807
Twine, 7,802	15,491	15,606	8,034	5,893
Corks, 38,380	58,435	26,729	23,057	41,097
Firearms, 14,086	210	5,333	—	2,978
Iron castings, 5,562	9,779	6,692	2,416	2,808
Iron bars, 744	22,881	2,396	—	1,999
Wheat flour, —	8,319	14,183	4,857	—
Wheat, —	9,785	14,183	1,451	1,049
Potatoes, —	1,954	3,745	1,694	12,967
Paper, 21,000	19,370	12,895	3,659	15,817
Books, 25,500	54,000	69,966	54,949	91,000
Vinyl, 966	1,269	1,660	660	2,000
Demijohns, 2,699	7,852	4,776	5,467	2,601
Black bottles, 77,658	177,280	163,375	77,449	126,667
Fish, 2,478	8,736	7,054	885	6,607
Shoes, ladies', 5,732	7,231	6,292	3,070	5,707
Shoes, men's, 39,323	42,825	43,330	21,460	41,438
Shoes, child's, 1,856	1,501	2,008	1,208	484
Boots, 7,247	8,992	25,939	31,692	49,762
Hat bodies, —	66	203	432	—

Wine of other countries, -	3,211	7,681	6,152	19,691
Dist'd spirits, 558,711	1,139,173	517,031	702,356	1,827,015
Vinegar, 14,093	19,132	15,955	9,034	14,752
Olive oil, 12,533	16,247	5,475	9,339	9,132
Chocolate, 508	153	533	156	6,067
Brown sugar, 4,911	51,632	11,909	-	3,422
Cheese, 5,760	11,244	7,102	6,160	8,233
Soap, 23,261	25,567	13,457	25,281	94,173
Cotton, 25,783	2,839	18,721	-	-
Bristles, 8,269	4,259	3,116	1,833	493
Ochre, 2,898	8,438	2,945	4,872	10,057
Sugar of lead, 2,797	1,634	3,138	-	1,854
Cordage, 268	75	738	235	807
Twine, 7,802	15,291	15,606	8,034	5,993
Corks, 38,230	58,435	26,729	23,057	41,087
Piercams, 14,036	250	5,333	-	2,978
Iron castings, 5,562	9,779	6,592	2,416	2,308
Iron bars, 744	22,881	2,896	-	1,999
Wheat flour, -	-	14,183	4,857	-
Wheat, -	8,319	67,285	1,451	1,049
Potatoes, -	1,934	3,745	1,684	12,967
Paper, 21,000	19,370	12,535	3,059	15,817
Books, 25,500	54,000	49,966	54,949	91,000
Vials, 866	1,289	1,060	660	2,040
Demijohns 2,699	7,652	4,776	5,467	2,601
Black bottles, 77,655	177,280	163,375	77,449	126,567
Fish, 2,478	8,736	7,054	885	6,607
Shoes, ladies' 5,732	7,231	6,292	3,070	5,707
Shoes, men's 39,533	42,625	43,330	21,460	41,438
Shoes, child'n's 1,856	1,601	2,608	1,238	484
Boots, 7,217	8,992	25,939	31,692	49,752
Hat bodies, -	65	203	432	-

26TH CONG...2ND SESS.

Treasury Note Bill—Mr. Wise.

H. of Reps.

Oak bark,	23,044	24,592	17,610	59,545	77,996
Wood, manu.	30,267	18,227	1,629	4,790	2,719
Naval stores,	10,815	15,126	5,847	11,907	11,996
Ashe,	101,415	231,291	253,505	224,755	219,845
Skins,	26,351	29,401	3,016	21,297	8,389
Beef & hides,	129,171	56,395	23,680	19,634	36,173
Flour,	41,012	26,513	-	70	2,800
Rice,	245,817	413,943	274,625	139,525	320,911
Meal,	20,150	11,217	-	4,079	-
Cotton, val.	17,460,415	17,519,787	15,265,679	12,360,173	13,393,142
Cotton, lbs	99,536,478	101,353,183	98,551,299	119,628,822	69,129,787
Tobacco, val.	925,420	951,637	723,242	1,237,123	909,950
Tobacco, hhds.	6,912	8,275	9,853	15,992	10,020
Tobacco, manu.	11,709	159	2,254	5,282	93
Hops,	6,376	800	23,574	14,063	28,629
Wax,	41,548	57,049	54,155	25,674	32,749
Furniture,	8,432	4,230	360	238	181
Hats,	4,199	111,239	83,648	39,049	58,692
Beer, &c.	460	403	13	-	-
Turpentine,	403	137	145	2,913	714
Iron,	4,692	707	1,983	160	2,640
Spts. fm molasses	5,130	736	450	6,266	-
Copper manu.	9,337	1,149	9,677	2,130	1,910
Medicine,	1,631	4,435	6,402	2,692	227
Cotton, manu.	3,437	-	360	310	-
Cloths,	1,225	2,940	240	705	554
Books,	1,037	2,040	1,886	1,592	1,590
Gold leaf,	-	3,190	1,500	170	-
Coin,	9,000	-	275,767	590	601,595
Manu. not men.	13,192	6,400	12,113	10,266	12,347
Articles, do.	11,844	17,223	12,956	14,037	14,324

Tot. do. ex. 15,553,467 20,089,331 17,350,914 14,522,414 15,966,103
In American
vessels - 1,545,865 18,381,370 15,260,301 13,246,193 13,721,034
In foreign
vessels - 1,040,602 1,096,091 1,190,520 1,377,216 2,242,174
Grand total
exports, 20,075,066 21,441,200 19,753,263 15,822,405 18,336,854
No. vessels cl'd 526 624 626 595 511
Tonnage, 142,037 150,198 151,140 169,440 141,765

"In these tables we find that the average import of French silk for five years is but little more than \$11,000,000, instead of \$20,000,000, as has been asserted by Mr. Biddle, Mr. Webster, and re-echoed by all the party papers from one end of the country to the other. At the same time France buys, on an average, \$15,000,000 of cotton from us annually, and one million of dollars worth of tobacco, while our import of cotton goods from France is scarcely \$1,000,000. If the silks of France are to be subjected to duty, what will prevent her from laying a discriminating duty in favor of East India and Colonial cottons, to the damage of our planters? It is set up as a pretence that this great excess of silk imports from France causes a drain of the precious metals; on the contrary, we find that the imports of gold and silver exceed the exports for that country in five years near \$5,000,000. In this view of it, therefore, there is no reality in the pretence set up, and there exists no good reason for increasing the duties on French imports. In regard to the heavy duties alleged to be levied upon American tobacco in France, the position assumed by the planters, that their interest suffers by it, appears to be entirely erroneous. In the first place, the article of tobacco, from its nature, is exempt from the usual rule of commerce, that an increase of price decreases consumption; the small quantities which each individual addicted to the use of the weed consumes in a year, make the doubling or quadrupling of its prices a matter of minor importance to him, and he does not curtail his usual allowance. On the contrary, it has been observed among the poorer classes, that when other necessities of life have decreased in consumption, in consequence of high prices, tobacco has increased, because it, in a manner, becomes a substitute; for a proof of this, on a grand scale, the facts offered by the planters are the most conclusive. They state that the Government of France derive a revenue of \$30,000,000 from imports on the article. Now, if we turn to the table of exports, we find that the export to France has increased from near 7,000 hhds. in 1835, to near 15,000 hhds. in 1838, to 10,000 hhds. in 1839, when the export was short, showing a vastly greater increase than is presented by any other article.

"In the face of this rapid sale of their product, the planters ask for retaliative duties upon the imports of France, to the damage of their fellow-citizens, unless the European Governments consent to forego a most lucrative monopoly which, it is absurd to suppose, they will do, especially on such an article as tobacco, the extended use of which it is wise policy to discourage. The planters appear to be impelled by the same feeling which induces England to make war upon China, because they will not buy her opium. Instead of listening to these injurious pretensions, which the wisest policy of national councils will be to seek means of extending our foreign trade on the American system of reciprocity. It has been the policy of England always to build up markets for herself, by cultivating the trade of new and distant countries. The United States are now in a position in which they can compete successfully with England in foreign countries. The mighty empire of the Brazils affords an immense field for the enterprise of this country. She already buys \$13,000,000 of English cotton goods annually, which might be furnished from this country, if the intercourse was properly managed. As it is, we are now without a commercial treaty with that empire. We will shortly recur to this subject."

We lose but little in our general commercial relations with France, and what is lost by the difference in her favor, if there be any, on imports and exports, is more than made up by the profit in our favor on navigation. Will the ship owners and navigation interest go for this war of retaliation on France? Why this war on France, our ancient ally and benefactress—a nation which has in good faith settled with us and paid every claim either upon her justice or her generosity? Is it the old war upon the "red waistcoats"? How came these wines and silks free? Was it our fault, or the fault of an all-grasping protective party, whose interest it

was to make all luxuries free, in order to raise all the revenue from protected articles? And now, since Southern commerce has found articles of France to exchange for Southern products of cotton and tobacco, since the exchange of these for silks and wines has become profitable to us, are we again to have a tax laid as directly upon our production as it has heretofore been laid upon our consumption? That, sir, will be the effect, inevitably, of a tax upon wines and silks—of a war of countervailing duties upon France. Separated as France is now from the Holy Alliance, weakened and threatened as she has been lately by the other great European Powers, I would sooner, sir, commence a war upon any other nation than upon her. She needs, especially at this time, the countenance of that country which owes its independence and national existence to her generous aid and alliance. So much for countervailing duties on luxuries.

But gentlemen say there is a deficiency in revenue! Admit it. Gentlemen say themselves that they cannot meet the present emergency with a loan, much less with a tariff. If they cannot wait thirty days for the advertisement for a loan, do they expect less time to put a tariff in operation, when there is no part of our foreign trade which does not require as the shortest possible period to meet new and increased duties on imports, a notice of from sixty to ninety days? This tariff on luxuries now free cannot possibly mean, then, to provide for the present deficiency. No, sir, it must be intended for the future—for more than sixty or ninety days or a year to come. The object is not to lay a tariff now: all these movements now are mere advanced guards of the policy hereafter—they are mere feelers and pioneers for the present. There is time enough hereafter, gentlemen, therefore, to consider your schemes to increase the tariff. "Sufficient unto the day is the evil thereof."

But gentlemen say, also, that there will be a large reduction after December in this year, and after June in 1842. What says the Secretary of the Treasury? See his report, already referred to, pages 1 and 2:

"It is believed that the reduction in the duties on imports, which, by the existing tariff, will take place in the year 1842, cannot vary much from five millions of dollars. For reasons assigned in the last two annual reports on the finances, the expectations of the undersigned are, that, if the expenditures are properly and seasonably diminished, it will not be necessary to raise all this amount by taxation in any form."

Now, what does this reduction mean? Do gentlemen, does the Secretary, mean to say that a reduction of duties five millions is a reduction of revenue to that amount? If they do, I answer that the one does not follow the other of course, not by any means. A reduction of duty is more frequently the cause of increase than of diminution of revenue. A reduction of duties is most likely to cause an increase of importations. A medium duty on imports is the best duty always to produce a large revenue. A duty so heavy as to amount to prohibition produces no more revenue than a free article. A duty next to prohibition produces no more revenue than a nominal or very small duty. That duty which is a medium between prohibition and free duty is the most productive of revenue, and twenty per cent. on most articles, with a home valuation and Government appraisement equal to fifteen per cent. more, will be still above a fair medium duty on our imports. I doubt, therefore, whether on articles now taxed above twenty per cent. there will be any reduction of revenue, though there be a considerable reduction of duty, after December and June next. At all events, the amount of dutiable imports will not be less than seventy-five or eighty millions, yielding at least fifteen or sixteen millions of revenue, with twenty per cent. ad valorem duty, besides the amount of revenue from public lands and other sources. So that there will be, in all probability, a revenue of at least twenty millions of dollars. And is that sum not sufficient for the purposes of an economical administration of the Government?

From what cause does this deficiency of revenue arise? What have we Whigs been attributing as its causes? Does it proceed from an inherent defect in the sources of revenue, or from casual obstructions to our resources? Is it a permanent or a temporary deficiency? The gentleman from Maine (Mr. EVANS) asked what a permanent deficiency

is? Sir, it is capable of definition and easily distinguishable from a temporary deficiency, and upon this distinction the application of the compromise act in a measure depends. A permanent deficiency is one which must continue from defects in the revenue laws, and in the sources of revenue; as where a duty is laid so high that imports are prohibited and cannot come in, or where duties are so low as to produce no customs though millions of imports are entered, or where lands are sold in such a way by law as to bring no price. But a temporary deficiency is one which can continue no longer than obstructions to the operation of laws are removed; as where the duties are all laid exactly proportioned to produce revenue, but extrinsic causes prevent or interrupt trade and diminish importations, where the duty is high enough and not too high, but no imports are entered on which to receive duties owing to temporary obstructions of commerce. And this latter case is precisely our case. We have not heretofore—no Whigs have heretofore—never before the election, complained of any defect in the laws; but we have loudly complained and with triumphant effect of the war of the Administration on the currency, on credit at home and abroad, on commerce, on banks, and on State debt; of the experiments of this Administration, causing excessive speculations, a large foreign debt, extravagance at home, immense importations for a few years, and perfect non-importations now. The fluctuations of trade have been immense, and of currency more enormous still. The foreign debt two years ago was 200 millions, and it can hardly have been reduced 25 millions, if reduced at all since. These and extravagance, and defalcation, and political electioneering in the offices of Government are the causes of the present deficiency in the revenue. The rate of duties, defects in the tariff laws, are no more the causes of this deficiency than any alleged defects in the laws organizing the Treasury Department were the causes of the defalcation of S. Swartwout! Heretofore the Administration has been charging every evil and loss and error to the defects of laws; and we have been defending the laws and charging every thing to their faithless and corrupt and negligent execution of the laws. And, sir, believing all I said before the election, I believe all I say now, and will not change my tune with my change of fortune. Out of power and in power, I declare that it is owing to no defect in the tariff laws that we have not revenue enough to pay every debt we owe and to have a large surplus besides. In 1839 the importations were excessive and enormous—the foreign debt was increased so much and the country so overstocked with goods that last year the importations had to fall enormously, much of the foreign debt was paid, the country is now bare, the demand for goods is great and growing, large orders are sent out for goods to supply the demand, many goods are shipped to us by foreign merchants on their own account, the importations must increase again, and, with the restoration of confidence, and trade and credit and currency, the revenue must be very considerably increased. At all events, I am for waiting and seeing the course of events, the developments and results, before I plunge into another high tariff. I will, if I can, await the full effect and operation of the compromise act, and, if it must be revised, take it up as a whole and revise it as a system altogether. It is obvious that if we legislate now upon the tariff at all, we must do so both partially and blindly.

But yesterday, Mr. Chairman, there was an excess of revenue, and there ought to be now, upon any calculation, an excess of at least thirteen millions. I have read to you the 6th section of the compromise act. It provided that the duties should be altered prior to June, 1842, as it declared, only "in the contingency either of excess or deficiency of revenue," "and so as to adjust the revenue to either of the said contingencies." If there was an excess, the duties of course were to be diminished, and if a deficiency, to be raised on certain articles, not to exceed 20 per cent. Now, sir, I say we had an excess, a surplus of revenue, to the amount of forty millions in 1836; and was there a diminution of the tariff then? Did any gentleman then cry "excess! excess!" as vehemently as they now shout "defi-

*Mr. Jefferson wore a red waistcoat, and was accused of being a French politician."

ciency! deficiency!" Was there a voice heard then exclaiming *diminish* the duties, as plainly as we hear many voices now loudly calling for an *increase* of the tariff? Did any who are so anxious now for taxing the "luxuries" of the rich, then propose to take the burdens off the necessities of the poor? No, sir, no! Not a voice was heard then from the South demanding the adjustment of the revenue to the contingency of an excess. But let a temporary deficiency arise, however temporary and evanescent, and we hear the tariff party immediately announce it, and call for an adjustment of revenue to the contingency of a deficiency. This is the everlasting difference of the North and the South. The one is ever vigilant and true to its own interests, the other is ever generously careless, and indifferent and inactive until the evil is actually upon them! No, sir, there was then no demand for diminution. On the contrary, there was distribution! And, sir, distribution is one of the main causes of this deficiency. Gentlemen who wish me to raise the tariff must first pay back into the Treasury twenty-eight millions which, since the compromise act, they have taken out of it, and without constitutional authority, and in the teeth of the compromise act, deposited—ay, deposited with the States; and will ever remove those deposits?—before I admit any deficiency as a pretext for raising the tariff, when forty millions of surplus was no pretext for diminishing the tariff! Suppose these twenty-eight millions, were now in the Treasury, I would admit you a deficiency, the highest insisted on, of fifteen millions, and then, sir, we would have an excess still of thirteen millions, I repeat, for the pretext of diminution instead of increase of the tariff at this very time. Now, now, at this moment, there should be an excess for diminishing, instead of a deficiency for increasing the tariff, if there had never been such a thing as *distribution*. Yes, sir, instead of a voice from the South to hail "excess" for diminution of the tariff, the arch nullifier himself was seen side by side with the great champion of the tariff, coming down from the Senate into this House aiding the bill of deposit-distribution, in open violation of the compromise act—their own joint act—and of the Constitution!

Distribution! I must give that, sir, a thorough discussion! The first thing I have to say of it is, that, contemplated in direct connection with this bill to issue Treasury notes, it makes me doubt the sincerity of gentlemen in pretending to any alarm about a serious or considerable deficiency in the Treasury.

How can gentlemen be sincere in their demands for increased duties on imports to supply the wants and pay the debts of the Government, when in their next breath they proclaim their policy of—

1st. Distribution of the revenue from public lands.

2d. Enlarged appropriations to harbors and all internal improvements.

3d. That there can be no reduction of expenditures.

Are these objects of raising the tariff consistent with their avowed reason of a deficiency? Or is a deficiency the pretext, and are these the real reasons of a clamor for an increased tariff?

Sir, I desire, in the next place, to relate to this committee the history of that bill to deposit the surplus of revenue in 1836 with the States of the Union. I mean the deposit act of July, 1836.

In March, 1833, the compromise act was passed, enacting expressly, as we have seen, that no more revenue should be raised than was necessary to an economical administration of the Government; and in case of excess, the duties on imports should be adjusted to that contingency, or, in other words, be reduced.

The Government deposits were removed from the custody and the control of law in October, 1833. From that time until the passage of this act of July, 1836—for the period of two years and ten months—the public deposits remained, without authority of law, wholly under the custody and control of absolute Executive discretion. During all this interval, at the sessions of 1833-'34, 1834-'35, and 1835-'36, the Executive exerted all its influence, strained every nerve, to pass a deposit act to sanction in the first place the removal of the depo-

sites, and, in the second place, to confirm in the Executive an absolute and unlimited discretion to deposit the Government funds in State banks, as should seem fit to the Secretary of the Treasury controlled by the President as his officer.

The journal of 1834-'35 will show that, at that session, Mr. Polk, who was then chairman of the Committee of Ways and Means, brought forward the Administration project of an act of deposit with the State banks, which was very like, if not precisely the same as the bill which passed in July, 1836. The bill, as proposed by him, like the bill of July, 1836, contained at all events no provisions whatever to secure the safety of the public deposits. It left, as the bill of July, 1836, did, every thing to a broad, unlimited Executive discretion. The bill was reported in 1835, and regularly referred to the Committee of the Whole on the state of the Union. In committee Mr. Binney, the able and distinguished representative of Philadelphia then, whose seat is now filled by the gentleman to my left, [Mr. SERGEANT,] proposed sundry salutary amendments, the chief of which was an amendment requiring the banks to have in their vaults at least one-fifth of the amount of deposits in specie. This amendment was offered at the right time, just when the cry began for gold and silver and a "hard-money Government;" and, though the Administration opposed it might and main, and though they had a majority in the House, it passed in committee by so decided a vote as to insure its success in the House. And here, let me remark, sir, that, if that single amendment had passed with the law then, and had been strictly observed, we should not have had that terrible explosion and universal suspension by the banks, which have since followed for the want of it in the act of July, 1836. Mark that as you go along, to the blame of the Administration, not the banks, and to the honor of the truly great statesman who then proposed and insisted successfully in the committee upon the amendment. Passing in the committee, why did it not pass in the House? I will tell you, sir. It actually defeated the bill. The Administration was determined to have the bill as it was, without any such limitation and restriction by law, or to pass no bill at all. The Opposition was then wisely determined to guard the deposits by salutary provisions of the kind, or to defeat it altogether, and leave the whole responsibility upon the Executive which had "taken the responsibility" upon itself. Well, sir—the Administration had suffered a defeat in the committee. The amendment was too wise, too proper, too "hard money," for "hard money" partisans to dare to vote it down, even under the strictest party drill. What then was to be done? All the party schemes of bank speculations, issues, loans, discounts, and deposits, concocted by the pets of a "pet bank" Reuben M. Whitney concern, were likely to be knocked in the head by this "specie clause" amendment, as it was called! Conservation was in the whole camp—but "bargain and compromise" put all right, and saved all appearances of victory. Those of the Administration party who had voted for the amendment, and who could not do otherwise, were told that, if they would only reconsider the vote on the amendment, and reverse their votes and defeat it, the bill should be quietly laid to rest, and their party allegiance and consciences both should be saved and troubled no more by a call to vote again either for the bill or the amendment that session. The bargain was struck, and the bill was laid aside or run over rather for that year. The journal, sir, shows every one of these facts, I repeat, except the moving consideration and the bargain.

Congress again met in December, 1835, and the same contest was again begun and continued over the "specie clause amendment." Mr. Polk went into the Speaker's chair, and Mr. Cambreleng became chairman of Ways and Means. Under his lead the same war continued, and, just as I thought we were about to win the victory, lo! "a sudden thought" seemed to strike certain great leaders of the Opposition. All three of them [Messrs. CLAY, WEBSTER, and CALHOUN] seemed to exclaim at once, like the Greek philosopher, Eureka! Eureka! "We have it!" "Give us the surplus for the States, and you may do as you please with the deposits of the Fe-

deral Government. You may place them in a hundred and one rotten banks, without 'a specie clause,' if you please, provided you will deposit the surplus with the States!" Magnificent scheme! Tempting bait! How successful it has been in bankrupting the Treasury here—in luring on the States and individuals to every species of improvidence—in helping to bloat a bad currency—in making bad debts—in causing "deficiencies"—in making pretexts for another high tariff—let the present condition of our people, of our State and Federal Governments, of our whole country, at home and abroad, attest! It took—it passed—its effects are felt. Thank my stars, Mr. Chairman, that there was one Opposition man, though but one, and forty-three of the Administration only, who voted against that iniquitous bargain. The vote always was read—"Nays, 43 Democrats and Wise." That vote I am prouder of than any I ever gave in my public life.

In a hot night session, during the last days of the long session of July, 1836, that deposit act passed; and, sir, as it was going out of that door next to the post office an enrolled bill in the hands of a messenger, I was upon the floor exclaiming—the author of Nullification [Mr. CALHOUN] and the author of the American System, [Mr. CLAY,] the authors of the compromise act, sitting near, and looking on—I was exclaiming, "There goes the first blow at the compromise act—there goes the heaviest blow ever yet stricken at the legislative power of Congress over the public money—there goes a direct sanction of Executive usurpation—there goes a heavy blow at the land ordinance of 1787—there goes a bargain and sale of the public deposits and of their safety—there goes the death warrant of State rights; and if General Jackson will only veto that one bill, fraught with more mischief than any or all other acts put together, I will forgive him the multitude of his sins." And, sir, the next day, hearing that he was inclined to put his veto upon it, I came very near going to him in person to implore the exercise of his constitutional interposition.

Such is the history of the deposit act of 1836. But for its passage, there would now be an excess instead of a deficiency of revenue—a permanent excess, for it is not with an excess as with a deficiency. A deficiency may be temporary, as I have shown, but an excess is necessarily permanent—that is, it may be husbanded and kept—it is in the Treasury, and may be continually, as far as its amount will go, applied to the future wants of the Government. And do gentlemen now wish, in the face of this rightful excess, and the terms of the compromise, to raise the tariff in advance? and are they now seizing on a temporary, not a permanent deficiency in revenue to do so, in order to make a pretext for another distribution? Sir, I believe this to be their object, and I cannot go with them. I must separate from them on this question, as heretofore, and they must pardon my consistency. I ask them again, what does the compromise establish? I answer, that all duties shall be laid for revenue alone—that all revenue shall be raised for the purpose of "an economical administration of the Government," and that none, of course, shall be raised either for protection or for distribution, or for any other purpose under Heaven.

Sir, I put a case to gentlemen. Suppose that an economical Administration required but \$20,000,000—suppose that the whole of that sum, enough for the Government's own purposes, was raised from customs alone, would gentlemen then contend that they could lay on another cent of duty for protection and distribution? Would not another cent be protection, per se? I presume that no one will differ from me in saying, in such a case there could be no increase of the tariff, and that additional duties would be protective duties per se. Admit that case, and I will trust to the argument afterwards. Admit that only, what I presume every man will admit, and I put you another question following in order: What is the difference between the case put, and that where the Government needs but \$20,000,000, and you have that amount of revenue raised—in part, say \$15,000,000 from customs, and \$5,000,000 from lands; and where you give away, distribute the \$5,000,000 of revenue from lands, and raise duties to supply the "deficiency" of \$5,000,000 thus

caused by distribution? The only difference is, that in neither case you have a deficiency, but in the latter case you make a deficiency unnecessarily, not for revenue, but for distribution. Are not the additional duties in both cases equally protective per se? They are, because in neither case are the duties laid for revenue. What power has Congress to make a deficiency by giving away revenue? What power has Congress to lay and collect duties to supply any such deficiency so made? For what may Congress lay and collect duties? The Constitution provides specifically: "to pay debts and provide for the common defence," and for no other purpose whatever can revenue be raised; and when revenue is once raised, it cannot constitutionally be applied to any other purposes whatever. These are the old and the true Republican doctrines of constitutional construction.

How are these positions answered and met? Sir, it is not in order to allude here to what passes in the Senate, but the other day I went to a certain place—no matter where—we will say, for supposition sake, to the Loo-Choo islands, as a friend of mine, now dead, used to say. There I found birds of every feather—sea-gulls, crows, and curlews, all flocked together—I will not say vultures nor geese, for I am merely using a figure for the sake of order, and do not mean to call hard names. They were not birds of prey, and, being in high debate, I found them very knowing birds—

"Twas certain"—

"Lands they could measure, terms and tides presage."

The old bird, whose physiognomy is the very phiz of the bird of wisdom, answer the very argument which I have just made. He said, in answer to this argument—

1st. Congress has power to lay and collect taxes. This is a substantive and independent power in itself.

2d. Congress has power "to dispose of and make all needful rules and regulations respecting the territory or other property of the United States." And this is a substantive, absolute, and independent power in itself.

3d. And these two powers being independent of each other, Congress may, therefore, lay and collect taxes without reference to the revenue from the public lands.

Such was the argument so forcibly and strongly put, that it put me to putting on my studying cap for an answer. He told the other birds that this sequitur must be so, "because, if, on the one hand, it be contended that Congress cannot lay duties without first exhausting the land, so, on the other hand, it may be and is contended that you cannot sell the land and collect the proceeds without first exhausting the customs." And he gave examples very striking and pertinent, concluding by saying that "if he was not right, the result was, that Congress could resort to neither power because it had both powers, which is an absurdity."

Sir, this argument is really worth examining, for it is the great and only strong one on which a tariff for distribution can stand. Is this a fair sequitur? Is it an answer to the argument that you cannot empty the Treasury of any revenues already in it, in order to make the wants of Government require additional duties? That is the question; and I answer, no; because when revenue is once collected and placed in the Treasury, no matter from what source derived, one kind is not distinguishable from another, and the purposes to which it is to be applied are specified in the Constitution, "to pay the debts, and provide for the common defence." It cannot be given away. If it may be given away because it is derived from land, why may it not be given away too because it is derived from custom? Because we are told that the revenue from lands is collected under the absolute and unlimited power "to dispose of and make all needful rules and regulations respecting the territory or other property of the United States." But I answer, this clause gives the power to "dispose of" "the other property" too; and is not revenue from customs property? If this clause, then, grants the power of giving away or distributing either kind, it grants also the power of giving away or distributing both kinds of revenue. This argumentum ad absurdum of the Loo-Choo islands proves too much—it is itself reduced ad absurdum. It is sophistical in this, that it makes the words

"dispose of" too omnipotent and absolute, and confounds the power to dispose of lands with the power to dispose of revenue. If it is good for any thing, the only legitimate proposition it contains is, that Congress is not imperatively bound to dispose of lands to raise revenue, or that it may raise revenue from customs alone, without selling the lands. And if this is all gentlemen mean, I grant their position, and they may stop the sales of the public lands to make a necessity for additional duties when they dare!

If they do sell and "dispose of" the territory of the United States for revenue, however, all I contend for is, that they cannot constitutionally empty it out of the Treasury again to make a deficiency for a tariff, or dispose of it for any purpose whatever, except "to pay the debts and provide for the common defence" of the nation.

Indeed, sir, this new doctrine that the power to "dispose of" "the territory or other property" of the United States is absolute and unlimited, is the most Federal and latitudinous that was ever heard of, even from this "god-like" bird of the Loo-Choo islands! There is no such thing as an absolute and unlimited power in this General or Federal Government. There is no power without its well defined limits; and every power is limited by its very objects and purposes. The grant to lay and collect taxes is limited by the objects and purposes of paying debts and providing for the common defence; and the power to "dispose of the territory" is limited by the objects of treating concerning it, of surveying it, of sectioning it, of selling it, and of dividing it into political corporations of Territories and States, and such like objects. In its particular sense, it is a power especially limited to the object of conveying it away to a patentee for a valuable consideration, in addition to the power of making needful rules and regulations respecting it whilst it remains the property of the Union.

Gentlemen need not recur to the deeds of cession from Virginia and the other States to prove, at this late day, after all that has been assumed by the General Government over the public lands, that they were ceded to the States, and not to the United States. The truth is, that, in the deed of cession from Virginia, various modes of expression are used; such as, "for the common benefit of the Union"—"that all the lands within the territory so ceded to the United States," &c. on the one hand, and "shall be considered a common fund for the use and benefit of such of the United States, &c. according to their usual respective proportions in the general charge and expenditure," &c. on the other hand—the one class of expressions rather signifying a federal gift, and the other class signifying a State rights gift, if I may so term it; the one a gift or cession to the Union for the common benefit of all the States, the other a gift or cession to each State separately, to take its respective proportion through the United States as an agent. Contemporaneous exposition has long ago settled this point by the invariable administration of the public domain as the property of the United States, from the dates of these deeds down to the day of this modern refinement upon them.

The public lands became, by these cessions, the common property of the United States, to be governed, like the "territory and other property" of the United States are governed, by the Constitution of the United States. And, sir, it is no little amusing to hear gentlemen who are constantly in the habit of reasoning from such phrases as "We the people of the United States"—to show that the Constitution is not a compact between States, but a consolidation of States—to hear these same gentlemen, from like phrases in these old deeds, reasoning to prove that the public lands are ceded to the States, and not to the Union for the common benefit of the States! In this instance, where they are for State rights, I am for Federal construction. And, sir, the worst of it is, as I will show directly, their State Rights construction of these deeds precisely conforms to their consolidating construction of the Federal Constitution; whilst my federal construction of these deeds exactly conforms with my State Rights construction of the Constitution. But, before I proceed to show this, let me ask gentlemen what they will do with the Spanish and French cessions of Florida

and Louisiana, embracing now the States of Arkansas and Missouri and the Territory of Iowa? There is no doubt but that these lands, acquired, since the Constitution was framed, by the treaty-making power of the nation, paid for out of the Federal Treasury, are the property of the United States. Will gentlemen keep separate bags in the Treasury—separate accounts of expenditure and of proceeds—so much from customs, which cannot be distributed—so much from Spanish and French lands, which cannot be distributed—so much from Virginia lands—so much from Georgia lands, &c. which may be distributed? No, sir, no. They will heed none of these nice and troublesome distinctions. They will distribute the proceeds of all the public lands, without discriminating between the power under this deed or that deed; and, notwithstanding the sales of the public lands up to 1833, I think, amounted to only 97,000,000, whilst they had cost the Government, in clearing Indian titles and in surveying and selling them, upwards of 102,000,000, besides Indian wars, which had amounted to 37,000,000 more—nowwithstanding there were in fact no proceeds of public lands, but a dead loss on them of 42,000,000, which was paid by customs, of course—though this balance against them may never be paid by the lands, gentlemen will distribute their proceeds. And though these proceeds are all in fact due to supply customs, which have been taken to supply land deficiencies already to this amount of 42,000,000—gentlemen will, if they cannot distribute, deposit customs themselves, as they did in 1836! They will, as they have, deposit—to that bourn whence no traveller returns." Gentlemen smile at the very thought of ever calling for the return of any part of the 28,000,000 deposited with the States in 1836!

And now, sir let me show you that I am consistent with my States-rights construction of the Constitution, and that gentlemen are perfectly consistent also with their consolidating construction. Let me see, too, whether I am not in all this argument consistent with my oft-repeated Whig professions. What do we Whigs profess to be one of the main objects, if not the very chief object, of getting into power? To curtail and abridge Executive power, and to diminish the patronage of the Federal Government. Will the distribution of the revenue from the public lands not add to the patronage of the Executive and of the Federal Government?

Sir, the patronage of the Federal Government, whatever it may be, wherever it be found, is the patronage of the Federal Executive. In point of patronage, the Executive is "the Government." General Jackson proved it to be so, and therefore called himself "the Government." Congress may usurp or acquire powers, but the Executive absorbs them all. In discussing the patronage of the Federal Government, therefore, I am at once discussing the power of one man—the patronage of a President. Let that ever be borne in mind.

Have gentlemen ever surveyed the height and the depth, the length and the breadth of the power of the public domain? Since the days of 1798 and 1801, when they were strong enough to overthrow the elder Adams, to elect Jefferson and Madison, and keep them in power through wars foreign and domestic, the doctrines of strict construction and of State rights have been gradually declining, until at this time they have fallen into a by-word, and become the jest of the scoffer. Why? What is this owing to? Every gentleman no doubt has his theory, but my reason is one peculiar to myself, has never yet been assigned. Sir, I attribute this lamentable declension of State power and influence to the land ordinance of 1787. Its effects are demonstrable.

Sir, that ordinance, with a rapidly unexampled in history, has built up roads and bridges, and towns and territories, and cities and States, and is fast building up an Empire. It is an institution the like of which is not to be found in the annals of other nations, ancient or modern. It is an institution next only to the Constitution of the United States, in its singular history and tremendous effects. Subordinate to the Constitution only, it is an imperium in imperio. No other nation under the sun ever before sold its public domain, and there is

nothing in the feudal system, nothing in any thing else in all history, like this land ordinance of 1787. Like the Constitution, it was a new and untried experiment, and yet it is most curious to behold how, like the Constitution, it has succeeded beyond any system in comparison with it in working its wonderful effects and in acquiring its tremendous power and patronage—I will not say strength, for strength implies durability—either for good or for evil. It was the work, I am told, of old Nathan Dane. It is now a perfect study, grand and immense and wonderful, which its own authors, at the time they framed it, never could have fully comprehended in all its scope. That it has done some good, yea, much good, immense good, there can be no doubt, and I do not intend to detract from its design or from its past effects. By its simplicity of detail, its order and precision, its surveys and sections, and regularity of sales and patents, clearing away all clouds and disputes about title, equalizing and facilitating the acquisition of its titles and advantages, it has settled now millions of hardy, industrious, laborious, and independent terre-tenants, under a free Constitution and laws, on the fairest heritage of valleys, and mountains, and lakes, and rivers, and prairies, and forests, and mines, which the sun and the rain ever fructified—on half a continent of more luxuriant land than was ever lorded over by any prince or potentate! This is praise enough for it and its authors, for the past. But I am looking to the future, and I ask whether it is not time that it was changed with the times? Is it likely to continue to pour out blessings upon this country? Has it not been working some evils with its great good, which ought now to be arrested, and which, if not arrested, will more than counterbalance all its greatest good? Look back to its origin. At the time this ordinance was framed, we were two or three millions of people only, scattered over a wide and wild waste of a virgin continent, roamed by savage tribes hostile to the white man. We were in debt a hundred millions for our Revolutionary conquest. We were agricultural. And it entered not into the mind of man to conceive that we were to be any thing else for centuries to come than a poor and burdened people, to struggle hard for ages for the means from year to year of supporting a precarious national existence. The probability and the rational fear then was, that we were to be too weak. When, lo! we not only left our mother country at a very early age—the age of infancy and childhood—but were found in Empire's temple contending with the mighty nations of the earth! There has been something miraculous, almost divine, in the progress of this people. From that time to this we have been rising like a god-like giant in stature and in strength. Thirteen Colonies are twenty-six States—three millions have become near twenty millions—and who would have imagined that, by 1836, in less than half of a century, we would have paid off all the debts of two wars, and have had more than forty millions of surplus revenue to distribute, besides making thirteen powerful Republics out of the public lands? And who could, in 1787, have foreseen the mighty accretion of power in the Federal Executive which has grown with the growth and strengthened with the strength of these wonderful results? If our fathers, the framers of this ordinance, had foreseen these unexpected effects, would they have organized the land system as they did? How did they organize it? Sir, they placed the whole power of the system in the President. The whole patronage of the public domain is in the Executive. The President appoints and removes at will the surveyors, the registers, the receivers, the land and Indian agents of every description; he treats with the Indians, holds salaries, and annuities, and purchase-money in his hands; he opens roads, builds bridges, court-houses, state-houses, and appoints governors, judges, and other officers in Territories; he locates land districts, opens and appoints the time of land sales; the surveys, and sales, and entries, and patents are in his hands; bidders, and purchasers, and settlers, and squatters, and speculators, are in his grasp; the banks and their notes, and specie, and every description of currency with which lands are to be bought, are subject to his will; he holds judicial power in the issue of patents to an immense extent; legislative

power in the control of Territories and new States and of their Representatives and Senators in Congress; and the very new States are nursed from their chrysalis territorial condition into existence upon Federal pap from the Executive spoon. He has, by this ordinance, become the “great father” of States! And all this power and patronage is wielded over millions of population, and millions of millions of acres of lands such as are lying in the great valley of the Mississippi! Some of these powers, gentlemen may say, belong to Congress. Congress passes the law, it is true, but the President executes it, and dispenses its bounties. Sum up this power of the public domain, then—can you do it? No. It is too infinite, too multifarious, too ramified, too extensive, and yet to minute in its influences, to be traced or seen all at once. But it embraces immense money power—immense official power over officers and agents—immense individual power over persons natural and corporate—immense popular power over elections—immense territorial power over the organization and admission of Territories—immense legislative power over Congress—immense judicial power over persons and property under patents—immense State power over the new States coming into the Union, and as long as there are large quantities of public lands within them; and over the Senate, which is intended to be a check on the Executive. I ask gentlemen to reflect solemnly upon three facts which I will call their attention to. A member of Congress from a new State once told me, during the last land mania, that, if he would permit himself to take compensation for labor and influence here, besides his eight dollars per diem—a man whom I believe to be honest, and who no more would have touched such extra compensation “with a pair of tongs” than I would—he could make from ten to twenty thousand dollars every session or year he was in Congress. Some lands were selling at \$10 and \$20 an acre; they were entered at \$1.25 per acre—\$800 only for 640 acres of land; there would be a dispute about the patent, about who was entitled to enter the land; an appeal would be taken from the Register and Receiver of the Land Office to the Commissioner here, and from him to the President. In every such case—and there were hundreds from Alabama and Mississippi, especially under the Choctaw and Chickasaw treaties—there would be from five to ten thousand dollars involved on a stake of eight hundred dollars only, and the claimants would readily give one-half to any agent who would get them the patents. Members of Congress were sought, of course, as agents, because they had votes here and in the Senate. If they were friends of the Administration, they were held by a golden chain to their party allegiance; if in the opposition, they were silenced and kept still, if not by their own interests, by the interests and stake of their constituents, dependent upon Executive favor. Thus, the Executive wielded an omnipotent land influence over the independence of the legislative department.

Again: Will gentlemen reflect upon the amount of jurisdiction over property and persons both, the President wields in a single year in the issuing of land patents? The land receipts in 1836 alone were from twenty-five to thirty millions. This is a judicial power. Now sum up the whole amount of property, and the whole number of persons involved in all the cases of all the Federal and State courts of the Union, and the jurisdiction over persons and property will not be found so great, I venture to say, as that of this patent jurisdiction of the President. Twenty-five or thirty millions adjudicated by him in a single year!

Again: Not only has there not been a delegate from a Territory, since the foundation of the Government, from General Harrison himself down to my friend before me from Florida, [Mr. Downes,] who was not obliged, in duty to his people and in regard to their interests, to keep on the right side of the Executive—who is the fountain of all honor and favor to a Territory; but, no new State has come into the Union, no matter who was President—whether it was an Adams or a Jefferson—no matter what party was in power, the Democratic or the Federal, the Whig or the Loco Foco—

which has not at first, and as long as the land offices were numerous, and large quantities of land were in market, invariably sent two Senators, not to check the President, but to defeat the theory of the Constitution, making the Senate a check upon the Executive! Look at the whole line of your frontier, from Michigan to Louisiana, until lately—see how they all have voted, and how a majority now vote in the Senate. The Senators and Representatives from a new State are obliged, no matter how honest the men are, to be land politicians. They are constrained by the necessity of this system. The fault is in the system.

Shall we add, then, to this system, so enormously overgrown, the distribution feature? Sir, if our sires, the sages who framed this ordinance and this Constitution, could now rise from the tomb, what astonishment and mortification would they not feel and express at the inroads which the former has made upon the latter of these two instruments! They were men who saw far beyond their own times, and who, judging, as they had to judge, from the past, established every possible guard against known or apprehended dangers to liberty. They were men, too, who “snuffed tyranny in every tainted breeze,” but here was a danger which they—which no set of men in their day—which no human foresight could foresee. But seeing it now, would they not reform it? I can imagine the shade of Nathan Dane walking in this Hall aghast at the mighty changes which have been wrought: it approaches my table, and asks “Where are you from?” “From Virginia.” “I have heard before of Virginia.” “Where are you from?” addressed to members from Ohio—to 19 members, each representing 47,500 federal population in a State which now is only part of what was an unknown wilderness northwest of the Ohio river! “From Ohio.” “I have heard before of the river Ohio—most wonderful!” “And you?” “From Indiana.” “And you? and you? and you? and you? and you?”—addressing delegations from Illinois, Michigan, Missouri, Arkansas, and Iowa! “Wonderful! Most wonderful! And how have these great and mighty States been nurtured into being?” “Upon the kind and paternal patronage which you provided for them in the Federal Government.” “What, then, has become of State Rights—where are they?” “Gone. Yes, gone forever, unless this patronage be now arrested.” And, sir, I imagine I see that shade departing, with a warning finger pointed, and with the words “Yes! and public liberty and the Federal Republic will be gone too, unless you restore the just balance of powers established between the States and the General Government by your fathers!” Yes, sir, unless you restore that balance, if that shade should again rise another century hence, it may be like the ghost of Cicero amidst the ruins of Rome.

I have read somewhere, or somebody has told me, the story of a scene got up by some German nobleman to satirize the modern Italians. He represents a foot traveller as entering Rome at night just before the breaking of day. He tries in vain to arouse the slumbering inhabitants over whom drowsiness, and darkness, and stillness, and silence seem to reign like death where once a city stood on seven hills, with all its life by day and lights by night. He throws himself down to rest by the side-way of one of the streets in the open air. In the mean time, the ghost of Cicero, after a lapse of centuries, enters just as the traveller is again rising to arouse the lazy inhabitants. The traveller takes from his fob a watch; the ghost starts back and inquires “what is that?” “A watch, an instrument to measure time.” “Wonderful! and who invented that?” “The Germans.” The traveller then takes from his pocket an almanac, and the ghost again asks, “What that is?” “An annual calendar; and upon hearing an explanation of the art of printing, it raised up its hands exclaiming, “Wonderful! wonderful! and who invented that?” “The Germans.” Failing to awaken and arouse the sluggish populace, the traveller draws out a pistol, and fires it off, to the alarm of the ghost, which again inquires, “And what is that?” “A fire-arm;” and upon being informed of the invention and use of gunpowder in the art of war, it exclaims, “Wonderful! wonderful! most wonderful!”

but who invented that?" "The Germans." "Great and mighty people they must be! but what has Rome been doing all this time? Where are her pillars with 'Roma Eterna' upon them? Where are her temples and her household god? her legions, her Senate, her forum, all her ancient grandeur and glory?" Just at that moment one of the lazaroni of Italy entered, yawning and gaping from sleep, and dirty and ragged and debased, from idleness and poverty. "There now," said the traveller, "is all that is left of Rome." The ghost vanished! So, sir, if this domain patronage continues, our ghosts may rise up but a short time hence in the history of nations, to witness nothing but the dilapidation, and decay, and ruin, and lazaroni of a fallen, a gone empire! Rome rose to a grandeur which we may not attain; but Rome, in all her glory, with all her provinces and conquests, never parcelled out to her legions lands such as we bestow on our citizens and our States. No Consul of Rome, no Emperor ever wielded a patronage of domain like that wielded by the President of this American Republic; a patronage already over the people, their money, their Legislatures, their laws, their institutions, their States, which is fearfully and fast tending to empire—to empire which, like all empires, must decay and fall. We have now a Government of *imperial patronage*—it must be corrupt—its patronage must be brought down!

Sir, your land ordinances has done wonderful things for this nation; but, if it cannot be changed for the better in respect to Executive patronage, that patronage must not be magnified and increased. It is too great already. As no figure of speech—as no hyperbole—I say that I would vote to give all the public lands at once to the States rather than see their influence constantly tending to empire increased. I am far from going for another system proposed, [Mr. CALHOUN'S,] but at the proper time, when the whole subject can be taken up, and remodelled and amended, I will do nothing, vote for nothing, on the subject, by piecemeal. I will propose an amendment, which I cannot go into now, but which will be a better bargain for the new States and for the old than has ever been yet offered in the market. Old Virginia—which blessed mother of them all the new States never fail to deride and abuse on this floor, like good old parents are ever sure to be abused by ungrateful children who have had advances made them before burial and testament!—Old Virginia, I say, or at least one of her districts, which I can speak for, will advance her children at once sooner than see them hawking themselves about in the market as they do, and sooner than see the land she so generously ceded "to the common benefit of the Union" remain any longer just so much capital only for politicians to trade on and their partisans to waste!—sooner than see these lands merge the States of this Union into a grand, imperial consolidation!

And, sir, if such be the tendencies of the present system, as it is, what will they be, or rather, what will they not be, if distribution be added? Heretofore, sir, the new States, only, have been bound by this alarming power; heretofore, the old States have been the only check upon its progress towards an imperial despotism, and old have multiplied as fast as new ones. The policy which Ohio and Tennessee would have contended for twenty years ago, has become a counter policy to theirs now. As soon as the new States have got well clear of their land offices and well filled with population, they then have become old States in their land policy. In all this we have heretofore had some check, some security, though not enough, I know, against this domain patronage. But, sir, what if distribution be now added to the system, and this powerful patronage be extended to the old States as well as the new? This is all that is lacking to make its power absolute and irresistible. This will consummate the evil. There will then be no check, no security! Catching the States enslaved by State debts, the "borrower is the slave of the lender;" catching them subdued by taxation, with "deficiencies" which they cannot supply by duties on imports. Having the power to supply the "deficiency" of the Federal Government by a high tariff here, the friends of consolidation tempt their weakness with this bait, this fatal lure; and, oh God! the

old mother, Old Virginia herself—no, not Virginia herself, but Virginia in the feebleness of dotage—may, perhaps, be seen with toothless gums to eke out her flabby lips to take some of this land pap from the Federal spoon! May God in his mercy spare me that sight! She is, though old and stripped of her ancient vigor, out of debt and proud as ever, though poor. She will not, I trust, sell her old Republican faith for a mite only of an immensity which she once gave away!

Sir, in the combined operation of the principles of an increased protective tariff and of distribution, the manufacturing States will have a double profit, and the agricultural States will bear the whole loss.

The first will get their full share of distribution, and the whole profit of protection. The second will pay the full tax of their consumption under the tariff, which will more than exceed their full share under the distribution. To the former there will be a double gain, and to the latter there must be a certain loss; and this, too, to a great extent, whether duties are laid upon the protected articles or upon luxuries or unprotected articles involving countervailing or recriminating duties; because all countervailing regulations, retaliatory by other nations upon our commerce, must fall almost wholly upon exports which are the products of agricultural States. I shall, therefore, oppose an increase of the tariff at this time, and a distribution of the revenue from public lands at all times.

Gentlemen ask, then, *What will I do?* Sir, I will postpone the tariff question as long as I can, and leave the present laws to operate as they will, without additional legislation, until I know there is a permanent deficiency in the Treasury. My opinion is, that, when trade and commerce and currency are restored, and confidence revives, there will be importations to the amount of one hundred and fifty or two hundred millions per annum, and that, upon such amount of importations, the revenue from the present scale of duties will be sufficient, and not "deficient." The chief of the duties now are above 20 per cent; and the most of them, after June 30, 1842, will be 20 per cent. ad valorem. That is high and protective enough, when to the ad valorem we add at least 15 per cent. for the home valuation, the Government's own appraisement, the cash duty, and for the rate of exchange—making the duties chiefly, after June, 1842, at least 35 per cent. for protection. When the proper time comes to increase or lay on additional duties, for a proper object or purpose—if ever that time does come—I will vote, of course, to tax luxuries and unprotected articles. We will, however, see whether the manufacturing interests will do that. I will not, though, in any case, vote for an increase of the tariff on any articles to distribute a deficiency.

But what will I do to supply the wants of the Government, and to keep it in successful operation? I will, in the first place, and for this time, vote for this bill to issue Treasury notes. To provide for the future, I would recommend gentlemen—

1st. To husband all resources. Cease the destructive war which has been waged since 1833 upon trade. Encourage and be peaceful with the credit and commerce on which your customs depend.

2d. As long as there is a "deficiency," at all events, in the Treasury, guard and watch your public lands. Neither give them away nor let them be stolen from you—mind, I do not mean by the squatters; I have a friendly regard for them, and would encourage them to improve and enhance the value of our wild lands by any reasonable compensation; I mean the real, high handed land robbers—the political and pecuniary land speculators—who will rob you, like pirates, of land and liberty both, if they are not closely watched.

3d. In the language of the present Secretary of the Treasury, "push a vigorous reduction." He is hypocritical, I will admit you, and has never observed the recommendation himself. But a hypocrite always uses the language of a saint, and a saint may therefore take up his words and be sincere. I then repeat the words—push a vigorous reduction. It is a mode of supply. The gentleman from Maine [Mr. EVANS,] the other day, said he could not comprehend how this could be considered a mode of supply. Franklin informed me,

sir, when a boy, that a penny saved is a penny gained. I was astonished to hear from a Whig, so soon after the election, that there can be no reduction. Economy will supply the deficiency in the Treasury. I would commence economy—

1st. By reducing Executive patronage. That is one of the first Whig maxims with me. Executive patronage is one of the most costly appendages of this Government. It aspires to a splendid administration, and reduces the Government to the condition in which it is now, a state of "shabby splendor." As an instance to show how costly this patronage is, no better example could be given than this policy of distribution. Gentlemen contend that the public lands belong to the States, and not to the United States. How much cheaper it would be, then, and how much would it save to the States, if, instead of taxing the people of the States, through the tariff, to pay the salaries of surveyors, and registers, and receivers, and agents to watch all these officers, and to pay all the losses by defalcation and otherwise, and to meet all the expenses of acquiring and selling the public lands, you would just give up to the States at once their property, which you say belongs to them, and not to the Union. The loaf, I should think, would be quite as large if you would not cut so many slices from it before you deliver them their own. But, to give away the lands themselves to the States, instead of giving them the revenue from lands after deducting expenses, would be monstrous, monstrous with some gentlemen, because there is no Executive patronage in that system! As for myself, I like neither the one system nor the other. I am content, for the present, with the system now in operation, and pray only that Executive patronage may not be increased by adding distribution to the other evils and curses of a system which is already bad enough. If I am proscribed by my party for this doctrine, I shall be proscribed for a Whig doctrine, and shall still be a Whig. But, Executive patronage may be diminished in other respects. Retrenchment should be unfeignedly practised in great matters and in small. It was once promised, and the promise was broken—shamefully and extravagantly broken. Let us not be false to ourselves and to our country, and we will save much by retrenchment. I would cut down appropriations to internal improvements. Not another harbor should be built until, at all events there was a surplus in the Treasury to be wasted. I would stop and arrest at once the woful extravagance of that disgraceful Florida war; an extravagance woful, indeed, to humanity, when, as I believe on my soul, one-half the money spent has been pocketed in part by plunderers upon the Treasury, and in part spent by them in keeping up the war, in order that they may plunder still more. All the contracts of Government require strict scrutiny, retrenchment, and reform. Especially Indian treaties, and Indian contracts, and Indian agencies, should be watched and reduced. I would abolish sinecures of every description, and there are a thousand and one of them in this Government. I would abolish useless ports of entry for the customs, and useless collectors who do not receive the amounts of their salaries. I do not know how it is, but the expense of collecting the revenue has increased, in the last ten years, more than 50 per cent. This expense ought to be reduced back again to its old standard of four per cent. Salaries ought to be reduced. One thing, which has tended with considerable effect to overshadow the State sovereignties, and to make them comparatively insignificant and unimportant, has been the extravagant salaries which this Government has paid to its officers in comparison with the salaries of State officers. The States are not able to vie with the extravagance of the Federal Government, and the Federal salaries should therefore be scaled down to the State standards, if we mean to preserve the just balance of State and Federal power, as well as to economize.

Sir, there is economy and a large supply of means in reform as well as in retrenchment. I do not mean that hypocritical canting reform, which aspires only to turn out one man and to put in another. But I do mean that effectual reform which will make the coming a business and not an electioneering Administration. If Government officers

are allowed to interfere in elections, yea, required to save their salaries by their party services, the Treasury must suffer for it; for electioneering requires funds, and officers will not take their own money when they can reach Uncle Sam's. The dearest purchase ever made by any people is the purchase of themselves with their own taxes which they have paid into the public Treasury. I would put down at every hazard the tyranny of *proscription*, the most extravagant of all tyrannies, which is always sure to turn out of office some honest and many knowing officers, and to put many dishonest and ignorant ones in their places. I could give many instances of many losses under the present and last Administrations from this cause alone. *Appoint the virtue and intelligence of the country to office without regard to party services*, and you will find thousand of dollars gained as well as thousands saved by that simple operation of finance. *Stop the spoils system, and punish corruption in every shape by prompt removals from office for any abuses or defalcation*. Put aside *incompetency* in every case, and favor no fool because he happens to be your personal or political friend. These are some of the maxims to replenish your exhausted Treasury and to supply its apprehended deficiencies. If they are faithfully observed for twelve months to come, my word for it, there will be no deficiencies to be supplied. Above all, give to the country a *safe, sound, and uniform currency*, and restore confidence between man and man and Government and citizen, and your coffers will soon be full, and Heaven's and the people's blessings will rest upon your Administration.

As to the best mode of giving to the country a safe, sound, and uniform currency, my opinions are well known to those who know any thing about my opinions at all. With Mr. Madison, I believe that a *National Bank* is absolutely necessary, and must, try whatever other experiments you please, be resorted to in the end. I believe such an institution not only constitutional and expedient, but, as a *Southern man and a State rights man*, I support it as the best friend of the South, which is more injured by a bad currency than any other section of the country, and as the only means of creating a *hand of the law* for the legislative department, to keep the legislative power of the custody and the control of the public money out of the hands of the Executive. The Executive has assumed that power by snatching the public money from the vaults of a National Bank. I would create a National Bank for the purpose of restoring to Congress its constitutional fiscal power, if for no other purpose. That is one of the best modes of reducing Executive patronage. But my views on this question were delivered at length at the extra session of 1837. Now, I will only say that I will vote for such an institution if it be brought forward at the right time, is it be properly organized, and be located at the proper place—and that proper place with me will be as far as I can get it from the contaminating and dangerous influence of stockjobbing and brokers.

In conclusion: I have discharged my duty by declaring my sentiments on all these subjects in advance. I have addressed myself to the House, to the country, and to the President elect. I have declared my opinions as independently as I entertain them. I am apprehensive that they will not be acceptable to some gentlemen of either party, and that is a proof to me that they are nearly, if not exactly right. I trust that they will be acceptable to General Harrison. If I am correctly informed of the man, independence and frankness are qualities which he admires; and, if I am correctly informed of his political sentiments, he will agree with many of the opinions which I have advanced. A gentleman near me shakes his head; but, sir, I do not recognise the right of that or any other gentleman to speak to me for Gen. Harrison. I have never believed him to be that weak old man that his enemies have represented him to be. I believe him to possess a sound mind in a sound body; to be honest, patriotic, and able to project his own policy, and to speak for himself. I believe that he will imitate Washington in calling good and wise men of various and different views to his councils; that he will consider the opinions of all, and then

judge and act for himself. At all events, I have spoken to him, here in my place, of public measures touching public interests, as I had a right to speak, and as it was my duty to speak, independently and without reserve. He can take no exception to this course; and if he does, he owes me more than I owe to him—having exerted the best of my humble powers to elevate him to the Presidency. He can easily cancel that small debt by faithfully redeeming the promises which have brought him into power. The sentiments and opinions which I now advance are the same as those which I advanced before his election, and whilst advocating his pretensions to the Presidency, as all my friends and constituents and thousands of strangers in various parts of the country know. That he will agree with all these views and opinions I do not expect. I will compromise much with Gen. Harrison; and yield much to his better judgment and information. I expect to support his Administration most cordially; and I will do so as far as I can in conscience, without a sacrifice of consistency and of vital principle, and with a due regard to the duty I owe my country. I am the same Republican Whig now as before the election—let me not, therefore, be misunderstood or misrepresented.

REMARKS OF MR. MALLORY,

OF VIRGINIA,

In the House of Representatives, February 5, 1841.—On the bill providing for an issue of Treasury Notes.

MR. STEENROD, of Virginia, having obtained the floor, said that he was desirous of addressing the House on the various topics which had been introduced into this discussion; but as his colleague [Mr. MALLORY] had recently taken his seat, and had evinced a disposition to address the committee, he would, with pleasure, yield the floor to him, as the limited time now remaining, before he bill would be taken out of committee, would not allow them both to occupy the floor.

Mr. MALLORY thanked Mr. S. for his kindness and courtesy, and apologized for obtruding himself upon the committee at that late hour. Whatever might have been my original intention, (said Mr. M.) the period fixed by the House for terminating the discussion having nearly arrived, it is impossible for me at this time to enter into a full consideration of this bill, and of the various topics which have been alluded to in the course of the debate. Nor, indeed, Mr. Chairman, is it necessary, after the able, unanswered, and unanswerable argument of my distinguished colleague, [Mr. WISE.] My principal object in rising, sir, is to notice some remarks of the gentlemen from Maryland and North Carolina, [Messrs. JENIFER and RAYNER,] in relation to the course he has deemed it his duty to pursue.

The gentleman from Maryland [Mr. J.] had said that "not one position of my colleague [Mr. WISE] was in unison with his party;" and "that his speech was not approved by a single political friend." I ask the gentleman if I am correct in ascribing to him this language? [To this Mr. JENIFER assented, and said "he did not recognise Mr. MALLORY as a political friend of Mr. WISE." Now, sir, I do not mean to be read out of church by the member from Maryland, or by any body else; but I take this occasion to declare that, with one exception, I fully approve, endorse, and intend widely to circulate the speech of my colleague. I thank him, Mr. Chairman, for his bold and manly stand in defence of our interests and principles: for, however offensive it may prove to certain politicians in this Capitol—however he may be denounced or misrepresented here or elsewhere, unless I am greatly deceived, the views he has advanced will meet with a hearty and cordial support among those whom we represent on this floor. They are the doctrines avowed by the Harrison party in lower Virginia, during the late canvass, and around which we mean still to rally. On that ground I plant my flag, and on that will I stand or fall. When we entered the Harrison party we did not compromise our principles; and if the principles of the late contest are to be in opposition to the movements of the coming Administration, then, sir,

all that I have to say is, that we have been deceived ourselves, and that we have deceived others.

But the gentleman from North Carolina [Mr. RAYNER] said that the remarks of my colleague are "ominous," &c. and that he heard them "with pain and surprise." Now, I ask that gentleman to tell me what principles my colleague has advanced in his speech which he had not before avowed? I beg to assure the gentleman they are the doctrines of the Whigs in Virginia, if they are not of the Whigs of North Carolina.

But, sir, what position has my friend assumed that can be construed into an act of hostility to the measures of General Harrison's administration? Is a National Bank to be recommended and pushed, without an opportunity of consulting the people, and without regard to the condition of the country? Why, sir, General Harrison told us he would not resort to a bank until all other expedients had failed, and unless it was called for by a majority of the people. My colleague says, in substance, the same; so that here, at least, there is nothing "ominous" of a difference. The President elect is pledged to adhere to the compromise act on the tariff; and the main argument of the gentleman from Virginia [Mr. WISE] was in favor of that position.

Mr. JENIFER here rose and said to Mr. MALLORY—Define your own position.

Mr. MALLORY to Mr. J. What, on the tobacco question? [Mr. J. had made a long speech on this subject a day or two before, and is very active in getting up conventions, &c. on the tobacco trade.]

But, says the gentleman from North Carolina, [Mr. RAYNER,] why did not the honorable member from Virginia [Mr. WISE] wait until General Harrison arrived in this city? I answer, why did not gentlemen who spoke before him adopt the same plan? I undertake to say that my colleague would have waited until the arrival of General Harrison, if others had thought proper to do the same. But such had not been the case. Other gentlemen had given their views, without reserve, and he and his colleague were not going to permit public opinion to be prejudged, even if the indications did come from a high quarter.

Mr. M. said he had listened with much attention to this debate, and he was yet to hear any good reason why this bill should not pass, whether we view it in connection with the present or coming Administration.

When last he had a seat on this floor, no one was more decidedly opposed to the policy than himself; and, if he did not discuss the question, it was because he left it to others who could bring to the aid of our cause greater powers of debate and more weight of character than he laid claim to. Since then, our relations have materially changed, and his vote would be given to suit this variation. I admire (said he) consistency in a politician; but I like to see him accommodate his conduct to the exigencies of the times and the wants of the State, not make it square with mere pride of opinion or the prejudices of party feeling.

When the question of issuing Treasury notes was first proposed, the party bringing it forward was flushed with victory, and disposed to rush headlong into the field of untried expedients. The settled principles of our fathers and the most cherished institutions of the country were subjects of the wildest experiments, and a radical change in the character of our Government sought to be effected. Disapproving the measure as a permanent financial scheme, and fearing that it formed a link in the series of measures designed to establish a Government bank, I three times voted against such a bill. As a circulating medium, they are every way objectionable; nor do I approve of resorting to such a process as an ordinary mode of raising money. But in the present aspect of our affairs, as a temporary expedient to supply the wants of Government, in the absence of a better, I feel justified in voting for the bill. Things have materially changed. The Sub-Treasury, so intimately connected with it, and without which they are stripped of most of their objections, as a natural consequence of the election of Gen. Harrison, will be abandoned. With new men

will come new measures, and doubtless some other expedient will be resorted to. In the mean time, let us act on the scriptural maxim, that "sufficient unto the day is the evil thereof." But my principal object in supporting this bill is to avoid, if possible, the evils and dangers of an extra session of Congress; and I hope the amount authorized to be issued will not only be large enough for the wants of the expiring Administration, but also for that about to assume the powers of Government. For my part, I am utterly opposed to this called session. I am desirous that the President elect should have ample time to examine into the condition of the Government, and calmly to consider what measures are best calculated to relieve the country. I want him by all means to avoid hasty action on the vital questions that must be considered; to view them without reference to mere political considerations and unbiassed by party influences. It would be extremely injudicious and unwise, in the present state of public feeling, to think of adopting this measure. To suppose that subjects of such importance as would come up at an extra session of Congress, surrounded as they will be by all the elements of political strife, could be considered with reference to the true interests of the nation, is, I think, greatly to mistake the state of parties and the schemes of political aspirants. General Harrison, whatever may be the position of some of his prominent supporters, is now unpledged and uncommitted. Premature action may place him in a position fatal to the just expectations of his countrymen, and fatal to the renown of his Administration. The voice of a free people has elevated him beyond all parties. No man, since the days of General Washington, has had such an opportunity to advance the great interests of the country, and win for himself the deep and lasting gratitude of a great nation. His measures will, I trust, be wise and useful, and his Cabinet selected with an eye single to our wants and interests, having no reference to the succession. For the present, at least, I wish him to be guided by the "let-alone" principle. That the body politic is sick, cannot be denied. It has suffered for years from empirical treatment—at one time for undue stimulation, then again from excessive depletion. No system has been long adhered to, and no indication properly followed out. Quackery has been the order of the day, and from its effects the patient has been gradually sinking. But protracted as has proved the malady, and inefficacious the remedial means employed, a close examination discloses no organic disease. There are, it is true, disturbances in the circulation, with undue determinations; but now that the acrid secretions are removed, the favor will go off, leaving behind no incurable effects. Rest and the *vis medicatrix naturee* will soon bring about a state of sound health and vigorous action. Sir, I protest against this incessant unkinging—this never-ceasing doctoring—and, as many an unfortunate patient has been physicked to death just because the physician, in order to satisfy the anxiety of his friends, felt called on to prescribe something, without exactly knowing himself how his medicine would act, so is the business of the country in like danger from too many legislative prescriptions. Confidence, Mr. Chairman, in your attendant goes far to effect a cure; and, as in medicine, so it is just now with the body politic. The physician selected by the people to minister to the diseases of the State is one in whose skill and integrity they place all confidence. As one who played an humble yet active part in this selection, I am for giving him full time to examine, to reflect, to decide, and, when he acts, let it be with a full knowledge of our condition, and with a clear perception of our wants. Let the country alone, therefore, for awhile, and it will restore itself; in its present feverish state, it would be extremely imprudent to add additional excitement; the proper way for its recovery to a healthy tone is to avoid all stimulation. I am unwilling to subject the business and currency of the nation to the injurious influence of another year of political agitation; I am unwilling to pass through another summer of turmoil, which will as surely come as you convene Congress in May or June, to discuss the question of a bank, of distribution, and of a tariff. It will

be a President making session, for with it will open the campaign for the succession. This question, I believe, the people do not desire to agitate soon, whatever may be the wishes of ambitious politicians. The elements of prosperity are still to be found in the country, and, if allowed time, will soon settle down into order. We want rest, and, if we expect to do well, we must have it.

How can the advocates of a called session expect that General Harrison, immediately on coming into power, should, without proper time for reflection, precipitate himself into great measures? No: the proper plan will be to allow him time to look around him, and to examine into the true state of affairs before he acts. Above all, Mr. Chairman, I am against that policy calculated to place General Harrison in a condition where he will be compelled to commit himself to the schemes of any man. I am averse to making any individual our next President, by bolstering up his hobbies with the great popularity of General Harrison. I have voted for him to be President, and for nobody else. I deny that any one on this floor, or in the other wing of the Capitol, is authorized to indicate what are to be the measures of the incoming Administration. For one, I will denounce the attempts of any clique to mark out the course of the President elect before he reaches the seat of Government, or has been clothed with authority. And, Mr. Chairman notwithstanding the manifestations from the regency quarter of this Hall, I protest, in advance, against their opinions being considered as the orthodox principles of the Whig party. I find fault with no member of our party for expressing himself in regard to a bank, a tariff, to distribution, or internal improvements. I am willing to hear all that gentleman may have to say, and expect to be heard in return, without being proscribed for so doing. But I do object to one set of men undertaking to manufacture political opinions for others; and will resist, cost what it may, what I regard as an effort to prejudice these questions in the public mind, so as to force us up to their standard of Whig principles; or, failing in that, to make us objects of suspicion to our friends, and to excommunicate us from the true church.

Gentlemen insist that a called session at an early day is necessary to provide means to supply the ordinary purposes of Government. Sir, I hold the opposite opinion, and believe, if the amendment of my colleague prevails—which proposes to give to General Harrison the power to issue five millions of Treasury notes after the fourth of March next—that there will be money enough for an economical Administration of our affairs. We have, over and over again, charged the Van Buren party with extravagance, and promised to reform abuses and retrench expenditures if the people would elect Gen. Harrison. But certain gentlemen here, who had sung this tune for years, had not a word to say about retrenchment and reform. The cry now is, money! money! give us money. Yes, we must have money to carry on a splendid Government, and to get this money they must raise the taxes of the people. If, Mr. Chairman, the indications, put forth by the members over the way, who have spoken on this subject, are to be received as the principles of the incoming Administration, notwithstanding all our past cry of retrenchment and reform, it is evident we shall gain nothing on this score by a change of rulers. If this be so, all that we have accomplished by the turn of the political wheel is, to put out one set of charlatans, and put in another. I mean, sir, so long as I remain here, to practise on the precepts I inculcated before the people—to carry out, when in power, the promises made to the people when candidates for office. Nor do I recognise any here as authorized to speak for the President elect. He came into power on the pledge that he would carry out reform and retrenchment, and I believe he will fulfil his promises to the letter.

It is the duty of the Administration about retiring to make ample provision until the next session of Congress. They owe it to themselves and to the country; justice and policy both demand it at their hands. But suppose they do not; what then? On the Van Buren party, and not on the friends of General Harrison, will rest the responsi-

bility. And surely, sir, the instruments he will select to carry on the Government will have tact and sense enough to present this in its true light before the people. I have no fears for the coming Administration of General Harrison. I believe that distinguished man will draw around him persons of talent, who will aid him in ascertaining the true state of the country; and men who will be able to make a correct exposition of its affairs. That he will encounter difficulties, is very certain; otherwise, we have deceived the people as to the condition of the country and the Government. But I hope he will meet them like a man; and, if he proves faithful to his trust, the people will sustain him in any emergency that may arise.

During the canvass, we were in the habit of assuming, as a correct standard for the expense of the Federal Government, the amount of appropriations per annum under the administration of the gentleman from Massachusetts, [Mr. ADAMS,] and, allowing something for the increase of population, the Florida war, &c. to compare the expenditures of Mr. Van Buren with those of the former. What I preached then, I am willing to practise now; and, for one, I hold my political associates to a strict and rigid accountability. Instead of resorting to a loan, as proposed by the gentleman from New York, [Mr. BARNARD,] and as approved by the gentleman from North Carolina, [Mr. RAYNER,] instead of taxing our constituents by increasing the tariff, I maintain it is our duty to try first retrenchment and reform. A loan will entail on us a permanent national debt, to which, except on extraordinary occasions, such as war, I am entirely opposed. It is with Government as with individuals. Money loaned for ten or twenty years creates no uneasiness in the mind of the borrower. He maintains his habits of extravagance, and makes no arrangements to liquidate the debt, because the day of payment is a long way off. But let him, instead of a deed in trust, give his bond payable in a few months, and at once he will make an effort to meet the obligation. So is it with Government. Lend us money for ten years, and in vain may you look for retrenchment. But force us to redeem our notes every twelve months, and we dare not incur the responsibility of extravagant appropriations. Sir, I respect the patriotic professions of politicians to a proper extent, but my experience here satisfies me that if you want an economical and pure Government, you must keep it poor! Take not a single dollar from the pockets of the people that is not absolutely necessary to their security and defence.

The honorable member from North Carolina, [Mr. RAYNER,] in arguing in favor of borrowing money, assigned as a reason "that a loan would expose to the country the state of our finances." But surely we can do this without incurring a permanent national debt; for if you borrow money it must be for years, not months; nobody will lend it to you for a short period. A competent and honest Secretary of the Treasury can very soon find out the state of our money affairs. The remarks of Messrs. BARNARD, BELL, and EVANS, had convinced him that the deficit in the Treasury is greater than the revenue will fill up, "and that their calculations as to the estimates put this question in so clear a point of view as to remove all doubt." Now, sir, they did agree as to there being a deficiency; but what was the amount of that deficiency was altogether another affair. They all arrived at different results. For instance, one says it is about seven millions, while another had set it down at forty millions—a mere trifle of thirty-three millions of dollars difference between two gentlemen; and yet we are to resort to a "loan to expose to the country the true state of our finances." Sir, would you borrow seven millions or forty? It is obvious to my mind that none of them can tell the real deficiency in the Treasury; and if their data and estimates are so satisfactory to the gentleman from North Carolina, I must confess they weigh little with me.

But suppose this money is borrowed, how do you propose to pay the debt? Oh! say gentlemen, let us tax luxuries; and a mighty dust is kicked up here to blind the eyes of the people to an approaching tariff and an extravagant Government. This cry

is all very fine; it sounds well and may succeed; it is at least plausible, but will not bear much scrutiny. It is not a mere question of a tax on wines and silks. There is much more in it than at first meets the eye. I cannot but regard the proposition as designed to spring a tariff on us before we are aware of our danger; and I think so, notwithstanding the many disclaimers that we have heard over the way. Sir, one would almost conclude there were no tariff men in this House—"judicious tariff—moderate tariff—just tariff," is all they want; but what would be just, moderate, and judicious, is about as hard to find out as the deficiency in the Treasury. It might vary, like that, from 7 to 40 per cent. All these disclaimers come too from tariff men, and if they were cross-examined a little as to their understanding of the compromise act, the end and object of this movement would perhaps be put "in a clear point of view." Sir, we have nothing to fear from an open tariff question. Presidential aspirations will prevent that. It is against a high tariff for protection in disguise that we must guard; for here lies the danger. But I do not intend to go into the question of laying a tax on wines and silks. My colleague has done that in a much abler manner than I can, and, as I intend circulating his speech, it is unnecessary.

As my time for speaking is limited by the rule adopted this morning, which takes this bill out of the committee in some twenty or thirty minutes, I must avoid a regular battle, and be content to fire a few random shot, intending to write out what I have no chance of speaking here. This much, however, let me say, that the question is an important one, demanding more consideration than it can receive during the present session of Congress, if the whole time were appropriated to the subject. If increased taxation is necessary, take up the whole question of the tariff, consult all sections and interests, and act openly and deliberately. Let us know what you are about, and let your legislation be general, not partial. Why this haste? Months will elapse, if you adopt the motion, before the duties will commence—not until October next—too late entirely to relieve your Treasury of its present embarrassments. I have no objection to tax luxuries, if you will relieve necessities from taxation. I will go with you to tax the rich man's silk garments, if you will go with me to take off your enormous tax on the poor man's blanket and coarse woollens and cottons. I will tax wine if you will take off your tax on salt. I have no objection to imposing a moderate duty on silks and wines for the purposes of revenue; but I have no idea, as a Southern man, to stand by quietly, and see luxuries for which we exchange our produce heavily taxed, while those exchanged for Northern manufactures come in free of duty. I do not want to force a poor man's wife to give up her silk gown, and compel her to wear coarse Northern cottons at the same price. Why not tax your spices, dye-stuffs, teas, mahogany, &c. as well as wines and silks? But the cry is, the Treasury is empty and how are we to supply the deficiency? Sir, I would advise you, instead of doing this, by increasing the taxes on the people, to study retrenchment and reform; to practise what we have so zealously proposed. I would say to Gen. Harrison, as a friend, study this book, (holding up the blue-book.) I would advise him to act on the precepts contained in the speeches of the gentlemen from Ohio, (Mr. BOND,) from Pennsylvania, (Mr. OGLE,) and others of our party, which inculcate reform. Let him abolish all useless offices. By a judicious reform in New York alone, from 500,000 to \$800,000 may be saved yearly in the collection of the revenue, the cost of collection in a few years having gone up to eleven from four per cent. without adequate cause.

Put an end at once to your scrambling system of harbors and internal improvements, which takes millions out of your Treasury, in most cases to be literally thrown into the sea. This we have a right to expect from General Harrison, who, in one of his letters, when a candidate, expressed the opinion that this was a matter which should be left with the States—the time having gone by when the Federal Government could advantageously carry it on.

Cease building your marble palaces for idle

show, when plain structures will answer every purpose.

Reduce the contingent expenses of Congress and the Executive Departments.

Cut down your overgrown civil list, both at home and abroad.

Look into the administration of the military and navy departments; your commissaries, contractors, and the vast number of agencies over the country; enough here may be saved, by judicious management, to terminate the Florida war without further draughts on your empty coffers.

Modify or repeal your bounties and drawbacks, which take hundreds of thousands from the Treasury to no useful purpose, and which, in many cases, have become crying abuses.

Revise your pension system; for it is connected with enormous frauds, and has been pushed by Congress far beyond the limits of justice and propriety.

The gentleman from North Carolina [Mr. RAYNER] read us a wholesome lecture on economy and frugality; but, strange to say, labored hard to persuade us into the notion of an extra session, which would of itself cost the country some four hundred thousand dollars for pay and expenses of Congress. This is practising what you preach with a vengeance! To begin your system of retrenchment by incurring an unnecessary expense of four hundred thousand dollars, when the gentleman himself admits that our funds are exhausted, and that we should borrow the very money to carry it through. It may be, sir, very practical economy in North Carolina, but does not square with our "abstract" notions in Virginia.

Pursue, then, I say, a vigorous system of retrenchment, and there can be no doubt that Gen. Harrison will soon save money enough to pay all the debts of this Government. Mr. ADAMS averaged about thirteen millions per annum for permanent and extraordinary expenditures; and the great interests of the country were in quite as flourishing a condition as when we expended thirty or forty millions. It is not so much the amount of appropriations, as the manner of disbursing them, that does good to the country. I found fault with the manner as well as the amount under Mr. Van Buren, though some of our Whig friends now do not seem to regard the amount as so enormous, and argue as if twenty millions per annum was not enough. I repeat, sir, the declaration that, with a careful administration of the civil, naval, and military departments, and that of Indian affairs, such a retrenchment may be carried out, without the passage of a single law, as will enable us to pass through the present year without serious difficulty or embarrassment.

But, at the same time that the cry of deficiency! deficiency! is sounded in this Hall, and comes back to us from all parts of our widely extended country—at the same time that the proposition is pending in this wing of the Capitol to increase the taxes and burdens of our constituents, an effort is strenuously urged in the Senate to take from a bankrupt Treasury three or four millions of dollars arising from the sales of our public lands, and distribute it among the States to enable them to pay their enormous debts at home and abroad. The corrupting and injurious tendency of this distribution scheme, the fatal blow it would inflict on the independence of the States, making them "pensioners on the bounty" of the Federal Government, is so happily illustrated in the speech of my colleague that I shall say but little on the subject. Whatever arguments might be used in favor of distribution with abundant resources, surely no man can, in the present state of our finances, for a moment entertain such a thought, unless, through its instrumentality, he seeks to inflict on us a high protective tariff. They are parts of the same policy: the adoption of one, as a necessary consequence, leads to the other. A loan is intended as the basis of a national bank; distribution of the proceeds of the public lands as the entering wedge for the assumption of State debts; and a high tariff as providing the means of payment. They all go hand in hand together; they are links in the same chain of consolidation, and, if not broken, will bury the sovereignty of the States under the ruins of our Democratic institutions.

The question of distribution at this time is a very different one from former propositions of this character. Now it is proposed to take nearly one quarter of the whole revenue of the United States and give it to the several States, when that revenue is admitted on all hands, especially by those who are in favor of this scheme, to be inadequate to our wants. Whereas, when the subject was before under consideration, the Treasury was burdened with an enormous surplus, alike inconvenient to the Government and dangerous to the well being of the country. Many, therefore, who approved it when we had a "vicious surplus," may now, without inconsistency, oppose it with a barren Treasury.

Conscious of the absurdity of "distributing a deficiency," (as my colleague, Mr. WISE, properly terms it,) and of the fatal objection to the proposition to be drawn from a deficiency in the Treasury, the advocates of the policy gravely maintain that it is an assumption of power on our part to use this money for the ordinary purposes of Government; and rely on the deeds of cession to the United States in proof of their position. But there is no expression to be found in any of these instruments which warrants this construction; and certain I am, no man can be hardy enough to maintain that it is in accordance with the spirit and intent of the deeds, and that the parties thereto contemplated at the time any such purpose. But this argument has been blown to the winds; it is utterly indefensible. As to the constitutional power, I have but a single observation to make: Can this Government derive power from any other source than the Constitution? Can a Republican of the State Rights school look for power for the Federal Government in any other quarter without destroying the fundamental article of his creed? In the conclusion of his eloquent address, the gentleman from North Carolina [Mr. RAYNER] endorsed his old creed of nullification. Sir, I am glad to hear him claim still to be a nullifier; for, if the doctrines of his speech be carried out by the incoming Administration, it will not be long, in my humble judgment, before he will again have to resort to "nullification as the rightful remedy." I listened to his speech with much attention—it was a handsome affair—but I must say, it was the best tariff speech that has been made during the whole debate.

But I have another objection to the distribution scheme of still greater force, representing, as I do, the most important naval station in the United States. I believe a more fatal blow to the navy could not be given than to adopt this policy. Once begin the system, and you will find every effort here in vain to obtain an appropriation for this branch of your service adequate to its wants and the exigencies of the country. In the scramble that will follow, how few will be found to foster the interests of the navy! Think you a State owing some twenty or forty millions of foreign debt will give up its share of public plunder to strengthen this right arm of our defence, and, in lieu thereof, consent to tax its citizens to the amount so released? No man now rises to make a speech in Congress who does not, before he sits down, entertain us with patriotic bursts of eloquence about the navy. We have metaphors without bounds, and similes without number; well turned sentences and rounded periods, with eulogistic harangues on our gallant tars—real Fourth-of-July orations. Well, sir, this is all well enough; it is an evidence of the great favor in which the navy is held by the people, when politicians are lavish in expressions of their attachment to its interests, and of admiration for the heroic achievements of its sons. Daily is it rung in our ears that the navy is neglected; that, compared with that of France, England, Russia, even with Turkey and Egypt, it is contemptible as to numerical force; and that, should war ensue with England, our commerce must be swept from the ocean. All this, sir, is, alas! too true, as the gentleman from Michigan [Mr. CRAWY] and myself, some two years ago, in this very hall, fully pointed out, in our attack on the Board of Commissioners. Our fortifications are also declared to be in a condition of utter worthlessness for defending our cities and coasts; few of them completed, and not one with

an effective armament. Every tyro in naval or military affairs talks about steam ships, steam batteries, La Paixhan guns, (sixty pounders,) and shell shot; and one not used to the gasconading style of debate here would sometimes think Washington city was invaded, and that a foreign steamer was playing bombs on the Capitol itself.

Mr. Chairman, it must be confessed that these great interests have been most shamefully neglected. We have had, heretofore, the means to carry on a proper system of national defence; and Congress, with a few exceptions, has made liberal provision. Those entrusted with the superintendence of the military departments have been wanting in knowledge or disposition to make them efficient. Look, for instance, at the enormous sum appropriated by Congress for this purpose, which has been returned to the surplus fund in the Treasury, because those entrusted with its management would not do their duty. But adopt your distribution scheme, with an empty Treasury, and you may have the will to build up your navy and to perfect your fortifications, but, sir, you will lack an important ingredient—the means—unless you incur a great national debt, like England, to scourge our people, and grind the laboring man to the dust. Pass the distribution law, and one of two things you must do, if you desire to keep the navy even on its present footing, and all admit the imperious necessity for enlarging it; you must incur a debt, or create an enormous tariff; and from the day that the destiny of the navy is connected with either of these measures may be dated its impending destruction. Our relations with England are of a threatening character. No man can predict when the war trumpet of this great power may not be sounded on our coast; and yet, in the face of this serious danger, with an empty Treasury, a disordered currency, a crippled navy, unfinished fortifications, without foundries for cannon, without materials of war and for ships, for gentlemen to rise in their places and propose to rob the Treasury of millions, to be scattered among the States, seems to me utterly irreconcilable with the dictates of common sense, and the just demands of the country. But what do we see? Why, my colleague the other day had given his views on these great measures, had simply avowed his opinions, when two gentlemen rose and expressed their suspicions that he was about to quit the Whig party. Sir, things have come to a pretty pass if we are to be proscribed or suspected for advocating opinions that for years we have openly entertained.

Mr. JENIFER here made an explanation to the effect that he had said nothing about Mr. WISE being about to desert his party.

Mr. WISE asked whether the gentleman from Maryland had any distrust of him.

Mr. JENIFER made some reply which could not be heard.

Mr. WISE. Well, then, I suppose the gentleman takes it for granted that the party will go with him; when, at the same time, who knows what the measures of General Harrison will be? Were there not some gentlemen making principles for General Harrison before he came into power? But when it was not known what the principles of the coming Administration would be, how could it be said that he was about to desert his party? He (Mr. W.) did not take the gentleman from Maryland as the Administration.

After some further explanations between himself and Mr. JENIFER,

Mr. WISE observed that, had it not been for other gentlemen expressing their views, what they would do, &c. he would never have said a word. But, as every member on the floor who had previously spoken had given his views in relation to the coming Administration, he thought it was as fair for one as for another. And as others had administered their little nostrums for the cure of the disease, he, although not a regular physician, thought he would do so too.

Mr. MALLORY then resumed his remarks, and observed that, at the very outset, before he had spoken a moment, he had been taunted by the gentleman from Maryland with not being one of the party. I repeat, sir, (said Mr. M.) that the honorable member from Maryland shall not unchurch me. I worked as hard in the late canvass

as he did; and I come here to sustain the Administration of General Harrison in all good faith, and will do so as long as he acts on the principles which brought him into power. The gentleman, too, from the city of New York, [Mr. MONROE,] who entertained the committee a few days since with a disquisition on common schools, had twitted us with our abstractions—"Virginia abstractions" was the burden of his song. Sir, I will tell those gentlemen that Old Virginia cannot boast of as many common schools as New York; but she has, perhaps, as much common sense. Had the gentlemen witnessed the exhibition in this hall a few mornings since, of certain pupils from the State institution at Lexington, they would have perceived that our people were not altogether ignorant of the science of signs. Sir, we understand the signs given out by others, and it is on the faith of these signs, as well as words that we are acting. I have said that we have common sense, if we do not abound in common schools, though of these we have a few, and I am happy to say they are fast increasing. Perhaps the gentleman [Mr. MONROE] has never heard of a common school case that occurred in the common school State of New York, where his common school people, in the plenitude of their practical wisdom and hard sense, were guilty of an "abstraction" that far surpasses any hair-splitting ever done in the Old Dominion. The case was this: a bridge connected with a railroad line leading to the great city of the Empire State, in consequence of some error in the architectural skill of these common school gentry, gave way with a tremendous crash, and the connection between the ends of the railroad was kept up afterwards by a steamboat. These common school gentlemen, however, with their usual industry, set themselves to work to repair the bridge, and in a few weeks things were all straight again. The steamer, being no longer required, was ordered round home; but, in attempting to pass down the river, it was discovered that she could not get under the bridge, it never having before occurred to the managers that they could all the time have run the boat as well below the bridge as above it, or entered into their calculations to compare the height of the boat with the space under the bridge. The steamer was finally sold for a mere song; and, before she was released from confinement, was stripped to her naked timber. [A member at the Reporter's elbow suggested that it was similar to the mason who built his leg in a chimney.]

But the member from New York was not the only one who had talked of our "abstractions." The gentleman from North Carolina [Mr. RAYNER] did not spare us. Mr. Chairman, when an individual here from the South joins in this hue and cry about Virginia principles—abstractions, as they are pleased to call them—I always set it down as a sure sign that he has turned Federalist. Now, sir, if to oppose a high tariff, internal improvements, a splendid and extravagant Government, and all in connection with this beggarly distribution, is an abstraction, then, for one, I glory in being a Virginia abstractionist. The honorable member, too, indulged in some invidious comparisons between North Carolina and Virginia, and spoke of our "former glory," and our present "shame." I have not, sir, a single term of reproach, not an unkind word, or a harsh epithet, to apply towards his State. Between his constituents and mine the best feelings and relations exist. We live side by side, and we trade together. We are almost one and the same people, divided only by an artificial line of latitude, nature having placed no barrier between us. I gloried, moreover, in the gallant stand which his State assumed in the late contest, and rejoiced as much at her victory as I mourned over our own defeat. But if that victory is to be used against the Republican cause, then, Mr. Chairman, give me my good old mother, with all her "abstractions," her constitutional prudery, if you please, even in the decline of her greatness and renown. Give me, I say, the Old Dominion in preference to blushing North Carolina, in the act of prostituting herself to the genius of Federal consolidation.

The honorable member from South Carolina, [Mr. THOMPSON,] in the course of his eloquent re-

marks the other day—for that gentleman is always eloquent—talked somewhat about certain "stargazing politicians" "butting their heads against the lamp posts." But let me tell the gentleman there are more sorts of star gazing than one. In admiring the horizon, illuminated by the brilliant rays of the rising sun of Power, it would be as well occasionally to view the quarter whence comes the storm. In our eagerness to relieve the President elect from all embarrassment, we should not forget the interests of those who sent us here. We should look, sir, to the humble cabin as well as to the palace. These movements will produce great excitement in the South. There is a storm ahead; and when it bursts upon us, it will sweep from the ocean many a gallant bark that now sails proudly before the breeze.

But, Mr. Chairman, if those who entertain and have expressed opinions opposite to those of my colleague and myself, are to succeed in putting the ship of State on the Federal tack, I shall never regret the course I pursued in supporting Gen. Harrison. If I am deceived as to the principles on which he will administer the Government, his election, if it accomplishes nothing else, will have the effect of breaking down party trammels in the South, and henceforward we shall meet, not on men alone, but on the ground of principle. In the late contest, men of all creeds united together to accomplish a common object. Laying aside our peculiar notions, we united in one mighty struggle to rescue the Constitution from the Administration which we thought endangered its safety, and threatened not only the institutions, but the liberties of the country. We succeeded, and I am willing still to act together until the great work of reform is perfected. But, while such is my desire, I cannot remain unconcerned when the impression is sought to be made, that my opinions will be in conflict with General Harrison's measures. I draw my conclusions from his letters and speeches, which I am prepared to show do not differ from the principles avowed by my colleague and myself.

If the question again comes up, whether State rights or Federal doctrines are to shape the administration of this Government, I am prepared for the contest. Let the line be drawn as soon as gentlemen please. Doff our name and uniform, and take the field under your own banners. Unmask your batteries, and we fear not the result. Sir, I believe not those who tell us that, in this contest, "our Republican General Harrison" will be against the Republican party, and will lead on our foes. It cannot be true—it is not true.

Mr. Chairman, in thus expressing my opinions, I am actuated by no factious motives, and certainly by no wish to embarrass the next Administration, or produce discord among our friends. As a citizen of this Republic, and as a representative of the people, I have a right to speak freely of public men and their measures; and, come what may, while I have a seat in this Hall, I shall continue to exercise this privilege on all proper occasions. Conscious that, in what has been said, I have endeavored to discharge my duty, I rely for support, not on the approving smile of any man or set of men here, but on the good sense, the justice, and liberality of my constituents at home.

DEBATE ON THE TREASURY NOTE BILL.

SPEECH OF MR. RAYNER, OF NORTH CAROLINA,

In the House of Representatives, February 5, 1841—
On the bill providing for an issue of Treasury Notes.

The bill authorizing the issue of Treasury notes to the amount of five millions of dollars being under consideration, and Mr. BARNARD of New York having moved to strike out the enacting clause of the bill, giving notice that, if the motion prevailed, and a report to that effect should be made to the House, he would then offer the following resolution:

Resolved, That the subject of making provision for the wants of the Treasury be referred back to the Committee of Ways and Means, with instructions

First. To bring in a bill authorizing the Secretary of the Treasury to borrow ten millions of dollars on the credit of the Government, and to issue bonds or scrip therefor.

Second. To bring in a bill imposing duties for additional

revenue on wines, silks, linens, spices, and other articles, being luxuries, imported into the United States; but in such manner as not to conflict with the principles, policy, and spirit of the act of March, 1833, commonly called "the Compromise Act."

Mr. RAYNER, of North Carolina, spoke as follows:

He said he should vote against the issue of Treasury notes now, as he did at the last session; but that he was willing to vote for a loan, and for additional duties on articles of luxury, as contemplated by the resolution of the gentleman from New York. Setting aside the disputed question as to the constitutional power of Congress to issue Treasury notes, about which (said Mr. R.) I shall venture no opinion now, yet I oppose the measure on grounds of inexpediency. I believe that a crisis has arrived in our financial affairs which requires a remodelling of the system which must soon be met, and that this issue of Treasury notes is calculated to put off to a future day that which requires immediate attention. I look upon it as deceptive in its character, and calculated to conceal from the knowledge of the country the embarrassed and ruinous condition of the National Treasury. It is also calculated to screen from a just responsibility the condemned authors of that system of misrule which has bankrupted the Treasury, and well nigh dishonored the nation. For whilst it, in fact, entails upon the Government a debt—a national debt, in every sense of the word—yet so much magic is there in a name, that those who have for years been resorting to this system have as uniformly denied that they have imposed upon the country a national debt; but insisted that they were only using temporarily the credit of the Government.

Now, sir, it is right that there should no longer be practised any deception on this subject. It is right that the true situation of the Treasury should be made known to the country. It is right that the authors of the financial embarrassments under which we are now suffering should be held to a strict accountability. Let them, in the few days of power which they have left, confess that the Treasury is empty, that the country is in debt, that funds are necessary to save the honor and credit of the nation, and bring in a bill authorizing a loan; I will vote for it, although it shall be with a *protestando* against the wasteful extravagance which has rendered it necessary. Sir, if the Government is in debt, without the means of paying, the people should know it; they should also know the amount of that debt, under whose management it has been incurred, and the manner and terms on which it is to be paid.

The issue of Treasury notes, as I have before said, is only putting off the day of settlement, and throwing it on those who, while they have foretold and protested against the present evils, will yet be charged, when the day of reckoning comes, with having incurred the debt, for the payment of which they are now making provision.

If Treasury notes be constitutional—about which, as I said before, I deem it unnecessary to express an opinion—yet I do not consider this to be an occasion when it is proper to resort to them. It may be, that in cases of emergency which cannot be foreseen or provided for—as war, or a sudden revulsion in the trade and revenue of the country—the issue of Treasury notes might not only be expedient, but absolutely necessary; when the interest, the honor, and the plighted faith of the country were in danger of being compromised. Sudden and unexpected difficulties not only require, but justify extreme and unusual remedies. But such is not the case at the present time. The horrors of war have not suddenly burst upon us, and the difficulties which beset the trade and commerce of the country, so far from being sudden and unexpected, have been gradual in their approach, long seen, and long felt. Then, not being suddenly called upon to provide against some unforeseen disaster, I insist upon it that we should take time to view the whole field of difficulty, throw the responsibility where it properly belongs, and resort to such means as shall be consistent with the obligations we owe to the country, and the duty which we owe to ourselves. I speak as a member of the Whig party—as a

member of that party which long foresaw and long forewarned the country against the measures which have reduced us to this ruinous and almost degraded condition. Sir, I do not choose to be driven, by this cry of the "immediate wants" of the Government, about which we have heard so much, to the commission of an act which I not only believe to be inexpedient and unwise at the present time, but which, while it is calculated to relieve the guilty from responsibility, will throw the odium of their misdeeds upon those who are to succeed them.

As to the indebtedness of the Government, without the means of making payment, there is no difference of opinion here. That more money will be required than can be supplied by the accruing revenue for the present year, must be admitted on all hands. As to the deficit which exists, and the amount which will be required for the present wants and future demands during the year, is a point of controversy. I shall attempt to show, before I conclude, that it is much larger than can be gathered from the obscure and cunningly devised report of the Secretary of the Treasury. The question is, how is the requisite sum to be raised? After a great and unexampled victory, the Whig party is about to come into power, and they find the Government crippled in its resources, and bent down by years of pressure. We now have to apply the remedy. We now have to raise the means of enabling the country to comply with its obligations, to repair its shattered defences, and to save the national honor. I am willing to do this, but I cannot consent that a discomfited enemy shall dictate the way in which it is to be done; still less am I willing to aid in screening that enemy from public indignation by assuming the responsibility which should rest on him. And if we have nothing to hope from an obstinate and perverse majority here—if this measure is to be presented to us as the *ultimatum*, as the only relief which they will consent to give, I, for one, am for "bidding my time," and am willing to wait till those who truly represent the interests and wishes of the people shall have assembled here.

I have stated that I am willing to vote for a loan, and feeling assured, as I do, that five millions will not be more than half sufficient to meet the deficit for the present year, I am willing to vote for the ten millions contemplated by the resolution of the gentleman from New York. I prefer a loan, because it will reveal to the country the actual condition of the Treasury, and I prefer that it should be authorized by the same men whose measures have forced us to this alternative. Those who have contracted the debt, and squandered the means of carrying on the Government, should take the responsibility of making provision for both. Paying a debt is not incurring a debt. It may be, and it will be, that the Administration to succeed the one now in power will be compelled to provide the means of paying the debt already incurred, and of meeting the deficit growing out of the shock given to trade and commerce by the destructive policy of the present party in power. And I wish now, in advance, to call the attention of this House and of the country to the fact that any measure of relief hereafter to be resorted to by the coming Administration will be the inevitable result of the policy of the present Administration. If the country is in debt; that debt must be paid; if there is a deficiency in the revenue for the present year, that deficiency must be provided for; and if, in applying the means for either, the country is pressed, let not those be blamed who make the provision, but those who forced it upon them. Sir, I make these remarks because it is very apparent, from the tone of the debate on the other side, as well as of the presses in their support, that this is to be the basis of an organized opposition against General Harrison's administration. And now I charge in anticipation, and I call upon gentlemen on the other side to note what I say, you have squandered the public treasure; you have crippled the resources of the country by your war upon commerce and credit; you are about to go out of power, after having plunged the country in debt, and deprived it of the means of meeting its necessary expenditures;

and upon your heads, and yours alone, let the responsibility rest. And in providing the means, as we shall hereafter be compelled to do, to pay for your extravagance, and to supply the deficiency caused by your warfare upon commerce, let it not be said, for in truth it cannot, that we have imposed upon the country a national debt.

If the interest of the country, in a pecuniary point of view, is to be consulted, a loan must be preferable to Treasury notes. Treasury notes, with four and a half millions now outstanding, and bearing an interest of six per cent. are now, I learn, from one-half to three-fourths per cent. below specie par. These Treasury notes are reissuable, let it be recollected, until the 31st March, of the present year. Authorize the issue of five millions more, or ten millions, as contemplated by the amendment of the gentleman from Virginia, [Mr. WISE,] and as you thus increase their amount, you lessen their value. It may be said, these Treasury notes are paid out to the public creditor at par, and received from the public debtor at par. But, sir, is it right, with all your professions about a specie currency, and all your denunciations of paper, to receive the public dues in a medium less valuable than specie, whilst, according to the provisions of the Sub-Treasury law, you are compelled to collect one-half of the revenue in gold and silver after the 4th July next? And is it right to compel the public creditor—or leave him no other alternative, which is the same thing—to receive the amount due him in a medium less valuable than specie, after all the clamor we have heard about the impositions of banks, and the worthlessness of paper money? Treasury notes, like all other bills of credit, cannot long maintain their nominal value, as has been proven by the history of all Governments that have ever resorted to them. In fact, they are a sort of revolutionary currency at best, never resorted to by Governments except when *in extremis*; and when they have no other mode of supplying their coffers, and of sustaining their credit. They remind me too strongly of continental paper money, and the assignants of revolutionary France, to receive my sanction. Owing to their uncertain and fluctuating character, as to the time and amount of their issues, capitalists are afraid to invest in them; and as a currency, they are entirely unsuited to the public convenience. And all the patchwork of legislation to which you may resort cannot acquire for them the confidence and countenance of the commercial community. But resort to a loan, issue your scrip, redeemable on time, with a fixed rate of interest, and you create a stock in which capitalists will seek to invest their money; and this stock, so far from selling at a discount, will command a premium. I understand that the stock issued by the Government in 1822, '23, and '24, although redeemable at pleasure, sold at a premium of two per cent. If issued on time, it would be worth more; but at two per cent. the Government would save two hundred thousand dollars in a loan of ten millions. If you issue Treasury notes made returnable in one year, you are only postponing the evil, which will be aggravated when the time of presentation arrives. For, as I shall attempt to show, the deficit in the Treasury is not a temporary one, but a permanent one which cannot be supplied unless the imports should be increased beyond any reasonable calculation, or the duties on those imports, or a portion of them, should be raised. So that, at the time these Treasury notes shall return, the Treasury will need all its available means in order to meet the necessary and current demands of the Government.

That there is a deficit all agree. The question is, how large is it likely to be during the present year? I have no doubt that it will be more than ten millions; it certainly will if Congress passes the appropriations that are absolutely necessary for the country. It is true, we can make the expenditures any amount we please, no matter how small, if we are disposed to disband the army, to lay up the navy, desert our fortifications, suspend our foreign intercourse, &c. In reading the report of the Secretary of the Treasury, I was struck with the time-serving and disgraceful proposition he has made, for the purpose of preserving a balance

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Treasury Note Bill—Mr. Rayner.

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in the Treasury at the end of the year. He says: "But the preservation of a suitable balance in the Treasury may require more than what will probably be left after satisfying other purposes. The raising of any sum for that object in 1841, could, however, be obviated by authorizing a contract to be made, under proper restrictions, extending the period of payment for a portion of the temporary liabilities falling due in that year. Yet, in the opinion of the undersigned, the best mode of providing for this case would be, without either an extension of this kind, or a loan, or a further issue of Treasury notes, or a change in the tariff, but merely by lessening the appropriations for the service of 1841 below the estimates, or by passing such declaratory clauses as to the present tariff, and such acts as to the public lands, as have heretofore been urged on the consideration of Congress."

Now, here is the Secretary of the Treasury, an officer whose especial duty it is to submit an estimate of all the expenditures necessary for the Government, proposing, in one sweeping clause, to lessen the appropriations below the estimates, without specifying any items of expenditure which he would could down, without considering the absolute wants and sufferings of the country, merely for the purpose of making a show of economy, now upon his retirement from office, and of withdrawing attention from that prodigality and extravagance that have bankrupted the Government. And this is the same Levi Woodbury under whose administration of the finances \$39,000,000 per annum have been expended, without a murmur against extravagance escaping him. No, sir, I hope no such illiberal, narrow-minded policy is to be pursued here. As statesmen entrusted with the interests of the country, it is our bounden duty to see that its honor and character shall be preserved, and all its main branches of defence shall be sustained; and if there is a deficiency in the revenue, growing out of a long period of misrule, we must resort to other means—to the credit of the Government; relying upon the future for the return of prosperity, and a replenished Treasury.

The Secretary of the Treasury estimates the expenditures for the year 1841 as follows, viz:

Civil, diplomatic, and miscellaneous	\$3,450,740 13
Military	7,725,440 94
Naval	5,445,339 21

Besides these, certain permanent appropriations under existing laws will become chargeable on the Treasury during the next year, in sums as follows:

<i>For ordinary purposes.</i>	
Military	864,000 00
<i>For other purposes.</i>	
Public debt, including interest and first instalment for the District of Columbia	149,200 00
Redeeming Treasury notes	4,500,000 00

Amounting, in all, to \$22,134,720 28
The receipts for the same year he estimates as follows:

From customs	\$19,000,000
From lands	3,500,000
From miscellaneous	80,000
Expected balance in the Treasury available on 1st January, 1841	1,580,855
Available from banks	220,000
Treasury notes yet issuable under the act of 31st March, 1840	342,618

Amounting, in all, to \$24,723,473

Thus leaving a balance on 1st of January, 1842, of \$824,000

These estimates of the Secretary have been proven to be entirely illusory and deceptive. The tables in his report have all been got up, worked out, and arranged to meet a conclusion to which he had resolved to arrive—that the expenditures for the present year should fall within the receipts. Heads of bureaus have declared to gentlemen on this floor that, in making their reports, they were required to cut down their estimates of the appropriations for the public service, so as to make them square with the predetermined estimates of the Secretary of the Treasury. It is enough to make one blush for the degradation of his country, when he sees the minister of finance so far forgetful of the duties of his station, and the great interests of the nation, as to frame his report, not to suit the wants and exigencies of the country, but to save his party from

the charge of extravagance, and himself from that of mismanagement.

I shall not attempt a detailed examination of the various items of income and expenditure for the present year, submitted in the Secretary's report; for their fallacy and duplicity have been fully and ably exposed. The gentlemen from New York, Maine, and Tennessee, (Messrs. BARNARD, EVANS, and BELL,) have placed this matter in so clear a point of view, that no one can misunderstand it who is not wilfully ignorant. And the feeble attempts that have been made to refute their calculations have tended to make the conviction still stronger, that they are founded on data which cannot be controverted.

As before stated, the Secretary estimates the receipts for the present year at \$24,380,855, including the Treasury notes issuable under the act of March 31, 1840. Of this he estimates \$19,000,000 from customs. Now, sir, is it reasonable to suppose that this amount will be received from customs during the present year? As to the Secretary's opinion, what is that worth? In his annual report of December, 1839, he estimated the receipts from customs for 1840 at \$15,000,000, and they fell short \$2,000,000; and I learn that is nearer than he ever arrived at the truth in any financial calculation. Is it reasonable to suppose that the income from customs for 1841 will be six millions more than 1840? Why should it be? Gentlemen say last year was one of great pressure, but that trade is now reviving, and that the importations during the present year are likely to be heavy. It is true that, since the election of Gen. Harrison, confidence has revived, and business begins to prosper, but yet, in the efforts of the banks to resume specie payments, which is one of the fruits of a restoration of confidence, the pressure in the money market must for a time continue. It is only gradually that business, when once depressed, can regain its former prosperous condition. And if the Sub-Treasury is executed according to the express provisions of the law, as General Harrison is bound to see that it shall be, and one-half of the public dues after July are collected in actual specie, it will create an additional demand for specie at the very time when the banks will be endeavoring to strengthen themselves, and when they will be least able to spare it. And my word for it, if the Sub-Treasury is executed according to the letter of the law, you will have another revulsion, the banks will again suspend, business will be prostrated, confidence destroyed, and the scenes of 1837 be enacted over again. The gentleman from Mississippi [Mr. THOMPSON] spoke of the large importations now on their way here across the Atlantic, the duties on which were to fill the Treasury. Why, I suppose that is always the case about this season of the year. The importing merchants have ordered out their spring supplies, and although your ports may be crowded for a short time, about the latter part of the winter or beginning of spring, yet, during the summer months, you may scarcely hear of an importation. But I think it may be safely set down that the importations next fall will be very thin; for it must be recollected that, according to the terms of the compromise act, the duties on all articles are to come down on the 1st January next, in the proportion of one-half of their excess over twenty per cent. Then, is it not reasonable to suppose that the merchants will withhold their importations till after the 1st January, except in such small quantities as will meet a ready sale? Most assuredly they will. Otherwise, their stock remaining on hand could be undersold by those importing after the first of the year. Owing to these circumstances, I do not believe that the income from customs for 1841 is likely to exceed that of 1840. But, putting it at a medium between \$19,000,000, as estimated by the Secretary, and \$13,000,000, the amount received in 1840, and we have \$16,000,000, which is a liberal, and, as I believe, an over estimate.

Next is the estimate of receipts from public lands, which the Secretary puts down at \$3,500,000. This I am willing to allow, although I understand the Commissioner of the General Land Office has given it as his opinion that it will not exceed \$2,500,000. Add to this "miscellaneous," "expected balance

available on the 1st January next," the sum "due from banks which is likely to be made available," and "additional means arising from Treasury notes authorized to be issued under the act of March 31, 1840," and you have the whole means for the support of Government for the year 1841, amounting to \$21,723,473.

Let us now look at the probable expenditures—not with reference to the very smallest amount with which the Government can possibly get on, but with reference to the actual wants and necessities, the honor and character of the country. I see from House Document No. 265 of the last session, the appropriations for the "civil, miscellaneous, and foreign intercourse for the year 1840" amounted to \$4,512,545 05; whereas, in the estimates for the year 1841, it is put down at \$3,450,740 13. Why is this? The member from South Carolina [Mr. RAEFF] insisted that \$300,000 would be saved in consequence of the shortness of this session compared with the last. But then gentlemen on the other side insist that we intend to have an extra session. The gentleman from Mississippi [Mr. THOMPSON] said he could see we were determined on this. If we do have an extra session, it will be a charge on the Government. And if gentlemen know this, why not provide the means of meeting it? I certainly know nothing of the purposes of General Harrison, or of those whose counsel he will seek; I have, however, but little doubt an extra session will be inevitable. General Harrison will find the Treasury empty, with pressing demands against it daily, and nothing to discharge them with. In that case, he will be compelled to convene Congress in order to obtain the means of carrying on the Government. In addition to this, the country requires reform at our hands—a speedy and thorough reform. Millions of freemen are calling for the repeal of the odious sub-Treasury. A prostrate commerce and ruined currency require the remedial hand of the Government. I speak only my own opinion. I believe an extra session indispensable. And, if it takes place, the expense attending it will be more than the difference between that of the present session and the last. I discover the Secretary has sent in no estimates for the outfits of Ministers abroad, and the outfits of those who are already there. Does he suppose General Harrison will not change the diplomatic corps? Does he suppose the honor and interests of the country will any longer be entrusted to those who now represent the nation at foreign Courts? Or is this a part of his system of retrenchment, that it will be better not to recall Ministers, because the appointment of new ones will be attended with expense? These extra charges, falling upon the civil list of the present year, will be fully equal to any of the last year, not incident to this. I have therefore sufficient data for assuming that the "civil, miscellaneous, and foreign intercourse" for the present year will amount to at least \$4,500,000.

Next come the estimates for the military service. And these the Secretary puts down at \$7,725,440 94. Now, the gentleman from Maine [Mr. EVANS] has so effectually exposed the imposition attempted in this estimate, that I am sure there is not one who heard him that is not fully satisfied on the subject. I see, from the same document to which I have before referred (No. 265) that the appropriations for this branch of the service, at the last session, amounted to \$3,343,900 83. And so far from the expenses necessary for the same being less this year than they were the last, they must necessarily be more. Not one word is said about the Florida war. House document No. 70, of the present session, is a letter from the Secretary of War, containing an estimate of the appropriations necessary for the Florida war during the year, of which, it seems, \$250,690 10 is due for service already performed, as follows:

For arrearages to militia called into service by the Governor of Florida	\$221,244 02
For pay of a battalion of Georgia volunteers for 3 months' service in 1840	29,446 08

\$250,690 10

It seems that there are already, in addition to the regular army in Florida, two thousand militia, 1,200 of them mounted men, and proposed to be increased to 1,500; and, as stated by the Paymaster General, "the President, having subsequently sanctioned this service, places their claims on a footing with those of the militia regularly called into the service of the United States." According to the estimates submitted in the same document by the Paymaster General, the Commissary General of Subsistence, the Surgeon General, and the Ordnance Department, the expenses of paying and subsisting this force for the year 1841, in addition to the arrearages already due, will amount to \$2,385,329 75¢, the whole of which will fall on the year 1841. And, what is remarkable, the chairman of the Committee of Ways and Means had this letter in his possession since the 17th December, without suffering it to be brought to public view here.

[Mr. JONES. I beg leave to correct the gentleman from North Carolina. The letter was in possession of the committee, subject to the inspection of all its members. There was no attempt on my part to conceal it.]

Mr. R. Bat, sir, I insist it was your duty to have brought it before the notice of the House. In the speech which you made at the commencement of this debate, in which you attempted to sustain the views of the Secretary of the Treasury, in submitting your estimates of receipts and expenditures for the year 1841, you did not include this item or expense for the Florida war. Mr. Chairman, (addressing the Chair,) I repeat, it was the duty of the honorable chairman of the Committee of Ways and Means in his character as Chancellor of the Exchequer, with this knowledge in his possession to have submitted estimates of the Florida war, when he unfolded his budget for 1841, in the speech with which he opened this debate. But he is in a letter laid on our desks, from the Secretary of War to the chairman of the Committee of Ways and Means, dated December 17, 1840. Here, then, is an additional charge falling upon the year 1841 of \$2,385,329, not even alluded to by the Secretary of the Treasury, which added to the estimates submitted by him, amounts to the sum of \$10,110,770 69; and which, added to the appropriations of last year for the same service, amounts to \$10,729,230 58.

But, says the gentleman from South Carolina, [Mr. RHETT,] the Florida war will probably soon be terminated. Probably soon be terminated! This is the language we have heard for years. It has long been the theme of Executive reports and of the despatches of commanders-in-chief. Let a few miserable squaws be taken, or starving old men surrender themselves, and it is immediately heralded throughout the land that the power of the Indians has been destroyed; that they are coming in; and that the war will soon be at an end. And the next account we hear is, that the blood has been flowing in torrents, and houses have been wrapt in flames. For every brave destroyed, two seem to spring up in his place. We have, within the last day or two, heard of the capture of sixty or seventy Indians; but how often has this been the case heretofore? It is impossible to estimate the number of Indians in Florida. Years ago, it was said there were only a few hundred; and although we have been destroying them all the while, yet the work of murder and ravage has continued. As soon as the army relaxes its operations, they became emboldened, leave their inaccessible haunts, and commence anew their course of pillage and death. You may suppose there is not an Indian in Florida, you may suddenly withdraw your army, and the first thing you hear may be, that the Indians have reappeared in all their power. Sir, the Florida war is not at an end, nor is it soon likely to be. Sam Jones and Tiger-tail yet lead their merciless bands through the everglades of that ill-fated region; to-day doing "the deed of death," and to-morrow concealed in the impenetrable swamps. The bloody Mickasukies yet rove through the forests of Florida, leaving death and desolation in their track. To legislate with a view to the early disbandment of the army in Florida, is to leave your own countrymen exposed to the horrors of sa-

vages warfare. To do this through a false economy, is to sell the blood of your citizens for money. It is to surrender a portion of your territory to the savage, and to confess, in the face of the world, that a predatory band of Seminoles has successfully resisted all the boasted power of the Government. To stop the war at this stage, is to compromise the honor of the country. You must, you are compelled to prosecute it to a successful issue. I therefore take it for granted that, in estimating the appropriations for the military service, you must include the \$2,385,329 proposed in the letter from the Secretary of War.

It seems that the Secretary of the Treasury, in estimating the reductions for the present year, cuts down the expenses of the Indian Department \$174,000 below the appropriations of last year. I know not whether this is on account of there being funds in the hands of agents yet unpaid, on account of outstanding appropriations, or whether it is in pursuance of that system of gradual retrenchment recommended in his report; for it will be seen, by reading the report of the Secretary, that he undertakes to read Congress a lecture on economy, after having exhausted the Treasury by his extravagance and mismanagement; and, in pointing out the causes of, and grounds for, future retrenchment, he says that "fewer Indians remain to be removed." Certainly there are fewer to be removed. But are there fewer that ought to be removed this year than were removed the last? Judging from the rapid settlement of the Western States, and the consequent pressure around the Indians remaining, I should suppose there were more. I appeal to gentlemen from the Western States—from Indiana, Illinois, Michigan, Missouri—and I ask them if they are not anxious to have the Indian title to the lands in their States extinguished, and to have those Indians removed to the West? Are they not every day becoming more inconvenient to the whites, and the whites to them? And yet the Secretary seems to think this system of Indian relations will soon be at an end; and the expense attending it will be lessened every year. This is a most absurd idea. The Indian relations of this country will constitute a permanent, standing charge upon this Government for one hundred years to come; and as the population of the country increases, and its frontier is extended, the more complicated and expensive will our Indian relations become. This must be the case, till the vast region from the Mississippi to the Pacific is settled by the white man, and not an Indian is left remaining.

The Secretary of the Treasury further says, in pursuance of his pretended anxiety for retrenchment, that the pensions are diminished by deaths. Not so very much, sir. Some of the old Revolutionary pensioners die off, to be sure, and I am sorry for it. I wish they could live forever. They serve as a connecting link between the past and the present. They would serve to remind us of our departure from the pure and virtuous principles of the Revolution. And these old men hold on to life well. The same physical vigor which enabled them to perform such deeds of daring in the Revolution, yet preserves to them health and strength. The gentleman from Maine [Mr. EVANS] demonstrated that, if they had died off last year at the rate of ten per cent. it would not reduce the pension appropriation more than \$200,000, whereas the truth is, they did not die in near so large a proportion. But, sir, it must be recollected that whilst the pension list is annually lessened by death, it is still annually increasing from additions to the list. Look at the annual reports of the Commissioner of Pensions; and you will see that this is the case. Look at the quantity of bills on your table for placing additional names on the pension roll, many and most of which will probably pass as soon as time can be obtained to pass upon them. Owing to these facts, I have no doubt but that for the next five years, the additions, with the arrearage pay in such cases, will be equal to the diminution from deaths.

Assuming, then, that the military service will cost as much this year as it did last, which was \$8,343,900 83, and adding the \$2,385,329, stated to be necessary by the Secretary of War for the Florida service, and you have an aggregate of \$10,729,230

for the military service, which will be found indispensably necessary.

Next come the estimates for the Navy, which the Secretary puts down at \$5,445,399 21. Although I believe this to be much too small, yet, for the present, I will assume it as a sufficient sum. There is one item, however, of \$150,000, for the pay of navy pensioners, which must be added, for which a bill has already passed this House, and for which the Secretary has sent in no estimate, but which will be a charge on the year 1841. But, says the gentleman from South Carolina, we do not know that the Senate will pass the bill. Perhaps it may not; for until that body is purged, which it is soon likely to be, I believe it capable of any injustice. But that is not the question. The question is, is it right to pass it? Shall we legislate here under a supposition that one of the branches of the Legislature will not do its duty? You might as well strike out of your estimates any other appropriation for the public service (the army for example) because we are not certain the Senate will pass it. You are in duty bound to pay these navy pensioners. You have squandered a fund which was properly theirs, and you are bound by every consideration of honor to pay them what is strictly theirs, and by every principle of gratitude to reward them for their services. This \$150,000, added to the Secretary's estimates, will make the naval service for the year amount to \$5,595,399.

According to the data I have assumed, and I have placed them at the lowest probable amount, the items of expenditure for the present year will appear as follows, viz:

Civil, miscellaneous, and foreign intercourse	\$4,500,000
Military service, including the Florida war	10,729,230
Navy pensions	150,000
Naval service	5,595,399
Appropriations made for the service of the year 1841 by former acts of Congress	1,013,200
Balances of appropriations made in 1840 and previously, standing over on the 1st January, 1841, and which will be a charge on the Treasury in 1841, after deducting so much as may remain not called for, and standing over at the close of 1841	2,000,000
Relief of the corporate cities in the District of Columbia, per act of the 26th May, 1836, \$139,200, and public debt payable at the Treasury, per act 31 March, 1817, \$10,000	140,200
Required to finish public buildings, according to the estimates of the architect	0,000
Treasury notes and interest, allowing for \$500,000, which may not come in during the year	4,350,000

Amounting in the whole to \$28,887,029 which is the amount necessarily chargeable upon the year 1841.

Here, then, with a probable income of \$21,733,473, we must meet an almost inevitable expenditure of \$28,887,029. Sir, how can you do it, without borrowing money? You will be compelled to borrow; and, whether you do it by Treasury notes, or loan, how are you to repay it, unless you raise the duties on imports, or resort to direct taxation? And how are you to sustain the heavy expenditures of coming years, unless you regulate your tariff to meet the demands upon the Treasury? But, exclaims the gentleman from Mississippi, [Mr. THOMPSON] the cry of the Whigs has been reform, and by reform he understands a retrenchment in the expenditures. I can also inform the gentleman that it means honesty in the expenditures. It is not so much the amount expended, of which we have complained, as the manner in which it has been expended: paying \$450 a day for steamboats, \$20 a cord for wood, purchasing splendid furniture and silver spoons for mud boats, paying high salaries to crowds of loungers attached to your custom-houses, giving high and expensive jobs and con-

tracts to political favorites, &c. It is such corruption as this, of which we have so much complained, and which we have promised to reform. If the money which has been collected had been spent for the interest of the country, in disciplining our army, increasing our navy, completing our fortifications, erecting harbors, and other conveniences of commerce, &c. why, then, sir, we could not have complained. But, what is remarkable; whilst this vast expenditure of money has been going on for the last four years, ranging from thirty to forty millions annually, all the interests and defences of the country have been languishing and going to ruin.

Well, now, sir, in legislating to meet the wants of the Government, I feel bound to look to the future as well as to the present. By profligacy, mismanagement, and corruption, all the great defences of the country have gone to wreck. The present rate of duties will not yield a sufficient income to put the country in a state of defence, and to repair the evils of the last twelve years of misrule. In addition to the deficit of about \$7,000,000 for the present year, there is about \$5,580,000, consisting of sums and annuities payable to Indians, and amounts pledged to be invested in safe, permanent stocks for their benefit, the interest on which we are now paying. Then, there is the navy pension fund, which has been squandered or invested in worthless stocks, amounting to \$1,200,000, which you are bound to make good. Due on trust funds, other than Indian, \$500,000. Old funded and certificate debt, \$100,000. Debts of the cities in the District of Columbia, assumed by the Government, with interest, \$1,750,000. To these are to be added claims on account of Indian affairs, growing out of the Florida war, allowed or to be allowed by the Departments, or pending before Congress, say \$5,000,000; although I learn, from gentlemen better acquainted with the subject than I am, they will reach nearer \$10,000,000. Other claims now before Congress, and which have been accumulating for the last two years, for want of time to act on them, allowing for those that may be rejected, say \$2,000,000; and I also learn that these latter will probably be double that sum. These amount in the whole to \$16,280,000 of permanent debt falling upon the next Administration; and which, added to the deficit of seven millions in the revenue of the present year, shows an almost certain liability of more than \$23,000,000 by the Government, over and above the current expenditures. And this, too, with a revenue continually decreasing by the gradual operation of the compromise act.

Now, sir, I am for abiding by the spirit of the compromise act. The circumstances under which it was passed require that no violence should be done to the feelings of either of the great interests that were parties to it. That act was the voluntary offering of patriotism, to save the effusion of human blood. It snatched the uplifted sword from the hand of the tyrant, who, with tiger ferocity, was raving and thirsting for the blood of freemen. It stands as an enduring monument of the patriotism, the wisdom, and the magnanimity of Kentucky's distinguished son. And I am free to admit that, if the public sentiment of either of the two great interests that were parties to that compromise should, with any thing like unanimity, insist upon its remaining inviolate and untouched, it would be unwise to disturb it. It is, however, for the majority here, in their wisdom, to examine and decide what may be wishes of the country, and the feelings of the two great sections in regard to the modification of this measure. But, in submitting this measure to the test of public feeling in the two great interests that were parties to it, reference must be had to the calm and unbiased wishes of the popular mind, and not to the wild ravings of party madness. No one man here has a right to speak for the whole North or the whole South; neither has the delegation of any one State a right to speak for its entire section. It is for the majority here, in their discretion, and upon their responsibility, to judge of the public will, upon a dispassionate survey of the whole question. If two parties enter into a covenant for the observance of which their honor and faith may be pledged, neither has the right to violate its provisions whilst the other insists

upon their enforcement. But certainly they are not estopped from modifying it by mutual agreement. And so with the compromise act of 1832. If the North or the South, with any thing like unanimity, insist upon its inviolability, I, for one, should be opposed to touching it. But if, by mutual agreement, they are willing to modify it now, where can be the objection?

This brings me to the immediate consideration of the proposition of the gentlemen from New York [Mr. BARNARD] to impose a duty on silks and wines, which are now admitted free of duty. I think this proposition presents a medium, on which the moderate on both sides of the question may meet with safety. I am aware that the ultra tariff men may oppose it, because they may hope that, in remodeling the system after the expiration of the limit fixed to the compromise act, they will be enabled to exempt luxuries from any duty, and collect the whole of the duties from articles of necessity, and thereby protect the same articles of domestic manufacture. They may suppose that, by our imposing duties on luxuries now, they will find it more difficult to exempt them hereafter. I can assure gentlemen entertaining these opinions that the South, so far as I am acquainted with its feelings, will never quietly submit to this discrimination. We are for equal benefits, and for equal burdens. We never will consent that articles of luxury, which are consumed by the rich, shall be imported free of duty; and articles of necessity, consumed by the poor, shall be burdened with all the means of taxation, merely for the benefit of the manufacturers. That has been the source of all our straggles and difficulties heretofore. It came well nigh once plunging this country into all the horrors of civil commotion. By all the exciting associations connected with that gloomy period, I entreat gentlemen who yet cherish the favorite idea of discrimination and protection to abandon it forever. You cannot enforce it without endangering the stability of the Union.

Then there are ultra men on the other side, who oppose this measure simply because it is an imposition of duty, without reference to the objects on which it is intended to operate, or without looking at the real cause of that long and uniform opposition which was waged by the South against the tariffs of '24 and '28. The gentleman from Mississippi [Mr. THOMPSON] seems perfectly horrified at this new tariff, as he calls it, and asks if this same measure of a duty on imports has not long been the great cause of complaint and difficulty between the South and the North. I can answer his question, and I tell him, no. The South never complained of the revenue for the support of the Government being collected from a duty on foreign articles.

Mr. THOMPSON begged leave to explain. He said he did not mean to intimate that the South was opposed to raising a revenue from customs. What he said was, that a tax on foreign importations had been the great cause of complaint on the part of the South.

Mr. R. A tax on foreign importations! Exactly, sir. That is the same thing. I still take issue with the gentleman. I deny that the South has ever complained that the revenue for the support of the Government was raised by a tax on foreign importations.

The South well knows, and always has known, that it is the only practicable mode of supporting the Government, among a people as sensitive as ours are on the subject of direct taxation. It is the principle of discrimination, for the protection of the manufacturers in a certain section, of which the South has always complained: a protection which, while it increases the cost of consumption to all sections alike, yet diffuses its advantages in the vicinity of the manufactures of the North, without bringing any correlative blessings to us of the South. The South is not only willing to contribute its revenue and its wealth, but its blood, if need be, in support of the Government and the Union. The object contemplated by the proposition of my friend from New York is the very thing that we have always contended for. The North has heretofore refused to grant it to us—they would not concede it in the com-

promise act—but now, if I understand them aright, they are willing to yield it, and can we hesitate to accept it? My eloquent friend from South Carolina [Mr. THOMPSON] who addressed us so ably the other day, has put this matter in its proper light. He has proven, from the record, than an equalization of duties, upon the protected and the unprotected articles, was the great object contended for by the distinguished Southern statesmen who mingled in the political conflicts of '32 and '33. Sir, we are now estopped, virtually estopped from objecting to this proposition. I thank my friend from South Carolina for the gallant manner in which he has met this question at the very threshold. It came with a peculiar fitness from him. He comes from a region of political darkness, though still from an oasis in a desert waste. His position is one of high moral sublimity. Despite all the efforts of persecution at home, he has stood up for years, almost single handed and alone, as the unterrified advocate of liberty and truth. With a heroic courage, he has refused to quail before power and proscription, and, whether at home or on this floor, he has, with a giant's arm, shaken off his assailants as "the lion would shake the dew drops from his mane." He says he is aware that the demagogue cry of tariff! tariff! will be raised for the purpose of exciting popular prejudice against him at home. That is probable. I am aware that, humble as I am, I shall be subjected to the same charge. But my friend [Mr. THOMPSON] need give himself no uneasiness on that account. Calumny and misrepresentation are the common lot of all who pursue the path of duty, regardless of consequences. Denunciation by the wicked is the price which honesty and patriotism always have to pay for the esteem and approbation of the virtuous and the good. I repeat it, my friend from South Carolina deserves the thanks of the country for the fearless manner in which he has met this question. It will endure in the records of the country, as a lasting memorial of his patriotism, and will constitute the richest legacy he can leave to his children who are to succeed him. The tribute of the country's praise is also due to my friend from Georgia [Mr. NISBET] for his able and eloquent speech on this subject. I was equally pleased with the cogency of his argument and the pathos of his eloquence. With such advocates, the South has nothing to fear; and in such hands the interest of the whole country will be safe.

The gentleman from Mississippi [Mr. THOMPSON] asked how it was that the North was now willing to impose a tax on luxuries; for, said he, this has always been a favorite measure with the South, and it never before has been able to obtain it. Charity compels me to believe it is from a principle of patriotism that our Northern brethren are now willing to yield this; but, whether it be from a sense of justice, or from some other motive, it matters not to me. So we obtain what we desire, it is a matter of indifference what may be the motive of concession. What would be thought of the prudence of any man in private life who would refuse to receive, by the voluntary concession of an enemy, that which he had been striving to obtain, and without success, for years? But with all the gentleman's horrors at the prospect of a disturbance of the tariff question, he seems perfectly willing to go into it, provided he can be allowed to adjust it upon his own terms. He distinctly stated that, when the proper time arrived, he was willing to go into a revision of the whole system. Ay, sir, and when will the proper time arrive? It certainly must have arrived, when it is necessary to do something in order to replenish the Treasury. I fear, if this matter is postponed, we shall not have the pleasure of the gentleman's assistance. Unless the people of Mississippi change their minds as easily as certain Southern gentlemen have changed their grounds upon this very subject, the honorable gentleman is not likely to be troubled with the burdens of legislation here for some time to come. The gentleman went on to tell of the great injury that would result to the cotton-growing interest of his State by an imposition of 20 per cent. on French silks and wines. And yet he seems willing to sacrifice this great interest of his constitu-

ents, provided he can be allowed to settle the matter in his own way. He says, take off the duties altogether from necessities, and impose them on luxuries; that for every cent taken off from sugar he will vote to put two on wines; for every cent off from salt, he will impose two on silk, &c. Then, in order to raise revenue sufficient for the Government, you must go higher than 20 per cent.; and in proportion, according to the gentleman's reasoning, you sacrifice the interests of Mississippi.

It is very evident, from the indications here, as well as from the movements out of doors, that there are two classes of opponents to this measure, operated upon by different views. The first class consists of those who have been trying to mix up the tariff question with the conflicts of party; who have declared, in anticipation, that the policy of the coming Administration would be a resort to a high tariff, and who, no doubt, hope to effect a counter revolution in the South by getting up an excitement on this subject. They are astonished that the Northern Whigs should ask for nothing more than an equalization of duties, and now discover that one of their hobbies is about to tumble down beneath them. They no doubt hope that, by a little postponement, the ultra tariff men of the North may be emboldened to ask for higher protective duties, and that thus the ends of party may be answered. To gentlemen actuated by this motive I would say, the day of humbugs has passed. Reason and truth have regained their dominion. The same spirit of conciliation that carried us so successfully through the late contest, will still continue to guide and direct our course.

The other class of opponents to this proposition consists of the ultra enemies of the tariff system, who are uncompromisingly opposed to it in every shape and form, and who are conscientiously opposed to it on principle. They look forward to the time when the duties on the protected articles are to come off entirely, and the whole revenues of the Government are to be collected on the unprotected articles; and they no doubt suppose that an imposition of duty on luxuries now will be presenting an obstacle to the consummation of their favorite designs hereafter. If I understood the gentleman from Virginia, [Mr. WISE], he expressed the opinion that the whole of the duties for the support of Government should be collected from articles of luxury, and that articles of necessity should come in free. Sir, this is entirely a Utopian scheme. It is consistent with neither possibility nor justice. I would appeal to Southern gentlemen who are actuated by this object, and ask them if it is reasonable to suppose that we, who have for years been unable, by remonstrance, and even resistance, to obtain a modification of this question to suit us—that we, I say, shall be able to dictate terms to the North? We are the weaker portion; so far as the mere exercise of power is concerned, we are at the mercy of the balance of the Union. As a Southern man, I approve of the proposition, because I conceive it to be our interest to do so. It not only gives us all we ought to ask, it not only puts both sections on an equality, but it gives us as much as we may ever expect by possibility to obtain. I go for the duties on luxuries as an opponent of the protective system.

It is true, the duties on the protected articles, although no higher than on the unprotected, will benefit our Northern brethren engaged in manufactures more than it will the South. We pursue agriculture because it is more congenial to our tastes and conducive to our interests; whilst the people of the North, for the same reasons, pursue manufacturing. And shall we grudge to them the small benefit they derive from the duties on those foreign articles that come in competition with theirs, when we are not injured by it? It is imitating the dog in the manger, to deprive them of a benefit without profiting ourselves. Besides, even if we had the power, which we have not, would it be justice to make a discrimination which would curtail their profits whilst it would not increase ours? The very ground on which we so much complained of them in the high tariffs of 1824 and 1828 was, that they were oppressing Southern interests for the benefit of Northern manufactures. And it would be worse, if we had it in our power,

to oppress Northern manufactures without benefiting Southern interests.

The gentlemen from Mississippi and South Carolina both took the ground that a duty on French silks and wines would disturb our commercial relations with France, and that, as Southern cotton was exchanged for those articles, it would to that extent operate as a drawback on Southern interests. Now, even if this were so, which I am sure it is not, do gentlemen see where this argument would lead them? Sir, it is protection, the very protection which we have so long complained of. The argument of the Northern manufacturers has been this: we have large amounts invested in manufactures; if you equalize the duties, if you reduce them on the protected articles as low as they should be on the unprotected, you bring foreign manufactures in competition with ours, and thus destroy our profits. They have insisted that, whilst the Government was exercising the constitutional power of laying a duty for revenue, it should do so with reference to the protection of their interests. And now we hear the same argument used on this floor by members from the South. What is the tenor of the argument used here? It is this: we have large capital invested in growing cotton; if you equalize the duties, if you raise them on the unprotected articles as high as they are on the protected, you disturb our commercial relations with those countries for whose productions our cotton is exchanged, and thus destroy our profits. This is a principle we must not recognise. We are the weaker portion, and, if we use the argument now, it may hereafter be turned against us to our injury and destruction.

But, sir, I deny the position that a duty on silks and wines will disturb our relations with France. I deny that it will operate injuriously to the South. Why should gentlemen harp so much upon France. It is not intended to make a discrimination between France and other countries. Not one-half the silks and wines imported into this country come from France, and we propose to subject them all to the same restriction. Gentlemen have reasoned on the ground that the imposition of 20 per cent. upon silks and wines will either bring about prohibitory duties on American cotton in France, or such high countervailing duties as will raise the price of cotton so high in that country that the people will not be able to use cotton fabrics as an article of clothing, and that thus a market for eighteen millions of dollars worth of cotton annually would be cut off. This was the argument of the member from South Carolina, [Mr. RHETT]. Is this argument a sound one? I learn that the duty on American cotton in France, at the present time, is nearly as high as we propose to raise it here on their silks and wines.* Besides, they are compelled to take our cotton. They cannot get it elsewhere; and the employment to labor, which is afforded by the manufacture of cotton fabrics in France, is too immense to be attempted to be destroyed by prohibitory duties. And suppose the French Government should lay an additional duty of 20 per cent. upon American cotton, as gentlemen seem to dread—what of that? It might slightly enhance the price of the article to the French importer and manufacturer; but then, a very great portion of the cotton imported into France is, as I learn, manufactured into laces and other fabrics of the most costly materials; where the cost of the raw material forms but a very small item in the value of the fabrics when ready for market. An additional cost of 20 per cent. upon the price of the raw material could scarcely be seen in the price of the manufactured article. So that France cannot prohibit our cotton without cutting off one of the main sources of employment for her labor, and throwing loose upon the country thousands of indigent and discontented artisans, ready to pull down her Government and institutions. If she raises the duty on our cotton in an equal ratio with our impost upon her silks and wines, it will only increase the cost to the manufacturer there, which will hardly be felt by the consumer. But the gentleman from Mississippi [Mr. THOM-

SON] seems to think that a countervailing duty in France of 20 per cent. upon our cotton would have the effect of bringing down the price of the article in the same proportion. He made a calculation of the amount of exportation from Mississippi, and the consequent loss that would befall her. He says, if her twenty millions of dollars of exports are subject to a duty of 20 per cent. the price of them in those countries where they are sent must, in a similar ratio, come down, and that thus Mississippi would receive 20 per cent. less in return than she otherwise would. If the gentleman reasons upon the theory of separating Mississippi from the rest of the world, as it will be recollected he did in stating his argument, he must, to be consistent, go still further, and suppose that she trades with some country exclusively, that is also separated from the rest of the world. If Mississippi traded with France alone, and France purchased cotton from no other country than Mississippi, then a duty of 20 per cent. upon the cotton of the latter might, to some extent, bring down its price. But the gentleman is reasoning upon false premises altogether. In arranging our commercial relations, the entire Union must be looked to as a unit, and our legislation should not be with a view to the aid of sectional interests, but with a view of diffusing an average of benefits and of burdens, as near as may be, in every section alike. The gentleman should recollect that not one fifth of the cotton exported is sent to France. England is the great cotton market of the world; the price in other countries must be regulated by that of Liverpool and London. France must pay as much for it as it is worth in England, or she cannot get it. A tax upon our cotton will be, to that extent, a tax upon her own citizens. But is it reasonable to suppose that France will impose these countervailing duties upon our cotton, when she already imposes a duty of 17 per cent. upon it, and subjects our tobacco to a Government monopoly which is equal, as I learn, to a duty of 1400 per cent.? My friend from Virginia [Mr. WISE] admitted that, taking an average for the last ten or twelve years, the balance of trade against this country, and in favor of France, had been about 10 per cent. annually. I learn from others who are conversant with such subjects, that it has been at least 20 per cent. This, according to the laws of trade, has to be paid off in specie; and, to that extent, it operates as an annual drain upon the specie basis of our currency. As some compensation for this, we should make this balance of trade against us conducive to supplying our coffers with revenue. And suppose France should impose prohibitory or high countervailing duties on our cotton—let her do it; we shall see who will be most injured, she or we. Does it become the legislators of a free people to hesitate to do their duty for fear of the spiteful resentment of other countries? I feel indignant when I hear the argument used here, that we must not supply our coffers with revenue in the only practicable mode to which we can resort, for fear that other countries may take umbrage, and attempt retaliation. National pride and national honor revolt at the idea of hesitating here to see how the exercise of legislative duty will be received by other countries. Has France any right to expect her productions to enter our ports free, whilst ours are subjected to heavy exactions in her ports? But it is idle to talk about prohibitory or high retaliatory duties on Southern staples. Nations, in regulating their commercial intercourse, are governed by their interests. Why did not England prohibit our cotton during the operation of the high tariff of 1828? Because the spindles and the looms of Birmingham and Leeds would have stopped still in a moment. Because hundreds of thousands of poor laborers are dependent on its manufacture for a support. If England were to prohibit our cotton, she would then have *chartism* with a vengeance. An army of infuriated paupers would soon be on their march to London. The same influences operate in France, to the extent to which she consumes our cotton.

But the gentleman from South Carolina [Mr. RHETT] seems to think that a duty of 20 per cent. upon French silks and wines will operate as a prohibition of the importation of those articles into

*The duty on American cotton in France is 20 francs per 100 kilogrammes—which is \$3.75 per 200 lbs. At an average of 12 cents per pound, this would be a duty of about 17 per cent.

this country. And, after assuming this position, he went on to show the disastrous consequences to the cotton-growing region, resulting from it. Well, this is a very convenient way of proving a proposition. Let this system of logic once be adopted, and it will dispense with all mental labor for the future. It puts all men upon a level in argument. The member has made a discovery much greater than that of Archimides. The latter said, give him a fulcrum for his lever, and he would lift the globe. The member from South Carolina has already found a fulcrum for his lever, by which he turns over the whole world of argument in a moment; and that is, to give him his premises, and he will prove any proposition, confute any theory. A duty of 20 per cent. prevent the importation of silks and wines! Why does not a duty of 40 per cent. prevent the importation of broadcloths? And the case is much stronger than this in favor of the non-prohibition of American cotton in France; for, whilst we manufacture broadcloths in this country, and could obtain them at home, (although of not so good a quality, and that is the cause of their importation,) yet in France they raise no cotton, and cannot get it elsewhere than from us. Why does not the enormous duty exacted upon our tobacco in France, Germany, and Holland, prevent its importation there? Because the wealthy will enjoy the luxuries of life, and the greater the difficulty of procuring them, the greater luxuries they become. My friend from South Carolina [Mr. Thompson] proved conclusively that a moderate increase of price on luxuries never lessens their consumption. Would any man who wears broadcloth cease to do so if it were to cost 20 per cent. more than at present? Would any lady who wears silk cease to do so if it were to advance 20 per cent. in value? Would any one who now indulges himself with costly wines drink less if they were to cost 20 per cent. more? It appears to me that no one who is at all acquainted with the human character, and the habits and the customs of our people, can for a moment believe that a duty of 20 per cent. on luxuries will lessen their consumption. And if perchance it should do it, to the extent of 20 per cent. even, it will then serve to restore the balance of trade between this country and France, and thus prevent the annual exportation of our specie to supply that balance. So it must be of some advantage in either point of view.

The gentleman from Virginia, [Mr. Wise,] who addressed us so ably and eloquently on this subject, argued at great length to prove that the Compromise Act of 1832 was a settlement of the question, having all the binding obligation of a solemn compact; obligatory, in respect to faith and honor, not only until, but after, July, 1842. And yet, a few moments afterwards, he admitted that it might be revised, when it was necessary to raise revenue for an economical administration of the Government. This is my view exactly. We both agree that there is a deficit of revenue of at least ten millions, and yet he refuses to apply his principles to the emergency when it has arisen. He remarked, that the admitting the unprotected articles free of duty was one of the advantages secured to the protective system in the Compromise Act. I know that; and if he is so much opposed to the protective policy, why does he now attempt to deprive its friends of this advantage, by equalizing the duties, and thus prevent the imposition of higher duties on the protected articles. He admitted we were the weaker party, and warned us to stand on the defensive. Would it not be better for us to anticipate the enemy, and put it beyond his power to injure us? The gentleman from Virginia admitted that this Compromise Act can be revived without a breach of faith, wherever there is a necessity to raise revenue for an economical administration of the Government. The gentleman also admitted that there was now a deficit of ten millions. Then I call upon him, as a Southern man, as an anti-protective man, to unite with me in preventing the impositions of further duties on the protected articles, and let us equalize the duties by imposing them on luxuries. But the gentleman insisted that, by moving in this business now, we afford a pretext to the tariff men to raise the duties to 20 per cent. on that class of protected articles now paying less than

that rate. Sir, when that is necessary for revenue, I for one am willing to do it. I am for equalization of duties. That is the platform on which the South should stand. We are the weaker party; and if we insist on discrimination now, we are preparing a "chalice" which we may hereafter have "commended to our own lips."

The gentleman from Virginia labored to prove that the present was only a temporary and not a permanent deficiency; and that as soon as confidence is restored, and trade revives, the revenue under the Compromise Act will be sufficient to meet the expenditures of the Government. I differ with him entirely. I have attempted to show that there is a debt of more than twenty millions that will fall upon the next four years, and this must be paid in addition to the current expenditures. But I believe that, if we were entirely out of debt, in the present ruinous and defenceless condition of the country, the revenue would not be sufficient to meet the necessary expenditures. Sir, the public money has been squandered, wastefully squandered, upon favorite partisans, and by faithless agents. We must not only provide for the present, but for the neglect and misrule of the past, and the exigencies of the future. Why, what is our present condition? Our army brought into disrepute—our navy going to wreck—our fortifications deserted—without barracks, without foundries, without harbors, without every thing, in fact, which is calculated to prove our pride in peace, and our defence in war.

I shall not shrink from a discharge of duty for fear of the demagogue cry that I am in favor of a splendid and expensive Government. Those who know me, know that I am no friend to consolidation, or to an unnecessary strengthening of the powers of the General Government. I believe a great crisis is approaching in the history of the world, and that it behooves the United States of America to put herself in a situation to protect our flag and our commerce abroad, and our free institutions at home. Although I am opposed to standing armies in time of peace, in the spirit and for the purpose for which they are kept up in the monarchies of Europe, yet I do believe that our army should be put in such a state of discipline as to form a nucleus around which the military feeling of the nation may rally wherever our yeomanry shall have to leave their firesides and their homes, in order to defend them from a foreign foe. The civilized world is on the eve of a great convulsion. Throughout the States of Europe, liberal principles, ready to burst forth into action, are suppressed by the sword and bayonet; national differences are widening every day; the wisdom and forbearance of statesmen can scarcely repress the fervor of excitement; and after a peace of twenty-five years, three millions of armed men stand ready to shed each other's blood. When the collision does take place, it will be to the political world what the shock of the earthquake is to the natural; and thrones and dominions, principalities, and powers, will be shaken to their base. Can we, intimately connected, as we are getting to be in our commercial relations, with the great powers of Europe—can we expect to steer clear of difficulty? And if we maintain an armed neutrality, as we ought, and no doubt should attempt to do, ought we not to prepare ourselves for such a position?

Gentlemen may say this is all conjecture. If so, let us look at something a little more tangible. Every one must admit that our present relations with England augur any thing else than peace and harmony. The bayonet of the Briton is gleaming on our Northeastern border, and a portion of the American soil is now trodden, forcibly trodden, by foreign feet. Sir, this is no Northern question—no sectional question—but a great national question, involving national honor and national rights. And if force does become necessary to vindicate the national character, we of the South, as well as the North, will not only pour out our revenue, but we will pour out our blood. England has also taken possession of the mouth of Columbia river, the great outlet through which the commerce of posterity will go freighted to the bosom of the Pacific, and in a territory which we claim as indisputably ours. We cannot much longer submit to these ag-

gressions; and when we do act, we should be in a position to sustain ourselves with honor. Let it not be said I am endeavoring to get up a war-excitement against England. I shall be the last one to insist upon war, whilst the country is in its present defenceless condition. Mr. Chairman, with all my admiration for the greatness and glory of England, yet I look with fearful apprehension upon the dangers of a collision with that gigantic power. With an ambition more grasping than that of Rome in her palmiest days, she is extending her Briarean arms into every region of this mighty globe. Her flag is floating in every breeze, her ships are covering every sea. Universal dominion seems to be her object and her aim. Suppose we should be precipitated into a war with England—what would be our condition? Our army reduced to a handful, and they in the swamps of Florida, held at bay by the savage. Our navy consisting of but a few frigates, and still fewer ships, and they unfit for service. Our fortifications unmanned and decaying for want of repairs. Without barracks, without ordnance, without munitions of war; and, what is still worse than all these, with an empty Treasury, and no means of supplying it. With twenty thousand veterans on our Northern border, England would invade our territory and lay our frontiers in ruins. With a fleet of steam-ships, she would ravage our coasts, and lay our cities in ashes. By throwing a few regiments of her manumitted West India slave troops upon our Southern coast, she would excite a domestic insurrection there. Her machinations would soon reach the sixty thousand Indian warriors that are congregated on our Western border, whose yell would resound from the Mississippi to the Alleghanies. This Indian population is already restless and discontented. With a lingering eye they look back upon the deserted graves of their fathers, and, with feelings exasperated and almost goaded into madness by the infiction of their accumulated wrongs, they are prepared for a sudden outbreak, whenever there is the least prospect of success. Thus hemmed in on all sides—on the North, on the West, on the Eastern and Southern coasts—what would be our situation? Gentlemen may say these dangers are all imaginary, and that we should triumph over all these difficulties. I know it, sir; I know it. American patriotism and American prowess would save us in the end, and expel the invader from our soil. But how much suffering would it cost us? how much blood would it shed? How many a widowed heart would it wring with anguish? how many an orphan would it leave parentless in the world? In the mean time, what would become of our commerce, which is extending itself into every part of the world? Exposed to the power and rapacity of our enemies, our little navy would be shattered to pieces, and our commerce driven from the ocean.

I said I was opposed to large standing armies in time of peace. Not so with a navy. There are associations connected with our gallant navy which should endear it to the heart of every American patriot. Its heroic exploits during the last war taught England what she had to fear from American valor, even on her own favorite element. And, owing to the relative position of our country to the European Powers, if we ever have a protracted war with any of them, it must be a maritime war mainly. What protection could our small navy afford to our commerce against the numbers and the strength of theirs? Look to England, France, Russia—even Turkey and Egypt; they are increasing their naval power daily. The Mediterranean is literally shingled over with the fleets of the European Powers. The East and West Indian Archipelagoes are covered with English ships, and the commercial system of China and the East in danger of being entirely revolutionized, or put on a new footing. France is sending her hostile naval armaments almost to our own doors. One day we see her battering down the castle of St. Juan de Ulua, in Mexico, and the next blockading the port of Buenos Ayres; and all this, too, whilst, according to the official organ, as quoted by my friend from Kentucky, [Mr. Davis,] there is not a port beyond our own shores where American commerce can float in safety. England and France, and Rus-

sia are building steam ships daily; not one or two, by stinted appropriations, as we are, but whole fleets of them.

Mr. GRINNELL. Yes, building them in this country.

Mr. R. Yes, sir, building them in our own country—here, in our own ship yards—to be sent back, perhaps, at some future time, for the purpose of battering down our cities, and destroying our commerce.

With these facts before me, I deem it the part of prudence to prepare for danger before it arrives. Let us organize our army, increase it sufficiently to man our fortifications, and provide military posts for our frontier defence. Let us erect barracks for our soldiers, and establish foundries for the manufacture of munitions of war. Above all, let us increase our navy for the protection of our commerce, and send the American flag to float in triumph in every part of the world. Let us build steam ships for the protection of our harbors and depots, and for the defence of our coasts. More especially ought we to do this, since it is beginning to be admitted that the application of steam to vessels of war is likely to change the whole system of naval warfare; and that vessels of this description are, above all others, calculated for coast defence. In order to do this, we must have money; the only practicable way of obtaining money is from a duty on imports; and, in laying this duty, reference should be had to the great leading interests of the country; the benefits should be diffused, and the burdens equalized. This can be done only by an equalization of duties; and that is what is contemplated by the proposition of my friend from New York.

And, Mr. Chairman, in organizing our revenue system, I take the distinct ground now that I am in favor of raising sufficient revenue from customs for the support of the Government, exclusive of that arising from the sales of the public lands. That I am in favor of distributing among the States. I shall not go into a discussion of this question now; when the subject fairly comes up, I will give my views upon it. Suffice it to say that, whilst I am providing for our national defence, I am also in favor of providing for the moral and intellectual improvement of our people, and extending to them the means of prosperity and comfort, as far as is consistent with the limits of the Constitution. As to the lands ceded, you are bound by the deeds of cession to dispose of them "for the common use and benefit of all the States;" and as to those acquired by purchase, you may, in your discretion, "dispose" of them as you may think most conducive to the public good. Let us, then, dispose of them by distributing them among the States, to be applied by them either to education, internal improvement, the payment of their debts, or any other purpose they may prefer. Thus, whilst providing for our national defence, we shall be extending the blessings and conveniences of domestic prosperity and happiness.

I was surprised at the zeal with which my friend from Virginia [Mr. Wise] opposed this proposition of a distribution of the proceeds of the public lands. I had always supposed that this was a cardinal principle of the Whig creed; and, whilst I do not presume to arraign that gentleman for his opinion, yet I do not recognise in him the right to arraign me for mine. When he says no State rights man can go for this system, I put in "a plea to the jurisdiction." Upon the question of State rights, humble as my course has been, I am ready to compare it with his, without any fear of suffering by the comparison. He attempted to cast ridicule upon the proposition of distribution, by calling it a proposition to "distribute a deficiency." Why, no one ever thought of distributing a revenue from this source before it had accrued—for such a thing would be an absurdity—although they might wish to make provision for its distribution after collection. But there is not so great an absurdity in "distributing a deficiency;" after all, if he will have it so. It can only be done by distributing the burdens necessary to supply a deficiency; and, as we can do that only by a duty on imports, we propose to distribute the burdens by an equalization of du-

ties, which will operate equally on all sections of the Union.

The gentleman from Virginia, in the course of his remarks, did me the honor to refer to me as a nullifier, who stood ready to oppose the march of an invading army to South Carolina, in the dark period of 1832. He appealed to my State rights principles, and warned me against what he is pleased to call a revival of the tariff, lest the same stirring scenes may again return. Yes, sir, I was a nullifier then; and, no matter what may have been the motives of those who were most prominent in that contest, for myself, I must say, I was actuated by the youthful impulse of patriotic feeling. And when he referred to that dark period when the cloud of civil commotion was seen in the distant horizon, he touched a cord in my bosom which vibrated throughout my frame. It revived some of the most stirring associations, which have not been destroyed by the lapse of years. And I know not whether I was most excited at the thrilling picture which he drew of our determination to maintain our rights at the hazard of our blood, or mortified when, a moment after, I reflected upon the present timeserving policy of those men on whom all the enthusiastic admiration of my youthful heart was once lavished. Yes, I was then in favor of State interposition—not from any factious opposition to the execution of the laws—not from any wish to dismember this glorious and happy Union—not that I cared for the fine-spun theories and sophistical arguments with which this question was mystified and enveloped—but because South Carolina was struggling against the same system, which I believed to be founded in unconstitutional oppression. The most aggravating circumstance of that event was not the attempt of the General Government to execute its laws, but the cold and heartless scorn which prevailed in a certain section—the careless indifference with which it was threatened to force freemen into submission at the point of the bayonet; and that, too, when a tyrant, raving and thirsting for blood, urged on by the demon of revenge that was gnawing at his heart, with as insatiable an appetite as that of the vulture that preyed upon the liver of the fabled Prometheus—when this tyrant, I say, was profanely swearing "by the Eternal" that he would hang on a gallows as high as Haman's men whom I then believed to be actuated by the purest impulses of patriotism. Gentlemen may say this was a youthful indiscretion; still it was the honest conviction of my heart. And I yet believe that there must be a conservative principle in the States of this Union to arrest the progress of Federal usurpation, when the dangers of resistance become preferable to further submission. In other words, I believe that the action of a State, in her highest sovereign capacity, establishes a relation between such State and the Federal Government, that forbids the idea of force by the latter until conciliation and compromise have been tried in vain; and that, when collision does take place, such action on the part of a State prevents the relation between that State and the General Government, of rebel on the one hand and sovereign on the other. It might be a cause of war; but the idea of the General Government punishing as rebels men shielded by State authority is consolidation. It is making State rights—about which we hear so much—nothing more than those revolutionary rights which are possessed by serfs of Russia or the slaves of Muscat. This, sir, in a few words, is my idea of State interposition. Call it nullification, revolution, or what you will, still I believe it to be the great balance-wheel of our system—the great conservative principle that is to preserve the federative feature of our Government, and to save it from consolidation.

Sir, I do not wish to be understood on this subject. I do not insist that nullification is a remedy, under the Constitution, necessarily peaceful in its operation. I have no idea that a collision between a State and the General Government was ever contemplated by the framers of the Constitution, or provided for in that instrument. But I insist that, when such collision does take place, owing to the peculiar character of our institutions, owing to the fact that the Constitution is a compact between

sovereign States, it establishes the relation between the contending parties of belligerent sovereigns, who are to be governed and restricted by the laws of nations. Neither do I believe that the General Government is rendered powerless for action, whenever a State declares that an act of Congress shall be inoperative within its limits. Whenever that contingency happens, it becomes a matter of consideration with the General Government, whether it will yield its construction of the law to that of the State—whether it will pause temporarily, for the sake of conciliation, as I believe it should—or whether it will immediately enforce its own construction by physical force. I can hardly conceive a case of State resistance to national laws, where physical force would not necessarily follow; and, my word for it, no State will ever nullify a law of Congress until it has prepared itself to fight. But here is the great value and advantage of State interposition: when force is used by the General Government, and open war follows, as it necessarily must, the citizens of a State, acting under State authority, when taken with arms in their hands, cannot be hung as traitors against the nation, but must, from the nature and genius of our institutions, be treated as prisoners of war. It never can be, that men, acting in obedience to State authority, are to be placed on the same footing with a lawless band of individuals assembled together for the purpose of arresting the execution of the laws, without having any political organization or legal sanction whatever.

I am aware there is still a lingering prejudice in a certain quarter against all who have ever favored this principle of State interposition. I can assure my Whig friends here, that it is, in a great measure, to the energy, the daring, and patriotic enthusiasm of the advocates of State Rights, that our victory in the Southern States is to be attributed in the late contest. The error of our Northern friends consists in this: they identify State Rights with South Carolina, and the course and conduct of South Carolina politicians. There never was a greater mistake. No one can feel more indignant than we do, at witnessing the despotic and high toned Federal measures to which a profession of State Rights is made subservient in that quarter. It would be as unjust to condemn the Christian religion for all the cruelties and persecutions committed in its name during the dark ages, as to condemn State Rights for all the political heresies and federal oppressions that are now practised in their name.

But I am told by gentlemen on the other side that the principles I advocate are in opposition to State Rights. It has become very fashionable with that party of late to talk of State Rights. Men who have been the uniform supporters of the most Federal Administration that ever existed in this country, now, when they are driven from power, begin to prate about State Rights and the Constitution. The gentlemen from Mississippi, [Mr. THOMPSON,] from Alabama, [Mr. HUBBARD,] and from New York, [Mr. VANDERFORK,] delivered to us homilies upon economy, and the duty of keeping within the limits of the Constitution. Why, what do those gentlemen know about State Rights and constitutional restrictions? Have they not been the consistent supporters of an Administration that is steeped, doubly steeped, in the darkest dye of Federalism? Have they forgotten their course on the New Jersey question? Have they forgotten the course of their collaborators in the Senate, in arraigning the States of this Union for daring to go in debt? When I think of these things, and then hear these gentlemen talking of State Rights, I am reminded of Robespierre haranguing the Jacobin club on the blessings of freedom, whilst the heads of innocent victims were borne on pikes through the streets of Paris. I cannot afford to learn State Rights in such a school.

Mr. Chairman, I must confess that I was not only surprised but pained at the general tenor of the speech of my friend from Virginia. In the outset of his remarks, he alluded to certain misrepresentations and suspicions which, he said, had been indulged in towards him. As to me, he knows, or he ought to know, that I am the last one in the world to do him injustice. He is "grappled to my

heart with a hook of steel," too strong to be broken by any political developments here. I have hung upon his eloquence with too much rapture, I have gazed upon his brilliant and gallant career with too intense an admiration, to indulge the least censure against his course. For me to attempt to admonish him, or to criticize his conduct, would be like a raw recruit attempting to lecture an experienced general upon the art of war. Suspect him! No, sir. No one suspects him; no one can. No one has a right to suspect him. His services have been too great, his devotion to the best interests of his country has been too well proven, to allow any one to suspect for a moment the purity of his motives, although we may feel grieved that a sincere conviction of duty may lead him to differ with his friends. And, sir, I must say, my feelings compel me to say, that his speech fell ominously upon my ear. And ought the gentleman to complain that his views have been the subject of conversation and conjecture? It is the highest compliment that could be paid him. We know the strength of his giant arm too well not to feel annoyed even at the possibility of losing his aid in carrying out the great system of reform which we have promised to the country. We know that he was one of the first who dared to "beard the Douglass in his hall, and the lion in his den." We know that he risked not only his political but his personal safety, in dragging from their hiding places the foul agents of corruption, and exposing their enormities to the light of day. And will he not allow us to express our regret, our sorrow, at the prospect of a difference of opinion between him and us? It appeared to me that he travelled out of his way to attack most of the great principles under which we have marched to victory, and to which we stand pledged to the people to conform our action. Whilst bearing testimony to the utility and necessity of a National Bank, yet he says he is opposed to mooting the subject until confidence is restored. Sir, have we not advocated such an institution as the great agent for restoring confidence? Would he leave in operation, and unrepealed, the Sub-Treasury, which has so long been the theme of his withering denunciation? Or would he resort temporarily to the State bank system, which he has equally condemned? Is he for waiting until there is no commerce to foster, no revenue to preserve?

He protested in advance against an extra session, and yet says he is for consultation and compromise. Why, then, not wait until General Harrison has had an opportunity of consulting his friends on such a step? Why furnish, in advance, our enemies with an argument against us, in case an extra session shall be found to be indispensable? He says such a measure would be unwise in the present excited state of political feeling, and tells us to go home and consult our constituents. Is there a member here who does not know the feelings and wishes of his constituents? My friend certainly does not mean to insinuate that the great political excitement through which we have just passed was the mere effervescence of popular feeling, and not the result of calm and dispassionate conviction. If so, he has himself been deceived, for he marched in the front of the battle. Has not reform—a thorough and speedy reform—been our watch-word? Has it not floated on our banners?—has it not been constantly on our lips?—has it not nerved and animated our hearts? The glory of our triumph has been, that it was the result of an impulse that came bounding from the hearts of a wronged and indignant people. We have labored under the same grievances, and been animated by the same enthusiasm, from the Adirondacks to the Sabine, and from the ocean to the mountains. And never was there a representative body so well calculated to reflect the views, and carry out the wishes of their constituents, as the Congress that is to succeed us. And, after having conquered in a great battle, shall we stop short, like Hannibal at the gates of Rome, without possessing ourselves of the citadel? No, sir, no, sir. Let us press forward. Let us carry out the system of reform which we have promised to the people—a reform not only of men, but of measures. And now is the time, when the popular impulse is up, before the enemy has time to recover from his defeat; and the sooner we

act, the more speedy will be the relief to the country. For if, after all the promises we have made, and all the high hopes and expectations we have excited, we now stop short, and leave to time to effect what can only be done by prompt and decisive action—if we leave the currency of the country still to suffer, the commerce to languish, the public money unprotected, the Treasury bankrupt, the places of trust and honor in the hands of political gamblers, we shall soon find that our triumph will be as short-lived as it will be barren in its fruits, and that, after all, we shall have but

"A barren sceptre in our gripe,"
Soon "to be wrenched with an unlineal hand,
No" friend "of ours succeeding."

The gentleman from Virginia said he was opposed to proscription for opinion's sake. And who is not? Yet why indulge the supposition, the probability, or even possibility, of General Harrison removing any one from office for this cause alone? I, too, am opposed to such a course; yet I believe that, if "honesty, capability, and faithfulness to the Constitution," are to constitute the criterion for office, the official corps will be thoroughly reorganized; and, if the opinions of my friend are not changed, he must entertain the same views. I know he would not retain in his office that band of plunderers and defaulters whose peculations he has himself so ably exposed; and, if I do not mistake his opinions, he believes a system of investigation would expose the same corruption in every branch of the public service.

My friend from Virginia, in the course of his remarks, made an allusion to my State, in reply to a playful remark of my friend and colleague, [Mr. STANLEY,] which I thought a little unkind, knowing, as he said, our sensitiveness on the subject. He remarked that North Carolina had so long followed Virginia that she now felt like an apprentice just set free. Sir, North Carolina needs no defender here; and if she did, she would be unfortunate in having no abler advocate than myself. She disregards the reproaches and the vauntings of her Northern and her Southern neighbors. She stands not still—whilst the rest of the Union is marching on in the career of prosperity and improvement—to deal with the vague abstractions of the one, nor does she run mad after all the wild vagaries of the other. But there she rests, calm and quiet as the surface of her eastern bays, yet firm and unshaken as her western hills. It is sufficient compliment to her to say that whilst on the north and south of her the spirit of reform has been unable to contend with the demon of faction, yet, on entering her borders, the flag of freedom floats in triumph from her Atlantic beach to the mountain tops. She reposes not on the fame of her ancestors; she boasts not of their former renown. And if she has not as many bright names to adorn her history as those who revile her, she is saved the disgrace of violating their dying precepts, and of dishonoring their shades. Let it be recollected that Athens was once the proudest and noblest State of Greece. All the other members of that confederacy were proud to do her honor. Yet, in process of time, she was the first to surrender her freedom to the golden bribes of Philip; whilst the Thebans, who had once been the objects of her reproach, perished nobly on the field of Chæronea with the expiring liberties of Greece. My friend from Virginia may take the allusion and apply it at his leisure.

I will not suffer myself to indulge in any apprehensions or misgivings as to the policy of General Harrison's administration. He is the mere agent of a great popular movement. He cannot, he will not, he dare not, attempt to check the progress of that great political revolution through which we have just passed. Let him but throw himself in the current of that popular impulse which has swept like a deluge over the land, and which now, when the storm is passed, will flow on in one smooth and placid stream, until it is lost in the great ocean of national prosperity and national glory. Let him but do this, and the history of the period through which we have just come will serve as a lesson to tyrants in all future time, that they are not to treat with scorn the sufferings of a free and noble people.

REMARKS OF MR. NISBET,

OF GEORGIA,

In the House of Representatives, in Committee of the Whole on the Civil and Diplomatic bill, in reply to Messrs. COOPER and BLACK.

Mr. CHAIRMAN: Upon the motion to strike out the appropriation for the branch mint at Dahlonega, I have nothing to add to the views presented by my colleague yesterday. I approve of those views, and shall vote against striking out. I rise now for a different purpose. I rise, sir, to reply to certain gentlemen who have taken upon themselves to condemn the course I felt it my duty to pursue in relation to the revenue. I had the honor, some days ago, to address the committee in favor of additional duties upon imports. My colleague [Mr. BLACK] has represented me as favoring a tariff for protection. To him I intend to reply. I shall also take the liberty of addressing to the speech of another colleague, [Mr. COOPER,] in answer to the gentleman from Ohio, [Mr. GIDDINGS,] upon a subject of delicate interest to my constituents. My friend [Mr. ALFORD] thinks that duties upon silks and wines and other luxuries will open the way for a protective tariff; and he seems to believe that it is the policy of leading Whig gentlemen to entrap their Southern auxiliaries into the support of a tariff policy. In all this, sir, he is wholly mistaken. [Mr. ALFORD explained.] I am truly rejoiced to find, Mr. Chairman, that between that gentleman and myself there is no material difference of opinion. He is for increased duties, but does not believe this is the proper time to impose them. Upon that question, therefore, our difference is as to time only. He is opposed to a tariff for protection. So am I. He is for maintaining the compromise. So am I. I never doubted my friend's fidelity to the Whig cause. Never for a moment doubted it. I know him to be as true to its interests and its honor as the spark to the stricken steel. I do not forget his services in the late great contest; his zeal, his devotion in favor of Harrison and reform. In behalf of the Whig cause, his voice has been heard trumpet-toned ringing through the counties of Georgia, and rallying to the rescue the honest men of all parties. And it will ever be heard thundering its denunciations against wrong and oppression every where, and in every form. He is an honest and an eloquent Whig—Whig, I know, to the core. I repeat, sir, that, between us I am happy to say there is no material difference.

I, sir, have not provoked this debate. Both myself and my friends from the South have been misrepresented on the tariff and the Abolition questions; grossly and unkindly misrepresented. I will endure this no longer. I will not sit down quietly under the attacks of the gentlemen. You know, sir, that I have not, nor have my Whig colleagues, at the last or the present session, introduced into this House our family broils. We have studiously avoided it. Respect to this House and self-respect prompted to a course of long and irritating forbearance. Forbearance is no longer a duty.

Among those who have represented the course which I have pursued in relation to duties, as favoring a protective tariff, is the distinguished gentleman from Virginia. I mean the member from Accomack. In his last speech, he stated that there were Whigs in this House who favored protection because, said he, "they are in favor of duties on wines and silks." And the gentleman referred to the speeches of Southern Whigs to prove his assertion. It cannot be a mistake that he has held us up to the whole South as tariff men, and has more than once charged that a tariff for protection was the already indicated policy here of the new Administration. Now, sir, speaking for myself only, I admit or rather repeat what I before have proclaimed, that I am for duties on wines and silks. But does that make me the advocate of protection? Am I, therefore, a tariff man? Are duties upon unprotected articles identical with protection? I have heretofore shown the contrary. I have shown that French silks and wines would bear a duty without creating protection and without affecting their consumption. I will not now repeat the argument. The gentleman's conclusion

is a non sequitur. But, say gentlemen, this is the trap set to catch Southern Whigs. And my colleague [Mr. BLACK] would have the people of the South believe that we, their chosen representatives, because he, their repudiated representative, tells them so, are so weak and so faithless—such mere gudgeons, as to bite at a bait which does not conceal the hook from even his eye. If there be a trap or trick in the proposition to lay new duties, I have not seen it; nor have I seen any evidences of it. I, sir, have as correct means of knowing the views of my Whig associates as my colleague; perhaps more so; as sharp an eye to the interest and honor of Georgia as he has; and perhaps as great capacity of understanding what that honor and interest is as he has. He shall not be the judge of my representative duties. The people shall judge for themselves.

A tariff for protection has not, sir, been indicated here as the policy of the Harrison party. No man has said, or even hinted, that General Harrison will favor such a policy. Indeed, sir, no one; unless it be the gentleman from Virginia, has ventured to prescribe a policy of any kind to the President elect. No one has authority for so bold a move. There is no clique or regency here to rule in advance both Harrison and the party. It is true gentlemen have spoken as becomes the American representative character, freely and fearlessly, and no one more so than the able member from Virginia. But no one has ventured to prescribe to the party but himself. This idea about Northern combinations to revive the protective system is all stuff. It haunts the imagination of gentlemen like a spectre. It is, sir, not the fact that the Northern manufacturers want a new discriminating protective tariff. They are for adhering to the principles of the compromise. They say so, and I believe them. It is their interest to observe the compromise, and that interest they will pursue. If, however, in this I am mistaken—if, hereafter, when the time for action arrives, the Whigs of the North or the Democrats of the North should attempt to burden us with high imports for protection—if a protective tariff should, by any party, be again attempted, and I should then belong to the public councils, I shall oppose it with as much honest zeal, if with less ability than those who are now so very sensitive about Southern rights.

The effect of the course which my friend from Virginia has thought it his duty to pursue is to create distrust of Whig representatives at the South. I have no idea that he intends to produce any such effect. Such result, however, might follow from the character of his speeches. His fame is all over the land; he has a name quite as potent as any of these with whom he differs. His late eloquent denunciations are calculated to "cool our friends and heat our enemies."

No one so much as he has assumed to speak what ought to be the policy of the party. And in the outset of his first speech he declared that, regardless of what might be the views of his political friends, the policy he then indicated upon great and leading measures, he would pursue to the end. Mahomet would not go to the mountain, but the mountain might come to Mahomet. No one, of course, can object to such a rule of personal conduct. But sir, the time and manner of announcing it was, to my mind, most unfortunate. The honorable member did look to me, like a shaft of stone, around which other things might gather; but which, deeply set and towering in its elevation could neither move nor bend. The motto inscribed upon the floating Opposition banners, by the member himself, was the "Union of the Whigs for the sake of the Union." Now, sir, the motto seems to be "Division of the Whigs for the sake of the Union." That division, sir, is unnecessary to the safety of the Union. I believe the gentleman to be a true and stanch Whig. But I cannot say much for his Whig discretion.

Some days ago, whilst an appropriation having relation to the Florida war was under discussion, the gentleman from Ohio delivered a speech, strongly assailing the institutions of the South. To him my colleague [Mr. COOPER] replied. The opinions of the member from Ohio, as then expressed, were wrong—wholly, irredeemably wrong.

With them I have no sympathy, but repudiate them with all my powers of reprobation. And, sir, the propriety of expressing them here had also my unqualified condemnation. My colleague had my sympathy in the argument he made upon that occasion. But, sir, not content with assailing abolitionism, he unnecessarily and most unjustly travelled out of the track of legitimate discussion to assail also the political course of his colleagues in their support of Harrison. I felt this to be exceedingly unkind. Whilst he denied that he intended to hold us up as ourselves favoring abolitionism, he did labor to make the people of Georgia believe that we had deceived them into the support of a party that would favor the opinions of Abolitionists. I do not pretend to quote the gentleman literally. But I am sure that I represent him in substance correctly. The drift of much of his speech was to establish the fulfilment of the prophecies he made in the last summer's canvass about a coalition between Southern Whigs and Northern Abolitionists. To prove that he was then right, he triumphantly pointed to the speech of the member from Ohio. Sir, all this and more was said upon the stump in Georgia. We met these charges there and refuted them. The gentleman was then in the field. He threw all the weight of his character, great, deservedly great, as it is, into the struggle. The cry there was, that the South was betrayed into a ruinous coalition with Northern fanatics and Federalists.

The people, sir, would not heed the voice of my honorable friend. They would not believe him then; they will not believe him now. They condemned him and his friends; they will condemn him and them again. And now, sir, the charge is renewed. The voice of alarm and of warning is raised anew. The same tale is told; the same issue is revived—an issue which he seeks to make a new one. I understand the gentleman. He shall make no new issue here, out of an adjudicated issue at home. He shall, least of all, place me and the Whigs of Georgia in a false position upon this subject. Sir, the Whig party is now what it was then. The member from Ohio was here last winter; his opinions were then as well known as they are now. There has been no new Abolition move here; things are as they were; yet when the Ohio member spoke, my colleague proclaims to all Southern Whigs, "I told you so." But, sir, worst of all, he most ingeniously managed to convey to the people the impression that we Southern Representatives were, by our political position here, slumbering on our post, and conniving at the progress of abolitionism. He did not say so; but a stranger in the galleries could infer nothing else from all that he did say. Nay, sir, I felt, most painfully felt, that my colleague was very willing to have our people believe that he and the member from Scriven were the only true representatives of Georgia upon this floor. Southern rights, sir, have lost nothing by the election of General Harrison. The gentleman errs in his opinion of the Whigs. They will not sustain Abolition principles. He may quiet his fears and soothe his apprehensive feelings. Not even the Whigs will compromise the rights of Georgia here. They are upon the watch-tower, and wide awake. I will not be judged, nor shall the Whig party be judged, by the absurd movements of the member from Ohio. He may be a criterion of judgment for my colleague; I choose one more in accordance with common sense and the actual state of feeling and opinion here.

I said, sir, Southern rights had lost nothing by the election of General Harrison. I go further, and say that they have gained a great deal. There is an auxiliary power north of the Potomac, *in esse*, which will be, and is now brought to bear in their defence. My colleague may make as much as he can out of this statement. We have tower is us a better feeling at the North than we have heretofore had. The guiding mind of New England is with us. A star has risen in the East, the harbinger of better days, and it has healing, I trust, to the nation in its brilliant beams. As a political question, the greatest of the Eastern politicians is with us. And, sir, I am not so straitened in my notions as to refuse aid extended to us from any

quarter. If left to protect ourselves, we will do it at the hazard of every consequence; but if our institutions can be maintained by aid from abroad—from other sections of the Union I mean—when tendered in the fulness of American patriotism, I can see no possible reason for declining it.

Now, sir, allow me to say that my opinion is that General Harrison will be with the South upon this great question. But if, at any time, the party in power should be against us, I am thenceforth against that party. I will make this the greatest, deepest, most controlling of all other questions. As to the motives of my colleague, [Mr. COOPER] I assail not them. I will not speak of his personal character otherwise than respectfully; I should belie my own blood if I did. His political course is greatly antagonistic to mine. Of his opinions and his public acts I speak.

In the speech I had the honor to deliver some days since, I assumed as the basis of my argument, what no one will deny, that the income of the Government would fall short, during the next year, at the lowest estimate, eight million dollars. Upon this basis I argued—

1. That the wants of the Government ought to be supplied by imposts, as preferable to any other mode of raising money.

2. That the duties ought to be laid under the provisions of the compromise act of 1833.

3. That the articles upon which the duties should be laid are the unprotected articles made dutiable by the compromise itself, such as silks, wices, and other luxuries.

4. That such new duties would not be in violation of, but in accordance with, the act of 1833.

5. That revenue should only be raised to supply the wants of an economical administration of the Government.

Incident of these topics, many others were briefly discussed. I disclaimed in any way giving my countenance to duties for protection; and avowed my determination to sustain the anti-tariff principles of my own and other Southern States. I expressed the opinion, an opinion which I now reaffirm, that those principles are to be kept inviolate only by a religious adherence to the compromise. And, sir, one of the reasons, perhaps the strongest reason of all, inducing me to take the position I did, was to preserve the compromise, and to save us from those dangers which I foresee must attend a revision of the tariff after it expires. Upon such principles, with such views, and with no small degree of zeal for my constituents, I addressed the committee. I endeavored to look at their interests, and those of the whole country, with that liberal and enlightened statesmanship which I do not profess to possess; yet to which I ardently aspire.

In his reply my colleague [Mr. BLACK] controverted the propriety of duties on silks, because they would lessen the consumption of cotton in France, and thereby injure the South. How far he established his position or jostled my own argument is for others to determine. Of his argument, even should it demolish my own, I have no right to complain. Of that I make no complaint. In the absence of other ground of attack, he assumed that my speech sounded very much to his ear like a tariff speech. Without being able to lay his finger upon one thought, one sentiment, not to say one position, which gave the least countenance to such an assumption, the honorable member, taking council of his ear, and not of his mind, and doubtless responding to an eager desire to cast me off from the confidence of my constituents, denounced me, by all fair implication, as a tariff man. Sir, that confidence has been, as it ought to have been, slow of growth, hard of acquisition; and, whether it be great or small, my colleague will endeavor in vain to shake it by innuendos, hints, impressions and evil surmises. He will fail of his object. Those who sent me here will require stronger proof that I advocate a tariff for protection than the gentleman's ingenuity can extract from my speech. They will see and read for themselves. Did my colleague intend to teach the people that we were faithless also upon

the tariff, and that he was the sole exponent of Southern faith and Southern principle? It would seem so. I faithless to the State upon whose soil I was born, and beneath whose sod myself and my children, if such be the will of Providence, are destined to sleep! No, sir; I may, through fallibility of judgment, mistake her honor or her interest, but I can never betray them.

By way of making out as strong a case as possible, it has been said that we are not only for high tariffs, but go also for the distribution of the proceeds of the public lands. And almost every gentleman who has addressed you in opposition to the policy of raising revenue by imposts has wound up his alarm harangue by as vivid a presentation of the usual bank horrors as a highly stimulated fancy would permit. So far as I am concerned, it was indispensable for my colleague, in order to get up the merest color of heterodoxy, to travel out of the record of my speech. That, unfortunately for his purposes, was sound—quite orthodox; quite in accordance with all the canons of the true church. In the absence therefore, of either misstatements of fact or errors of opinion, he draws largely upon his imagination—listens for tariff treachery, and fondly dreams and vainly charges that his colleague is the advocate of most damning heresies.

Sir, I have opinions upon the great subjects referred to, well-matured opinions; and when the time arrives for acting on them, I will act and take no counsel from my colleague. I will neither consult his hopes nor his fears. I can assure him that no false clamor that he and others may raise will draw me from a faithful discharge of present obligations. I shall not be deterred by the cry of Abolition, tariff, and bank—cries so fruitlessly raised during the last summer, subserving the purpose of frightening aged women and infant children, but having no terrors for men. The gentleman may go sound his alarms in the nursery, perhaps there they may be available.

What, sir, do you think of that magnanimity which tortures an argument into a construction which neither its positions nor its terms will bear? Or of that liberality which infers the opinions of an adversary from what he omits to say rather than from what he utters? Which passes sentence upon him as to subjects not under discussion by the opinions he pronounces upon those that are; which infers every thing and proves nothing; which constructs a system of the most reprehensive politics, fixes it by artful and illegitimate inferences upon him, and then with quite commendable valor proceeds to its demolition? Such have been the tactics of my honorable colleague. He has his batteries to bear upon positions which have no existence but in his own brain. His artillery have let off their impotent volleys upon mere vacuity. One only position, as I before remarked, did he controvert, and if that had been successfully controverted, not even then would the conclusions he drew as to my tariff tendencies have been legitimate. The gentleman from New York [Mr. BARNARD] proposed that the Committee of Ways and Means should make inquiry as to the propriety of raising revenue by duties, asking no protection, and expressly providing that the duties be laid according to the provisions of the compromise act. This was one of the ten signs of the gentleman from Virginia, portending death to the Republic; and it was this, next to my own humble demonstrations, which most excited the ire of my colleague. Now, sir, it is worthy of remark that nowhere upon the records of this session is to be found a single proposition to protect. And it is also worthy of remark that the proposition of the gentleman from New York is, most of all, guiltless of protection. Yet, in that proposition, gentlemen affect to see abominations more abominable than those which are found in the tariff act of 1828. They see in it the inception of a most stupendous system of tariff robbery. The very able gentleman, no doubt, as well as his friends, was utterly confounded to hear that there was in his project infinitely more than he, in his poor philosophy, ever dreamed of.

Where, said the gentleman, were my colleagues, that they did not rise and denounce the amendment of the member from New York? His colleagues

were in their seats, guarding with calm dignity the rights of the State, and disregarding the boisterous and harmless rebukes of the honorable member. The question and the manner of propounding it implied self-commendation and censure. As to my colleague's right to commend himself, I have nothing to say—that is a matter of taste, about which, as we all know, there is no disputing; but I deny his right to become the censor of my conduct. Who made him a judge over those who, to say the least of them, are his equals here? Not the people of Georgia. The gentleman can choose his own course of action, but may not choose for others—others who think, and whose constituency believe they require no guardian, and who, if they believed otherwise, would not select him. I say nothing of the delicacy and respectfulness which characterized my colleague's reply to me. For me to expect the courtesy of fair debate from him, was to look for a more special favor than he extends to any. That is not his wont. He has undertaken to school the Whig members from Georgia—to instruct them in their duties. He has complained of their silence; and, to give a semblance of right to his complaints, he talks about his political career being about to close, and of his early return to the ranks of the unofficial people. He professes to be one of our constituents, whilst he exercises the prerogative of a representative. One of those relations, I should say, is quite enough for him at one time. He is no constituent of mine; and in that, or any other character, I disclaim his instructions. I reject his counsel, and I will have none of his reproofs. When I have occasion to ask illumination, I will go elsewhere. I will consult the records of the past, the opinions and characters of departed men of renown, or living men of living fame. I will consult my own head and my own heart, but I will not consult the honorable gentleman. No, sir; never.

Mr. Chairman, one word to certain of my own political friends upon this floor. When opinions, designated as State rights opinions, are avowed here, gentlemen affect to treat them as incomprehensible, and, if comprehended at all, as objects of ridicule. Upon their faces is seen the smile of derision, and they sometimes sneer at doctrines which have been held and honored by the greatest men of this nation. However some of us may dissent from the abuse and perversion of State rights, yet we still cherish them. Gentlemen seem to forget that we came into support of General Harrison avowing these opinions, and they need not now be told that, he being elected, we have not discarded them. Every man has a right to think for himself, and I claim, and will exercise, the privilege of retaining, modifying, or wholly changing my opinions. As a Harrison man, I concede to others their opinions, and ask toleration for my own. If we can act together, well; if not, we may differ and divide as to any one or more measures, when called to act, without a total separation. With perfect respect to the politicians referred to, I beg them to suppress their sneers and withhold their deriding smiles.

NAVY APPROPRIATION BILL.

REMARKS OF MR. WICK,

OF INDIANA.

In the House of Representatives, February 25, 1841.—

The Navy Appropriation bill being under consideration, and Mr. SALTONSTALL having offered an amendment to augment the appropriation for the increase, repair, armament, and equipment of the Navy, and wear and tear of vessels in commission, from \$1,425,000 to \$2,000,000—

Mr. WICK said: I am aware, Mr. Chairman, that for any one to rise to address the committee now, and under the circumstances surrounding us, is equivalent to a sort of suicide. Nevertheless, and at the hazard of becoming *felo de se*, I have obtained the floor (as I am willing to admit, to the prejudice of abler members) for the purpose of redeeming myself from an unfounded imputation. Sir, it has been said that, although I have been sufficiently prompt in speaking my mind elsewhere concerning this assembly and its doings, I have

been somewhat bashful and chary here, at the place where declamation, accusation, laudation, exultation, mourning, and lamentation are wont to be made. Here then, sir, at the forum in which and from whence the nation is understood to think, feel, ruminate, calculate, guess, reckon, speak, declare, condemn, and demolish, have I risen to give the reasons why I am disinclined to vote any increased appropriations for the navy, and why, if I vote the Treasury estimate therefor, the vote will be given grudgingly.

I am not inclined against large appropriations for the navy because my abiding place is in the Central West, far beyond the reach of hostile bombarding squadrons. Yet, upon this point, I must say I have been no little amused at the effort made, in the course of this debate, to convince Western members that a navy is peculiarly necessary for the protection of Western commerce. Sir, this jest is too bald. The great Valley of the Mississippi has no valuable commerce for the defence of which a navy is essential. Western products, for export, are such as the rest of the world will only buy when they are hungry, and will then buy in spite of war, blockade, and all other obstructions. The world is an eating animal. We produce the materiel necessary to satisfy the peptic wants of over-crowded populations in other regions, and of the manufacturer, the planter, and of the inhabitants of regions naturally sterile, or rendered so by improvident culture. And, sir, we would be better without than with the commerce for the protection of which a navy is particularly designed. True, a navy will defend our fisheries and our coast and exporting trades. But its energies would be specially devoted to the protection of the trade through which are imported the wines and silks which debase taste, and the gew-gaw trashery which adorn the shelves, the counter, and strong-box of the Western shop-keeper. And I am just old-fashioned enough to imagine that such a commerce is not, to the West, worth defending; more, sir, I am heretical enough to honestly believe that, if such commerce could be neglected—not unnecessarily indulged in—for but the space of three years, the great Valley of the Mississippi would not owe the rest of the world a dollar, and would be the dwelling-place of plenty, peace, happiness, and virtue; the judicial officer would be the arbiter of misunderstandings instead of a "mill" to grind the substance of our yeomanry into money; the executive officer would be a conservator of the peace, a terror to evil-doers, instead of an agent for the collection of debts; and the business of our State Legislatures would be to define and provide guards for individual liberty and right. They would no longer be, as they now are, the panders of miserable schemes of finance, begotten in speculation, "conceived in sin, and brought forth in iniquity."

Sir, we in the West have no local selfish motive to induce us to favor a navy for the defence of commerce; and, sir, we need no such motive. We recognise a navy as the principal bulwark of national defence, and therefore we will aid the nation in its maintenance from patriotism alone. I, for myself, consider a system of land fortifications as being little better than a relic of barbarous ages, when every feudal lord fortified his demesne and manned his castles with his tenantry and retainers—when the human family found a business in offence and defence—when the trade of the world was war. Sir, if this nation should ever be again involved in war, it will be found impossible to defend by fortification every assailable point. Our coast and frontier are too extensive for that. We must, with our navy, meet the enemy upon the great deep, and battle with him there. And if he should succeed in contaminating our soil, by landing hostile legions upon our shores, we must (because we cannot anticipate the precise point of his approach and fortify accordingly) fight him from behind hasty intrenchments of sand, logs, or cotton bags—and in default of these, the bosoms of patriots must become the ramparts of our firesides and homes.

Notwithstanding all these considerations, I cannot vote large appropriations for the navy, until you abolish your miserable scheme of a navy board. Sir, the board is composed of captains in

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Navy Appropriation Bill—Mr. Wick.

H. of Reps.

the navy, whose trade is fighting, and not ship-building. Now, sir, such are the principles of human character, that every man imagines himself Solomon's first-born son. In the good old times of our navy, when vessels were built according to models furnished by naval architects, your frigates were crack sailers, and could overtake, or run away from, an enemy, as circumstances might require. But since you have got this miserable board at the head of affairs, the new vessels are all so built and the old ones all so repaired, that, with two or three exceptions, you have not a vessel upon the mountain wave capable of giving successful chase to an inferior, or of escaping from a superior force. Totting tubs are they all, in which are imprisoned the gallant spirits of your country, paralyzed by the remodelling of the models of these ships by your wretched navy board, and rendered incapable of any service but that of surrendering at discretion to an overwhelming force. Sir, rub out your navy board, and reorganize the Navy Department, so that one single man should be responsible for the models of vessels, another for the materials with which they are built, another for their armaments, and so on; and I will then vote any reasonable sum for the navy. Responsibility, individual responsibility, is the great spring of human action. Sir, you may send a committee to ascertain who is responsible for the faulty construction of any one of the vessels of your navy—of the most sluggish creeper among them. Your committee will prosecute the examination till they may think they have found the responsible man. But put your finger on him, and he will not be there. He will tell you, "the board ordered it." Boards, like corporations, have no souls—like them, they can neither be hanged, disgraced, nor court-martialled. There is no action for them.

Now, sir, I have a word to say to my honorable friend from Ohio, [Mr. Mason.] In his speech upon this question, that honorable gentleman again arraigned the present Administration for its supposed opposition to appropriations for the continuance of the Cumberland road—a subject in reference to which that honorable gentleman and myself, and our respective constituencies, feel, have felt, and will continue to feel, the most lively interest. Sir, what are the facts? So long as Congress continued to make appropriations for the continuation of the Cumberland road, and even after such appropriations were denied, Mr. Van Buren caused to be communicated to Congress an estimate for the continuation of the road, prepared by the Topographical Bureau, sanctioned by the proper Department having charge of the matter—viz: the Department of War. It is true, he did not cause such estimate to be submitted by the Treasury Department, because the estimates of the Treasury Department are legitimately confined to subjects of expenditure arising out of constitutional obligation or standing laws, permanent in their nature, and in their words and spirit implying perpetuity. The appropriations for the Cumberland road have never been of this character. On the contrary, they have been made by laws, in letter and spirit purporting to be single and temporary in their object.

And now, sir, I have this to say to my honorable friend from Ohio, [Mr. Mason.] I have defended in speech, and with my pen, the course of Mr. Van Buren in reference to this subject. If President Harrison shall recommend, in decided terms, in his annual message, appropriations for the continuation of the Cumberland road, or shall cause an estimate therefor to be inserted in the Treasury estimate, I pledge myself to go among my constituents, and take back all that I have said in defence of Mr. Van Buren on that point. And, sir, if my respected friend [Mr. Mason] will publish, along with his speech, that which I have now said concerning appropriations for the Cumberland road, he may send his printer to me for a ratable proportion of the bill, and I will pay it.

A word to my friend from Virginia, [Mr. Wise.] He said that the present Administration could not be kicked into a war. I think I have met with this expression before. If I mistake not, it was used on this floor by an opponent of Mr. Madison's administration, in reference to those times and events.

Perhaps it was then, as now, used by a Virginian. No, no, no, it came from the vicinity of Hartford. Mr. Chairman, what would the honorable member from Virginia have? Would he have

"The ocean into tempest tost,
To waft a feather or to drown a fly?"

[Mr. Wise. No, no.]

Mr. Wick: Our difficulties with Great Britain grow out of transactions upon our Northern and Northeastern boundaries. On the Northern boundary the difficulties had their origin in the action of individuals—mere marauding. Surely small difficulties, arising out of such causes, are better left to the curative powers of time, and to the mutually pacific explanations of diplomacy, than committed to the arbitrament of arms, rashly assumed.

The Maine boundary question is one of more difficulty. The British Government have raised a claim to a portion of the territory of a sovereign State. By way of asserting this claim, armed demonstrations, upon the debatable ground, were made. Encouraged by this, timber-stealers commenced operations. Sir, here is a cause of war. But the cause, in all prudence, must not produce the effect until after reasonable remonstrance with, and pertinacity in, the wrong-doer. I would even resort to an umpire before an appeal to arms.

In the correspondence between the British Minister and the head of the State Department, I see no lack of decision and diplomatic point on our side of the subject. Let every mean be used to avoid a national struggle for this bit of pine woods; and if all fail, and the sharp contest must come, I say, go ahead, Maine, the Hoosiers will come!

Sir, the two past Administrations have asserted every national right, with a spirit worthy of admiration; and I was sorry to hear my gallant friend from Virginia say that this Administration could not be kicked into a war.

Mr. Wise explained, observing that he had said, not that this Administration could not be kicked into a war, but that it could not be kicked into a war with Great Britain; and alleged that Texan officers were permitted to enlist, openly in American cities, soldiers for the Texan service, against Mexico, while a United States army was stationed upon the Northern frontier to prevent the interference of our citizens in behalf of Canadian patriots.

Mr. Wick: I admit that the reproach was confined to a war with Great Britain. But, sir, the cases cited by the honorable member from Virginia are not parallel. It is the special duty of the Government to provide for peace upon our borders. Personal collisions on our Northern frontier, and the interference of our citizens in Canadian matters, are calculated to compromise the national safety. On the other hand, interference of our citizens in the contest between Texas and Mexico ensures our national integrity, because it tends to raise up an empire of friends and brothers between our Southern boundary and a people aliens to us in feeling, policy, religion, and law. Besides, what bold hand shall be put forth to stay the onward march of the Anglo-Saxon race, carrying civilization, liberal opinions, and enterprise to the remote corners of the earth, baptizing with light nations in their course?

In the progress of the debate upon this bill honorable members opposed to the present Administration have characterized it as a dying power. They have depicted to our minds its last dying struggles. To such I would say, in the name of Democratic principles, "though we die, yet shall we live again." Respectfully too would I offer my advice to the Opposition, to be chary of reproaches at present. I would say to them, You have kept us in hot water a good while. Your ingenuity in bringing forward charges has, at times, puzzled even the chairman of the Committee of Ways and Means who, in order to answer your questions, was bound to know every thing, and some things besides. You have had your day. You have succeeded. You have made the people believe a portion of your evidence. You will soon be in power. The tables will then be turned upon you. You will be questioned in this hall. You will be called up to answer charges in relation to every thing under the sun. And, although you may have the major

part of talent on your side, you will often be puzzled. Sharp tongues and bold pens will gaff you. You cannot bring the good times which you have promised. Your panaceas for State and individual indebtedness will fail. Money will not grow on the bushes, nor will your legislation raise prices, or produce demand. Mind, I tell you, you will, as Burns said of one of his poetical heroes, in a storm, you will "have business on your hands." Even "Old Tip," all innocent, as he will quite probably be, in the premises, will be in all sorts of trouble. I intend to do him justice. But, in bitterness and gall, will he learn from partisan injustice, that the White House is, at best, a jagged palace, that its pillows are filled with thorns, instead of down, and that all is not gold there that glistened in Ogle's eyes.

Since I have been here, Mr. Chairman, I have discovered that it is, at nearly all times, perfectly in order for a member to "define his position." I wish to avail myself of the opportunity, if this be the proper occasion, and, if it be not, I ask the indulgence of the committee while I discharge that peremptory duty prescribed by the *lex loci*. I have cultivated, of late, an indifference as to reputation, because I have seen that much of that which is here acquired grows out of a waste of time, and indulgence of personal rivalry and animal tendencies. My business here, sir, is not with individuals, but with subjects, principles, and things. I have been, to a great extent, a silent member; and in the mean time, I am aware that some false prophet or other has, by statements made at hazard, or upon authority of a character too questionable to justify any one in committing himself thereon, produced erroneous impressions concerning the humble individual now addressing the committee. Even the newspapers have received their lesson, and have pummeled me, in prose and song, as a renegade, traitor, and all that. Sir, I was not elected as a Clay man. I came not here to follow in any one's wake—to be no one's eulogist—to take exceptions to no one in particular. I would be sorry to acknowledge any man a "bit better than he ought to be," and equally far would I be from acknowledging any man's dangerous greatness by making him the object of unceasing attack and misrepresentation. I do profess to be a moderate man—moderate in feeling and action, but decided in opinion and principle. It was universally known, when I was elected, that I had voted for Mr. Van Buren, and had expressed much satisfaction with the general tone and policy of his Administration. But, sir, there was a kind of informal convention on the subject, and it was agreed that I should vote against the Independent Treasury measure, and about other things do as should seem to me right and proper. And upon that footing I was elected by both parties, to some good extent. Sir, I have violated no pledge, as has been represented. I have kept faith with my constituency. I am a Democrat of the Virginia school—a man of '98. I cannot, for a moment, think of indulging in a latitudinous construction of the Constitution. I am for construing its grant of powers to this central Government strictly and to the letter, reserving all other powers to the municipal action of the States. And, sir, I not only fear, as the worst of all political evils, the assertion and exercise of powers by the Federal Government not expressly granted by the charter, but I go further. I hold that the original compact between the sovereign States of this Confederacy had for its motive not only the corporate advantage of the whole, but also the separate advantage of each State; and that if the Federal Government should, in violation of the Constitution, trifle with the rights and sovereignty of any particular State, and enact laws of partial effect, oppressive to the interests or rights of its citizens, or conferring immunities and benefits upon other States, denied to such particular State, without legitimate reason, or adopt measures invading rights recognised by the charter, such particular State, its constituted authorities and citizens, have a right to recur to original principles, resist the exercise of the power by the Federal Government not delegated to it, and do the best she may. Sir, in some respects the Federal Government is sovereign—in so far as the Constitution has made it so. In all other respects the

native sovereignty of the States remains complete, and shines forth untarnished by assertion and usage, or by infringement submitted to as the choice of evils. To this hour I retain the opinion that the present Executive has represented Democratic principles fairly and well, and therefore I have continued my support thereto.

Such, sir, is my political creed. That it was always such I will not say. Ten years ago, when I was as honest, but I think not so well informed, as I now am, I was a latitudinarian—a Federalist. If any one jeers me for changing, I will tell him that fools never change, and that wise men do sometimes. The change of opinion in reference to myself has been gradual, honest, and complete. It has not been *with*, but *against* wind, tide, and the stream.

A word as to the coming Administration, and I will have done. If President Harrison shall be found a strict constructionist—if he shall withhold his countenance from those unconstitutional and dangerous measures which have ever been pressed upon the nation by latitudinarians, I will support his administration, and encourage others to abstain from opposition. But I must not be expected to support his administration if he shall lend Executive influence in furtherance of the chartering of a national corporation, or systems of expenditure giving rise to a necessity for the creation of a public debt.

[Mr. JENIFER of Maryland here asked Mr. WICK under what clause of the Constitution he [Mr. W.] claimed authority for Congress to appropriate money upon the Cumberland road.]

Sir, (said Mr. WICK,) the Cumberland road is a military road, essential for the common defence.

[Mr. WISE. Mr. Jefferson said it was a military road.]

Mr. WICK. Yes! Mr. Jefferson called it a military road; and who will say that he was not a strict and literal construer of the Constitution? Sir, it is a military road. Its construction is necessary for the transportation of arms, munitions, and provisions, and to the march of armies to that Western frontier upon which your policy has—wisely, because you could do no better—located the fragments of a hundred tribes, who may, at any moment, unsheath the knife and fling the tomahawk. And beyond interpose between you and the Pacific a hundred other tribes, with whom many a sanguinary struggle may be expected. Nor is this all. You may yet have to grapple with the power of the two greatest empires on earth, in a contest for the Pacific coast. Sir, you may deny appropriations for that road now. You may close your ears to the voice of reason and of justice; but you will yet complete that thoroughfare to the great ocean. You may incommode the present generation by refusing to do that now which might better be now done than hereafter. But you will yet obey the commands of nature and necessity.

ELECTION OF SERGEANT-AT-ARMS.

DEBATE IN THE SENATE.

MONDAY, March 8, 1841.

Mr. MERRICK moved to take up the resolution submitted by him on Saturday, to proceed to the election of a Sergeant-at-Arms to the Senate.

Mr. BUCHANAN said he should vote against the resolution. After the death of Judge Haight, a strong appeal was made to this body on behalf of his widow, and arrangements were made by which she was to receive his salary for the entire term for which he was elected; and the Assistant Doorkeeper at that time agreed to discharge the duties of Sergeant-at-Arms. This course was adopted from motives of the purest philanthropy and justice: that the Government might not pay two salaries, and yet that the widow might receive that of which she stood so much in need. And now at the close of this session, when there was no earthly use for a Sergeant-at-Arms, why should they impose on the Treasury a double salary? When the Democratic Senators had the power, they refrained from using it, and determined not to elect a Sergeant-at-Arms; they agreed to do without this officer; and now, when no reason for the election exists—when they

could do without him until the meeting of Congress, he could not vote for an election, and he called for the ayes and noes on the adopting the resolution.

Mr. MERRICK said the Senate on a former day had thought fit to make a liberal grant to the widow of the late Sergeant-at-Arms; that was very good in itself, but it afforded no good reason why they should dispense with a Sergeant-at-Arms. The office was vacant, and it was proper that it should be filled, and he therefore moved that they proceed to fill it.

Mr. KING expressed his surprise that the gentleman had thought proper to bring forward this resolution at the close of this Executive session. They had a law fixing the time of the election of their officers, and that was at the commencement of the next session of Congress.

Mr. YOUNG, with the permission of the Senator from Alabama, interposed for the purpose of placing before the Senate the precise terms of the rule, which he read as follows:

"RULE 49. The Secretary of the Senate, the Sergeant-at-Arms and Doorkeeper, and the Assistant Doorkeeper, shall be chosen on the second Monday of the first session of the 21st Congress, and on the same day of the first session of every succeeding Congress."

Mr. KING said that was the law to which he alluded, which was binding on the Senate as regarded those officers. He knew gentlemen said there was a vacancy in consequence of the death of Judge Haight. He and his political friends knew the fact, but though they had had the power when the vacancy occurred, they did not deem it obligatory to go into an election. They (the Democratic party) acted fairly towards the party that was to be the majority after the 4th of March; and he asked with what propriety they could make this election, and go before the country, after giving to the widow of their late officer the whole salary to the close of the year, when there was not a particle of business to be done by the new incumbent who ever he might be? It was nothing under the sun but to give a salary when the officer was not wanted and when there were no duties to be performed. If this was the "reform" that had been promised, the new Administration would not have much to boast of. Here an officer of the Senate, not wanted, was to be forced on them merely to give him the salary. No gentleman could get up and say that officer was wanted; and if not, he asked why elect him? Could they get along up to the close of the late busy and excited session with their present officers, and could they not close this extra session—for he hoped it would be closed that or the succeeding day—without an additional one? If this was to be a specimen of what was to be expected from the new majority, he would tell them that many estimable citizens who gave their support in the expectation of "Retrenchment" and "Reform," would turn away from them with sorrow and regret. But they were amenable to the people, and to the people he would leave them.

Mr. CLAY of Kentucky said really it appeared to his gentlemen on the other side were disposed to make a great deal out of a very small affair. On what authority did the gentleman from Alabama venture to assert that this resolution was to be passed to make a place for a favorite?

Mr. KING. The fact itself.

Mr. CLAY. There was none. Here was an office with certain duties attached to it; that office was vacant. If the office were unnecessary, bring forward a proposition to dispense with it—altogether abolish it—and, if that was done, he undertook to say that they (the present majority) should not fill the office while the proposition to dispense with it altogether, was under consideration. Here was an office with duties attached to it: now there might be, and in all probability would be, an extra session. There was no official announcement, and he spoke only on common rumor, and on information attributed to the President of the United States himself, in some remarks on a recent visit to Richmond. Was it not then of consequence that the office be filled, and that the officer should become familiar with the duties of that office before he was called to it? The salary was—what? Some \$1500.

Well, if there should be an extra session, he believed no gentleman would deny that there should not be a Sergeant-at-Arms; and, if there should be an extra session two months hence, and the salary be \$1500, it was an affair of \$250. Now, it was not in little matters of this sort—it was in great and important sources of expenditure—those monstrous leaks in the Treasury which had left it dry—it was in reforms of that sort, by which the Administration coming into power was to benefit the country. But gentlemen told them they had used the salary in a grant to the family of the late Sergeant-at-Arms: that is, that those having the power had given the salary to the widow of the late Sergeant-at-Arms; and because they had exercised their charity in this way, the public were not to be served by an officer whose duties were necessary. Was that the sort of reasoning by which they were to be dissuaded from the performance of a necessary duty? He (Mr. CLAY) did not complain of the exercise of this charitable disposition; gentlemen had exercised it towards the family of the late incumbent. Be it so: they (the Whigs) had acquiesced. But he deemed that no reason they should not fill the office, the duties of which might be necessary, and in all probability would be necessary, in forty, fifty, or sixty days from this time. Well, then, as to the rule which had been alluded to on the other side: it was a standing rule, and for what purpose? To bring the officers in review before the Senate, that they might decide on their continuation in office from time to time. But did any body suppose that they could not fill at another time a vacancy in the office occasioned by death? Why, suppose they should fill this biennial office, and, two days after, the officer should die: could they not fill the vacancy before the expiration of the two years? Here was a vacancy, the duties of which, he repeated, in all human probability, would be necessary in a short time; and it had been proposed to fill the office. He hoped gentlemen on the other side, on a reconsideration, would see it was not one out of which any thing could be made by a protracted argument.

Mr. KING said he had but one word to say to the Senator, and that was, that there were no duties to be performed after the adjournment of this session; and therefore this—whether the salary were great or small—was simply a question of salary to a favorite. The Senator had talked about Senators on this side giving away the salary to the family of the late Sergeant-at-Arms. Now, did not the honorable Senator know that the proposition came from one of his own friends? [Mr. WHITE of Indiana.] That proposition was pressed on the good feeling of Senators contrary to his (Mr. KING's) judgment, and he did not vote for it. He was willing to vote for what was usually paid for the burial of such an officer, and then allow his family to bury him in its own way; and he so stated. He thought that was the correct course, but the honorable Senator's (Mr. CLAY's) friends, and a portion of his (Mr. KING's) thought differently. But did they (the Democrats) seize upon the circumstance, when they were in the majority, and fill the vacancy? No: they acted in good faith, and they expressed themselves in good faith that the vacancy should not be filled, as the present Doorkeeper had agreed to discharge the duties, and it was not filled. The Senator (Mr. CLAY) seemed to forget himself in his over anxiety to regulate and control every thing at his will and pleasure. Did they (Mr. KING's friends) offer to fill the office? Had they not the power to fill the vacancy? They had, but they left it to the present majority to exercise their right and their duty at the proper time; but they (Mr. KING and his friends) did not think that, at this extra session, it would be brought forward, simply to make a place, and to give a salary. He was not to be twitted with the exercise of improper liberality towards the family of the late Sergeant-at-Arms. He was willing to do all that it was right and proper to do, but beyond that, he was not willing to go; beyond that, as he conceived, the friends of the gentleman opposite had gone in the exercise of their liberal feelings. He had deemed it a duty which he owed to himself that there should be

a correct understanding of this matter; beyond that, he knew it was useless to talk, for the fiat had gone forth. Be it so: let the gentlemen proceed to the election, and then let the country judge whether it was a little matter or a great matter. "Sraws shows which way the wind blows."

Mr. SMITH of Indiana said, it seemed to him there were two sides to the question. The Senator from Alabama supposed the object was to make a place for a favorite, but what had that gentleman's party done? They (the late majority) had the power, and what did they do in this matter? Notwithstanding they did not fill this office—notwithstanding the Doorkeeper agreed to discharge the duties of the station for this session—and notwithstanding the amount given to the widow of the late Sergeant-at-Arms—from that quarter came a motion to give to the acting Sergeant-at-Arms \$1,000 extra, for about six week's service in discharging the duties of that office. He did not charge it on the Senator from Alabama, but it came from over the way, (from the Democratic side of the House.) That motion was modified, giving \$500 extra for the discharge of the duties which the Sergeant-at-Arms should have discharged. Then, as a matter of economy, if the office is not filled, a proposition will come hereafter to give the Doorkeeper the same pay for the discharge of the duties of the Sergeant-at-Arms. Had not the opposite party laid down that principle; and in the case of Attorney General Butler, where one officer performed double duty, had they not paid double fees? Had they not laid down the same principle in the identical case before the Senate? He (Mr. SMITH) voted against the allowance; but when the gentlemen opposite told him that this office should not be filled on the ground of economy, and by their example they showed him that they gave the pay, the charge of want of economy, as applied to him, lost itself. But to return to the question. Here was an office vacant; should they fill it, and have a responsible officer, or should they agree to give the same compensation, by way of extra allowance, to those who were filling inferior stations without the responsibility? This was the ground on which he should give his vote; and the gentlemen opposite could not expect the argument of "economy" to have much weight on him. They (the Whigs) had just as much right to charge the gentlemen opposite with wishing to keep this office vacant, that they might pay an officer double, as they had to charge back upon them (the Whigs) an appointment with compensation, where there were no duties to be discharged. But if there were no duties, why did not the gentlemen opposite discharge the Doorkeeper? It was not a question whether there were duties during the vacation or not, though he had been willing not to fill the office.

Mr. KING. So you were; but you are not so now.

Mr. SMITH would tell the gentleman why. As the matter now stands, he was willing to give his vote for the appointment of a Sergeant-at-Arms, rather than have inferior officers remunerated by extra compensation, for the discharge of duties of a responsible office.

Mr. KING wished to correct a statement of the Senator from Indiana, made in the course of his remarks on this subject. The proposition to give extra compensation did not come from that side of the Senate, if the honorable Senator meant the Democratic side.

Mr. SMITH replied that the proposition came from the Senator from Missouri, [Mr. BENTON.]

Mr. KING said the proposition of the Senator from Missouri was to fix a regular compensation, and thereby to get rid of the "extras." He (Mr. KING) suggested the propriety of such a course, and his friend from Missouri introduced a proposition to that effect, and it was sent to the Committee on the Contingent Expenses of the Senate; and subsequently, Governor Knight, who was not now a member, but who was as worthy a man as ever occupied a seat on that floor, reported from that committee the proposition to give the extra allowance to the Doorkeeper. He (Mr. KING) knew just as much about these things as the Senator from Indiana. He had been here some years; he had not been inattentive to passing events; and he had seen

that the course which had been pursued in relation to compensating their officers, led to difficulties. He had hoped a fixed compensation would be agreed upon. Let it be liberal, let it be permanent, and let them, thereby, get rid of extra compensation. But it was thought impracticable by the committee to fix a compensation that was just and right, and when the allowance to the Doorkeeper was proposed, who objected? His friend from Mississippi [Mr. HENDERSON] objected, and his friend from Arkansas, [Mr. SEVIER,] he believed, and one or two more, but it passed by almost unanimous consent. Six was the precise number that objected, as the ayes and noes would show. Well, now, of these how many were of the other side? Only two—the Senator from Indiana and the Senator from Mississippi—and four were on this side; and this was to be the groundwork on which the gentleman would fix their vindication of this election when there were no duties to perform, unless the new Sergeant-at-arms came here and did the duties to-day and to-morrow. He repelled the remark of the Senator from Indiana, that they wished to keep open an office, that they might give additional compensation to another individual. That individual was entitled to no extra compensation.

As to the extra session, it appeared that they had to go to Richmond for their information. If the extra session were to be early, the State he represented would be without representation in the other House; and he had been, therefore, desirous to know when, or whether an extra session would be held, but hitherto he could get no precise information; but now they got it from the Senator from Kentucky, who got it from Richmond, though that Senator had told them in the early part of the session that there would be one. He (Mr. KING) had not doubted it then, for he took it the Senator spoke with authority, yet he had made inquiries of Mr. Ewing of Ohio—a gentleman of great respectability, but of different politics from him (Mr. KING)—who promised to give him the earliest intimation of the period fixed upon, which he had not yet done. However, it was said that they were to have an extra session, and they must therefore go into an election of Sergeant-at-arms, that that officer might make himself acquainted with his duties. Why this was really laughable. What had he to do? Was it necessary that he should study three or four months to learn to keep all persons out of the Senate except such as were enumerated on the rules at the door? Had he to go through a long course of studies to learn that the galleries were not to interfere with the deliberations of the Senate? These were the studies of the Sergeant-at-Arms! But he felt he was merely wasting the time of the Senate, and he would only say that he should vote against the resolution. He cared not what the political sentiments of the Sergeant-at-Arms, or any other officer of the Senate, might be; he had rarely asked himself the question; and on one occasion, when he had labored, with more than ordinary zeal, to get a worthy but unfortunate man elected there, the man said to him, "I owe it to you frankly to say, that I am an old Federalist." He was elected, and to the best of his ability did his duty, until he fell dead in yonder room, while engaged in their service.

Mr. SEVIER hoped the Senate would not proceed now to this proposed election. He had been struck with some surprise at the remarks of the Senator from Indiana, [Mr. SMITH.] The position of the gentleman opposite was that they (the late majority) had been in the habit of voting extra pay, and therefore the other side were disposed to follow that splendid example. But the gentleman need not tell him this story, for although the gentlemen opposite had cried "reform," he knew when it came to the test that it would turn out to be "humbug." They saw it the other day, when fixing the compensation of postmasters and collectors, and now they saw it again. Yes, while they had the cry of "retrenchment" and "reform" still in their ears—while they had the flag of "reform" flying across the Avenue, they had this commentary on that profession of "reform." He had hoped that the example of the late Administration,

if it was as extravagant as it had been represented to be, would not have been followed, but that the new Administration would have taken a new and different direction, be it better or worse. But to the salary of this office, which it is now proposed to fill. Subsequent to the death of our late Sergeant-at-Arms, a Senator from Vermont, [Mr. PHELPS,] moved, no doubt, by feelings which are highly creditable to him, introduced a resolution proposing to give to the widow of the deceased five hundred dollars to defray the expenses of carrying the body to Vermont was for interment. This amended at the suggestion of the Senator from Indiana, [Mr. WHITE,] by adding to the sum the amount of salary for the whole time for which he was elected—two years. This resolution was agreed to, and agreed to on the understanding that the present Assistant Doorkeeper would discharge the duties of the situation for the present year. They voted this money, and it was paid; and the Democratic majority—who are so frequently taunted for their recklessness, by gentlemen on the opposite side—in accordance with the understanding, made no attempt to fill the office, though they had the power. But it was said they wished to keep the office open that they might vote extra allowance to another individual for performing double duty; but if he got extra compensation, who would give it to him? Are you not the majority, gentlemen Reformers? and if he gets extra pay at the next session, will he not get it at your hands, and not at ours? He (Mr. SEVIER) only viewed the proposed disposal of this matter as part of the system to be hereafter pursued, and as an exemplification of the purposes of the "great Reformers" of the last few months. He saw no earthly reason why this election should not be postponed until the meeting of the next Congress. The business of the Senate was nearly over, and if we elected the officer, he would have no services to perform during the recess—except, perhaps, the removal of the carpets, and that might be safely entrusted to the Doorkeeper.

Mr. BENTON believed it to be very proper that this motion should be postponed until the second Monday of the next session. Propriety and the existing law both required it. He had been there long enough to be contemporaneous with the enactment of the law, which had been read for the government of this body, and he knew the reason for its enactment. With respect to the rule, and the practice under it, of this side of the House, he knew all about it, and the reason for its adoption, and the reason why it had never been departed from, from the time of its adoption to the present. This office, which they were told was necessary to be filled, to enable them to conduct their business with regularity, had a sufficient attraction in it, from the amount of salary, the easy nature of the duties, and the respectability of the station, to very many persons. The office of Secretary to the Senate, the Sergeant-at-Arms, and the Doorkeeper, had all sufficient attractions, in their salaries, and duties, and stations, to make them desirable to many persons. The office of Sergeant-at-Arms, he considered more desirable than any other in their gift; it was an office which carried along with it not very laborious duties for any period of the year, but the supervision over others, and to see that they did their duty. When the session was over the duties of the Sergeant-at-Arms ceased, and until the ensuing session there were long vacations, during which he received his salary, while attending to his own business, or travelling wherever he pleased. One vacation was of nine months' duration, during which his duties entirely ceased; in the short vacation he had six months. It was then an office that was desirable to a great number of persons—to men of some age; men who had rendered service to their country, perhaps in the field, perhaps in the council, but who had now returned to private life, and who needed the advantages which a salary would bring; and they found in the duties of Sergeant-at-Arms a place that would suit them in every respect; and the Senate had seen among those who had applied for it, persons of great respectability in the country—some who have had seats in the House of Representatives. Seeing, then, the respectability of the office, and the great many that applied for it, it was necessary that a

time should be fixed that persons might know when to apply, and that the Senate might have time to think on the subject. With this view, some years ago a day was fixed on which these elections should take place, and that day was fixed with a great deal of care; It was not the first Monday of the session, nor the first Thursday, but the second Monday, be that when it might. The Senate went on the assumption that, by fixing the day, it would become known, and that all persons who wished to present their names for the office would have an equal chance. The second Monday was fixed as the day on which the office should be filled, and one week was allowed for every Senator to get in his place; and from the day on which the resolution was passed to the present time, there had been no attempt to depart from it. He would not repeat what his friends had said; but when the place became vacant by the death of the late Sergeant-at-Arms, they refused to fill it, although they were then in the majority. But what did they expect? Why, that no office would be filled under that rule of the Senate—especially at this Executive session, when there was no business for such an officer—before the second Monday of the next session of Congress, be it extra or otherwise. But while this was their expectation, and all the advantages would result entirely to the benefit of gentlemen on the other side—for it was amongst their friends that the office would go—while it was their expectation that the vacancy would not be filled until the regular time of filling it, they found notice given on Saturday to proceed on Monday to an election. The day on which the notice was given, too, was well selected; it was a day on which it was almost impossible that any large portion of the community that might be interested in this appointment could become acquainted with the facts, for it was a day of storm and tempest, on which but few human beings could move about. They might, in fact, say that, for all purposes of publicity to the community, no notice had been given at all; for the resolution was laid on the table on Saturday, when the weather prevented publicity, and yet they were then called upon to go into an election and violate every reason and every consideration which had heretofore governed the conduct of the Senate. What had this officer to do, be he whom he may? for he (Mr. BENTON) presumed he was fixed upon—he supposed he was already elected, so far as the substance of the thing was concerned—the form only being wanted. What had he to do from this time to the second Monday of the next session, be it regular or extra? He had nothing to do, but, like the members of the Senate, go off to a neighboring State if he lived there, or to attend to his own business if he lived in this city. He had nothing to do from this time until the day for regularly making the election under the rules of the House. Why then this haste—this hot haste? Why precipitate an election under such considerations? Why violate the rules of the Senate, which had been adopted for their Government under such circumstances? The amount was small, but it was something; and as the Senator from Arkansas had said, whether small or great, it was precisely the same in principle. When they discovered that some officers of the Government, such as marshals and district attorneys had received in fees, as much as \$20,000, \$30,000, and, in some cases, \$50,000, which was never intended under our form of Government, and they wished to place some limitation upon it, the gentlemen on the other side resisted; and, in this case, they also opposed any attempt to limit expenditures. So that the Senator from Arkansas was right; be it large or small, the resistance was the same. Certainly they (the Democratic party) had acted on a principle which was a fair one—that of not filling an office when it was not needed, and when it would give an undue advantage to persons on the ground, to the disadvantage of those who were distant. He thought they ought to postpone this resolution to the second Monday of the first session of the 27th Congress; he would make that motion, and on this question he called for the ayes and noes.

The ayes and noes were ordered.

Mr MANGUM read several extracts from the

journal of the Senate, to show that at the extra session of 1837, the Senate had elected their Sergeant-at-Arms and other officers.

Mr. KING said that what the Senator called an extra session, was the first session of the Twenty-fifth Congress; and the action of the Senate in that instance was right and proper, and strictly in accordance with what the Democratic Senators now contended for.

The question was then taken on Mr. BENTON'S motion to postpone the consideration of the resolution, and it was decided in the negative—ayes 20, noes 26, as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Ala., Cuthbert, Fulton, King, Linn, McRoberts, Nicholson, Sevier, Smith, of Conn., Surgeon, Tappan, Walker, Williams, Wright, Woodbury, and Young—20.

NAYS—Messrs. Archer, Barrow, Berrien, Bates, Bayard, Clay, of Ky., Choate, Clayton, Dixon, Evans, Graham, Henderson, Huntington, Kerr, Morehead, Mangum, Merrick, Miller, Porter, Preston, Rives, Simmons, Smith, of Ind., Southard, Tallmadge, White, and Woodbridge—26.

The question then recurred on the adoption of the resolution.

Mr. WRIGHT said he had not intended to say a word on this subject, but after what had passed he desired now to say a very few words. He came into this body in 1833, in a most exciting session of the Senate, and of the other branch of Congress, as many honorable Senators would well recollect; he believed on paper they had then a Sergeant-at-Arms, but he (Mr. WRIGHT) never saw him, and he did not believe the man was ever in the Capitol, from the day on which he (Mr. WRIGHT) took his seat until the close of that session of Congress. The duties were discharged by the Doorkeeper, precisely as they have been since the death of the late Sergeant-at-Arms. That too was the year of the Presidential election, and an Executive session was held immediately after, but he heard nothing of an election of officers of the Senate of any kind; but the Doorkeeper acted on, and at the commencement of the next annual session of Congress the elections were made; his understanding was, that the Sergeant-at-Arms had either died or resigned. He mentioned these facts, for he was a stranger to this body at that time, and he believed he had never seen an occasion in the Senate when he supposed there was greater necessity for all its officers. Gentlemen would bear him out when he said that, day by day, during the short session, their galleries and lobbies, and not the recesses merely, but the floor itself, was filled with persons who were not members of the Senate, but who had admission under the rule. It was the most exciting period in the history of the legislation of this country that he had ever known; but no claim was then set up of any necessity for the appointment of these officers at the close of the session, and especially at the close of a short Executive session. He spoke in the hearing of gentlemen who were members of the body at that time, and who, if he stated the facts incorrectly, could correct him; he did not design to do so. Well, what was the authority here introduced to justify this proceeding? It was, that on the new Congress being convened in September of 1837, the two Houses proceeded to elect their officers. Now, as he had already admitted, a few days ago, no matter when the two Houses shall be convened for the 27th Congress, then they should elect their officers for the Congress, but not at this Executive session of the Senate. The Senate, for weeks, had sat there quietly with no Sergeant-at-Arms, or with one who did not, perhaps, during the whole session, appear in the Senate, or not more than once or twice; and if the Senate could go on with its business at an exciting period without that officer, could there be any necessity for him now, when they were convened as an Executive session? But perhaps he was departing from the point, for he had heard no argument in support of the resolution, only that they should put a man at school to qualify him for the office in time to come. Well, if that were a necessary duty, that office was to be much more complicated than he had yet known it.

By their permanent rules they were even without authority to provide for contingencies by death or other vacancies, but they had settled the fact that the election shall be made—when? A month, two months, three months, in advance of the time when the officer should enter on his duties? No: but he believed one week after the Congress had assembled for which the officer was to be elected. He had never known any such construction of the rules of the Senate, nor was such an idea ever before entertained, that they should put a man through drill and exercise to make him competent to perform these duties.

The question was then taken, and the resolution was adopted, ayes 26 noes 19, as follows:

YEAS—Messrs. Archer, Barrow, Berrien, Bates, Bayard, Clay of Kentucky, Clayton, Choate, Dixon, Evans, Henderson, Huntington, Ker, Mangum, Merrick, Miller, Morehead, Porter, Preston, Rives, Simmons, Smith of Indiana, Southard, Tallmadge, Woodbridge, and White—26.

NAYS—Messrs. Allen, Benton, Buchanan, Calhoun, Clay of Alabama, Cuthbert, Fulton, King, Linn, McRoberts, Nicholson, Sevier, Smith of Connecticut, Surgeon, Tappan, Walker, Wright, Woodbury, and Young—19.

Mr. MERRICK then rose and said: Mr. President, I nominate Edward Dyer of Washington city.

Mr. KING. That is unusual; it is out of order; we make no nominations here.

Several other Senators made similar observations.

Mr. MERRICK. I was not aware of that.

The Senate then proceeded to ballot for a Sergeant-at-Arms, and the VICE PRESIDENT announced the result as follows:

Whole number of votes . . . 46

Of which Edward Dyer received . . . 26

Mr. Dyer was accordingly declared duly elected, and took the oath of office.

SPEECH OF MR. ADAMS,

OF MASSACHUSETTS,

In the House of Representatives, February 4, 1841—On the bill providing for an issue of Treasury Notes.

The House being in Committee of the Whole on the state of the Union, (Mr. CASEY of Illinois in the chair,) on the bill providing for an issue of Treasury notes; and the question being on the motion to strike out the enacting clause—

Mr. ADAMS rose and said:

Mr. CHAIRMAN: Like the gentleman who has just taken his seat, (Mr. J. GARLAND,) it had not been my intention to address the committee upon the bill now before it. It is not now my intention to enter into all the topics of controversy which have been introduced; it is my intention to make only a few remarks.

In the first place, in reference to this bill: I was prepared to vote in favor of it on the first day on which the chairman of the Committee of Ways and Means introduced it. I have been prepared to vote for it from that day to this—and to vote for it with as much expedition as is generally bestowed upon a bill making appropriations for the expenditures of this and the other House of Congress—that usually takes about half an hour in each House. This is a bill to raise five millions of dollars for the purpose of carrying into effect the engagements of the nation—to pay the debts of the nation—to pay every man or woman that may have a just claim upon the Treasury—and, in voting for it, I do not at all consider myself as voting for a grant of money to the Administration. To me it is a matter of perfect indifference, so far as regards this bill, who or what the Administration may be. I vote to give the nation the means to pay its own debts; and that, too, without stopping to inquire how the Treasury has come to be in such a condition as to require the passage of this bill and of other bills of the same kind for which I have voted constantly. I consider myself as voting to enable the President of the United States and the Secretary of the Treasury to boast, as they have done, that every demand upon the nation has been fully and faithfully met. The President of the United States has made that boast. Whether it has been correctly made or not, is a question into which I will not

enter now; but I say, if this has been done, it has been done by donations of money from this and the other House of Congress; that it has been done by donations which I, for one, believe might not have been needed. I say, therefore, that I have been, and now am, ready to vote for this bill, and that I shall vote for it whenever the question comes up. I should probably have preferred the proposition suggested by my friend [Mr. BARNARD] as to the form of raising this money, and most especially as to the means of meeting the engagements which it contracts—that is to say, that the means for the payment of these five millions of dollars, interest and principal, should be provided at the same time. That has been the great defect in all the Treasury note bills for the last three or four years; they have all gone to increase the deficiency in the Treasury; they have all gone to add to your burdens; and they have postponed to a future day the means of paying that very debt—not only the debt contracted by the notes themselves, but the debt which occasioned the necessity of those notes. There is a principle of political economy from which I, for one, would never depart with my own consent; I never would borrow in any form—be it in the form of shinplasters, Treasury notes, bonds, scrip, or whatever you may call it—I never would borrow a dollar without providing the means of paying it. And that is the fundamental principle on which the funding system of Alexander Hamilton was founded at the commencement of the existence of this Government. He laid down, in his report to Congress, the principle—and that principle is the only one which I conceive to be vital and essential to the justice of any thing like borrowing money by Governments—that when you borrow money you shall provide the means of discharging the obligation—principal and interest. I say, therefore, that I should have preferred, and should now prefer, if such were the opinion of this and the other House of Congress, to have made a public loan in a regular form, in which ample provision should be made for the payment, not only of the Treasury notes themselves, but of all those arrears and deficiencies which they were intended nominally to supply. This must be done hereafter.

Now, probably it would not have been necessary for me to have said another syllable, if topics had not been introduced into this discussion upon which I do feel myself obliged to say a few words. We are about the commencement of a new Administration. A new President is on his way to this city; and it is expected that, within the space of one short month, he will assume the position of the Chief Magistrate of the country. From that circumstance—that is to say, from the introduction of a new President in the place of the one who now fills the Executive chair—I, for myself, have drawn one conclusion. I do not know that it is correct—probably it may not meet the views of a very large portion of this House; but I have drawn the conclusion which I believe the people of the United States have drawn—that is, that the system of administration pursued by the present existing President is not satisfactory to the people of this nation, and that they choose to have a change. I will not enter into the inquiry now whether that conclusion is just or not. I think, however, that the people have come to it, and I concur with them in it. I do not think that the political administration of the present incumbent is profitable and useful to the people of this nation, but that a change was a desirable thing. And there I stop—for my part, there I stop. The people have said who shall be at the head of the Administration that is to take the place of the present one. I acquiesce in their decision. But, sir, I do not know—I am not in the confidence of the head of the new Administration—I do not know what his system of administration will be. A system of administration is, of course, a very comprehensive and complicated thing. It involves all the subjects which have been brought into discussion on this bill, and which, in my opinion, were not proper to be brought into the consideration of this bill. Nay, it involves more; it involves not only the subject of the finances—it involves not only the condition of the Treasury, but of our foreign affairs—of our internal affairs—of the relations between the United States and

the several States—of our relations with the Indians—of the public lands—in short, of every thing that is connected with the transaction of the public affairs of the nation. All of them are parts of one system; and almost all of them, if not all, will be brought up for consideration here. I say this discussion is premature—that the proper time for it has not yet come. You are discussing here what shall be done—whether we are to have an extra session—what shall be done with the public lands—what shall be done with the State debts—what shall be done with State rights—what shall be done as to a National Bank; and yet you do not know what is the opinion of the President elect of the United States, who is, on the 4th of March, to take the Executive chair. I find in a little book here—for which I have great respect, as I presume the greater portion of the members of this House have—(the Constitution of the United States, which defines the powers and prescribes the duties of the President of the United States)—I say I find it is declared that “he (the President) shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them,” &c. What does this say? Why, making the application to the circumstances of the present time, it says that when General Harrison shall be inaugurated in that chair, or on the steps of the Capitol, or wherever it may be, that then he, he shall determine, amongst other things, whether a necessity for an extra session of Congress exists; and if he finds that necessity, he will say so, and act accordingly. It will be his duty to do this; and if he does not find such necessity existing, he will say so. What, then, is the use of our debating here week after week whether it is or is not necessary to have an extra session? I mention this merely as one example. I might go through the whole of those topics which have been agitated here for the last three or four weeks, and say the very same thing in regard to all of them. We are discussing things, as to which, in the first place, we ought to know what are the views of this gentleman who is coming here to take possession of the powers thus conferred upon him. We have been doing in this House what has been doing very much out of it, I believe, too; for we are all in public and in private every much addicted to what is called settling the affairs of the nation; we have been doing that. We have been making cabinets—we have all turned cabinet-makers; and I should have hoped that, amidst this immense mass of cabinet-makers, we might have found a little more charity and mercy towards manufactures than we have found. I say we are all cabinet-makers. Well, we ask one another every day, when we get up in a morning and go to breakfast, “Who is to be Secretary of State?” “Who Secretary of the Treasury?” “Who Postmaster General?” “Who Secretary of the Navy?” and so on. One says, one day, “It is this man;” another says, “No, it is another man,” and so on. Among other things which I have seen in the newspapers, after the disposition of certain appointments to certain gentlemen, and the assignment of certain positions to individuals who are not to have appointments, was the statement that my friend from Virginia [Mr. Wise] was to be the leader of this House. Well, I thought that as I have been and shall be, so long as I remain here, my own man, “and no other man’s,” I thought that I should be as glad to array himself under the lead of the gentleman from Virginia as under that of any other member of this House, most especially from what I have seen of his political character for a year or two past, were it not for a very important and very vital thing to my policy, in which I stand at the opposite pole from that gentleman. But, altogether, he has been so chivalric, he has been so effective, so efficient, in exposing the abuses of the present Administration, at great hazard to himself, and, as I thought, laying in for himself a great stock of credit with the people of this country, that I have overlooked and forgiven many things in which he and I are altogether at variance, and in reference to which I expect that I always shall be at variance with that gentleman.

When he first reappeared in this House after an absence of considerable tribulation to himself, and which no one regretted more than I did, I thought the gentleman assumed, very distinctly, very unequivocally, the position which the newspapers I have referred to had given to him—as the leader of this House. He assumed the tone and the manner belonging to that station, and I noticed it at the time in the few remarks that took place between him and myself.

Mr. WISE here rose, interrupting Mr. ADAMS, and said, (as the Reporter understood, though it was with difficulty he heard, owing to the fact that Mr. W. turned to the other side of the House,) the gentleman has asserted not that he inferred that I assumed any such thing, not that it was his opinion, but I understand him to have asserted the fact, and I wish him now to say whether he does assert the fact that I assumed that tone?

Mr. ADAMS. I am glad to repeat the assertion I made when the gentleman put the question to me on a former occasion. I did not say, nor intend to say, that he had announced himself, as from his installation, as the leader of this House. What I said, and what I now say is, that the tone and manner with which he came into this House after his absence, were such as to assume *ipso facto*, whether recognised by this House or not, the position of leader. That is what I said, and that is what I repeat. And in saying this, I must return my sincere and cordial thanks to the gentleman for having said, on that occasion, that he should be extremely averse and unwilling to quarrel with me. Those, I believe, were his words; I do not misrepresent them.

Mr. WISE here called upon Mr. ADAMS to designate the time at which this occurrence had taken place.

Mr. ADAMS. It was at the re-appearance of the gentleman in his seat here after a long absence occasioned by sickness. I believe the committee have a pretty distinct recollection of what took place then, if the gentleman has not.

Mr. WISE was understood to say that he had no knowledge of any re-appearance, or of any era which could be exactly characterized by the term re-appearance.

Mr. ADAMS. I will not take issue with the gentleman on that point. The time when I first noticed the gentleman's assumption in this House—as I consider it, not as he announced it—of the position of leader which the newspapers had assigned to him, is not many days past; it is within the recollection of all the members now present and then present. It was not at the last session of Congress; and if he is in any manner hurt at the use of the term “re-appearance,” I will retract it—and I will say it was his appearance on that particular occasion. The gentleman, very much to my regret, and to that, I presume, of a majority of this House, and I trust I may say of the people of this nation, was for a considerable portion of the last session of Congress and of the present absent from his seat. I regretted it; not only from the circumstance itself and from my friendly feelings towards him, but from the cause, which I understood to be very severe indisposition. However, as I have said, if the word “re-appearance” has any thing in it offensive to him, I withdraw it. I simply refer to a particular time which is within the recollection of every member now here and who was here then. And it was at the same time when the gentleman, amongst other things, said that General Harrison was under more obligation to him than he was to General Harrison. I considered that as of itself not only assuming the position of leader here, but asserting that there was a balance of accounts due between him and General Harrison which the gentleman expected to receive at some time or other. That was the time to which I refer.

Mr. WISE here intimated that he did not precisely hear what the gentleman had said.

Mr. ADAMS. What I understood the gentleman to say was, that General Harrison owed more to him than he owed to General Harrison; and I say I inferred from that there was a balance of accounts to be settled between them, which the gentleman expected to receive in due time. It was also at the time when he made some remarks on the subject

of duelling, which, not to misrepresent him, I will read from a report of the remarks which I found in the *National Intelligencer*. If they are not correctly reported, I desire the gentleman to say so.

Mr. A. then sent to the Clerk's table the following report, taken from the "*National Intelligencer*," and which was read by the Clerk:

Mr. Wise then rose and said: Mr. Chairman, I do not think I ever will give way, while I have the floor, to another scene of this sort. The anti-duelling bill is producing its bitter fruits—it is making this House a mere "bear-garden." We have an example in the present instance. Here, with permission of the Chair and committee, and without a call to order from any body, we see and hear one member [Mr. JOHNSON] say to another [Mr. DUNCAN] "that he had been branded as a coward on this floor;" the other says back that "he is a liar!" And, sir, there the matter will stop—there will be no fight.

Mr. WISE. That is a correct report.

Mr. ADAMS. It is a correct report? Well, sir, It was suggested to me by a friend of mine that it was not correct, although my own recollection inclined me to the belief that it was. But, however that may be, the gentleman now vouches that it is a correct report. I was going to say that I return him my cordial thanks for the assertion which he made to me, and which I do not expect he is about to recall, (though, if he does, of course I must submit;) I say that assertion was heard by me with great pleasure. He said (or words to that effect) that there was no member here with whom he would be more unwilling to quarrel than with me; and he conveyed this sentiment in complimentary expressions with regard to my age and experience, and those things which, he said, entitled me to his general respect. I thank him cordially for all this, and I am glad to have an opportunity of assuring him that there is no gentleman in this House with whom I would be more unwilling to quarrel than with him. And I do not intend ever to quarrel with him, whether he thinks proper to quarrel with me or not. If he intends to do so, that is his concern. Therefore, I do not mean to do him injustice in any shape or form; and I declare that it is with extreme pain and reluctance that I have said what I have said, and shall say what I still have to say in relation to that gentleman.

He has acknowledged the report of his remarks on the subject of duelling to be just and true. And what is the inference I draw? He gave an account of a very unpleasant scene between two members on this floor—a painful scene, I suppose, to him and me—much so to me—and his lamentation in consequence of it was, that "there would be no fight." That was one of the "bitter fruits," he said, "of the duelling law."

Mr. WISE here rose and said that he took this personal reference as an act of great injustice. The language he had used was incapable of such a construction by any torture, of malice itself, even from a foe—much less from a gentleman with whom he desired, with whom it was his pride, to be friendly. I say (continued Mr. W.) that such a construction cannot be justly put upon my language; it is not the meaning I intended. And the gentleman, whilst in the very act of disclaiming any intention to do me injustice, is doing me most violent injustice—an injustice which he is obliged to go out of his way to do—an injustice which cannot possibly be founded in a good or friendly motive of any description. I say so with pain and regret.

Mr. ADAMS. The gentleman has given notice in the newspapers to his constituents that they must not form their opinion about his course until he had written out his remarks. He is going to write them out. I hope, when he does so, he will write that passage as a part of his speech; and then, when it goes forth to the whole people of this nation—duellists and non-duellists—I am willing to leave the construction of what the gentleman at that time said, to their unbiased, unsophisticated sense, and to stand at issue with him on the point. Let him reply as he pleases—I say it is the fair construction of his language, that his lamentation was for the loss of the fight that might have ensued if the thing had occurred before the passage of the duelling law.

Mr. WISE called Mr. ADAMS to order—insisting

that no more violent insult could be offered to him, as a gentleman, than this.

[The confusion in the Hall was here so great that the reporter could not hear more than the general purport of what was said; but he understood Mr. WISE as saying]—

That if the venerable gentleman from Massachusetts (and he, Mr. W. used this term in no cant seriousness, but in that sincere respect which age should always command) was permitted to pursue this course of personal insult, after the disclaimer he (Mr. W.) had made that such was not his meaning, he would be compelled to use language to that gentleman which was not becoming the order of this House, and which he would not use if he could avoid it.

The CHAIRMAN said he did not understand the gentleman from Massachusetts (Mr. ADAMS) as making personal allusions to the gentleman from Virginia. (Mr. WISE.)

Mr. WISE. I understand the gentleman as repeating as fact that which is unfounded and unjust—I apply this language not personally, but merely as repelling the imputation upon me—not to use stronger language—namely, that I meant to encourage a fight, or lamented that there would not be one. I denied it, and yet, in the face of that denial, the gentleman persists in adding insult to injury—injury, in the first place, in attributing to me a meaning which I never had, and insult in repeating it after I had disclaimed it. I call the gentleman to order, and ask for the decision of the Chair.—[The closing sentence was not heard distinctly by the Reporter—but it was understood to be, that if the committee permitted the gentleman to proceed, and he persisted in this course of remark, he (Mr. W.) would hurl an insult at him which, if he were not a venerable gentleman, would have its meaning.]

The CHAIRMAN said: The Chair does not understand the gentleman from Massachusetts (Mr. ADAMS) as making a personal reference to the gentleman from Virginia (Mr. WISE,) but simply as giving his views of certain remarks made by the latter gentleman.

Mr. WISE. And the gentleman from Massachusetts is reiterating the charge that such was my meaning, after I had disclaimed it.

The CHAIRMAN. The Chair did not understand the gentleman from Massachusetts as saying that such was the meaning of the gentleman from Virginia, but only as asserting that such was the construction which he put upon the language.

Mr. WISE was understood to say (though very doubtfully heard) that he lamented that this House having, by its law, stopped duelling, did not at the same time take upon itself to provide a remedy by putting a stop to insult. He would not appeal from the decision of the Chair. The gentleman from Massachusetts might take his own track—he (Mr. W.) would take his.

Mr. ADAMS. I am glad that the gentleman is willing I should take my own track; and if he will do me the favor not to make three speeches to my one, he will confer an additional obligation upon me. He is perfectly at liberty to make what reply he chooses. He may, if he likes, insult me, as he threatens that he will. I have said I shall not quarrel with him. What did he mean by saying that these were the bitter fruits of the duelling law? Was it such a scene as that which happened in the House that called forth this expression? No; such scenes have happened twenty times before, when there was no duelling law. The object of the duelling law was to prevent such scenes—and, although it has not entirely done so, yet I thank God that it has produced a good effect; for the gentleman himself foresaw that there would be no fight. After what has taken place in this House already, it would have been a deep aggravation to my feelings if there had been a fight, and these gentlemen [Messrs. W. C. JOHNSON and DUNCAN] had hurt each other. And that which is to the gentleman from Virginia [Mr. WISE] the bitter fruit of that law is to me its most glorious fruit—for it has prevented the fight which frequently followed similar collisions between members of this House. The gentleman was all ready to go out on a mere excuse for doing so—it would have given

him great delight if some more Cilley scenes had been enacted in this House.

Mr. JENIFER here rose and called Mr. ADAMS to order—at the same time appealing to the Chair to enforce the rules of the House.

Mr. ANDREWS rose for a similar purpose.

Mr. THOMPSON, of South Carolina, said something, which, amidst the great uproar, the Reporter could neither hear nor understand.

Mr. WISE hoped the gentleman from Massachusetts would not be stopped. Let him go on; let him throw out his venom—bitter, malicious, deadly as it was. If he (Mr. W.) would have an opportunity to reply, that was all he asked.

Mr. ADAMS. Certainly the gentleman shall have an opportunity to reply to his heart's content. I stand upon ground which I do not mean to concede to him. I maintain that the duelling law is one of the best laws that ever was enacted.

Mr. ANDREWS here rose and inquired of the Chair what was the question. He rose to a point of order, and he should insist upon a decision.

The CHAIRMAN said the debate had taken an exceedingly wide range; and that the Chairman could not stop it now, so long as personalities were avoided.

Mr. ANDREWS. Does the Chair decide that it is in order for the gentleman from Massachusetts to proceed in the manner in which he is now addressing the committee?

The CHAIRMAN said that, whilst the gentleman from Massachusetts avoided personalities, the Chair, looking to the range of debate which had hitherto been allowed, could not arrest him.

Mr. ANDREWS appealed from the decision of the Chair; but, almost in the same instant, withdrew the appeal.

Mr. ADAMS proceeded. The subject I have now touched upon is not so wide and remote from the subject before the committee as the gentleman from Kentucky [Mr. ANDREWS] and the gentleman from Maryland [Mr. JENIFER] appear to suppose. I am going to give to this committee, if I may be permitted, my reasons for not being willing to put myself under the lead of the gentleman from Virginia, [Mr. WISE,] as the representative of the next Administration in this House; and among those reasons is his deliberate and oft-repeated opinion that the practice of duelling ought to be allowed in this District between the members of this House, and that the duelling law, in making which I take to myself the pride of having had an effective instrumentality, and which I am bound not to see treated with contempt, has been productive of *bitter fruits*. And this is not the first time that the gentleman has uttered such sentiments; he has repeatedly before expressed his opinion about the *bitterness* of the fruits of that law. I say, therefore, that I will not put myself under the lead of any professed duellist, whether he thirsts for blood or not, whether, after having shot a man through the heart, he can go on and shed tears for his fate.

Mr. CHINN here rose to a point of order—remarking that the committee might assure itself he would not withdraw it.

The CHAIRMAN. The Chair hopes that the gentleman from Massachusetts [Mr. ADAMS] will not proceed further in this strain of remark.

Mr. W. COST JOHNSON wished, he said, to gain the floor for a moment, if he could.

Mr. ADAMS. There is another duellist.

Mr. JOHNSON proceeded. He said that, as his name had been read aloud from the Clerk's table, he wished to make one remark. He made it lest this discussion should go further, and take a latitude which he should himself grieve to be indulged. I shall only say, that I presume the member to whom I once made allusion here [Mr. DUNCAN] has been satisfied with his position. I am satisfied with mine. I shall not refer to him again; and I presume we both consider the account settled and balanced. But I will say that, saving and excepting that individual, to whom I disclaim making any reference now or hereafter, and saving and excepting the venerable gentleman from Massachusetts, if any man, no matter of what party or politics he may be, makes one single indelicate allusion to me, whether I will or will not pursue this course or that, he will see what will be the consequence—he

will see whether there will be a fight or not. I give this as a fair monition to this House.

Mr. ADAMS. He will see what he will see.

In what I have said, and in what I am yet about to say, if in order, if the committee, and especially the duellists of this committee, will permit me, my object is to assign reasons why I will never put myself under the lead of a professed duellist in this House; and, for that purpose, I must remark upon the duelling law, being the thing which prohibits that practice.

Mr. WISE again rose to order.

Mr. ADAMS. Let me proceed; you may have a week to answer me, if you choose.

Mr. WISE. I may not have an opportunity. Does the gentleman from Massachusetts intimate that I am a professed duellist because I might, under certain circumstances, fight? I never shot a man through the heart, nor has any man been laid in the grave by my bullet. I have uniformly denounced the practice. I abhor it. I have avoided it, and, if possible, I will avoid it to the day of my death. I know of no character more to be abhorred than that of a professed duellist. I have been engaged in duels, and, if such cases should again occur, I might do as I have done before. But if the gentleman means to designate me as such a character, I will ask him to lay his hand upon the time or occasion when I ever professed more than this—that I, for one, like my friend from Maryland [Mr. JOHNSON] would not be bound by that act, if such a case should again occur; and that, so far as I am a duellist, the act is mere *brutum fulmen*; it has no force upon me. And all I have said of it was, that, without the power to prevent a fight, it gave all the encouragement to a quarrel.

Mr. ADAMS. I am not willing to be led away by false issues. I did not charge the gentleman with being a duellist. He knows what his professions are, and he knows what his practice is. I did not charge him, I say, with being a duellist. I said that, as a public man, I never would put myself under the lead of a professed duellist; and I repeat it. The gentleman now declares in the face of the committee, that he abhors the practice of duelling. I am extremely happy to hear it, and I hope that his practice from this day to the end of his life will confirm that profession.

Now, in regard to the practice of duelling. I do understand the gentleman as maintaining that duelling between members of this House, for matters passing within this House, is a practice that ought not to be suppressed. I understand him to maintain that doctrine now. I maintain the contrary; and I maintain it for the independence of this House—for my own independence—for the independence of those with whom I act—for the independence of the members from the Northern section of this country, who not only abhor duelling in theory but in practice, and in consequence of which members from other sections are perpetually insulting them on this floor, under the impression that the insult will not be resented.

Mr. CAMPBELL of South Carolina rose and called Mr. ADAMS to order.

The CHAIRMAN said something, of which the Reporter could not hear a word; (the House at this moment being in a state of tempestuous uproar.)

When the voice of Mr. ADAMS again caught the ear of the Reporter, Mr. A. was proceeding as follows:

Would you smother discussion on the duelling law? There is not a point in the affairs of this nation more important than this very practice of duelling—considered as a point of honor in one part of the Union, and a point of infamy in another part of the Union—with its consequences. I say there is no more important subject that can go forth, North and South, East and West; and I, therefore, take my issue upon it. I have come here determined to do so between the different portions of this House, and in order to see whether this practice is to be continued; whether the members from that section of the Union whose principles are against duelling are to be insulted upon every topic of discussion, because it is supposed that the insult will not be resented, and that "there will be no fight." As to the gentleman's theory or

practice, I will say no more about it. I ask the Clerk to read the first section of a law of one of the States of this Union; and I suppose, on hearing it read, the gentleman will know to what State I refer.

The Clerk then read as follows:

AN ACT to suppress duelling.—Passed January 26, 1810.

Whereas experience has evinced that the existing remedy for the suppression of the barbarous custom of duelling is inadequate to the purpose; and the progress and consequences of the evil have become so destructive as to require an effort, on the part of the Legislature, to arrest a vice the result of ignorance and barbarism, justified neither by the precepts of morality nor by the dictates of reason. For the remedy whereof—

1. *Be it enacted by the General Assembly*, That any person who shall hereafter wilfully and maliciously, or by previous agreement, fight a duel or single combat with any engine, instrument, or weapon, the probable consequence of which might be the death of either party, and, in so doing, shall kill his antagonist or any other person or persons, or inflict such wound as that the person injured shall die thereof within three months thereafter, such offender, his aiders, abettors, and counsellors, being thereof duly convicted, shall be guilty of murder, and suffer death by being hanged by the neck; any law, custom, or usage of this Commonwealth to the contrary notwithstanding.

Now, said Mr. A. read the second section.

And the Clerk read as follows:

2. *And be it further enacted*, That, if any person whatsoever shall challenge another to fight a duel with any weapon, or in any manner whatsoever, the probable issue of which may or might result in the death of the challenger or challenged; or if any person shall accept a challenge or fight a duel with any weapon, or in any way whatsoever, the probable issue of which may or might terminate in the death of the challenger or challenged, such person shall be incapable of holding or being elected to any post of profit, trust, or emolument, civil or military, under the Government of this Commonwealth.

3. *And be it further enacted*, That, from and after the passing of this act, every person who shall be appointed to any office or place, civil or military, under this Commonwealth, shall, in addition to the oath now prescribed by law, take the following oath: I do solemnly swear or affirm (as the case may be) that I have not been engaged in a duel, by sending or accepting a challenge to fight a duel, or by fighting a duel, or in any other manner, in violation of the act entitled An act to suppress duelling, since the passage of that act, nor will I be so concerned, directly or indirectly, in such duel, during my continuance in office. So help me God.—*Virginia Revised Code*, l, 553.

Mr. A. continued. There are also other sections, which it is not necessary to read. The gentleman can probably tell this House what State has such a law, and can tell us what are the bitter fruits of that law.

I was going on to say that the reason why I brought this subject into the discussion is, because it is most intimately connected with all the transactions in this House and this nation—and because I think it is time to settle this question between the duellists and non-duellists, whoever they may be. I say that, in consequence of my principles and what I believe to be the principles of a very large portion of the people in that part of the country from which I come, I will not, as regards the approaching Administration, put myself under the lead of any man who considers the duelling law in this District as having borne any bitter fruits whatever. It may not, indeed, be sufficiently potent in its operation to prevent the thirst for blood which follows offensive words; but I believe it has prevented and will prevent any such occurrences as we have witnessed here. But as it bears upon the affairs of the nation, I am not willing to sit any longer here and see other members from my own section of country, or those who may be my successors here, made subject to any such law as the law of the duellist; I am unwilling that they should not have full freedom of speech in this House on all occasions—as much so as the primest duellist in the land. I do not want to hear perpetual intimations when a man from one part of the country means to insult another coming from other parts of the country—as, "I am ready to answer here or elsewhere"—and, "the gentleman knows where I am to be found;" saying, as the gentleman from Maryland (Mr. W. C. JOHNSON) did just now, that he would call to account any person who dared make allusion to what had taken place between him and another member of this House. I do not intend to hear that, any more for myself or others, if I can help it. Therefore, I move to bring the matter up for full discussion here—whether we are to be twitted and taunted with remarks, that a man is ready to meet us here or elsewhere. It goes to the independence of this House; it goes to the independence of every individual member of this House; it goes to the right of speech and the freedom of debate in this House; and I felt myself bound to bear my testimony in the most decided manner against the practice of duelling, or any thing in the shape of even a virtual challenge

taking place in this House, now and forever. If the committee thinks proper to put me down, after a debate of three weeks involving almost every topic under the sun, and in which not one man has been called to order, I must submit. It shall go out to the country, and I am willing that the sober sentiment of the whole nation shall be my final judge on this subject. I take issue now with the gentleman from Virginia [Mr. WISE] on that law, and on the practice of duelling. Let him say what he thinks proper on the subject: let it go forth to the nation: let it go forth to his constituents. He once, in a public address to his constituents, used as a sort of apology, that his constituents demanded—that they insisted—he should fight whenever his honor was offended. Probably I misapprehended him: if so, he can correct me. Well—if his constituents call upon him to fight a duel, mine insist upon me that I shall not; and so do the constituents of other members on this floor, from the same section of country.

Mr. WISE here desired to explain, in justice to his constituents and himself, that he had never made such a declaration as that his constituents demanded he should fight. He had never said so. He was not responsible for his principles as to duelling, except as between himself and his God. But from some misrepresentations which had been made against him on a certain occasion, he had, in justice to himself, told his constituents that he expected to be tried by them, by their public sentiment. He repeated, he had never said that his constituents ever demanded of him to fight. There was more than a political relation between himself and his constituents—a relation of personal affection—and he had not a friend among the thousands he could number, in his district, who did not pray for him and to him continually, to avoid fighting. Whenever he did, from necessity, fight, he fought against their will. They knew it, and he knew it; and he must say that he never fought but against his own will also.

Mr. ADAMS. What the gentleman does according to his own will, or against it, is no matter of discussion here or with me. I do not mean to misrepresent him in this case. I did understand that in a publication of his, he apologized for having been concerned in an affair of this kind, on the ground of public sentiment amongst his constituents, of a necessity imposed upon him by their opinions; thereby intimating, as I understood it, that a majority of his constituents, or probably all of them, thought as he did on that point. I am willing that his explanation should go out. I understand him now to say that he was never engaged in such an affair except against his own will.

And here I take issue with the gentleman on a principle of fact, and I say I hope it is not to be the rule of this House, nor ever admitted, that a solemn law, passed by both Houses of Congress and approved by the President, is to be spoken of with contempt and derision, because it restrains duelling. The criminal law of his own State—that cannot affect him. He bids defiance to it, as he does to the law of this District. He must adhere to his principles. They are between him and his God, he said; but I tell him that I will never put myself under the lead of a man who professes any such principles one way or another. There is a fundamental objection to it, because (this is the inference I draw, he may disclaim it if he pleases) the same principle is to be used as an instrument for political purposes in this House—the principle of duelling upon necessity or public sentiment, that is to be carried into effect in this House—that is to say, by brow-beating gentlemen who are known to maintain another principle. But, Mr. Chairman, I will say no more on that subject.

Another reason why I am not disposed to follow the lead of the gentleman from Virginia is, that about the same time that, in the speech relating to the duelling law, he unfolded the standard of his allegiance, he unfolded also what I would call the overseer's standard. The word "overseer" has a technical meaning in a certain portion of this country which I suppose will be understood by all. The overseer standard denotes the exclusion of nine petitions out of every ten that come from States lying north of Mason and Dixon's line, and the re-

ception of all petitions coming from the South of Mason and Dixon's line. That is now the law of this Congress. If it was couched in such language—if, instead of the words in which the twenty-first rule of this House is expressed, it was in the words following: "Resolved, That all petitions from the South of Mason and Dixon's line shall be received, and considered, and treated with respect, and that, of all petitions from the North of Mason and Dixon's line, not exceeding one in ten shall be received and considered by this House"—if, I say, it was in these words, the exact operation of the rule would be expressed. I speak of matters of fact. I have now in my possession one hundred petitions from the north of Mason and Dixon's line, and of these not one in ten will be received. And yet whoever heard of a petition from the south of Mason and Dixon's line being refused? There has not been a single instance of the kind. That is the operation of your rule as it now stands; and, exclusive, odious, and partial as it is, the gentleman now wants to extend it further. Under that rule, the Speaker (who has himself, supported by a majority of this House, extended it already far beyond what I believe it imported) has decided that if matter to be excluded under it is, in the same petition, connected with other matter not to be excluded, the petition shall be received for so much as does not fall within the rule. But the gentleman from Virginia is not satisfied with that. He is for excluding every thing that is tainted, according to his keen scent, with the offence for which other parts of the petition are to be excluded; if there is even a scintilla of any thing which he thinks tainted with Abolition, it is to be excluded. And if the House should think proper to confirm that view, instead of one petition out of ten from the north of Mason and Dixon's line being received, we shall have to be satisfied with the reception of one in twenty. Yes, sir, twenty to one! because the petitions come from the north of Mason and Dixon's line. That is what the gentleman is now struggling for, with the aid of his friend from Georgia, [Mr. BLACK,] who has appealed from the decision of the Speaker—and for whose anti-Abolitionism I give him the due credit—the geographical credit which belongs to him. Sir, this is the overseer's color. The standard which the gentleman has raised for the next Administration consists of three colors; the first, black—that is the overseer's color; the second is red—that is the duelling color; the third is the pale dirty white—the white of Nullification—the pallid, death-like color of Nullification. That is the three-colored standard which the gentleman from Virginia intends to hoist when he takes the lead of the affairs of the next Administration in this House. Now, I do not intend to place myself under that standard. I am here awaiting the installation of the next President of the United States. I am waiting to be informed what his system of Administration is to be. And I am waiting with the intention and determination to support that system, whatever it may be, to the utmost extent of my power, consistently with the duty which I owe to my country, to my constituents, to myself, and my God. The main principle upon which I intend to proceed is, the support of the coming Administration. It is the principle upon which I supported this and the last Administrations. I have supported both of them in this House, and on very critical occasions. Among the rest, on one measure which the gentleman disclaimed with horror. I mean in the controversy with South Carolina Nullification. I supported the Administration upon that point. I supported that Administration, at no small hazard to myself, upon another important occasion. I have supported this Administration upon points as to which I understand the gentleman from Virginia to have come out with a declaration of war; I mean upon what is called the bill for suppressing frauds on the revenue, and the bill which was annexed to it by the Senate, giving a legislative construction to some of the existing acts of Congress in relation to the revenue. I do not mean to enter into a discussion of those matters now. I had not the good fortune to hear the gentleman's observations on this subject, although I heard of them much. Probably, if I had not heard so much of them, I should not have risen now. But I think

of them as of most other things I speak of now, as premature—not proper for discussion at this time. I do not mean to discuss them now, but I will say that, as to the bill for the suppression of frauds on the revenue, and the other bill which was annexed to it by the Senate at the last session, they were both Administration measures, and that, so far as I could in this House, or on the Committee on Manufactures, of which I was then and am now a member, I was for supporting both those measures, coming as they did from the Treasury Department, for the purpose of making some provision to meet those difficulties which were occurring from day to day. I say I supported them. I introduced the first of the two bills here to this House, and I carried it, not only against the opposition of the gentleman from Virginia, [Mr. WISE,] but against the opposition of many others, of whom he will not consider it a disparagement to say that their opinion is worthy of as much consideration as his. I say I carried the bill through this House by a large majority; it went to the Senate; and then the Senate thought proper to add to it another bill, which had been referred to the Committee of Ways and Means of this House, and not to the Committee on Manufactures; and when in the Senate, it was referred to the same committee of that body. They put the two bills together as one; and when the bill came back to this House in this form, I was willing to take it so, as also was the Committee on Manufactures, with its amendments and the additional bill to it. It was defeated, but not by the gentleman from Virginia. Mr. Robert Jaffray has told a story as to how it was defeated; whether true or false, I do not know. The gentleman before me [Mr. HOLMES] is one of those who opposed the bill with great ability—manfully, openly—but, so far as the matter went, unsuccessfully; and if gentlemen had not been called away from their Champagne dinner, Mr. Jaffray seems to think that the bill might still have passed. I regret that it did not pass, for this reason, that although I acted *quo ad hoc* as the friend of the Administration, yet I did so under the strong desire of the Administration that the bill should pass. If, therefore, there is a charge of a lurking tariff under it, not to me, but to the Administration it must be traced. I was willing to support the bill; I am willing to do so now. But the Committee on Manufactures have not reported it at the present session, because they thought the discussion of it premature; because the cry of tariff, tariff, might be raised against it. But my opinion is, that, as to a tariff, as to any addition of duties now, it is incompetent, it is good for nothing; and when we are to have the battle about the tariff, I am willing to have it all at once. I do not want to have the discussion now upon trifling matters, about five cent pieces. Let us have the whole question at once; and I hope that my friends will be ready for it, if I am not here; for, at my time of life, I cannot answer for six months. I do not know, therefore, whether I shall be here then, or have any thing to say. But whatever I have to say in reply to the gentleman or any body else, I shall reserve until that time. I will not discuss the matter now. I will simply add that as to the question of duties upon silks and wines which has been discussed here with so much ferocity and with the loss of so much ammunition—to say nothing more—I know, as a member of the Committee on Manufactures, of only one single article to which that discussion can now refer—I speak of the bill reported from the Committee on Manufactures last year, at the solicitation of the Secretary of the Treasury, for increasing the tax upon silks. There is not a word about wines or linens, or any other articles brought in here. The Secretary of the Treasury himself, in his annual report of the last year, mentions those articles upon which duties might be laid to meet a deficiency in the Treasury, without affecting the compromise act; and it was in consequence of that recommendation that the bill was brought in by the Committee on Manufactures of this House. I have been willing to meet it here; but I do not feel at all concerned about it, because however anxious the present Administration were last summer to increase the revenue in order to meet its engagements, I think I can see that they care nothing about it now. They are willing to

leave the matter to their successors; they do not want to put into the Treasury any more money than will enable them to pay off their obligations from this time to the third day of March. Therefore, not being desirous to fight the battles of constituents who do not choose to have their battles fought, I shall take no pains to bring before the House either of the bills referred to. But I am ready to vote upon them, if they should come up.

So in relation to an extra session. The gentleman from Virginia [Mr. WISE] says he will vote for this bill; and one reason is, to prevent the necessity of an extra session. Why, sir, it seems to me that this is idle discussion here. It is not we who are to decide whether there shall be an extra session or not. Not at all—not at all. I presume the gentleman from Virginia knows that, in all probability, this bill will pass; that these five millions of dollars will be furnished. Money is all that is wanted at the Treasury until the third of March; and, as to an extra session, how can we determine whether it shall be or not? Why do we talk about it? It is for that man who is coming here to discharge those high duties to which the people of this country have called him—I say, it is for him to determine, upon a full view of all things, whether the necessity for an extra session exists or not. I do not want to forestall him—much less to dictate to him. I have no balance of accounts to settle with him. I owe him no obligation; he owes me none—certainly none that I shall ever remind him of in this House. But it is for him to determine; and I am willing to leave it to his unbiassed judgment to decide, upon his own view of the affairs of the nation, whether he will call Congress together or not. The responsibility is not upon us; it is sufficient for us to meet in our places here, if he should call us together.

And I take the same ground in relation to a distribution of the proceeds of the sales of the public lands—to the financial condition of the States of this Union—and to a National Bank. Sir, it appears to me that, when the President of the United States is installed, at which time this question of a National Bank must come before him, he will decide it with a view to all the interests of this country. How shall we decide here, if at all? We passed a resolution three or four years since, introduced by the then chairman of the Committee of Ways and Means—a gentleman not now a member of this House, [Mr. Cambreleng]—declaring that there ought not to be a National Bank. How long that state of opinion may last I will not undertake to say. I do not know. But when the President of the United States recommends to Congress (if he should ever do so) the establishment of a National Bank, then, I think, will be the time for discussing the question, and not now.

So as to the State debts. It seems to me that it is hardly possible to get up here and speak on any subject whatever, but what some member rises from his seat with a cry of horror against the assumption of State debts; and many gentlemen have told you that one reason why they will vote against any distribution of the proceeds of the sales of the public lands is, because there can be only one mode of enabling the States to pay their debts. Upon this subject of the assumption of State debts, there is much to be said, when the proper time comes. I think I have demonstrated in this House, on a recent occasion, that, under this outcry against the assumption of State debts, the Government of the United States has, *de facto*, assumed a very considerable amount of State debts; that it had been done by directing the Executive Departments to invest funds, not their own, but trust funds, which were in the hands of the nation—funds belonging to others—in State stocks.

I have, within the week, received a letter from the Secretary of the Treasury, in which he states that he is by law obliged to invest a certain sum of money now in the Treasury, in State stocks, unless Congress should adopt the resolution which I offered here against it. What did you do with that resolution? You passed the whole series over for one day; one of the resolutions declared that no money should be invested in State stocks. But no; the House would not allow the matter to be discussed at all; and, therefore, I have not been

able to relieve the Secretary of the Treasury from the obligation to do that which the law requires of him: for the law is peremptory, and says that the Secretary shall invest the money. And yet I cannot get the action of this House on a resolution which would not only stop the assumption of State debts, but would prevent this great waste of public funds for the time to come.

But amongst other things connected with these very resolutions, what does the official journal, the organ of the present Administration, do? It comes out with a charge against me as an enemy to the rights of the States; and this, too, at a time when this feeling of horror against the assumption of State debts is prevailing here and elsewhere. Well, sir, I am not an enemy to the rights of the States. Let me say a few words on this matter. Many of the States of this Union are indebted in large sums of money, amounting to an aggregate of more than two hundred millions of dollars. This proceeding on the part of the States has been the consequence of your casting away your duty—to provide for the internal improvements of this country. It was the business of this nation, in this and the other hall, to pursue a system of internal improvements, and for the discharge of that duty, the proceeds of the sales of the public lands are continually furnishing means; and in the investment of those means in that way, would we have spent the money of the nation profitably, and would have improved and increased the value of that portion of the public domain which yet remains. It would have been the most economical manner of administering the affairs of this Government. It would have added ten dollars to the value of every acre of land remaining, for one spent in improving it. Now it is gone forever. There is nothing I regret more. But, in the mean time, the consequence of your casting out every idea of improving the face of the country forced the necessity of doing it upon the States. The States were compelled to take the matter up, and they did so. In the year 1817, when I returned from Europe, one of the first men I saw was De Witt Clinton, who, was then Governor of the State of New York, and was carrying on that great project of internal improvement which has immortalized his name. One of the first things he said to me was, "We hope we shall have the aid of the General Government." I replied, "If I have the power, you shall have aid with all my heart and soul." He sent commissioners here the very session that followed this interview. He had been here himself soliciting the aid of this Government in that great work, that operation of making Paradise to flourish in the wilds. But no, he could not be heard. The State of New York was thrown back upon her own resources; she was able to get along without your assistance, and, in consequence, she has contracted a debt of between eighteen and nineteen millions of dollars. I have demonstrated on a former occasion, that you have assumed half a million of debt of the State of Arkansas; and that, by the rule of proportions, New York was entitled to demand of you an investment of twenty millions of dollars; that being the proportion between the population of the State of Arkansas, as represented here, and the population of the State of New York. Pennsylvania, after being turned out of your doors, and being told that if she wanted any internal improvements, she must make them for herself; went to work and did so. Other States of the Union have done the same thing. And now, in the messages of the President of the United States, and in speeches made in both Houses of Congress, these States are daily reproached and insulted for increasing debts. To hear the way in which the States are spoken of here, one would suppose they were spendthrifts and beggars. They may, some of them, be insolvent. But I take the position which I am confident I could prove, if I had collected together all the documents and the evidence, that these \$200,000,000 on the average have been wisely and economically expended, and that the benefit to the people of this nation from the expenditure of this money is greater than if it had not been expended at all. I assume as a general principle, which I think can be demonstrated, that these State works, although many of them have been indiscreet, have

been experiments, and have not turned out so well as was anticipated and desired; yet, taking the average of them from the commencement of the Erie Canal down to the last internal improvement which may have occasioned a debt to any one State, I say that they have yielded and will yield ten per cent. per annum upon their cost; and that they have added five hundred millions, instead of two hundred millions, to the property of the States. I say this for the States. And now the "Globe" may change me to-morrow with being an enemy of the States. I am willing. I say that.

In the next place, I say that if these States have been indiscreet, imprudent, have got themselves into difficulty, and are unable to fulfil their engagements, they have a right to come upon this Union and demand aid to enable them to discharge their obligations—to what extent, I will not undertake to say. But I say they have a right to come and demand aid of the nation. For, what is the alternative? Supposing they have been indiscreet—supposing they are insolvent. What is the consequence? They fail in their engagements—they destroy the character of this nation—its credit throughout the world—not only their own, but there is not a State in this Union that can become insolvent or declare itself unable to pay its debts, but what infamy must redound upon the whole nation all over the world. What will their creditors abroad say if one of the States should declare itself bankrupt or not able to pay its debts? They will pass judgment upon the whole nation; and justly too. It was your duty to have done that which has got them into difficulty, and they have got into difficulty from good motives and for good purposes. Of all these State debts, very few of them, if any, are to be charged as extravagant, wasteful expenditures. They have all been contracted for internal improvements. I say then, that under the coming Administration, this matter of the financial condition of the States of the Union must come before this House in the gravest form, and must come under the recommendation of the President of the United States. It is impossible that General Harrison should take possession of the Presidential chair without being aware what these debts of the States are, and without having some system (though what it may be I know not) which will govern his Administration in regard to it. Will it be by a distribution of the proceeds of the sales of the public lands? I know not. Will it be by raising revenue from duties on protected articles? I know not. Whatever plan he may have—(if I should be here in this House)—a plan which he should consider practical, and which he chooses to adopt as the rule of his administration on that point, I will support it if I possibly can; if I can reconcile it to any of my views of the Constitution, of law, of liberty, of the comfort and well being of this people, I say I will support it, be it what it may. I have not, therefore, made up my mind on the question of the distribution of the proceeds of the sales of the public lands—or upon any other matters to which I have referred, and which have been introduced into this debate.

Mr. Chairman, I have gone further into this discussion than I intended. I have been drawn into it by the effect of the reference I made to the duelling law. I say now to the chairman of this committee, that whatever appeals have been made to him on calls to order to arrest me in my remarks, I thank him for the manner in which he has sustained and vindicated the right of free debate in this House on the present occasion. I say that what I have said has been from motives of pure public spirit, without any disposition at all to offend any gentleman here, least of all, the gentleman from Virginia, [Mr. Wise,] whose talents I admire, and whose public services I cheerfully acknowledge. I have felt it to be my duty to say what I did say, because I believe that the application of the principle of duelling as regards different portions of this House is such, that the principles of the gentleman from Virginia must be discarded; that duelling must be considered as a crime; and that it must not be countenanced by professions as to the existence of any necessity for it. It was my intention simply to state the reasons why I am not disposed to place myself under the standard of the

gentleman from Virginia, if he should assume it hereafter as leader of this House. I thought I saw there was a disposition of that kind. The gentleman professes great friendship for the coming President; but he lays down the principles of his Administration, intimating that he would not support that Administration unless those particular principles were carried out. Without knowing what the views of General Harrison are or will be, I was very confident that the principles thus laid down as the rules of his Administration would not be those which the President elect would adopt or practise upon. And I felt disposed to say that, as the gentleman from Virginia assumes to be the leader of this House under General Harrison's administration, I, for one, would not follow his lead, nor that of any other man professing similar principles. I have no more to say.

Mr. WISE said, (in reply to Mr. ADAMS:) Mr. Chairman, when the gentleman from Massachusetts commenced his remarks, it was obvious to the House that I was excited. It would be hypocrisy in me to pretend that I did not feel both anger and resentment. Had the gentleman only gone as far as I expected—had he made only an ordinary attack—I would have replied to him. But, sir, his attack has gone so far beyond the bounds of moderation, courtesy, and order—it has been so unjust, so unfounded, so personal, so malicious, so little, so barbarous, so unprovoked—that, had he been a man of my own years, I should have sat silent after the delivery, and not have noticed it in this House. And, sir, for the reason that he is the very opposite of a young and vigorous man—that, in station, he is far above my humble position—for the reason that he is the son of a Revolutionary patriot who was President of the United States, and has himself been President—that the honor of my country is involved in his reputation and his conduct—that he is a man of venerable age, as I have before characterized him with perfect respect—for these reasons my hands are tied, my arms are bound, and I am deprived of the privilege of retort.

The gentleman is gratified. He has been indulged by the Chair and the House in making this attack upon me, thus tied and thus bound. He has even thanked the Chair for the indulgence of making this attack upon a young man who would not from self-respect reply—who ought not in turn to be indulged by the House in replying in the spirit and in the terms in which the attack itself was made. If this be a gratification to the gentleman himself, I am sure it is no gratification to his friends here, and, if his speech be published as intended, it will be no gratification to his friends elsewhere.

I cannot reply, sir, because I honor and respect Old Massachusetts too well not in this very instance to repel the imputation cast upon her Representatives by the gentleman—that they are constantly insulted and brow-beaten by Southern gentlemen here, who are represented as base enough to take advantage of public sentiment at home and in the North on the subject of duelling! Insult the venerable gentleman—I strike him!—No, no, no. Sir, I would much sooner strike down the arm raised to wound him! And if this be a victory for him, he is welcome to enjoy its fruits. I am at this moment a happier man than he is.

DEBATE ON THE TREASURY NOTE BILL.

SPEECH OF MR. GARLAND,

OF VIRGINIA,

In the House of Representatives, February 4, 1841—
On the bill providing for an issue of Treasury notes.

Mr. GARLAND said: I did not intend, Mr. Chairman, when this bill first came up for consideration, to have participated in the debate. Nothing was further from my thoughts or my wishes, and, but for the range of the debate, and the many topics of an important character which have been brought into it, I should now be content to give a silent vote. I was extremely anxious, from the beginning of the session, to act rather than speak; so as to dispose of the immense mass of business under which your table groans; but things have taken a different course, and I am forced by ex-

isting circumstances to exhaust a small portion of the valuable time of this House.

I extremely regret that such an immense range of debate should have been taken upon a question so simple, and so many topics discussed so irrelevant to it. It is a bad practice, and will, if persisted in, ultimately drive from our legislation every subject of an important and interesting character. It will convert our Hall into an arena of political gladiation, in which the making of a President will be the principal business, to the neglect of all other. It is not my purpose, on the present occasion, to follow gentlemen in their erratic and discursive course. I do not design fighting over again the late Presidential campaign; nor do I design inquiring into the fact whether the million and a quarter of American freemen who by their suffrages have elevated William Henry Harrison to the Presidency of these United States were seduced into his support by the contemptible pageantry of log cabins, hard cider, and coon skins, or whether the more than million who cast their suffrages upon Mr. Van Buren were actuated by base and unworthy motives; these criminations and recriminations are but little respectful to the virtue and intelligence of the American people, and are altogether unworthy of their representatives. The part which I acted in that great struggle, and the reasons upon which it was founded, are well known to my constituents and to the country, and I shall not here repeat them. They were sufficient for me, and I have no regret to express for any thing I said or did. In voting for General Harrison, I did not commit myself to an unequalled support of his administration; nor shall I. My purpose is to judge his administration according to its acts, approving where I can and condemning where I must. The standards by which I shall judge him are, the Constitution of my country, the fundamental principles of Republican Government, and the success of his measures. This is the only adhesion which I can give to General Harrison's or any other Administration.

The question immediately before the committee is, shall the enacting clause of the bill be stricken out? I shall vote against that motion; and finally for the passage of the bill. I shall vote for the passage of the bill, not because I approve it, or prefer that system to any other for supplying the wants of the Treasury; I vote for it because the friends of this Administration, having in their hands the means of ascertaining the true condition of the Treasury, have been called upon to supply the necessary means for the operation of Government for the current year, and have offered this amount, and in this form. We have made the call, and we must accept what they offer us. If the means which they supply are inadequate, they are responsible to the country for the consequences; if not, there will be no cause of complaint.

In order to determine on the propriety of issuing the Treasury notes proposed by the bill, the first inquiry is, will the ordinary sources of revenue supply the demands upon the Treasury for the current year? It seems to be admitted on all hands that it will not; and the only inquiry seems to be, will the \$5,000,000 proposed by this bill to be issued and re-issued for the year, be sufficient to supply the deficiency? I think not; and this opinion is founded upon the most deliberate investigation of the estimates of the Secretary of the Treasury. He estimates the receipts from customs at \$19,000,000; from lands at \$3,500,000; from debtor banks \$220,000, and from all other sources \$80,000. To this may be added the estimated balance in the Treasury on the first of January last, \$1,580,855; making the whole estimated means of the Treasury for the year 1841, \$24,380,855.

Even if the estimates of the Treasury Department should be realized, I do not believe that the means of the Government will be adequate to the demands of the year. But is there any reasonable hope that this estimate will be realized? If we judge of the production of the same sources of revenue for the last year; and make even a liberal allowance for the increase of these sources, I do not see how the estimates of the Treasury Department are to be realized.

The receipts from all these sources for the

last year, except the banks, estimating the fourth quarter, were \$17,197,763 03, which makes the estimates of this year over the receipts of last \$5,522,246 99, including the bank debts. Is there any reasonable prospect that the receipts from customs and public lands during the present year will exceed those of the last by so large an amount? I am decidedly of opinion, judging from the ordinary operations of trade, and the condition of the country, they will not. The Secretary estimates the expenses of the current year at \$23,899,200, as follows:

Ordinary expenses	\$19,250,000
Funded debt on account of the District of Columbia	149,000
Redemption of Treasury notes	4,500,000

Aggregating \$23,899,000
According to these estimates, the receipts will be \$481,855 more than the expenditures. But are these estimates to be relied upon? Does any gentleman suppose that the ordinary expenditures of the Government can, during the present year, be reduced to \$19,250,000? I humbly think not. I think they will be little less than \$25,000,000—for more new sources of expenditure have been opened than dried up. Last year the Secretary of the Treasury estimated the ordinary expenditures at \$18,280,600; when they in fact reached \$22,489,349—difference \$4,208,749. Under these circumstances, I am decidedly of opinion that the five millions proposed by the bill will not only be necessary, but will scarcely be adequate to meet the necessary expenditures of the year; but as the Committee of Ways and Means that reported the bill believe that the provision is adequate, and the dominant party in this House proposes it, I will take it upon their responsibility.

While I vote for this bill, Mr. Chairman, I must confess that I do it with great reluctance. I do not approve of this mode of raising means. It is a system so easily abused, and fraught with such mischievous consequences when abused, that I am anxious to see it discontinued entirely. It is true that I have heretofore voted for three bills of like character, but always did so under the strong assurances repeatedly made by the Secretary of the Treasury and the committee of Ways and Means, that these issues were only intended to anticipate, for a short time, the resources of the Treasury, and that no more applications would be made. These assurances have been as repeatedly violated as they were given, and are now to be violated again. I infinitely prefer a direct, to this indirect and dangerous mode of making a loan; and but for the fact that the friends of the Administration are a majority here, and, preferring this mode, would not likely adopt any other, I would vote against this bill. The Treasury must be supplied in some way, and I see no prospect in any other. I shall, therefore, vote for this bill upon the entire responsibility of its friends as to its mode and adequacy. In making my estimate for the receipts and expenditures of the year, I have discarded all Treasury notes, except the four and a half millions of dollars now outstanding, which constitute a charge, because, to the same extent that they operate as means, they operate as charges, and, therefore, balance each other.

These, Mr. Chairman, are all the remarks I have to make directly upon the bill now before the committee; but as gentlemen have introduced, without due regard, I must say, to the business of the House, other interesting and important topics, I feel it due to myself, to the party with which I acted during the late Presidential canvass, and to my constituents, respectfully, but decidedly and unequivocally, to express my opinions in relation to some of the most important of them, and those which will likely be acted on hereafter.

The first of these which I shall notice is the distribution of the proceeds of the sales of the public lands among the States. If I were at any time disposed to vote for this scheme of distribution, I could not at this time, under the existing condition of the finances of the country. It is admitted, on all hands, that the receipts of the year will not be equal to the expenditures by several millions of dollars, and some even go so far as to say that it will take several years of the most successful operation of our financial resources to redeem the

Treasury from the heavy burden which the mismanagement of the present Administration has entailed upon it; and yet it is gravely proposed to abstract from this deficient revenue \$3,500,000, the estimated proceeds of the sales of the public lands during the year. If this be done, it necessarily follows that this amount of revenue must be raised from some other source. Gentlemen, well aware of this inevitable consequence, propose to supply the deficiency by an impost duty on silks and wines, hoping to satisfy the country for this new imposition of taxes upon them by holding out the delusive idea that they are luxuries, and that a tax upon them is a mere tax upon the rich. Now, Mr. Chairman, a tax is a tax, whether it be imposed on luxuries or on necessities; and no one would be so absurd as to contend that the imposition of a tax upon luxuries will relieve, a single stiver, the tax upon necessities, when the tax upon luxuries is imposed to supply the deficit created by the withdrawal of a like amount of revenue from another source. I am no advocate for the exemption of luxuries from taxation, but am ready at any time to subject them to a fair and equal taxation when the necessities of the revenue and the relief of the articles of necessity shall require. But I can see no propriety in creating a deficit in the public revenue, by withdrawing from the public Treasury the proceeds of the sales of the public lands, so long as they are necessary for revenue, by subjecting any class of our citizens to taxation merely to supply the deficit.

It has been estimated that, by the distribution of the proceeds of the sales of the public lands, the State of Virginia would receive about \$4,000,000, and by the array of this result it is supposed that the State would be favorable to the distribution. If this addition to the means of the treasury of Virginia were real and substantial, and would add to the permanent capital of the State that much, then indeed would it present a most formidable and imposing argument in favor of the scheme. But, sir, this is not the case; and, although I do not charge the friends of the scheme with insincerity or improper design, yet, with due deference to them, I must say that the whole appearance is delusive and deceptive. It is true that it will add thus much to the State treasury, but it will add more than this amount to the taxation of the people of the State to supply the vacuum created in the National Treasury; and thus, while with one hand you make a donation to the State Governments, you draw heavily with the other upon the pockets of the people to supply the gift; and thus, when in truth and in fact you profess to be liberal, you are bestowing nothing but an increased burden. It has been contended by many wise and experienced statesmen that the consumers of foreign goods, who are the principal producers of the country, are the principal tax payers; and thus, sir, they would have to bear all the burdens of this system, without any benefit whatever. What estimate would you place upon the intelligence of a man if he would accept a proposition to receive \$500 in one pocket to-day, and pay 700 out of the other to-morrow? This, sir, is a fair illustration of the scheme, so far as Virginia is concerned.

I feel very confident, Mr. Chairman, that, but for the very indirect operation of our system of taxation, by which the true amount of the burdens imposed upon the people is concealed from them, this scheme of distribution would find no favor in Virginia or any of the producing States. If a system of direct taxation prevailed, and the people who pay the taxes were to count out to the officers of the Government in dollars and cents the amount they would have to contribute to the National Treasury to supply the deficiency produced by this withdrawal of the proceeds of the sales of the public lands from the general revenue, I am sure that they would not tolerate it for a moment, but rebel against it. But, from the indirect operation of our system of taxation, the great body of the people do not reflect that, in every bushel of salt, in every pound of coffee, and in every yard of woollen goods of foreign manufacture which they use, they are paying their taxes to the Government; and thus, while this four millions of dollars would go to the Government of

Virginia, the people of the State would more than refund it to the National Treasury by this indirect system of taxation on their salt, woollens, coffee, &c. I cannot perceive, Mr. Chairman, what possible benefit can result to the people of Virginia by thus bestowing to her Government this four millions of dollars, to be squandered by legislative prodigality, and withdrawing a larger amount from the pockets of the people to supply its place. From every view which I have been able to take of this question, I am well convinced that the present system of disposing of the public lands, and the faithful application of the proceeds to the purposes of revenue, is the most beneficial and just disposition of them which can be made, because, *pro tanto*, they relieve the taxation of the country.

So far as relates, Mr. Chairman, to the restriction of the fund proposed to be distributed to the purposes of education and internal improvements, I have only to remark, that if this land fund be a residuum after executing the trust created by the original act of cession, then, and in that case, the States have as clear and indefeasible a title to this residuum as they had to the original subject; and any restriction upon its appropriation would be incompatible with, and in violation of, their rights, and could not create upon them the slightest obligation to regard it. Let it be remembered, too, that all the expenses of surveying, selling, and patenting, which are very considerable, are to be thrown upon the impost duties. For these reasons, upon grounds of expediency, I am opposed to this system of distribution. But while declaring my opposition to this system, I find it my duty to state that I am utterly opposed to its competing schemes—the reduction of the price of the public lands, and their cession to the States in which they lie. But, Mr. Chairman, there are other and higher objections to this scheme of distribution which I deem it my duty briefly to bring to notice. The moral influence which it would exert upon the relations between the Federal and State Governments, and its tendency to make the State Governments dependent upon, and subservient to, the Federal Government, are matters to my mind of the most grave and insuperable objection. This small beginning of a connection between the revenues of the State and Federal Governments, I fear, would increase as it progressed, and finally terminate in a permanent and ruinous connection. It would prompt the people to forget that they had State Governments at all, and turn their eyes entirely to the Federal source for supplies. The Federal Government would then be the Alpha and Omega of our whole system, and all the advantages arising from our Federal compact and the cherished sovereignty of the States be buried in its vortex. All moral evil has small beginnings, but swells as it progresses, until it overwhelms every thing with which it comes in contact. The pyramids of Egypt were constructed by piling one stone upon another, until they reached their present towering height; so, I fear, will be the operation of this system of distribution. One system will be piled upon another, until finally it will assume a permanency and strength beyond the control or resistance of the States or the people. I have heretofore had some little experience on this subject of distribution. I voted for the act of 1836 distributing the surplus revenue among the States, referred to and so strongly reprobated by my friend and colleague, [Mr. WISE.] When I voted for that bill, I did so believing it, what it professed to be, a bill for the deposit of the surplus revenue with the States, and with entire confidence that the States would redeem the pledges they were required to give to return those deposits to the National Treasury under the restrictions and limitations prescribed by the act, whenever required. But what now, sir, is the state of things? With a bankrupt Treasury, the States hold on to these deposits, and laugh to scorn the very idea of restoring them. I am sometimes humorously asked by my friends whether I did not know, when I voted for that bill, that it was intended as a gift of the surplus revenue to the States? I answer, no; I was entirely ignorant of it. I had not then acquired so much skill in parliamentary ma-

nœuvring as to know how to frame a bill with a constitutional aspect which was to operate an unconstitutional effect. I had not then learned that the Constitution of my country authorized a gift of any part of the public revenue, or any portion of the public property, to any State, or to the States. If I had then known what I know now, that that act would effect what it has effected—an unconstitutional gift of the then surplus revenue to the States—I should not have given it my sanction.

But, Mr. Chairman, where do gentlemen find in the Constitution of the country any authority for disposing, by gift, of any part of the public revenue, or any portion of the public property? The power to collect revenue is distinctly given, and the objects to which it is to be appropriated explicitly defined, by the Constitution. In the enumerated objects for which appropriations may be made, there is not a word or a sentence to be found from which the idea of a power to give can remotely be deduced, unless, indeed, the words "general welfare and common defence" can be so construed as to impart general and unlimited powers to a Government which, from the whole tenor of the Constitution, was intended to be limited to the exercise of enumerated and specified powers. Apart from these words, there cannot be found a single expression to favor the power. There being no constitutional power to make such a distribution, the friends of this policy have very adroitly laid hold of the acts of cession from Virginia and other States to the Government of the Confederacy, and very ingeniously attempt to deduce from these acts of cession the power to make distribution of the public lands ceded by them. I will examine this proposition very briefly. That part of the act of cession of Virginia, passed on the 1st day of March, 1784, which is to determine this question, is in the following words:

"That all the lands within the Territory so ceded to the United States, and not reserved for, or appropriated to, any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become or shall become members of the Confederation or federal alliance of the said States, Virginia, inclusive, according to their usual respective portions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever."

These words are preceded by several specific appropriations, and are introduced for the express purpose of controlling the appropriations of the surplus of the ceded lands which shall remain after satisfying these specific appropriations. The surplus thus remaining is, according to the terms of the act, to be considered a "common fund" for the use of such of the United States as had become or should become members of the Confederation which then existed, Virginia included. The words "common fund" simply mean that these lands should become the property of the Confederacy for the use of the Confederacy, and not a joint stock fund for the use of each of the States in their individual character. It is to be used for the benefit of the Confederacy, and the Confederacy only; so as to relieve the States of the general charge and expenditure to which they are liable for the heavy debt incurred during the Revolutionary war, and for the amount of the expenditure to which they were liable for the support and maintenance of the Government of the Confederacy. This is all that is intended by the act of cession, and this is the fair and natural import of the terms employed. When it is remembered that, at the time of the passage of this act, the Government of the Confederacy had no power whatever to collect revenue, either by impost, excise, direct taxation, or otherwise, but had to rely upon requisitions on the States in proportion to their representation to discharge the heavy debt with which it was burdened and to meet its annual expenditures, the object of this cession, and the interpretation of the clause which I have cited, are too obvious for doubt or argumentation. The restriction contained in the clause was simply intended to prevent the local or partial application of this common fund to the separate and distinct benefit of any State or portion of the States. The object was to provide a "common fund" to relieve, the States from a common

charge and pay a common expenditure; and I cannot well imagine, considering that our Government was a mere federal alliance, powerless and penniless without the aid and support of the States, how the framers of the act could have employed more appropriate terms. If the framers of the act had contemplated that there would have remained a surplus out of this surplus to be applied to the individual and local concerns of the States, I feel very confident that they would have been cautious enough to make some specific provision for such a result; but their not having done so is conclusive proof to my mind that they did not design it. From the passage of the act, through a long series of years, the Congress of the United States, both under the Confederacy and the Union, has been acting under the influence of this interpretation in appropriating the proceeds of the public lands, and I see no good reason for reversing it at this late day. In aid of this view of the subject, I will refer to another fact, which I regard as conclusive of its correctness. The framers of the Constitution, having this whole subject before them, gave to Congress the same power over the ceded lands that they did over all lands which the Government then held, or might thereafter acquire; and that was, simply to prescribe proper rules and regulations for their management and disposition. There is not a word nor a sentiment which indicates that the framers of the Constitution believed that they held these lands in trust for the local use and benefit of the States. The power conferred over these lands is precisely the same conferred over all other lands, and, if the one can be distributed, the other can. From these considerations, my mind has come to the decided conclusion that the distribution of the public lands among the States for their local and private use is not justified upon any principles of expediency, nor warranted by the spirit of the Constitution, and not required by the provisions of the act of cession. There is no more safe, more just, or more profitable disposition of the public lands than to bring their proceeds into the public Treasury, and to relieve the people to that extent from burdensome and oppressive taxation upon those articles which are necessary to them.

But, Mr. Chairman, notwithstanding my opposition to distribution, I was not a little surprised to hear the gentleman from North Carolina [Mr. SHEPARD] impugn the title of Virginia to the ceded lands. After entering into a compact with her, accepting the cession and executing it according to its very letter for more than a half a century, I see no propriety in the Government of the United States impugning the title by which she holds these lands. It is a very singular position, that while we are acting by virtue of this cession, disposing of these lands and erecting new States in conformity with its provisions, we are at the same time denying the title by which we hold them! Did the gentleman from North Carolina reflect what effect his argument might have upon the future political balance between the North and South, in another body, if his argument were true? If he did not, I pray him to reconsider it.

The next subject which has been introduced into this discussion is that of a protective tariff. It is matter of extreme regret to me that a subject of so much delicacy, and so irritating a character, should have been introduced at a time and under circumstances when there could possibly be no action upon it; and it is a matter of more regret that any gentlemen on this floor should have indicated a purpose, at a future day, of breaking through the principles of the compromise act of 1832, and re-open this fountain of bitter and agitating waters.

[Mr. BARNARD here asked permission to say a word by way of explanation. Mr. GARLAND yielded the floor for this purpose.]

Mr. BARNARD then said, in substance, that he found himself alluded to now, and he had been frequently before, in the course of debate, as having proposed and advocated, in his speech on the bill now before the committee, a protective tariff, and a high protective tariff. There was entire misapprehension and error here, and apparently a growing misapprehension and error,

which he thought it time to correct. He had made no proposition, nor had he advocated in his speech a high protective tariff, or any protective tariff whatever. His proposition looked to revenue, and to revenue only, and not even incidentally to protection.

My motion (said Mr. B.) was to strike out the enacting clause of this bill, and that is the whole of the motion. I accompanied this motion with a notice which disclosed the object of it. It was that, if the motion prevailed, I would move the House to intrust the Committee of Ways and Means to bring in a bill to borrow \$10,000,000 on the issue of bonds or scrip; and also a bill to lay duties on articles now admitted free of duty, such as wines, silks, spices, and other articles, being luxuries—but all within the terms and policy of the compromise act. This was my notice; and it is, I suppose, to that that reference is made, when it is imagined that I have proposed to make a new tariff for protection.

Sir, I have proposed nothing of the sort, nor did I, in all my speech, from the beginning to the end, advocate any measure of the sort. I found, as I thought, that the Treasury would want \$10,000,000 in 1841 over and above all current revenues. I proposed to borrow it. I found also, as I thought, that the deficit in revenue from customs in 1842 would be very great, and that deficit I proposed to make up, as far as it would go, by new duties laid now, and laid, not upon protected, but on unprotected articles—duties for revenue only.

I will only add and repeat to the gentleman from Virginia, which was all I intended when I rose, that I have not, in occasion of this debate, proposed or advocated a protective tariff.

When Mr. B. had concluded, Mr. WADDY THOMPSON made a like request, and made the following explanation:

Mr. THOMPSON said it is very strange that any such disclaimer of an intention to bring about a protective tariff should be required of the member from New York, when his resolution expressly states that the terms of the compromise of 1833 are not to be violated; and therefore, he proposes duties, not on the protected, but upon the unprotected articles—such has been the language of every single member from the tariff States. The word protective tariff has not been used by one of them unless to disclaim any wish for increased protection. If Southern gentleman question the truth and honor of these members, I would ask, dare these members make this disclaimer if their constituents really wished increased protection?

The distinguished member from Massachusetts, [Mr. CUSHING,] representing one of the largest manufacturing interests, tells you that the manufacturers do not wish any more protection. That we may lay the duties for the required amount on any thing we please. They do not ask it, but are willing that the duties on the protected articles should be increased; that they propose to lay these duties on the unprotected articles to satisfy us, but, if we prefer, we may choose. No man from the South has said, or will say, that he does not prefer to lay duties on the unprotected class of articles. The North propose this to us, and we denounce the proposition which we approve, because we have a suspicion that, in offering us our own choice, they mean to cheat us. Why, then, sir, this senseless cry of tariff, tariff, tariff?

Mr. GARLAND. I am quite happy, Mr. Chairman, that I afforded the gentleman from New York an opportunity to place himself right before the country. It was to what I had been informed he had said that I referred. As to my friend from South Carolina [Mr. THOMPSON] I would as soon have suspected any man in this House or out of it being an advocate of a protective tariff as him. His explanation may be very well to set him right as to others, but was wholly unnecessary as to me. With this explanation from the gentleman from New York, I will pursue this subject no further, but content myself by remarking that, whenever it does come up, if I shall have the honor of a seat on this floor, I shall be found its unwavering and uncompromising opponent.

In relation to the proposed tax upon silks and wines, I beg leave to submit a few remarks. I am not willing at the present session to enter into that subject. French silks and wines, by treaty stipulation, are exempt from duties until 1842, and I feel no desire to discriminate between French silks and those of any other friendly power; and there is no necessity of any precipitate action on the subject. Whenever the whole field shall be opened, and silks and wines can be made the subjects of a fair and equal taxation with other subjects, I am ready to embrace them and impose it upon them. They are as fit subjects of taxation as any other foreign production, and much more so than many. They are certainly not entitled to any privilege because they are luxuries—nor, as asserted by my friend from Georgia, [Mr. ALFORD,] because "there are great many pretty girls in the South who wear silks." The "pretty girls" of the South are under as high an obligation to pay a tax for the silk which adds so much to their comfort and decoration, as the "pretty girls" every where who wear their light woollens; and although I should regret to be less an admirer of "pretty girls" than my friend from Georgia, yet this distinction is an homage that I am not prepared to pay to their beauty. The Constitution has given the power to raise revenue for the purpose of supplying the means of defraying the expenses of the Government and its other legal obligations. In the exercise of this power I shall always be prepared to impose such duties as shall be necessary to meet these objects. All that I desire in relation to silks and wines is to act upon them at a time and under circumstances when I can act advisedly, and when they can be subjected to a fair and equal and a just imposition of duties.

I have a word to say in relation to the tobacco question. My friend and colleague [Mr. WISE] seemed to think that the Tobacco Convention recently held in this city was but a part of the machinery which was putting in play to bring about a renewal of the protective system. I was a member of that convention, and although I shall not question the sagacity of my colleague, I distinctly assert that in that convention I did not see or hear any thing to justify the suspicion. It may be so, but if it was, it escaped my observation, and I can truly say that I did not participate in it. Upon the subject of the tobacco trade the inclination of my mind is to differ with the view of both my colleagues, [Messrs. WISE and COLES.] I regard the tobacco interest of the country as suffering under the weight of a most wanton and intolerable oppression at the hands of nations whose productions we receive on the most liberal terms. How monopoly and excessive duty in foreign countries are beneficial to that interest, is what I have not been able to discover. From the first formation of our Government to the present time, our constant effort has been to get rid of this monopoly, and reduce this imposition upon our tobacco trade in foreign countries—and yet we are gravely told that all this exertion has been directed to effect an object which would be ruinous to the tobacco growing interest. It is not my purpose to enter into a discussion of this question at this time. I confess that my information is too limited to decide with accuracy, and to act at this time with due regard to the great interest involved. I shall hold my mind open to the conviction of truth, and trust that if I shall ever be called to act upon this question, I shall be able to do so with wisdom and prudence. My colleague [Mr. COLES] seems to be sensible of the great oppression under which the tobacco trade labors in England, France, and other European powers, and that there ought to be some redress, but he is opposed to countervailing duties, "because," says he, "that would be legislating for France and England," forgetting that, if the argument be true, it cuts both ways, and proves that in the monopoly and the imposition of duties by France and England upon American tobacco, France and England are legislating for the United States. Because if the imposition of duties upon foreign productions in our own ports be legislating for those foreign countries, then by the same process of reasoning the proof is conclusive that the imposition of duties upon American productions in foreign

ports amounts to legislation for us by the powers imposing them.

That there should be a diversity of opinion as to the propriety of exercising the countervailing power is not to be wondered at, but that there should be any doubt as to the existence of the power is to me marvellous. The countervailing power is the right arm of national defence in matters of commerce, and the Government that is without it must prosecute its commerce entirely at the mercy of other powers. I do not now say that it would be proper to exercise this power in reference to the tobacco trade; but I will say that, if we are entitled to redress, this will be found the only successful remedy. I distinguish between a countervailing duty and one for purposes of protection. A protective duty is always imposed upon some foreign production or manufacture, to enable the domestic article of like character to compete with it in our own markets; the countervailing duty is always directed to such foreign production as will best dispose the foreign Government to do justice to our own productions, and conduct our intercourse with them upon terms of reciprocity. The countervailing duty is intended to operate abroad—the protective at home. The countervailing system is a harsh one, and should be managed with great caution, prudence, and discretion—never rashly. That the countervailing power exists in this Government is with me not a matter of doubt; but if I needed authority to support me in this position, I would refer to that of James Madison, whose opinion on this subject was decided and unequivocal, as were also those of many of his distinguished compeers. I must confess that I am not a little surprised at the remedy suggested by my friend, [Mr. COLES.] He says he would still negotiate. Well, sir, we have been negotiating for nearly sixty years, and the success has been an increase of the burdens. My friend says he will not resort to countervailing duties. If, then, the negotiation is renewed, and it again fails, what is the remedy? According to the position of my friend, [Mr. COLES,] submission. Now, Mr. Chairman, that this monopoly of the tobacco trade and heavy imposition of burdens upon the article is a source of very considerable revenue to the powers of Europe into which it is imported, is matter of no doubt. When, then, you send your negotiator to remonstrate against these impositions and demand their removal, what success do you think will attend his negotiations when he discloses the awful fact that, if the negotiation fails—we submit? This, Mr. Chairman, is the inevitable position in which the remedy of my friend and colleague places this question; and, if it be sound and tenable, it proves most conclusively, to my mind, that we should attempt no further negotiation upon the subject, lest it should result, as heretofore, in an increase of our burdens.

This argument, which means that we are to talk, and do nothing but talk, reminds me very much of an anecdote which took place near the beginning of the Revolution at Boston. The boys of Boston, who had caught the spirit of liberty which was running like fire in the prairies along the whole American colonies, from North to South and from East to West, by their songs of patriotism and their shouts of liberty, became very offensive to an old Tory who lived hard by the city. The Tory, in the agony of his feelings, exclaimed to some acquaintances standing by, in most indignant strains, "These boys ought to be talked to—to be talked to hard—very hard." Now, Mr. Chairman, I suppose my colleague would have our negotiators upon this subject "talk" to those foreign Governments—to talk to them "hard, very hard;" and if talking very hard will not do, to tell them—we submit.

The next subject introduced into this discussion, to which I shall advert, is the subject of a National Bank. Upon this topic, too, I think, the time of this House might be spared. There is no proposition before the House to establish a Bank, nor is there time to mature a bill for that purpose, if such a proposition were pending. But, sir, as this question has been alluded to, and I differ from many of those with whom I acted in the late Presidential election, in relation to the constitutionality and expediency of such an institution, I feel it due to

them, to myself, and to the country, to state, distinctly and unequivocally, that I am opposed to such an institution in any form or in any shape. I do not believe that the Constitution authorizes it, or that the true or substantial interest of the great body of the people requires it. When I examine the Constitution, and find it utterly destitute of a single word or sentiment which authorizes the establishment of a corporation of any sort or description—and when I remember that the framers of the Constitution, those sages and patriots of the ever memorable period of the Revolution, refused to impart to this Government the power to create a corporation of any sort or description, I feel well satisfied of the dangers which they believed would grow out of such a power, and do not feel willing to resort to some far-fetched inference or deduction from the delegated powers of the Constitution to supply that which was promptly denied it. Nor, sir, am I willing to amend the Constitution by judicial decision or legislative interpolation. There is but one way to amend the Constitution, according to the Constitution itself, and that is the only way by which I will consent to its amendment. I am not willing to see this country cursed with a Constitution of unstable Congressional enactments and judicial decisions. When that is the case, the sovereignty of the States is broken down, and the liberties of the people trampled under foot. I take the Constitution itself as the shield of the States and the palladium of the liberties of the people, and view with the utmost alarm and apprehension any, the slightest, infraction of it.

Mr. Chairman, as bitterly as I opposed the Sub-Treasury law, as determined as I am on its repeal, I am not now, and never was, more opposed to it than I am to the incorporation of a National Bank—such a one, particularly, as has been indicated. I cannot distinguish, in effect, between an overwhelming and dangerous pecuniary influence in the hands of the Executive of this Government, whether it be directly and openly conferred by a Sub-Treasury law, or indirectly under the mask of a chartered corporation. Such an institution, whether in the hands of a free or a despotic Government, would no doubt add much to the success of the pecuniary operations of the trading community; but, for this benefit to the trading community alone, we let into the gates of the citadel of liberty a most insidious and dangerous enemy. If gentlemen should succeed in their views and establish such an institution, I pray Heaven that it may not be to the free institutions of this country what the fabled wooden horse of the Greeks was to the unhappy Trojans. From these remarks, my friends will readily perceive that there is no aspect which this question can assume that can command my humble support.

These, Mr. Chairman, are my opinions in reference to these questions. They were early imbibed, and are too deeply rooted to be shaken or changed. The party with which I acted in the late Presidential election as well knew my opinions on these subjects as I did many of theirs, and had no more reason to expect, and I am sure did no more expect, that I would abandon them than I had to expect they would abandon theirs. If I had changed my course to suit the shifting current of events, they would have despised and condemned me. It was not because I had undergone any change of opinion on these subjects that I opposed the re-election of Martin Van Buren. I opposed him for other and higher considerations, both moral and political, striking at the foundation of all freedom and all free institutions—causes for which I would oppose, and aid in overthrowing, any Administration.

The freedom of opinion is the greatest birthright of an American citizen, and the shield of an American representative. I refused to yield it to the demands of the party with which I formerly acted, and will, if ever demanded, refuse to yield it to any party. Thus, Mr. Chairman, you have my views on these important and interesting questions; such as they are, they are honestly entertained, and will be firmly maintained. But, sir, why should we be wasting our time in these idle discussions upon mere party questions, when there is in the distance danger of a most menacing and formidable character which we should be preparing to meet? As was in-

timated by the gentleman from North Carolina, [Mr. SHEPARD,] the ambitious designs of Great Britain were never more clearly developed than at this time. She governs Asia, controls Africa, dictates to Europe, and is planting her influence and her military posts all over the American Continent. The world is scarcely sufficient for her grasping ambition. Does any man, who is familiar with her history, suppose that Great Britain will ever yield the disputed territory in Maine and Oregon without a struggle? If he does, he has more confidence in her justice and magnanimity that I have. For such a struggle, Mr. Chairman, what is our preparation? Our navy almost dismantled and disorganized—not a ship in a suitable condition to maintain the honor of our flag upon the high seas. Where is the army, and what is its condition? But little better than that of the navy—our whole coast almost defenceless. While Great Britain is making active and busy preparations all around us, and studding her Canada frontiers with fortifications, we, as we have been for the last eight years, are busily engaged in President-making and party manoeuvring, to the utter neglect of every sort of appropriation. Never was the country in a more unprotected and defenceless condition. I warn you, Mr. Chairman, that the tide of war is fast rolling upon us. I see it in the distance, and it rapidly approaches—it cannot be averted without dishonor upon our part. Is it not time, then, that American statesmen had buried their party feuds, and all harmoniously combine to make a suitable and adequate provisions for the coming emergency? I, for one, Mr. Chairman, feel the necessity, and am, therefore, prepared to commence the work of preparation. I believe in the wisdom of that maxim of the Father of his country—

"In peace prepare for war."

These, Mr. Chairman, are the remarks which I intended to make on this subject. In making them, it has been far from my intention to impugn the motives of any party, or to give offence to any. My object has been plainly and simply to express my own views and place myself fairly before the country.

RESIGNATION OF MR. WEBSTER.

IN SENATE,

MONDAY, February 22, 1841.

The VICE PRESIDENT submitted the following letter to the Senate:

Hon. R. M. JOHNSON, Vice President United States.

"Sir: It is the object of this letter to make known to the Senate the resignation of my seat as one of the Senators from Massachusetts, having already informed the Executive of that State that from this day my place would be vacant.

"In retiring from a situation in which so considerable a part of my life has been passed, I hope I may be permitted to express my high respect for the body of which I have been a member, the interest I shall ever feel in the preservation of its character and dignity, and my cordial wishes for the health and happiness of all those with whom I have been associated.

"With much personal regard,

"I have the honor to be your obedient servant,
D. WEBSTER."

The letter having been read, Mr. CUTHBERT and Mr. WRIGHT rose simultaneously, but, the CHAIR recognising Mr. CUTHBERT, Mr. WRIGHT yielded the floor to

Mr. CUTHBERT, who expressed his regret that the Senator from Massachusetts was not present, as he was desirous to make some inquiries from that gentleman as to doctrines some time since put forth by him, in which the people of the South had a deep and vital interest, and in relation to which it had been said the Senator had undergone some change of opinion. If the Senator from Massachusetts could explain this change of sentiment satisfactorily, he would stand better, and stronger, and firmer with the South than he did now. He (Mr. CUTHBERT) had been under the impression that the Senator from Massachusetts would have been here to-day in person, and he had hoped, therefore, that he could have made his inquiries in this chamber.

Mr. CLAY of Kentucky wished to express, as he did most sincerely, the deep regret he felt that the Senator from Georgia should have seized an occasion when his (Mr. CLAY's) honorable friend was absent from these halls.

Mr. CUTHBERT here interposed, and protested

against the idea that he had seized the opportunity of Mr. WEBSTER's absence to make the remarks he had now done, or that it should for a moment be supposed he had ever shrunk from expressing any opinion he held in the presence of any man whom it might concern. The document on which his remarks were founded, and in regard to which he was desirous of interrogating the Senator from Massachusetts, had been in his possession last session, but he had declined at that time to use it, and it had been left behind him in the district. He had directed it to be sent to him, but this had not been done; he had since used every effort in his power to possess himself of it, and hoped soon to succeed. He had not known till a few days since that it was Mr. WEBSTER's intention to leave the Senate before the expiration of the session. He hoped, therefore, that the Senator from Kentucky would release him from the imputation of being unwilling to express his sentiments in that Senator's presence. It was impossible he could, in this matter, be influenced by any party considerations, because, should the Senator be able satisfactorily to explain, the effect would be rather to weaken the influence of the party to which he belonged.

Mr. CLAY said that it was far from his intention to convey the idea that the Senator from Georgia feared to put any proper queries to his friend from Massachusetts, or had seized the opportunity of his absence with the view of taking any improper advantage of that circumstance; still he could not but express his profound regret, whatever circumstances might have caused the honorable Senator to choose this moment for introducing the remarks he had made, that he had not chosen a more suitable occasion.

Mr. CUTHBERT inquired whether it had not been generally understood that the Senator from Massachusetts was to be in his place to-day, and to address the Senate previously to making the resignation of his seat?

Many voices cried out, "No; there has been no such understanding."

Mr. CUTHBERT. There certainly has been on this side of the Senate.

Mr. CLAY said he could not answer for the Senator's sources of information. That it was his friend's intention to resign his seat, was a fact which had for some time been generally known, and had been stated in the journals of the day, and the Senator had been here in his seat till near three o'clock. He must, therefore, repeat the expression of his deep, his profound regret that, at a moment like this, when every member of the body could not but feel the great void which had been created by the act which had just been announced to the Senate, from the absence of that commanding eloquence and that unsurpassed logic which had been so long and so often exerted in support of the rights and best interests of this country; in the midst of this feeling of general regret—for he would do gentlemen on the other side the justice to believe that, notwithstanding political differences of sentiment, the feeling was fully participated in by them—that at such a moment the Senator from Georgia should have deemed it becoming, and a suitable opportunity, to introduce the subject to which he had just alluded. The day when one of the noblest specimens of American eloquence, one of the brightest ornaments of these halls, of his country, and our of common nature, had retired from his seat in the Senate, perhaps forever, to assume a station of still higher importance, and of still wider influence over the future welfare of this land, was certainly not a time that most gentlemen would have selected for the purpose of interrogating him as to any sentiments he might at a former time have uttered. He doubted its propriety at any time. The interrogatories to be put had no connection with any subject now before the Senate; and the practice had never been introduced into our American halls of legislation to put interrogatories to Ministers, as was customary in England. But if the Senator from Massachusetts had recently intimated any change of opinion in reference to the subjects to which the member from Georgia alluded, why should that gentleman doubt his sincerity? On what subject had he these doubts? He standing in his place, could be a witness for his

friend from Massachusetts, that, from his first appearance in the Senate down to this day of his regretted resignation, no sentiment had ever been advanced by him which was not perfectly catholic, and which did not regard as much the rights of the South and the great interests of the West as those of any other portion of the Union: on the contrary, he had ever been ready alike to defend and maintain, in the most determined manner, the rights of every quarter of the country. He had on all occasions declared it as his sentiment, that the Constitution of the United States conferred upon Congress no power, directly or indirectly, to touch the subject to which he presumed the Senator alluded, certainly not beyond the limits of the District; and even within the District, although he might be of opinion that the mere abstract power did exist, yet he believed as strongly that it would be inexpedient to exercise it. On what subject, then, did the South want guarantees as to his course in a higher and more extended sphere of action? His elevation to that station was an homage richly due to him for services and talents unreservedly devoted to the service of the country for twenty or twenty-five years past. And the present was the first and only proof which he had ever received of the due estimation of those services by the offer of any office under the Federal Government; and he would here publicly express his full and entire conviction that there was no subject in regard to which the South need indulge apprehension in consequence of his elevation.

Mr. CUTHBERT said that the Senator from Kentucky had made a great deal out of his brief address to the Senate, having spoken of it as though he had pursued a course which was a subject of poignant regret—as if he had been guilty of some gross violation of decorum—some unpardonable outrage on public feeling; but he was not to be imposed upon by any such affectation.

Mr. CLAY. I call that Senator to order; he cannot be permitted to use such language in application to me.

Mr. CUTHBERT here made some explanation, unintelligible to the reporter, but which ended with the expression, Well, then, we now understand each other. The Senator says that his friend from Massachusetts is a Senator of distinguished abilities. I acknowledge it. That those abilities have long and often been exerted here. I acknowledge it. That his opinion is of high authority. I acknowledge it. But if he entertains the most heretical and abominable opinion in relation to a subject which is of the deepest interest to a large portion of this country, am I not to dare to demand from him an explanation? That I must not dare to speak of a subject of this importance, because it does not comport with the Senator's notions of decorum! Can any man listen to this with patience? That the rights of the whole people are to be put in the scales with the Senator's ideas of delicacy and decorum? I laugh at it. I spurn at it. The interests of my constituents shall be defended by me on all occasions—by God they shall. The gentleman does not understand to a scruple or a drachm the heresies which have been maintained by his friend; not always, by the by, his friend, if I rightly remember. The laurels of the honorable Senator from Kentucky were won by his gallant support of the late war. It was the glory of his eloquence, the fire and splendor of his genius, which inspired the hearts of his countrymen with an undying determination to resist oppression. For that he was honored then—for that he is honored now—and for that he ever will be honored. Where his friend stood on that occasion, I need not say. But what is this doctrine put forth by the Senator from Massachusetts, and in regard to which I wish to interrogate him? It is proved by a document of the very highest authority. I regret I have it not now to produce, but I shall have it, and will produce it. He there asserts it as indisputable that Congress may pass laws to prevent the transfer of slaves from one State or Territory to another!

Mr. PRESTON was understood to say that, without recognising the right of any Senator to interrogate him as to the sentiments of an absent friend, and disclaiming any intention to make an answer for one so abundantly capable of answer-

ing for himself, as was the honorable Senator from Massachusetts, he would say that the circumstance which he understood to be alluded to by the Senator from Georgia was one in which he had himself had some participation. He had been present at the time when that honorable Senator made the declarations having relation to the interests of the South, of which the Senator from Georgia complained, and those declarations were, to his (Mr. PRESTON's) mind, satisfactory. The doctrines then advanced were such as he, as a Southern man, felt authorized to sanction, to approve, and, in some sort, to endorse. He did approve, and did endorse them. The explanations of the Senator from Massachusetts were made at Alexandria, in the presence of many thousands of Southern gentlemen, and they were entirely satisfied. His opinions were there avowed openly, and he told the assembly that they should hear of them again; and those very same sentiments, *ipsissimis verbis*, were echoed among the mountains of New Hampshire, were reverberated along the indented shores of Massachusetts, were proclaimed on the banks of the Hudson, and again put forth in the clearest and most decisive language from the Capitol at Richmond. As a patriot and a Southern man, he (Mr. PRESTON) had heard them with great pleasure. Whether they were the result of any change in sentiment—whether they were the product of any new light, he neither asked nor cared, but hailed them with delight as proceeding from such a man. Whether now or old, if they were Mr. WEBSTER's sentiments, as he could not doubt they were, he was sure the Senator from Georgia must rejoice with him, both that they were entertained and had been thus expressed.

Mr. RIVES obtained the floor, but yielded it at the earnest request of

Mr. CUTHBERT, who said that he had charged these heresies, of which he complained, openly on this floor, upon the Senator from Massachusetts some years ago, when the position of that gentleman was not so important as it had now become, and the Senator from Virginia at that time joined him in pressing for an explanation from the Senator from Massachusetts.

Mr. RIVES said he should like to know what was the purpose of the Senator from Georgia in thus pressing this subject of inquiry? What was his object?

Mr. CUTHBERT said he would explain. He then repeated the declaration that, when pressing the charge of these opinions on the Senator from Massachusetts, the Senator from Virginia had united with him, and had expressed to the Senator from Massachusetts his strong disapprobation of those opinions.

Mr. RIVES said that the gentleman from Georgia was certainly mistaken. He had a perfect recollection of the leading circumstances, and did not join the gentleman from Georgia, on that occasion, in charging the Senator from Massachusetts with having promulgated the obnoxious opinion that it was competent for Congress to prohibit the transportation of slaves from one State to another for sale. He had had no information on the subject. All he had heard was from the gentleman from Georgia himself. That Senator had asserted that the Senator from Massachusetts had, in some document adopted by a public meeting in Boston, advanced such sentiments, and this was all that he knew about it. When that gentleman charged the fact on Mr. WEBSTER, and pressed for an explanation, he (Mr. RIVES) had been anxious to hear what reply would be made, but did not join the Senator in making the charge.

Mr. CUTHBERT. I did not allege that the Senator from Virginia made the charge on his own knowledge, but I say, and I will ever repeat, that the Senator from Virginia did, with earnestness and with great ability, press that charge on the Senator from Massachusetts, who, in his reply, avowed the doctrine, and maintained and defended it on the constitutional power of Congress to regulate commerce between the States. I repeat, that the Senator from Virginia did enter into that debate, although I admit that he obtained the facts from me.

Mr. RIVES. I had risen to perform an act of

justice to the Senator from Massachusetts and to myself, when I yielded the floor to the gentleman from Georgia. And what is the result of the statement he has made? Does it sustain his assertion that I pressed the Senator from Massachusetts for an answer to his inquiry?

Mr. CUTHBERT. I beg the Senator—I beg the Senator to do me justice. What I said was, that the gentleman from Virginia did press on the Senator from Massachusetts the incorrectness of those opinions, supposing him to entertain them.

Mr. RIVES. Then the whole question, as between the Senator from Georgia and myself, is immaterial. I have not so minute a recollection of all the circumstances as to be able to recall every individual thing which passed; but, fortunately for the Senator from Georgia and myself, we did not speak to empty benches. There must have been others who heard and who remember what passed. I recollect having participated in a very interesting debate, to which the Senator from Massachusetts and other members of this body were parties, on different topics connected with Southern rights. On this occasion I remember it was alleged by the Senator from Georgia that the Senator from Massachusetts had advanced the doctrine that it was competent for Congress to prohibit the transportation of slaves from one State to another for sale, and that he appealed to him to say whether he had or not; but he did not recollect whether the Senator from Massachusetts had admitted or denied having done so.

Mr. CUTHBERT. No, no; he did not deny it.

Mr. RIVES. Let not the Senator from Georgia involve me when he comes forward to make charges against a gentleman who is not here present to defend himself; but, if he advances a charge, and its truth is denied, then the burden of proof certainly lies on him.

Mr. CUTHBERT. I can prove it, and I will.

Mr. RIVES. I protest against the gentleman's drawing me in to support his accusation in a matter of which I have no knowledge. Now do I feel it to be due to the eminent public man who has just dissolved his connexion with this body, and who has been arraigned for his opinions by the Senator from Georgia in a manner which, to say the least, is rather ill-timed and unprecedented, to state what have been the declarations of his opinions, on these same questions, within my own hearing, at a very recent period. With that distinguished gentleman I have differed, and still differ, on some important questions of public policy. But these differences have never prevented me from feeling that his presence here was one of the proudest ornaments of this Hall, and that his withdrawal from it will leave an intellectual void which generations must pass away, in the ordinary course of Providence to men, before we shall see it filled with his like again. His talents and his reputation are the common property of his country, and for one I have ever looked upon them with pride as an American citizen. If my honorable friend from Georgia—

Mr. CUTHBERT. I hope the Senator will drop the expression "friend."

Mr. RIVES. Most cheerfully, if he says so. If the Senator from Georgia, then, had looked as inquisitively into the evidence of the opinions of the Senator from Massachusetts on this important and delicate topic, which has been given to the world during the last four or five months, as he seems to have done into those supposed to have been uttered by him twenty-odd years ago in a town meeting of Boston, he would have seen what he has said under circumstances of the most solemn and imposing character. At the city of Richmond, in the month of October last, on the sacred portico of the Capitol of Virginia, before an assemblage of ten thousand of her freemen—beneath the light of an October sun—in the face of Heaven—he declared, in the most solemn manner, under all the responsibilities of his character and his station, that it was his well-settled and unchangeable opinion that there is no power, direct or indirect, in Congress or the General Government, to interfere, in any manner whatever, in the slightest degree, with the subject of slavery or the institutions of the South. A declaration so broad, so complete, so unequivocal,

so emphatic, proceeding from such a man, in such a presence, could not but make a profound impression. These memorable words are on record. They were taken down at the time, and they have been given to the world under the revision of the Senator from Massachusetts himself. Here, then, is the authentic and recorded evidence of the deliberate and final opinions of that distinguished gentleman on the whole of this delicate subject; and it is but an act of common justice that he should be tried and judged by them. Let the Senator from Georgia prosecute his inquiries, by referring to these recent and authentic proofs of the sentiments of the distinguished citizen of Massachusetts; and, if they should fail to satisfy him, he will have this further consolation, that, though that gentleman is removed from this theatre of his public labors, he will not be beyond the reach of any legitimate inquiries in that higher post of duty and responsibility, his accession to which has been hailed, as the Senator from Kentucky [Mr. CLAY] has just remarked, by the general voice of the country. He will be happy, I doubt not, to answer any inquiries which may be conveyed to him, in courteous and proper terms, from an unprejudiced source. My only regret is, that he is not now here to answer the arraignment of the Senator from Georgia, face to face.

Mr. CUTHBERT. None can regret it more than I; no man regrets it one ten-thousandth part as much. I tell the Senator that I have been seeking for the document on which I base my inquiry. Does the Senator believe me, or must I prove it? I repeat the assurance, that I have been waiting for that document, and that only. But I am not sorry for what has occurred. It pleases me. I am glad. I am glad the attention of the country has been fixed upon the fact; it cannot now escape investigation. It will now be seen what has been said of my much-injured State—a State I love with burning affection. I hug her to my heart in proportion as she is assailed and assaulted from abroad.

I say, then, that at a public meeting held in the city of Boston, on the subject of slavery, and for a purpose which the South cannot approve, a committee was appointed to bring in a report. The gentleman from Massachusetts was chairman of that meeting; and one of the resolutions reported by the committee was in nearly the very words uttered by him on this floor. I would have called on him for an explanation before now, but I wished first to procure the document, that I might be sure I was right. It shall yet be produced; and I say again, that I am glad the eyes of the country, the eyes of the whole world, have been turned to this proceeding, and to the heretical opinion advanced by the Senator from Massachusetts. Two or three years since, that Senator carefully investigated the subject of slavery, and in this document he declares it as his opinion that Congress has the constitutional authority to prevent the transportation of slaves from one State to another. It is a case made out; the proof shall be adduced, and it is of itself sufficient to excite the suspicion of the South. The opinion has been spread abroad, and it has every where been quoted on his authority.

Now, if the Senator has changed his opinion, is he not bound to retract this expression of it? If he has formerly expressed an opinion which he now knows to be false and unsound; if he knows, at the same time, that that opinion, as his, has gained currency, and that it furnishes the very form in which the war is carried on against us, and if, under these circumstances, he refuses to do justice to the South, what must be his moral structure? The opinion gains authority in his own State, and it is promulgated abroad as an opinion supported by his authority. If he knows this, and does not contradict it, he re-affirms it. And am I then to be told that the certain vague and general expressions used by him on the steps of the Capitol of Virginia avail to cancel all this? The cancer is spreading, it approaches the vital parts, the patient is in danger, and then we are told that there is some panacea or quack medicine which has been vended for the cure of the disease. A Senator from South Carolina put the document in my hands at the last session. I thought at that time of bringing up the Senator before the people, but the document es-

caped me, and I have sought it since, with the express intention to make that use of it. I say that the Senator from Massachusetts has set up doctrines which throw open all the South to her enemies, which leave us no barrier for our defence, and with nothing to prevent the sea from rushing in to overwhelm us. The mischief has been done: it has been done by the expression of that opinion: it must be retracted: forgiveness must be asked from a much injured people: there must be repentance, add not only repentance, but reform. The Senator must not profess to repent, and still retain the emoluments of sin. He must not retain popularity at the North for one opinion, and tell the South that he has changed it, and holds another. I say again that I rejoice that the attention of the world has been called to this debate. The Senator has been pledged by his friend to answer. If he shall answer and retract the opinion, then his authority, in the degree in which it will now prevail, and that is but a poor degree, will atone for the mischief he has done. If he does all he possibly can to counteract its influence, then he will stand somewhat better before our people than he now does; but if he shall not—we know our enemies.

MONDAY, March 1.

Mr. CUTHBERT rose and said: Last week, on the resignation of the Senator from Massachusetts, some remarks were made by him, in the course of which he pledged himself to prove certain points by a document which he would produce. The only essential points to which he alluded, were these two: that the Senator from Massachusetts had expressed and advocated this doctrine in certain resolutions in a memorial, that Congress had full power to prohibit the slave trade between the States; and next, that many years after the expression of this opinion, the Legislature of Massachusetts, in the course of its action on the subject of slavery, quoted the same doctrines formerly advanced by the Senator from Massachusetts, and had maintained them. His course on this occasion was simply to produce the document which he had promised to produce, and leave the thing with the Senate, as the period of the session, and the state of their business, would prevent him from desiring that any thing more should be said.

Mr. PHELPS rose to a point of order. He inquired what business there was before the Senate—at present there was nothing before them for the action of the house.

Mr. CUTHBERT hoped the Senator from Vermont would not insist upon his point of order. He (Mr. CUTHBERT) stood before the country pledged to do what he now desired to do; and he inquired whether the Senator from Vermont would not permit him to put himself in a proper position before the country?

The PRESIDENT said the Chair was always disposed to extend courtesy and liberality to Senators, when it was desired to make any explanation, or when a Senator wished on any subject to set himself right, as in the present case. He understood the Senator from Georgia to appeal to the courtesy of the Senate. Perhaps, according to strict rule, the Senator had no right to enter into any discussion, unless there was some specific question before the Senate; but it was the courtesy of the Senate that was now appealed to, whether he should proceed or not; and it had been usual to extend courtesy in such cases.

Mr. KING said he was fully aware that there was no rule of order to justify this discussion. For his part, he had been anxious and very willing that it should have been arrested at an early period; but it was not arrested. In the course of that discussion, his honorable friend [Mr. CUTHBERT] made certain statements—those statements were questioned—they were not directly denied, but they were questioned; and had there ever been an instance of an honorable Senator—when he had made statements which were questioned by any Senator—not being permitted, at a subsequent day, to come forward and make an explanation? There never had been such an instance. Was it said there was no rule of order to justify it? Why, did they not allow Senators to get up and speak by the hour, who concluded with a motion? and had those

honorable Senators been called to order before any motion was before the Senate? No: for they supposed that a proper self-respect, and a due regard to public opinion, would prevent Senators proceeding irregularly; and therefore they had not checked them by any rule of order, when making explanations. They enforced rules to facilitate business; but when a Senator wished to put himself right, was he to be checked? The Senator from Georgia held a position, then, which demanded from that body that he should be permitted to explain.

Mr. PRESTON hoped the point of order would be withdrawn. It was the uniform practice of the Senate to permit a Senator to make an explanation, when it was thought necessary.

The PRESIDENT said, under the circumstances of the case, he should feel bound to put the question to the Senate, "Shall the Senator from Georgia be permitted to proceed?"

Mr. PHELPS said, perhaps an apology was due from him to the Senate; and he begged to say to the Senator from Georgia that he was not aware that that Senator was implicated in consequence of any thing which had been said on a former occasion. He (Mr. PHELPS) could only say, by way of apology, that he was absent from the Senate on that occasion during part of the discussion; he came in while the discussion was going on, and he found, to his regret, the Senate engaged in a discussion in relation to the opinions of an honorable Senator, which, it struck him, was entirely irrelevant; nor could he discover now how a discussion respecting the opinions of any gentleman, who may have been honored with a seat here, could be relevant, when those opinions involved nothing for the action of the Senate. When, therefore, he found that the discussion was to be renewed, he felt it to be his duty, as a member of that body, to interfere and to interrupt, if possible, a discussion tending to no result. With respect to the individual opinions of the Senator from Massachusetts, if they were of any consequence any where, it was out of doors; yet if he had supposed that the honorable Senator from Georgia had felt that he was implicated in consequence of any thing that had transpired there on a previous day, and that he felt it necessary to have an opportunity to set himself right, he (Mr. PHELPS) would not have interfered. Having said this much, he might be permitted to add, if the honorable Senator conceived now that it was necessary that he should be heard on this floor, he (Mr. PHELPS) would most cheerfully withdraw his point of order; but, at this late period of the session, it did appear to him that the discussion should be confined to some reasonable limits.

Mr. CUTHBERT said the expression used did not convey his views: he did not feel himself "implicated;" but, in the presence of the country, he had made certain statements which had been questioned; he then promised to furnish the proofs on which his statements were based, and he now called upon the Senate, as a matter of justice, to give him the opportunity to furnish his justification.

The PRESIDENT. There appears to be a general acquiescence. The Senator will therefore proceed.

Mr. CUTHBERT said he had an extract from a report made to the Legislature of Massachusetts by a committee appointed on the subject of slavery. This was the paper which he had stated he had had in his hands in 1838; the paper from which he first derived his information must have been earlier, since this debate took place in 1837. Whether there had been two reports, or whether the first document was not a report of the Legislature of Massachusetts, but from some other source, he could not say; but, passing that by, he begged the Senate to listen to the reading of this extract, which proved the Senator from Massachusetts, who had lately left this Hall, to have been first named on a committee to prepare a memorial or address to Congress, to prohibit the slave trade between the States.

The report of the Massachusetts Legislature, of which this was an extract, went further than to place the Senator from Massachusetts at the head of the committee, for it cited his opinions as those of an "eminent jurist and great constitutional lawyer." That part of the report, however, had not

been copied into the extract. Now there might be a question whether this paper was or was not authentic; to this he could say he had compared it with the memorial presented to the other House, and he found it exactly to correspond, with the exception of one word. He now begged that the Clerk might be suffered to read the document.

The Secretary read it accordingly.

It purported to be a memorial, drawn up by a committee of which Mr. WEBSTER was a member. The memorial expressed the opinion that Congress had the power to prohibit the slave trade between the States.

Mr. PRESTON remembered well, some years ago, such sentiments as were there expressed being attributed to the distinguished Senator from Massachusetts, now no longer a Senator from that State. Whether properly attributed, he had nothing more to rely upon than the common rumor of the newspapers of the country. But more recently he had been present when declarations were made by the gentleman alluded to, which had his hearty approbation. On that occasion he did not stop to inquire what might have been the opinions of that distinguished gentleman on a former occasion; it was sufficient for him that they were now thus and thus, and it gave him great pleasure then to hear that those opinions were to be publicly pronounced. They were so pronounced at Alexandria, again in Virginia, and again in Vermont. Those declarations were deliberately made, as he (Mr. PRESTON) happened to know, and with a full sense of the solemnity of the declaration and the pledge, made for the first time in the presence of a Southern community; and he, (Mr. PRESTON,) as a Southern man, should have considered himself recreant to his duty if he had not hailed, with his utmost approbation, declarations from so high a quarter, of the correct policy of this country affecting the interests of the South. He (Mr. PRESTON) was not in a position to regret to see him come over to Southern principles and Southern interests, and he heartily rejoiced to hear so powerful a voice advocate the best and dearest interests of their country. If this were a change of opinion in the distinguished Senator from Massachusetts, it struck him (Mr. PRESTON) as evidence of a change of opinion in the Northern country in favor of the South, and of ground to hope for future changes, for, for a long time past, most unconstitutional doctrines had been held in the North which had a tendency to be fatal to the United States, but were especially deleterious to the interests of the South, which he represented; and therefore he hailed, enthusiastically hailed the declaration of these opinions with delight. He thought it was a most auspicious event, and he was glad that he was there present to bring it about. It may have been a change; he had not inquired whether it were so or not, but he had marked a progressing change of late years. Why, ten years ago gentlemen from the South were willing to get up and move the abolition of slavery in the District of Columbia; and gentlemen south of the Potomac, who, he knew, were prepared to move then in the District of Columbia, would now shrink from it as dangerous and abhorrent to them. Changes were going on at which he rejoiced. He especially rejoiced to hear the declarations made at Alexandria by such a man; he was also rejoiced that the pledge to proclaim the opinions then expressed elsewhere, had been redeemed. He then read an extract from Mr. WEBSTER's Richmond speech, to show the opinions which that gentleman now entertained, and he added that he felt confident the rights and interests of the South might be safely entrusted to him.

Mr. CUTHBERT said, after what had been said it would be difficult to force him into a discussion. There was nothing which had been uttered by the Senator from South Carolina which had not been anticipated by him in his remarks to the Senate last week. The essence of those remarks was perfectly where it was; the remarks were general in their nature; the expressions were strong and absolute expressions of a specific doctrine; and not only was it true that such specific doctrines were maintained, but it was also true that they were maintained on the sanction and authori-

ty of the Senator from Massachusetts. Now, if that Senator had infused a virus into the political veins, it should be followed by the antidote of his great and high authority. But what authority that man ought to be entitled to, who declared that the clause of the Constitution giving power to regulate trade might be used for the prohibition of trade, he (Mr. CUTHBERT) could not understand. What would be said by the citizens of Massachusetts if Congress, under the authority to regulate trade, should prevent them carrying their manufactures to North Carolina, or to Virginia, or Georgia? Why, it would meet with their strongest expressions of pity. Well, then, if the opinions of this same "eminent jurist, this great constitutional lawyer," had been expressed so absurdly, what was to be thought of either his head or his heart? If the defect were in his head, what became of all those great eulogies which they had had of him, and of all that lavishment of praise which they had heard in the course of the last week? If in his heart—were they feelings of the people whom the Senator from South Carolina represented, could approve? But let him show the Senate the danger of trusting in general declarations. At the time of this debate, in 1837, he thought the Senator from South Carolina would not say the Senator from Massachusetts had made any expression of that change of opinion which had since been made, yet at that time he uttered general expressions in relation to the power of Congress to act on the States, as strong as the English language could afford. At that time, as reported in Gales and Seaton's Register of Debates—

"Mr. WEBSTER said he could not perceive the cause of that warmth which had been exhibited by the Senator from Virginia, [Mr. Rives,] while he was so strenuously exhorting other gentlemen to keep cool. That Senator could not express more strongly the want of power in the General Government to interfere with slavery in the States than Mr. W. had often and always done. The Senator had said, however, that those only were interested in this subject who were suffering in the immediate presence of the evil. This Mr. W. could not but consider as a great mistake. Mr. W. though living in a Northern State, and a State non-slaveholding, felt that evil too, from the train of consequences which it inevitably drew after it. He had as deep an interest in the peace and the preservation of the Union as the Senator from Virginia."

When he rose it was simply with the intention of laying the document before the Senate which had been read, and he had no desire to prolong the discussion respecting the opinions of the Senator from Massachusetts: all personal intercourse between him and that gentleman had ceased for years, as was known to many; for the course of that gentleman, it was clear to his mind, was hostile to the interests of the South. His [Mr. WEBSTER's] great ability no one would dispute, but his great ability gave him a more fatal power to work mischief. Great talents were given from on high to be applied to the good of mankind. Intellect! what is it unless connected with moral qualities? What is it without sympathy with mankind, without magnanimity, without a deep sense of what is due to the people? He is a mere monster of intellect who does not join to it moral qualities. Whence, then, did the Senator from Kentucky derive his topics of praise? Perhaps, however, this was to cease.

Mr. CLAY hoped the Senator from Georgia would go on if he had anything to say respecting him, (Mr. CLAY.)

Mr. CUTHBERT. Well, then, with respect to that Senator, it was well known that more than one great crisis had taken place in this country. The first great crisis was the war with Great Britain; the next was when the whole country was agitated on the subject of the tariff. On the first was there any unity of action between the two Senators? [Mr. CLAY and Mr. WEBSTER.] And on the second, when it was compromise or civil war, were they not equally opposed? Then the Senator from Massachusetts sternly contended for no compromise. Good God! at this crisis of my country thou didst carry her through, and I returned thee my humble

thanks. The third great crisis was this matter of Abolition. Look at the document presented this day and its reproduction by the Legislature of Massachusetts, and at the whole course of the Senator from Massachusetts, which he had pursued in this Hall. As he had before said, God had given to certain individuals great talents, but for them he would demand an account hereafter. Oh, then, my God! how happy would the Senator from Massachusetts have been if he had known how to improve them! He should have had firmness enough to have said, Oh, my countrymen you have been misled! Oh, my countrymen, if you ever reposed confidence in my judgment and my counsel, abstain from this fatal course!

Mr. CLAY regretted extremely to have been called out in the manner in which he had been by the Senator who had just resumed his seat. He thought with the Senator from Vermont, that this debate was wholly irregular; nor was there any necessity to create an occasion for that exhibition of proof which had been made by the Senator from Georgia, for in a few days the nomination of the late Senator from Massachusetts, to a high office, would be before the Senate, and then the Senator from Georgia might have presented them to the Senate. But since there had been an indulgence granted by the presiding officer to the Senator from Georgia, and as he had thought proper to allude to certain differences of opinion between the late Senator from Massachusetts and himself, (Mr. CLAY) he asked the indulgence of the Senate while he made a few observations in reply. No error could be greater than to judge of human nature by a single quality, or a single opinion. If there must be a coincidence of opinion, both abstract and practical, between any two men before they were brought together—

Mr. CUTHBERT made some observation which was not distinctly heard.

Mr. CLAY. I will not be interrupted.

Mr. CUTHBERT again attempted to be heard.

Mr. CLAY continued, with some warmth. I will not, I cannot, be interrupted. I will not permit an interruption. The practice is much too common; it is not parliamentary; it is too much tolerated in another place in this Capitol, and I trust it will not be continued here. He then resumed his remarks, and observed that no error could be greater than to select a single opinion of any being, whereby to judge of his whole character or of his fitness for office. But what was the accusation brought by the Senator from Georgia? Why, there was a provision in the Constitution of the United States, that Congress shall have power to regulate commerce with foreign nations and among the several States, and with the Indian tribes. There was another, which provided that there should be no prohibition of the importation of certain persons therein described, prior to 1808. It appeared that both had remained to this day unacted upon, except that relating to the foreign slave trade. Now, a reference was made by the Senator from Georgia to the opinions of the Senator from Massachusetts in connection with these provisions. That which gives power to regulate commerce was one about which there was a great diversity of opinion. His (Mr. CLAY's) opinion was, and he had recently taken occasion to express it, that the power to regulate did not imply prohibition, but the removal of obstacles. But suppose it was a case perfectly clear, in which the Senator from Massachusetts was wrong, was he to be judged by a single error of opinion? With whom, at this moment, was the Senator from Georgia acting? The distinguished Senator from South Carolina, [Mr. CALHOUN.] Did, then, the Senator from Georgia hold to the doctrine of nullification?

Mr. CUTHBERT. No.

Mr. CLAY. Did the Senator from South Carolina and the Senator from Georgia concur on all points? He asked the pardon of the Senator from South Carolina for thus referring to him; it was with no desire to be personal, but for the sake of illustration. He again asked if those two Senators agreed on all points, whether of policy or practice? No: they were to take human character by the *tout ensemble*, by its whole extent, and not by a single feature. Now, to pursue this idea: the honora-

ble Senator from Georgia reminded him that on three great occasions, according to his [Mr. CUTHBERT's] opinion, which have occurred in the history of this country, the Senator from Massachusetts and himself (Mr. CLAY) have differed. Well, what were they? The first was the late war with Great Britain, and it was very true that the Senator from Massachusetts then differed from him, (Mr. CLAY.) He thought that Senator was then wrong; he (Mr. CLAY) thought the interest, the honor, and the character of the country demanded that war. The Senator from Massachusetts thought otherwise; and the Senator from Georgia [Mr. CUTHBERT] was with him, (Mr. CLAY.) But he would tell them there was another war, infinitely more disastrous to the country; and in that war where stood the Senator from Georgia and his gallant friend from Massachusetts? He alluded to that domestic war, which from the inmost recesses of his soul he abhorred, which was commenced under the command of Andrew Jackson, against the liberties of this country. Where stood the Senator from Georgia then? Why, the Senator from Georgia fought against him (Mr. CLAY) and his friends until the country stood redeemed from the dangers with which it was threatened. And where was his friend from Massachusetts? Why, in the midst of the fight, battling for the liberties of the people until the conquest was achieved. Well, was he to agree with the Senator from Georgia because that Senator agreed with him respecting the British war, rather than with the Senator from Massachusetts, who disagreed with him (Mr. CLAY) about that foreign war, but was with him in relation to the domestic contest of the last twelve years?

But, again, they were reminded of the case of the compromise, and they were told that the Senator from Massachusetts was willing to leave the country to the possibility of a civil war. But did that Senator stand alone on that occasion? Where were the Senators from Missouri and New York? [Messrs. BENTON and WRIGHT.] Why, they differed as much from him (Mr. CLAY) about the adoption of the compromise as the Senator from Massachusetts ever did. Did the Senator from Georgia find it difficult then to co-operate with the Senators from Missouri and New York? No; he was heart and glove—he was heart and hand with them in all their measures. Well, the third crisis in which the Senator from Georgia said he (Mr. CLAY) and the Senator from Massachusetts differed was about Abolition. He could only repeat here what he had before declared, as far as he knew and believed, that the opinions of the Senator from Massachusetts were just as much adverse to Abolition as the opinions of the Senator from Georgia himself were adverse to Abolition. That there were dangers impending over this Republic, and would continue over it, they must disregard all the lessons of experience and of history if they did not believe. But let him tell them what was the greatest danger which threatened this country in reference to the delicate subject to which the Senator from Georgia had referred. It was in ultraism. It was in the ultraism of the South on the one hand—of a small portion of the South on the one hand, and the ultraism of Abolition on the other. The course of safety lay in a moderate, firm, resolute determination to maintain the rights of the South—the just, constitutional rights of the South, in their fullest extent, against all attacks, not being led off into an extreme by attacks on the one hand, or frightened into extremes on the other. He had been led off on this subject farther than he had intended to have gone, or he might have referred to another coincidence of opinion of the Senator from Georgia and the Senator from Massachusetts, and a difference of those Senators from him, (Mr. CLAY.) He might be mistaken, but he believed the Senator from Georgia was a member of the other House in 1824, at the passage of the tariff act; and where stood the Senator from Massachusetts then? Acting by the side of the Senator from Georgia, if he were there, and by the side of that Senator's friends, if he were absent, and opposed to him, (Mr. CLAY.) Why, during the long course of thirteen years he had agreed with the Senator from Massachusetts, and differed with the Senator from Massachusetts;

during the same period he had also agreed with the Senator from Georgia and differed with the Senator from Georgia; and if the Senator from Georgia would undertake to calculate all the coincidences of opinion and the differences in that period, he would work out a far more difficult problem than a friend of his (Mr. CLAY's) in the other House had undertaken, in an attempt to prove that Vermont, and not Kentucky, was entitled to the honor of "the Banner State."

Mr. CUTHBERT thought it hardly necessary to reply to the Senator from Kentucky, or he should be drawn to give importance to that which was not entitled to so much consideration. The honorable Senator's subsequent remarks were inaudible at the Reporter's desk, but he was understood to characterize something as "audacious."

Mr. CLAY rose and said: I wish to know if the Senator applies to me? If he does, I will call him to order.

Mr. CUTHBERT continued. The Senator from Kentucky was himself in the habit of using very provoking language to others. Now let them consult nothing but the public good, instead of consulting nothing but the excitement of factions; and when the Senator from Kentucky learned proper courtesies towards his opponents, he should meet with nothing but courtesy from him, (Mr. CUTHBERT,) and not till then.

After some further remarks by Mr. CUTHBERT and Mr. RIVES.

Mr. WALKER spoke at some length, being drawn into the debate by the allusions of honorable Senators to the Mississippi case then pending in the Supreme Court, into the merits of which he entered with some minuteness.

After a few observations from Messrs. PRESTON, CLAY, CUTHBERT, and BUCHANAN,

Mr. WRIGHT appealed to the Senate whether they would not take up the appropriation bills which were ready to be passed; for that purpose he would suggest that the Senate should take a recess, and meet again at 5 o'clock.

This was agreed to; and the Senate then adjourned until 5 o'clock.

TREASURY NOTE BILL.

SPEECH OF MR. VANDERPOEL, OF NEW YORK.

In the House of Representatives, Monday, February 1, 1841.—In Committee of the Whole on the Treasury note bill.

Mr. VANDERPOEL said, he did not propose to take a part in the discussion of the bill under consideration from any apprehension that it would not pass. He was very sure, if the time should ever come when we could get a vote upon it, it would pass, and that, too, by a most decided majority. At the same time, it seemed to be regarded by one side of the House as furnishing a fit occasion for keeping up a constant fire upon an outgoing Administration. His connection with the committee that reported the bill, and not a disposition to inflict a long speech on this committee, tempted him to invoke enough of its time and attention to enable him to answer a few of what he deemed the unfounded statements and wild speculations of some of the gentlemen who had already addressed the committee.

Complaints loud and deep had been uttered against the Secretary of the Treasury, because he had not given seasonable and more explicit warning in his annual reports of his intention to apply to us for leave to issue Treasury notes. The gentleman from Maine [Mr. EVANS] had more than insinuated that these annual reports had usually presented a most fair and flattering state of things, since a resort to Treasury notes for relief had been fashionable, because they were printed by thousands, culled through the whole of this extended country, and read by every inquiring citizen; and that, after the session was well advanced, and not till then, would the Secretary intimate the probability of his requiring relief. This was not only impeaching the action, but the motives, if not the veracity, of the Secretary; and Mr. V. thought that common justice required that gentlemen should be

well convinced that such allegations were incontrovertibly founded in truth before they ventured to make them. He had, last year, when a similar bill was under consideration, showed the injustice of a similar charge, by reading a few paragraphs from the annual report of the Secretary of the Treasury; and justice to that faithful officer required him to call to the recollection of the honorable member, who had now accused the Secretary of this sort of disingenuousness, a few passages of the Secretary's annual report.

In page ten of the document to which he had just referred, the Secretary uses the following very explicit language:

"It will be observed, however, that though, under either of these arrangements, enough might be obtained within the whole of 1841, for the objects contemplated, yet not a due or sufficient proportion in the first quarters, because, by that time, all the measures are not likely to go into full operation, nor much of the anticipated increase to happen in the actual receipts of duties under existing laws. Unusually heavy expenses will also fall on that quarter in the next year. In addition to a full portion of most of the current expenses, and the whole of the pension payments for the first half of the year, and one-third of a million or more for all the annual fishing bounties, there will be imposed on it most of the charges for the whole year connected with the session of Congress and private bills, as well as large payments for taking the census, and for the first instalment of the debt of this district; several of them as early even as the first day of January.

"From these circumstances, and the consideration that all which is due from the banks may not be then paid, and that the balance in the Treasury, under the policy adopted by Congress of late years will, of necessity, be small, while the fluctuations and inequalities are very great between the receipts and expenditures in different portions of the year, to which we are constantly exposed from causes that have, on former occasions, been explained at length, it must be obvious that entire safety requires a conditional power to be seasonably conferred on the Executive to obtain, at any time within 1841, such subsidiary means as may be needed for a few months, and as may be sufficient to enable the Treasury punctually to discharge, during that year, all the liabilities imposed by Congress."

Now Mr. V. appealed to those gentlemen who had been so ready to charge the Secretary of the Treasury with a want of candor, whether they had sustained the charge. He tells you, in language as explicit as he could well employ, that safety requires a conditional power to be not only conferred, but "seasonably" conferred on the Executive, to obtain such subsidiary means as may be sufficient to enable the Treasury punctually to discharge all the liabilities imposed upon it by Congress. What more emphatic notification do you require of his apprehended wants—of the necessity of your seasonable interposition to secure the means necessary to discharge with punctuality and fidelity all the liabilities of the Government? Do you want him to "hit the bird in the eye," in the suggestion of a remedy? to tell you in so many words, that he will want Treasury notes? Now he has not said enough to suit you; but had he told you that "Treasury notes" were the proper remedy, he would have said entirely too much. Then would we have seen gentlemen bristle up, and repel with most terrific indignation, such an impudent specimen of Executive dictation. Then would they have said, and with much propriety, too, that it was enough for the Secretary to tell us that the disease existed, and that it was the sole province of our wisdom to determine what was the appropriate remedy; but now, it suited their purpose to say that the mere announcement, in plain language, of the wants of the Treasury, was not enough; that the Secretary ought to have gone one step farther, and told us what was the suitable remedy. To satisfy gentlemen, then, seemed to be out of the question. If the Secretary go to the very verge of his constitutional duty, he does not go far enough; and if he should step one inch over it, and presume to entrench upon our high prerogatives, then is he guilty of impertinence and usurpation, highly derogatory to our rights and dignity.

It had been said that the friends of the outgoing Administration seemed actuated by a niggardly spirit in regard to the amount of sustenance and support which they proposed to measure out to their successors. He was sure our adversaries did us injustice, in entertaining this supposition. We know too well the men who are soon to be in the ascendant; how hungry they are; how impatient for the spoils, to have it in our hearts to measure out to them a stinted allowance. It is our purpose, before we deliver the assets over to our successors, to fill the crib reasonably full; but whether any reasonable portion of liberality would suffice to fill it full enough to satisfy all the lean, lank,

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H. of Reps.

hungry, spoils-renouncing patriots who intended to fasten upon public bounty, must be a matter of doubt to all, who see how extravagant are the hopes, and how numerous the army which is rushing to the manger. At the same time that we should be willing to make the incoming Administration a liberal allowance for its sustenance and support, it should not be done with such liberality as would be apt to conduce to extravagance and prodigality. When young men come into the possession of their estates, it were always well for them to be at first restricted in their power to spend and squander. The fact of having, all at once, too much money under their control, oftentimes leads them into extravagances and vices, from which a more judicious and restricted allowance would save them. Much additional weight to the natural force of this latter consideration was added by the fact, that the past habits and well known principles of those who were soon to assume the administration of the Government, afforded no very satisfactory pledge that public economy stood very high in their catalogue of virtues. Is not this evident from the burden of the song of the champions of the new Administration, who have addressed the committee; from the vigorous and most unnatural effort they have made to prove, in the very teeth of all authentic evidence, that there is already a public debt of many millions of dollars, for which immediate and permanent provision should be made? To prove this seemed to be the primary object of the three gentlemen Neckars of the House, [Messrs. BARNARD, BELL and EVANS.] But what was quite amusing to him was, to behold in these honorable members such a complete harmony of purpose—such an identity of object, and at the same time, such a striking discrepancy in the mode and means of attaining their end. His honorable colleague, [Mr. BARNARD] who seemed rather bolder in figures and calculations than either of his distinguished coadjutors, had cyphered up, to his own entire apparent satisfaction, a debt of forty millions of dollars! The other two gentlemen had been a little more modest, but the roads they travelled, to reach the object for which they started, were as dissimilar as were generally the ways of travellers who, in the fulness of their own self sufficiency, chose to repudiate the guides and landmarks which controlled the direction of the more wise and docile. Before the three gentlemen started upon their common voyage to discover and fish for a public debt, it would have been well for them to have compared notes and *briefs*, agreed upon the regions, they should traverse, and the direction they would pursue to reach a common destination. Then, perhaps, would not faith in the existence of the object of discovery have been weakened, as it had been on this occasion, by discordant accounts of its nature and character on the part of the learned navigators who professed to have found it. He would, in another part of his remarks, present in a more striking manner than it was in order here to do, the differences of the three honorable gentlemen, who had striven so hard on this occasion. From their strained and most unnatural effort to invalidate the testimony of the fiscal officer of your Government, whose duty it was to know whether the nation was or was not charged with a heavy debt, he had sometimes thought that they might feel a joy at the discovery of a debt, proportioned to the benefits to which they supposed it might lead. If so, it was not surprising, if they felt an anxiety to demonstrate its existence, corresponding with their high estimate of its utility.

Mr. V. said he was sure that at least two of the gentlemen who had preceded him in this debate, [Messrs. BARNARD and EVANS] were the advocates of a National Bank, a high protective tariff, and of a transfer to the States of that portion of our revenue which exists in our rich public domain; and it would be in accordance with a most familiar law of our nature, if upon very slight, and to unprejudiced minds, unsatisfactory evidence, they should be ready to adopt the conclusion, that the nation was already staggering under a heavy debt. It would be according to the principle, that our convictions are too apt to

run with our wishes. The honorable members well know, if they know any thing, that they might create as many National Bank charters as they pleased, and they could never get the stock taken up without the aid of a national debt; that Congress must not only create the mould, the charter for a bank, but must also furnish the means, the metal or liquid wherewith to fill it. A bank, with a capital of between fifty and seventy-five millions of dollars, seemed now to be deemed indispensable by the bank-adoring party, to which the reins of Government were soon to be committed. In the absence of a public debt and Government stock, where are you going to get the means of filling it up? There is not enough of surplus and unemployed capital in this country, for so gigantic a purpose; and foreign capitalists have had too recent experience of the sad effects of their connection with "*a Bank of the United States*," to be willing again to commit their fortunes to its care and keeping. Our repeated suspensions and revulsions were not very well calculated to inspire confidence on the part of foreign capitalists in American investments. Can it be believed that they will invest in the stock of a Bank to be managed by a few individuals, over whom they have no direct control, and who may be entire strangers to them, when they can purchase your good six per cent. State stocks at a handsome discount? When all this was so palpable to the most superficial observer, it would not be wonderful if the National Bank portion of this House should look upon a permanent national debt with sentiments of favor, knowing, as they did, that their pet Mammoth Regulator could have no other reliable nursing mother.

But, sir, there are other objects near and dear to the hearts of the party which is soon to be in the ascendant, to the attainment of which, the immediate, actual, or seeming existence of a national debt was indispensable. The decree has already gone forth, from a quarter which we are bound to regard as more than semi-official, that an extra session of Congress must be called. This cannot be done, with any thing like grace, without the necessity of providing for some pressing financial emergency. The danger of war not being imminent enough to justify a call of Congress, some other pretence must be fabricated; and what is so easy as to question the ability of so cumbersome a machine as the Treasury Department of this Government to meet its engagements? Collecting and disbursing between twenty and thirty millions of dollars per year, with so many objects of expenditure, which the imagination of ultra bankites, tariffites, and distributionists, can increase and increase, in proportion to their extravagant estimate of the requirements of "*the public good and general welfare*," it would not be extraordinary if the heated fancy of gentlemen, so eager to convince themselves and others that all is not well, should discover, to their own entire satisfaction, that this machine is out of gear. The three erudite and astute financiers who have filed their articles of "*impeachment*" against the Secretary of the Treasury, no doubt imagine that they have demonstrated this fact, and thus created a fair pretext for an extra session. He, Mr. V. had already lived long enough to know, that whenever a party movement was resolved upon, it never failed for want of a pretext. There was much of point and wisdom in the familiar saying, that the man "*who wanted to kill a rabid animal could always find a stick*." So the politicians who wanted an extra session for the purpose of hurrying on measures which they feared would lose ground in the public mind from postponement and discussion, would surely not fail of their purpose for want of a reason; and it would be strange, indeed, if that reason was not the alleged result of the folly or wickedness of the past Administration—an inability to keep the wheels of Government in motion through the year because of financial embarrassments. Your pretext for an extra session is an impoverished Treasury, which will render it difficult to get through the year without additional aid. This, said Mr. V. was the *pretended*, but was not the *true* moving cause of an extra session of Congress. The party so lately victorious were too

impatient to wait the natural course of time for the execution of those measures (of abominations, as he believed,) which they intended to fasten upon the country. The Independent Treasury law must be instantly repealed, because, if you give it another year's chance, fairly to try its operation, all your predictions as to its disastrous effects will be falsified; the public lands must be divided among the States to advance the interests of speculators in State stocks, credit-system bankrupts, and Eastern manufacturers, British capitalists, and some other favored associations, always excepting the people at large—the working, unassuming, quiet, tax paying portion of the community; outfits must be provided for new missions abroad, or for new ministers to be appointed instead of old and recalled ones, as a reward for partisan service, and as a pledge of the sincerity of yourselves and your chief in fulminating such repeated denunciations against the odious "*spoils system*;" and last, though not least, a huge National Bank must be chartered to complete the subjection of the freeborn people of this country to the money power of England and America. These are the choice blessings, the "*measures of relief*," you now contemplate, and which you are too eager to usher into being, to be willing to defer their consummation, until the periodical meeting of the National Legislature. A special session of Congress must be convened with a view to these gigantic measures. Why not deal candidly with us, and tell us that these constitute the necessity for your called session? Why, still further, persist in your non-committal and hypocritical game—professing one motive, and actuated by another; professing one object, and actually aiming at another? Why preach to us volumes about the condition of the Treasury for the coming year, when the wants of the Treasury, real or imaginary, constitute the least of all your anxieties; when your true object is, to hurry through measures which you had not the manliness to avow during the canvass which preceded your triumph. Mr. V. said that, were he nothing but a partisan, and had nothing but the *good of party* in view, he would not deplore an extra session, called, as it would be, if called at all, for the purposes which he had already indicated. Let the triumphant party meet here during the scorching months of June or July, before the exacerbation of feelings consequent upon recent disappointment had subsided, and, his word for it, very few weeks would exhibit it in a light which its very few disinterested friends would have cause to deplore. Distractions, divisions, and heartburnings would be the order of the day. We have already heard the rumbling echoes which precede the storm. We knew, full well knew, that the discordant, heterogeneous materials of which this party was composed, foreboded a certain, if not a speedy dissolution. We knew that the strict constructionist of the South, and the extreme, reckless latitudinarian of the North, could not long labor together in peace in the same vineyard. Though opposite elements may have coalesced for a temporary object, we knew that the Abolitionist of the North and the slaveholder of the South could not long harmoniously jog on together in the same pathway; but we hardly expected such early and decisive demonstrations as we have already beheld. We were quite confident that once in possession of the Government, you could no longer play a General Mum—mere log cabin and hard cider—game; that then you would be obliged, not only to show, but to *practice* your principles; that stripped of your coon-skin covering your jarring and incohesive elements would stand out in their original and most porous nakedness; and that soon, very soon after their exposure to a cheated and a humbugged people, it would be our privilege, upon the door of some deserted log cabin, erected peradventure by dandies and bank bought satellites, to inscribe your epitaph in something like the following sentiments: "*Here stands a memento of bank, hard cider, Whigery of 1840. Having triumphed by concealing its principles, it expired the moment necessity led to their avowal*." Yes, depend upon it, gentlemen, yours is not to be the privilege of resting upon a bed of roses, extra session, or no extra session. Your troubles are now just commencing, and from

Indian claims, as presented to us by the Secretary of the Treasury, for the coming year, amounted to about eight hundred thousand dollars. This, he had been assured, would be sufficient to answer all the purposes for the year; and as the gentleman had already been shown to be so wide of the mark in relation to other items, he would place his own inability to ascertain any legitimate foundation for this charge, and the estimates and assurances of the Department within whose province the subject legally came, against the assertion of his colleague, that such a charge "probably" existed.

Before he dismissed the consideration of this list of "ascertained and certain" liabilities, he must say a few words upon another most material item—one whose amount surely entitled it to notice. He alluded to the sum of five millions set down by his colleague [Mr. BARNARD] as the "value" of annuities to Indians, payable part in perpetuity, and part for terms of years. How had this large amount been attained? The process by which it was arrived at was a most extraordinary one, and well entitled his colleague to the distinction of being a very prodigy in cyphering out liabilities against that "wealthy old gentleman," (the Government) whom he so felicitously alluded to in the course of his speech. The Government of the United States was bound by treaty stipulations to pay certain sums annually as annuities to certain tribes of Indians. It had not stipulated to pay them ultimately any large sum by way of *principal*, but to pay them fixed sums yearly; to some of the tribes for stipulated terms of years, and to others in perpetuity. The amount required to be thus annually paid to these Indian tribes was about

More than this under past annuity stipulations could not be annually charged upon the Treasury. But his colleague, being a little of a lawyer, as well as poet and arithmetician, had learned, no doubt, that there was such a thing as the Northampton table, used by courts of equity to ascertain the value of annuities; and by way of increasing the immediate charges upon the Treasury, he sees fit to apply this table to these annuities in order to ascertain their immediate gross market value; thus substituting for the inquiry, what will the Government be obliged, for four or ten years to come, to pay on account of Indian annuities, that so irrelevant to the question now before us, what gross sum could capitalists afford to pay immediately to the Indians for their interest in these annuities? Now, was not this mode of fabricating formidable "ascertained and certain liabilities" against the Government strange, "passing strange?" Follow out this principle as to other fixed and annual charges, in the form of salaries, on the Treasury, in favor of officers, some for life, and others for terms of years. He would bring his colleague, with his new principle in its nakedness, before the mirror which he would now suspend, and see whether even paternal affection would blind him to the weakness and deformity of his bantling. Your judges hold their offices for life, or during good behaviour, which amounts, practically, to a life tenure. Would it not be just as proper to apply to the salaries of all your judges the same rule which his colleague had applied to the Indian annuities—to ascertain their gross and immediate value, according to the Northampton table, and thus swell the immediate charges upon the Government? He was very sure that his colleague would pronounce such a process of ascertaining the extent of the liabilities of the Government "certain" or "probable," most preposterous—yes, nearly allied to madness. And yet, for the life of him, he (Mr. V.) could not see why the principle was not as applicable in the one case as in the other. This was only another illustration of the danger of starting with an inflexible determination to attain a fixed result, without being well assured that the means at command would legitimately lead to it. He had too much respect for the intellect of his colleague, not to believe that, if unclouded by political bias, it would have avoided the palpable heresies into which it had, on this occasion, permitted itself to run.

Another item put forth by gentlemen as "ascertained and certain," was \$1,200,000 "amount required by law to make good the deficit in the navy

pension fund." He did not see how this could be regarded as a "positive and certain charge" on the Treasury. The navy pension fund had been exhausted under the former legislation of Congress. He did not know that there was any positive obligation on the part of the Government to replace it. At all events, Congress would, rather as matter of gratuity, than of positive obligation, have to provide by law for replacing this fund, before it could be regarded as a charge on the Treasury. It was very easy to swell the "probable" wants of the Treasury to one hundred millions of dollars, if some gentlemen were permitted to make their opinion of what Congress ought to do, the basis of "probable" or "certain" charges. That such opinions oftentimes contemplated a reckless and most prodigal system of expenditure, from which the economist and strict constructionist would shrink back appalled, he need only refer to the peroration of his colleague's speech, in which he strung together a series of fond hopes as to what this Administration would do, and do, too, "without any cowardly apprehension that they might not be popular." His colleague seemed to have no idea that the action of the representative should be palsied by the will of his constituent; that the approbation or disapprobation of the people, should be a consideration, much to be heeded in the discharge of our high duties here.

Mr. V. would now inquire what had become of this formidable, account of "ascertained and certain liabilities" amounting in the aggregate to \$16,515,000? It would be well enough now to make a new statement of it, with such deductions as the views he had submitted called for. It was curious to see how little remained of it.

"Amount set forth as 'actual' and 'ascertained' debt	\$16,515,000
Deduct as follows:	
"Debts of the District of Columbia," difference between \$1,500,000 and \$150,000, which includes the annual instalments of \$600,000, and the interest on the debt, (difference)	\$1,350,000
Amount required to be invested for Indians and Indian tribes	2,580,000
Principal sums payable to Indians	1,000,000
Amount required for navy pension fund	1,200,000
Present value of annuities to Indians	5,000,000
	11,130,000
This leaves	5,385,000
"Deduct further the item for remains of old funded certificated debts, for which he could find no authority	335,000
Difference between \$4,900,000 for principal and interest of Treasury notes, and \$4,500,000, being the amount reported by the Secretary of the Treasury, as required to meet said notes in 1841, (difference)	400,000
	\$735,000
Balance	\$4,650,000

The Secretary of the Treasury admits, that \$4,500,000 will be required to redeem the outstanding Treasury notes; and that this, of course, is left a charge upon the Treasury. Deduct that amount from the above balance of \$4,650,000 and there remains \$150,000, which is the amount alone admitted to be due for the next instalment of principal and interest on the District debt. Where, then, is the gentleman's "certain and ascertained" balance of \$16,515,000? It melts away and vanishes before the force of reason and truth like the poor frost before the sun. If the "certainties" of the gentleman are so easily transformed into nonentities, you may easily imagine what will be the fate of his mere "probabilities" and uncertainties. A word or two now, Mr. Chairman, about them.

He would not detain the committee by going through all these items, amounting to the modest sum of \$19,500,000, but would advert to only two, amounting to \$14,000,000; and from such specimens, the committee would be able to form some judgment as to the character of those which constituted the remaining balance of \$5,500,000. The committee would be predisposed to believe that the gentleman's "probabilities" were not half as plausible as his "certainties"—questionable and unsound as they had been shown to be. The modesty of the caption which introduced the items upon which he was about to comment, coming from one so bold in figures, was, of itself, a sufficient admonition to receive them with much caution. The first

item to which he would call the attention of the committee, was the sum of "\$9,000,000 for the fourth instalment under the deposit act of 1836, claimed by the States." Sir, does it not require a bold spirit, indeed, to dare even to intimate the probability that the people of this country will ever consent that this Government shall increase their taxes and burdens to raise money for the purpose of deposit with, or distribution among, the States? A most opportune period, indeed, now, to raise nine millions of dollars for this purpose! Now, when you are telling us, almost in the same breath in which you put forth this strange claim in favor of the States, that, without additional taxation, you will not have revenue enough, for years to come, to keep the wheels of Government in motion. This charge is scarcely deserving of a moment's attention. He (Mr. V.) would like to see how many gentlemen upon this floor would dare to vote to tax their constituents \$9,000,000 for the purpose of deposit with the States. Low as was the estimation in which he knew his colleague to hold the virtue of Governmental economy, he did not believe that even he would deem it expedient to vote for a direct proposition to impose new taxes on the people, solely with a view to such deposit or distribution. The States have no equitable claim to it. They were to be made the mere depositaries of the funds of this Government, not professedly for the benefit of the States, but for the mere convenience of the depositor. The supervenient wants of the latter had induced it to withhold a portion of the fund which it originally intended to deposit. It had a perfect right to do so; and now no equity whatever has been created in behalf of the States against this Government for the sum so withheld. This item needed no further comment: merely to state it, was sufficient to prove its absurdity.

But the next item was equal to its yokefellow. It was "for claims of American citizens for French spoils on our commerce previous to 1800, (quite likely to be allowed by Congress,) \$5,000,000!" Mr. V. said he did not know whence his colleague inferred a likelihood that these claims would be allowed, except what resulted from the known prodigality of the party to which the Government was now so soon to be committed. Was such probability derivable, from the fact that for eight years this claim had been unsuccessfully pressed upon Congress, and that scarcely a voice had ever been heard here in its favor, except the eloquent and melodious one of the gentleman from Massachusetts, [Mr. Cushing.] When the leading gentlemen of the dominant party inform us that special Congresses must be called to provide means to meet such claims, have we not reason to think that our most extravagant fears in relation to the fruits of the late Federal Whig victory are soon to be realized—that extravagance, taxation, a formidable national debt, and a consequent restoration of the Hamiltonian fundmonger and Bank reign, are the blessings which are to be showered down upon the people? If the claimants for spoils before 1800 are now to be provided for, are we, from this circumstance, and from the denunciations constantly lavished upon the outgoing Administration for its neglect of private claims, to infer that the next four years is to be the time of jubilee to private claimants? that millions of oft-rejected claims are now to receive from Congress a favorable response? that the Meade claim, and the countless catalogue of other oft-considered and as often rejected claims, are now to be allowed? that by carrying into execution your magnificent and extravagant schemes, you are not only to invite the people at large, by seizing upon their own effects through the medium of your taxing power, but are to pour wealth and bounty into the lap of thousands of individuals whom your more cautious and parsimonious predecessors adjudged to have no just claims upon Government? Mr. V. said he would now put it to all fair and unprejudiced minds whether statements such as he had reviewed, furnished the slightest ground for impeaching the accuracy of the Secretary of the Treasury, or the shadow of a pretext for calling an extra session, for the purpose of providing for charges against the Treasury, which the Secretary had neglected to make known? Did it not turn out that the statements and allegations

of the "great impeacher" were vulnerable and fallacious in the extreme?

But while noticing the grounds upon which the reports and statements of the Secretary were attempted to be impeached, he would proceed to another ground of impeachment, assumed by another of the impeaching parties. He meant the gentleman from South Carolina, [Mr. THOMPSON.] That gentleman contented himself mainly with general and sweeping denunciations against the Secretary of the Treasury. This was a much more convenient, and much less hazardous, mode of attack, than was a descent to minutiae and figures. Besides, the gentleman from South Carolina, not hailing originally from "Down East," it was not his privilege to play quite so bold a part at mere guessing as was acted by his two Yankee coadjutors, [Messrs. BARNARD and EVANS.] I listened to this speech with great anxiety, hoping that he would make at least one plunge into facts and figures, feeling pretty well assured that he would lay himself open to me if he ventured one single step out of the more easily tilled field of wholesale denunciation. He did make one sally, and here it is:

"We are informed (says the gentleman) by the Secretary, that the amount of unexpended appropriations which will be called for in the next year, is three millions seven hundred and forty-nine thousand dollars. Here is a subsisting charge upon the Treasury to an immense amount. There is no evading it. It is not even looked to in the estimates. It must be met, and yet no provision is asked for it. Is it not surprising, that with this habitual want of forecast to see future calls upon the Treasury, and when seen, a want of candor to say so, that our Treasury is always straitened?"

Now, sir, what impression do these remarks at first blush have upon the cursory reader? Why, that there is to be a charge of three millions seven hundred and forty-nine thousand dollars upon the Treasury in 1841, which the Secretary has most culpably omitted to mention in his estimates of the wants of the Government for that year. Sir, the answer to this article of "impeachment" is as triumphant and conclusive as were those applied to the items and charges already considered. This sum of \$3,749,904 is mentioned in page 8 of the report of the Secretary of the Treasury, as that portion of the outstanding appropriations of former years, which was proposed to be applied to the service of 1841. In the same page the Secretary says, that the whole amount of outstanding appropriations at the close of the year is estimated at \$10,549,905; and that \$3,749,904 is proposed to be applied to the service of 1841. I challenge the gentleman from South Carolina to show an instance in the reports or doings of any Secretary of the Treasury since the formation of the Government, where the amount of outstanding appropriations proposed to be expended in the succeeding year, has been "estimated" or alluded to in any manner or place other than that in which Mr. Woodbury has mentioned this, viz: in the body of his annual report. You will in vain rummage all the detailed estimates of each Secretary from the days of Alexander Hamilton, for the items of unexpended appropriations proposed to be expended in any one year. It is, I repeat, always placed where the Secretary has this year placed it, in the body of his report. The misplaced declamation of the honorable member upon this topic is pretty conclusive evidence that he is unacquainted with the history and yearly operation of these outstanding appropriations. Had he applied his intelligent mind to the ascertainment of facts, and not contented himself with a strain of mere general denunciation, he would have learned that these outstanding appropriations, in any two consecutive years, are generally found to balance each other; that is to say, if \$3,749,904 of the appropriations of former years shall be expended in 1841, there will, in all probability, remain of the appropriations made by Congress at this session about the same amount unexpended at the close of this year. For this reason, no doubt, all Secretaries had omitted to include in their estimates of wants for the year, the amount of unexpended appropriations proposed to be expended in that year. It seemed, then, that the arrow which the honorable gentleman levelled, as he supposed, with such deadly aim at the Secretary, had fallen harmless at the feet of its object; and while the former remain unscathed, the latter had the unenviable satisfaction of standing convicted of a

gross error, in the very responsible attempt to impeach a most faithful officer of the Government.

Mr. V. said, it would not, in his opinion, be unprofitable, if he detained the committee a moment longer on this subject of outstanding appropriations. Much had been said about the Administration having, the past year, "shuffled off" the lawful claims upon the Government, in order to secure to itself the merit of confining its expenditures within its means. Yet it seemed that within that very year, when gentlemen now say the "stave off" policy prevailed, the outstanding appropriations were reduced \$3,277,466. He had looked at these outstanding amounts for the four years past, and found them to have been as follows:

In 1838, (commencement of the year) they amounted to . . .	\$14,503,483
In 1839, to . . .	14,698,346
In 1840, to . . .	13,827,371
In 1841, to . . .	10,549,905

Reduction in 1840, \$3,277,466

The old appropriations now outstanding, it seemed, were between three and four millions of dollars less at the commencement of 1841, than they were at the beginning of 1840. The Secretary of the Treasury now, in his estimates, asks for nearly two millions less of new appropriations, than the amount expended in 1840. How can you then, unless you select new objects of expenditure—objects not embraced in the estimates—expend as much as you expended in 1840? If the peace of the country should be preserved, it would not be possible, consistently with Democratic practices, to expend more than was recommended by the Secretary; but if the givings out of the gentlemen on the other side, as to what General Harrison's administration was expected to accomplish, formed any criterion as to what was actually to be done during his term, then could we, indeed, say with certainty that the Secretary's estimates would fall far short of the wants of the Treasury. If another class of pensioners was to be created—if another system of internal improvements was to be successfully undertaken—if speculators on our lakes, bays, and inlets, were to be permitted to draw millions from the Treasury, under specious pretexts for constructing harbors for the protection of commerce—if the prodigality inseparable from the course of policy sketched and prayed for by his colleague, in the concluding parts of his speech, was to be the crowning glory of General Harrison's administration—then was it, indeed, idle to talk of an expenditure of twenty, thirty, or even forty millions of dollars per year. The wants of the Treasury would then be commensurate with the illimitable and countless objects of expenditure which the Constitution of the extremest latitudinarian embraced.

The Secretary of the Treasury informs us that the current expenses of 1840, that is, the ordinary expenses of the Government, exclusive of the redemption of Treasury notes and the interest of the debt assumed for the District of Columbia, amounted to . . . \$22,489,349

He estimates the current expenses for 1841 at . . . 19,250,347

Difference . . . \$3,239,002

The gentlemen on the other side seem to scout the idea of their being able to administer the Government in 1842 for less than it cost in 1841, though the expenditures for 1839 were reduced six millions of dollars, and a further reduction of about \$3,000,000 was made in 1840. It seems they now fancy that the minimum point has been attained, and that all further saving is out of the question; nay, they even ridicule the advice or suggestion of the Secretary of the Treasury, "to push a vigorous economy," and with an air of great triumph ask, where this economy can be applied? How changed their tone already! Before the election, how constant, how deafening, the promises of "reform and retrenchment." Already, so soon after the victory, have they ceased to be virtues in the estimation of those who, only a few months since, were so free in the promise of them.

The gentleman from Virginia [Mr. Wise] stands "solitary and alone" in preaching the same doc-

trines with which he edified the people before the election. His brother "Whigs" seem, already, to have gone back to their first love—to their constitutional predilection for a liberal expenditure and a splendid Government. Yes, the Secretary of the Treasury was literally laughed at when he ventured to suggest a single head of expenditure under which a saving might take place, without prejudice to the public service. In his annual report he ventured to make the following remarks:

"It is believed, that the ordinary expenses of 1841 ought to fall some millions below those in 1840, as the pensions have diminished by deaths, fewer Indians remain to be removed, several expensive buildings have been mostly finished, and hostilities with the Seminoles must be nearer to a close."

These remarks had formed the subject of severe animadversion with there of the gentlemen who had preceded him in this debate [Messrs. BARNARD, BELL, and EWING.] The gentleman from Maine [Mr. EWING] had told you that, under these heads, no more than the following sums could be saved:

On pensions . . .	\$300,480
For removal of Indians . . .	56,710
On public buildings . . .	203,000
Seminole hostilities . . .	300,000

Total . . . \$760,190

Mr. V. said it was evident that the Secretary of the Treasury did not intend to put forth the above as the only heads to which a reduction could be applied; but had evidently thrown them out as some among the many branches in which there could be a diminished expenditure. But was it true that the gentleman from Maine had stated all that could be saved under the above heads? He, Mr. V. could not believe that no more than \$200,480 could be saved on pensions. This small amount did not accord with the well established, and so generally prevailing idea, that these time-honored relics of the Revolution were all on the verge of the grave, and fast paying the debt of nature. The whole number of pensioners, as reported by the Commissioner of Pensions, is 44,394. The whole number of deaths, as reported by him, is only 1,605, less than four per cent. which exhibits a mortality entirely too limited to command our belief. It is well known that the Commissioner founds his report of deaths upon information received from pension agents in various parts of the country. These agents could not, at the end of the year, know half of the deaths that had occurred within the year. They were not required to take any special pains to ascertain them, and it was not strange if the agent at Albany did not, very soon, hear of the deaths of old soldiers, who resided in the counties of Erie and Chataque. To found a reduction of this branch of expenditure upon the mere reports of the agents, was, therefore, entirely inadmissible. Nor, was the addition which the gentleman from Maine conceded sufficient. He had other data that enabled us to approximate nearer the truth. From the report of the Commissioner of Pensions it seems that the expenditures under all the acts in 1839 were . . . \$3,090,664

That in 1840, they were . . . 2,048,663

Difference in one year, \$1,042,001

So on public buildings: the gentleman admits that there can be saved . . . \$200,000

He has, however, forgotten to add for marine hospitals . . . 20,000

Light-houses . . . 92,000

For buildings in Territories . . . 48,000

Making . . . 360,000

The last three of the above sums were all expended in 1840, and nothing of a similar character was included in the estimates for 1841. The gentleman, then, as to public buildings, reached a little more than half the amount that could actually be saved; and this was coming much nearer the mark than these high impeaching parties generally attained. Last year \$350,000 was appropriated for the gradual improvement of the navy. This year there would probably be no appropriation for this purpose, as there was now no law requiring it. Besides, within the last year, all the remains of old appropriations for the Cumberland road, harbors, rivers, and forts, had been expended. Among the estimates of expenditures, you will find

\$125,000 expended within the last year for rivers and harbors, being part of old appropriations. You will also find that \$86,000 has, within the last year, been expended for the Cumberland road in Illinois and Indiana. As to the Florida war, more than a million of dollars (about \$1,500,000) appears to have been expended for it within the last year, independently of the pay and subsistence of your army there. How much, in all conscience, do gentlemen wish to have appropriated for that purpose? And was it true that the Administration was blamed for not having brought this war to a close? Had it not employed the most gallant and distinguished of your officers, including even one of the prominent Whig heroes, upon whom the eyes of so many of his party were already fixed for the highest office in the gift of the people? Need he say he alluded to the gallant Scott, the hero of Chippewa and Lundy's Lane, the lustre of whose well-earned laurels, won in bloody conflicts with his country's enemies, so many of his imprudent friends would dim by forcing him into the turbid waters of politics, and attempting to elevate him to a station for which, in his (Mr. V.'s) opinion, his habits and pursuits necessarily unfitted him? Yes, he, one of the candidates for nomination at the Harrisburg convention, had gone forth against the savages of Florida at the commencement of the war. General Jesup, another of the heroes of the second war of independence had also been put in requisition, and still the Seminole was there; still did he cling to the everglades and the graves of his ancestors.

[Mr. MONROE here remarked that Gen. Scott had been permitted to operate only thirty days in Florida.]

Mr. V. said he had not mentioned the name of that gallant soldier, the friend of his colleague, for the purpose of drawing in question his military skill or prowess; far from it; he claimed to be the personal friend of that distinguished officer. He would not pluck a single leaf from the wreath which decorated his brow; and he did not consider it as at all derogating from his reputation as a warrior chief, that he could not conquer, because he could not find embodied, his skulking and scattered foe. He claimed, he had a right to claim, for the Administration that defence against the charge of not earlier terminating this war which resulted from the use of the most efficient means within its command. It was for this purpose that he alluded to the ill success against the Seminoles which had attended the efforts of the best and bravest of your officers.

But it is said, though it may be true that the Government has got through the year 1840 by expending only twenty-two millions of dollars for ordinary purposes, yet that this has been accomplished by shuffling and staving off its obligations, thus throwing an undue burden upon its successor.

This was a very serious charge, and gentlemen owed it to their own reputation to be thoroughly convinced of its truth before they ventured it. In support of it, what had we heard? Why, it was said that the navy had been miserably neglected by the administrations of General Jackson and Mr. Van Buren. Where, he asked, was the evidence of this neglect? Had not all the money appropriated by Congress for the navy been faithfully expended? This fact was not denied, and yet they tell you that your navy is going to decay, that your ships are rotting at their wharves for want of attention—not an example of this species of dilapidation had been cited in support of the assertion. Sir, is the committee aware that within the last eight years your naval expenditures have increased nearly fifty per cent? They were only four millions of dollars in 1833. This year, if the appropriations should be according to the estimates, they would amount to \$5,445,339. They have lately exceeded six millions. Where was the evidence of this most reprehensible neglect of your navy? Was it in the fact that, whereas at the termination of the last war you had not a single ship of the line, you could now boast your Ohio, your Delaware, your Pennsylvania, your Independence, your Columbus, your Washington, your Franklin, besides several others now in the process of being built, besides, also, an addition to your frigates and sloops of war, which, all combined, have made you one of the formidable

ble naval powers of the earth? He, Mr. V. was in favor of keeping your navy upon a peace establishment in time of peace, notwithstanding the bold and senseless declamation we constantly hear in favor of its rapid increase. Follow out the wishes and the principles of the gentleman from Maine [Mr. EVANS,] and your ships of war would soon whiten every ocean—a most gratifying spectacle, indeed, to the mere *connoisseurs*, the mere lovers of display, but one most grinding in its influences and consequences upon a hardworking and a tax-paying people. Mr. V. said he was now about to utter a sentiment which would, no doubt, be pronounced very heretical by those who entertained more magnificent notions as to what were indispensable appendages of Government than himself. It was this, that he had long been of the opinion, that the familiar maxim, "in time of peace prepare for war," was, in a measure, impracticable under institutions like ours; and he regretted not that it was so, for we had a recuperative energy in the land, which soon, very soon, enabled us to recover from the reverses which, in the incipient stages of a war, had been and would probably always be our lot. He had already lived and observed long enough to adopt the conclusion, that it was better, far better, if war should overtake us only once in half a century, (which was as often as it would occur, under the improved spirit of the age,) that we should meet repulse, and sustain somewhat of defeat, at the commencement of the conflict, than that, for the long peace period of fifty years, we should retain a large military or naval force, to eat up the substance of the people. These are my sentiments. I know they are too simple and too republican to accord with the sublimated notions of the party about to enter into power. It is my consolation, however, to feel assured that they will meet the approbation of those who sent me here.

In further illustration of the position that the "stave-off" policy had prevailed for the last year, two anecdotes had been related, the one by the gentleman from Maine, [Mr. EVANS,] and the other by his colleague, [Mr. BARNARD,] The honorable member from Maine had told us that the frigate Constellation had, during the last summer, been detained several days, if not weeks, at Boston, from the inability of the Navy Department to supply its purser with the necessary funds for sailing, and told us quite an affecting tale about the purser's having been imprisoned for liabilities which he had incurred for the Government. Mr. V. said he thought that common justice, not to say common courtesy, required gentlemen to inquire of the heads of Departments whether there was any foundation for such complaints, before they took upon themselves the responsibility, most probably upon the mere representation of some dissatisfied subordinate, who may have had unpalatable justice done him, to make statements of this description. He had done what the gentleman from Maine had omitted to do—applied to the Secretary of the Navy for a true statement of facts connected with the alleged detention of the frigate Constellation, and here was his answer:

"NAVY DEPARTMENT, January 26, 1841.

"Sir: In reply to your letter of this date, requesting a statement of the causes which delayed the sailing of the frigate Constellation, I have the honor to communicate the following information.

"The first cause was the want of money; the second, the want of men. The appropriations for the year 1840 not having been made by Congress until the month of July, those of the preceding year became exhausted to such a degree, as, for a considerable time, to disable the Department from carrying on any other than the most ordinary operations of the service.

"When this indispensable requisite was supplied by the passage of the Navy Appropriation bill, in July, there were not a sufficient number of able seamen at the different stations to complete the complement of the two vessels destined for the East Indies, although recruiting had been constantly going on, and bounties given as an additional inducement. This deficiency was not remedied until the beginning of September, when the Constellation was put in commission, and her officers appointed. Subsequently, the officer designated to the command of the squadron fell sick, and having been officially reported to the Department as mentally and physically disqualified for the performance of his duties, was detached from the Constellation, and another appointed. This occasioned a third delay of some two or three weeks.

"During the period which thus elapsed from the appointment of the purser to that ship, to the receipt of her sailing orders, she had ample time to procure, and it was presumed *ad pro*, the all supplies necessary to his department, as all his requisitions for funds had been complied with, and it was the province of his commanding officer to see that he perform-

ed his duty. After, however, the order for the sailing of the Constellation had been issued, the purser made a requisition for \$41,000 without specifying the precise objects to which the money was to be applied. Having every reason to believe that he had at this late period already procured and paid for all his supplies, it was presumed that this sum was required to be carried out in dollars to meet any incidental expenses that might arise on her passage to Rio Janeiro, where she was ordered to stop to replenish her supplies, for the payments of which her commander was authorized to draw on Baring, Brothers, and Company of London.

So large a sum was not, therefore, deemed necessary to the purpose for which it was supposed to have been drawn, and \$5,000 was substituted, that being deemed quite sufficient. It afterwards appeared that the purser had not yet paid for his supplies, although all his requisitions had been promptly complied with, with this single exception, and was, it appears then arrested by his creditors at Boston, in the apprehension that the vessel was about to sail. A delay of several days occurred in consequence. It will thus be perceived that the state of the Treasury had no connection whatever with the detention of this vessel.

I have the honor to be,

Very respectfully, sir,

Your obedient servant,

J. K. PAULDING.

Honorable A. VANDERPOOL,
House of Representatives.

Here, sir, is a true statement of the circumstances connected with the detention of the frigate Constellation. But it was proper that he should state another fact in regard to this purser, which would, probably, account for the origin of the complaint which the honorable member from Maine had been instrumental in bringing before the House. He had been informed (and he had derived his information from the highest and most responsible source) that the stores which the pursers distribute to the crews of ships of war, are divided into "*necessaries*," "*comforts*," and "*luxuries*." Bread and meat come under the head of "*necessaries*." Tea and coffee, according to the interpretation of the Secretary of the Navy, fall under the denomination of "*comforts*;" and tobacco, if you please, under that of "*luxuries*;" that the purser is authorized to charge a much larger per centage of profits upon "*comforts*" than "*luxuries*," and that this purser claimed the right to charge for tea and coffee as for "*luxuries*." The Secretary of the Navy forbade him to do so, at which the purser took umbrage, and wished to be detached from the vessel, but the Secretary refused to yield to this wish. This just interference of the Secretary with the plans and intentions of the purser had, no doubt, been the means, direct or indirect, of bringing to the consideration of the gentleman from Maine the information upon this subject which he had felt constrained to lay before the House; and he would now submit it to the candor of that gentleman whether he had treated the Secretary with perfect fairness. He would consider it as doing great injustice even to himself, if, the strength of *ex parte* representations, made to him by an embittered man, who should come sneaking to him with his tales of abuse, without the courage and manliness to authorize his name to be given as their author, he should here charge, high and most respectable public officers with official delinquency. The honorable member from Maine will perceive that I have not forgotten his communication, anonymous as to the House, about the "*sedentary militia*" of Florida.

So, also, in regard to the certificates for works on the fortifications, alluded to by several gentlemen, on which, it was said, interest had been charged by the banks, to the prejudice of the poor laborers. He understood the following to be the truth of this matter: During the long session of Congress, the appropriations are not generally made, till the month of June or July. Early in the spring, and in anticipation of the appropriations, laborers on the public works, being out of employment, have generally been in the habit of pressing the superintendents of the works with importunities to permit them to commence working immediately, offering to take their chance of the appropriations being made. Superintendents have frequently yielded to their importunities, and at the end of each week given them certificates of the balance due them for the past week, to be paid "*when the appropriation for the work should be made*." These laborers, pressed by immediate want, have always been more or less in the habit of getting these certificates cashed, by deducting an amount equal to the interest up to the period when the appropriations would probably

be made; and no member of any party has ever been patriotic enough to rise in his place and denounce this practice. It was all considered right—acquiesced in by the good men of all parties; but how soon are the sympathies of honorable gentlemen for the “poor laborer” on the public works awakened, when, in consequence of the legislation of Congress, payment for his voluntary labor has been postponed for a few months. The last session of Congress did not terminate till after the 20th day of July. On about the last day of the session, an appropriation bill passed which contained a provision authorizing and requiring the President to postpone the appropriations for certain public works, if in his estimation the condition of the Treasury require it. In October last, appropriations for some of the works were, in a measure, suspended. Still laborers, upon some of them, insisted upon going on, preferring to labor on and take the chance of getting their pay, as they had always been accustomed to do during the long session of Congress, to being left wholly idle and with out employment. Certificates of the amount due them for their labor were given, payable, the most of them in January, 1841. Pressed by their necessities, some of them got them discounted, by deducting the interest, not to an uncertain period—to one that might never arrive, as they had voluntarily been wont to do, during every long session of Congress—but to a day certain, to which the Secretary of War had seen fit to postpone payment, under a power given by an express law of Congress. And this was the “head and front” of the offending of the President and Secretary of War against the laborers upon the public works. This was the great item of proof relied upon by several gentlemen, to establish the fact, that a most flagitious “slave off” policy had distinguished the last year of this administration. Now, he would put it to his colleague [Mr. BARNARD] whether he had not yielded too credulous an ear to garrulous informers, who had communicated to him information without daring to make public their names, information too, upon which he felt authorized to found “impeachments” against a high officer of the Government. He must here be permitted to say, that with all his colleague’s professions of candor; notwithstanding his express disavowal of any intention “to assail the Administration or any body connected with it,” he had in his, (Mr. V.’s) estimation, done this same Administration most glaring injustice, and had confirmed him in the conviction of what he had long believed, that those gentlemen who were loudest in professions of fairness were generally faintest in its performance.

Again: The Secretary of the Treasury tells us in his annual report, that the receipts for 1841 will amount to \$24,160,000, viz:

Customs	-	-	\$19,000,000
Lands	-	-	3,500,000
Miscellaneous	-	-	80,000
Balance in Treasury, January 1st,			
1841	-	-	1,580,855

\$24,160,855

That our expenditures for the year are estimated as follows:

For ordinary purposes	-	-	\$19,250,000
Debt of the District of Columbia	-	-	149,000
Redemption of Treasury notes	-	-	4,500,000

\$23,899,000

It is said that the Secretary is wild in his calculations; that our receipts will not come up to twenty-four millions of dollars, and that our expenditures will far exceed \$23,899,000. On what ground do the great impeaching parties, who have entered the lists against the Secretary, undertake to impeach his accuracy? Why, one gentleman tells us that his “annual guesses,” have been woefully wide of the mark; and that, therefore, his estimates are not entitled to any confidence at our hands. From the speeches of these distinguished adepts in finance, it would seem, that in the annual estimates of the various heads of the fiscal departments of your Government, no discrepancies ever occurred before Mr. Woodbury came into office. It has become entirely too fashionable among those who have

any pretensions to fairness or justice, to speak of the present Secretary of the Treasury in terms applicable to only the Prince of Bunderers. The flippancy with which mere smatterers in finance indulge in this train of remarks, has long since satisfied me that they are prompted to it solely by the consideration that it has become fashionable. He regarded Mr. Woodbury as a most faithful and invaluable public officer, one whose reputation, as the fiscal head of your Government, would survive the captious criticisms of bitter, unfair, and prejudiced opponents. He held in his hand a table of estimates and receipts of the Government for the last twenty-five years, from which it appeared that, with the exception of the single bloated year of 1836, the average difference between the estimates and receipts in respect to customs, had been less, under Mr. Woodbury’s administration, than under any administration of the finances within that period. In 1816, under Mr. Dallas, the receipts from customs were estimated at \$21,000,000. The actual receipts from that source were 36,306,874

Difference	15,306,874
In 1833, Mr. McLane estimated the receipts from customs at	\$21,000,000
The actual receipts from customs were	29,032,503

Difference \$8,032,508

This table is at the service of gentlemen. They are welcome to look at it, and repent if they are conscientious men, of their unjust denunciations against Mr. Woodbury, for what they have politically denominated his “wild guesses.”

How small, after all, the discrepancy between the estimates and actual receipts of last year! In December, 1839, the Secretary estimated the receipts from ordinary sources at \$18,500,000. The actual receipts were 17,119,000

Difference only \$1,481,000

Had Congress, as the Secretary recommended, graduated the price of the public lands, and created a few more land districts, enough would, most probably, have been realized, not only to have covered the above estimate, but to have paid the outstanding Treasury notes. But let him (Mr. V.) ask here, whether the specimens and evidences of the financial skill of the gentlemen who had so unceremoniously impeached the accuracy of the Secretary, were so striking as to give any very great weight to their “impeachments.” Quite the contrary, in his estimation. He trusted he had already, in same measure, “impeached” the impeachers. He had shown, he thought, pretty conclusively, that the existence of a huge national debt was the mere dream of heated partisans; that the facts and figures put forth in support of it had been most successfully turned against their authors. Now he begged leave to call the attention of the committee to the very discordant character of the means and data by which they sought to impeach the accuracy of the Secretary. His colleague, [Mr. BARNARD,] in his table of “guesses” and “probabilities,” made all the charges on the Treasury for 1841 amount to \$27,569,000. And the receipts of the same year to 20,042,618

Deficit \$7,526,382

The gentleman from Maine, in his table of “guesses” and “probabilities,” made all the demands on the Treasury for 1841 \$31,650,000. All the receipts to 24,723,000

Deficit \$6,962,000

Now, how different the process by which they obtained their respective results. The gentleman from Maine had beaten his colleague in his estimate of charges on the year, in the sum of \$4,116,000, and still his colleague had beaten him in cyphering out a deficiency by the sum of nearly a million of dollars! How had he done this? Why, he had cyphered down the resources of the year to only \$20,042,332; whereas the gentleman from Maine admitted that they would amount to \$24,723,000; but to make his sum come out to his liking, he had cyphered up the charges on the

Treasury more than four millions of dollars higher than his fellow impeacher! So that one seemed to excel in cyphering up, and the other in cyphering down, and between two arithmeticians so expert in their respective lines, it was very difficult to say what would become of poor Mr. Woodbury. The aggregate amount of their differences was \$8,796,382!! The one contended that Mr. Woodbury’s estimate of receipts from customs was much too high; the other admitted that the receipts from this source would, no doubt, come up to the Secretary’s estimate; and still, with all their contradictions, clashing, and discrepancies, they seemed to “lay the flattering unction to their souls” that they had succeeded in impeaching the accuracy, if not the integrity, of the Secretary of the Treasury.

The “self-congratulations” of the Secretary, as the gentleman from Maine saw fit to designate a paragraph or two of his annual report, had formed the subject of no little sarcasm with that honorable member. The Secretary had, indeed, cause to cherish pride in reviewing his official career. Was it not much to the credit of that officer, that, during the last four years, when individuals, banks, and even States, had been brought into dishonor by a failure to meet their engagements, this Government had maintained its credit unimpaired, notwithstanding two suspensions by the bank? Was it not true that the Government had, within the last six years, paid all its current expenditures, as well as the extraordinary ones, of Indian wars and treaties, and deposited with the States twenty-eight millions of dollars, without imposing any additional taxes on the people; without creating a new funded debt; and that, too, under the process of biennial reductions of the tariff? Did not such a review furnish legitimate and most abundant cause of self-congratulation?

Lastly. It was contended by the gentlemen who had preceded him, that the deficit which they seemed to imagine they had cyphered out, ought to be supplied by imposing an immediate tax on silks and wines. To this he, Mr. V. would respond, that if the receipts from sources that now existed were sufficient to carry the Government through the year as he had attempted to prove, why should we, a defeated party, relieve our victorious adversaries from the responsibility, or rob them of the glory, of adjusting a new tariff of duties? We all know, sir, that next year, there must be a revision of the whole tariff. The work could be better done as a whole than by piecemeal. We appreciate the kindness and disinterestedness which prompt you to ask us to share with you the glory of this great work; but we are willing to forego all the profit and honor of an undertaking which legitimately belongs to you.

A tax upon luxuries—upon silks and wines—articles consumed only by the rich. This was quite an *ad captandum* proposition; but it would be vastly more, taking in its character, if accompanied with a proposition, to relieve, in the mean time, from taxation, necessities consumed by the poor; but while you pick the pockets of the rich under the wine and silk tax, do you propose to lighten the burthens of the poor in the same ratio? By no means. You continue to make all your present exactions from the poor. Glorious charity and beneficence this!! It is very like robbing the poor, and, instead of making restitution to them, atoning for your offence by robbing the rich also. There was much force in the admonition of the gentleman from Virginia, [Mr. Wise,] that we should consider, well consider, and pause, before we did any act which might, by possibility, diminish the consumption of our great staple, cotton, in France. He (Mr. V.) had long looked upon the increase of that consumption as one of the brightest prospects of the exporting section of our country. Beware how you interfere with it. Begin not the work, in the offensive form now proposed, by singling out for taxation, from among the long list of free articles, articles of French manufacture alone. England constantly threatens to foster, to create a rival in the East for the growth of our great staple. France has indulged in no such unfriendly threats. She has not held or encouraged any “world’s convention,” to destroy your domestic institutions. You will soon have the opportunity of reaching her un-

der circumstances less offensive, when you come to revise your whole tariff of duties. You will then, if all the mad and magnificent schemes of the day are to be consummated, be not only authorized, but compelled, to tax silks and wines, perhaps, far beyond the maximum of your compromise bill. Yes, distribute the proceeds of the public lands among the States—raise, by duties, enough to supply the vacuum—and you will require more than twenty per cent. duty upon all imports to support your Government. And then, for the consolation of the Southern wing of the great Whig army, let me say that, with the benefit of exchange, cash duties, and home valuation, the Yankees will have infinitely the best of the bargain.

REMARKS OF MR. HAND, OF NEW YORK,

In the House of Representatives, Monday, March 1, 1841—In Committee of the Whole on the state of the Union, on a bill making appropriations for certain fortifications reported by the Committee of Ways and Means, on a motion to substitute the bill reported by the Committee on Military Affairs for the one under consideration.

Mr. HAND said: he sincerely hoped the substitution would be made. If it was proposed to provide for the defences of the country, it was desirable it should be done systematically. Besides, increasing the few works in the bill from the Committee of Ways and Means to the additional amount proposed in the bill from the Committee on Military Affairs, would result, perhaps, in the passage of the former with this augmentation as to these particular works, and in the neglect of the others in the last mentioned bill, thereby not only producing very unequal legislation, but pushing forward some stations with increased vigor, while others of admitted paramount importance, by the mere forms of legislation, would remain entirely neglected. By adopting the general bill reported by the Committee on Military Affairs, the foundation of a system would be laid, which, when completed, would place this nation in a state of comparative safety. He knew it was usual, on these general appropriation bills, to be very diffuse as to topics. The tariff, distribution of the public lands, the "great political change," and various other matters, had recently been very liberally commented upon. For himself, he had settled views on most of these subjects, which he would express, should his duty call upon him to do so; but he preferred in discussion not to mix up matters so important.

Mr. H. said he was one of those who believe we may have war with England; not soon, probably, but before our present difficulties with that nation are definitively adjusted. England, if she would, cannot long remain quiet. She has an immense naval and military power, which she supports at an enormous annual expense, which bears heavy on her working classes; and the people will not long consent to that burden, if that power long continue inactive. The "concern" requires business. But, again. Whoever has watched England since the commencement of this century, may well believe in the probability of a change in the internal affairs of that great people. The mass will, perhaps, not always be quiescent in their present condition. Their Government will, therefore, endeavor to divert them by the excitement of war—

"Least rest, and lying still, might make them look
Too near unto my state."

So too, in time, that high-sounding boast of "mistress of the ocean" will become irksome to us, particularly if it is occasionally forced upon our recollection by a too haughty bearing or insolent aggression. When that supremacy shall be made a point, then in truth the contest will be a severe one. Indeed, our difficulties with that country seem gradually to thicken. That in relation to the Northwest Territory he deemed most important, and when that shall be agitated, he looked for the rupture which he thought their combined difficulties might ultimately produce. Much had been said about McLeod. Upon that subject he did not propose to dwell. He would only say, with reference to some strictures that had been made here

upon the ebullition of feeling which had occasionally, in times past, shown itself on the Northern frontier, that, while he held that every man should do nothing unbecoming a good citizen, yet gentlemen at a distance from the transactions might judge with too much severity. None but those who were witnesses to the intolerable wrongs done by the exercise of that bull-dog spirit which sometimes characterizes a provincial domination should judge of the high feeling of condemnation they might produce. Were they in daily intercourse with the victims, they might perhaps allow even good citizens to "sympathize."

But his object (continued Mr. H.) was to speak of the defences of the country. He was for adopting some general plan, the progress of the completion of which should at least keep pace with the resources of the country, and, if the emergency required it, be pressed without stint or delay. No plan had recommended itself to his mind so much as a system of fortifications. The question with some gentlemen seemed to be between fortifications and an increase of the Navy. He was in no way opposed to the Navy. It had been, and would be again, the pride of the nation, and he would keep it on a respectable footing. But he would give a few reasons, why, in time of peace, we should establish a line of fortification in preference, perhaps, to any thing else. But he would first remark upon an objection now frequently heard, and, indeed, strongly urged in the debate on this question by the gentleman from South Carolina, [Mr. PICKENS,] that fortifications were becoming useless, owing to the improvements in the art of war. He was aware that such things had been said, and predicted by some who pretend to understand the subject. But he (Mr. H.) had given the subject some attention, and so had the War Department, as appeared by the able documents furnished us last session; and, from all he could ascertain, the changes rendered fortifications more indispensable than ever. Indeed, the greatest changes appear to be going on in naval tactics. This, if so, would as well be an argument against the increase of the navy. There is another consideration which weighed much with him; which is, that England, who could not be supposed to be much behind in these improvements, is at this moment building new and rebuilding the old fortresses in her North American possessions, with great care and expense, which she would not do if she thought them useless.

A system of fortifications, he thought, should be adopted, because, too, it required time for their execution. Such works, if built efficiently, progress slowly. This was not the case with a navy. Materials for the latter could be provided, and when wanted, but a short period would be required for completion. This is fully illustrated by a statement of the time and cost of repairing our navy, kindly furnished him by the Department, and which he held in his hand.

Again: the expense was comparatively small. The Secretary of War last year sent us a general plan of fortifications. This contained works in classes, A, B, C, D, E, F. Omitting those in F, which are only proposed for some late period, and the remainder will give us ninety-five forts for the maritime frontier from Passamaquoddy to the Sabine, for less than ten millions; fourteen forts, &c. for the Northern frontier, for little more than two millions; and fifteen barracks for the Western frontier, costing less than one million; total, thirteen millions. This would furnish the two great lines of frontier, North and South, of this nation, with cordons of safe fortifications for ages. The necessary additional ordnance, and one hundred rounds of ammunition, can be supplied for three and three-fourth millions; making in all but sixteen and three-fourth millions. The report on these subjects, and upon the art and science of war generally, reflects great credit upon the Secretary and the military officers, his coadjutors.

It is very different with the navy; the mere decay and increase of which, since 1816, has cost the nation thirty-one and a quarter millions. Again, not only the expense, but another argument in favor of fortifications is their durability. Well built,

they dilapidate very slowly, and are cheaply kept in repair. On the contrary, other means of defence, and particularly a navy, are subject to decay. By the following extract from the report of the Board of Navy Commissioners, transmitted to us with the report of the Secretary of the Navy, at the opening of this session, it appears that the expense of keeping good our naval armament is very great:

The estimated value of these vessels, and of the stores on hand for their completion or equipment, may be stated at about the following sums:

	Vessels.	Stores.	Total.
For 1816,	\$1,365,000	\$735,000	\$5,100,000
For 1840,	9,825,000	6,628,346	16,453,346
Gain,	5,460,000	5,893,346	11,353,346
Money in the Treasury on the 1st October, 1840,			1,385,920
Showing a total gain in values of			\$12,739,266

The amounts which have been available for those objects, from 1816 to 1840, both inclusive, have been:

Under gradual increase of the navy	\$8,000,000
Under gradual improvement of the navy	8,897,710
For building and rebuilding vessels, specially	2,455,710

Total	14,353,420
And for repairs and for ordnance	16,886,430

Making the total of available appropriations,	31,242,850
The increase of values, as above	12,739,266

deducted from the appropriation, leaves	\$18,503,584
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as the amount which has been expended to meet the actual loss or decay, or to preserve the values which were on hand in 1816.

This sum divided by 25 (the number of years included) gives for the annual loss and decay or about 14 1/2 per cent. annually on the original cost of the vessels afloat in 1816, which were fit for naval use. \$740,143

He begged not to be misunderstood. In contrasting the two modes of defence, naval and military, he was not attempting to disparage the former. Far from it. Both are absolutely necessary. All he was endeavoring to show is, reasons for increasing the latter now, if there are means for one only. He believed if the system of fortifications proposed was adopted, the country, in a short time, will be in a fair state of defence, and that too, without involving it in debt. From a statement the War Department furnished him last session, he found we had 63 vessels, three of which are irreparable, and the others could be rebuilt or completely repaired for about five and a quarter millions. So that after the expenditure of about twenty-two millions, we should have 124 forts, &c. and 7,248 cannon on land, (now 4,708) 65 vessels of war, bearing 2,036 guns, and about 620,000 muskets, besides all the munitions of war in the hands of the States.

But there were other reasons why he was in favor of adopting a system of fortifications. This nation, from its position and the genius of the people, will not make war for territory, profit, or aggrandizement. It has more territory than its people can occupy, with an extensive frontier; and that people have a national aversion to immense armaments, large standing armies, and heavy taxation. Nor do they expect to defend their frontier by a constant force. Upon the militiaman, well armed, defending his own fireside, must this nation depend to repel invasion. We shall act on the defensive, and pursue the course of onward prosperity, in the quiet paths of peace as much as possible. May it always be so. A distinguished writer says: "Happy the nation whose history is dull and monotonous." But if disturbed, with fortifications as rallying points, and as convenient depositories of arms, with just regulars enough to keep the forts and their contents in order for any emergency, the rest may be left to the freemen of the land, at least until the nation is fairly involved in the regular conflicts of a settled war. Mr. H. said he had great reliance on the militia. We have now about one and a half millions organized, and probably at least three millions of our citizens are able to bear arms, and most of them familiar with their use. These must always be formidable to an invading foe. They have indeed already pre-eminent proved themselves so. He had, a matter of curiosity, made a few estimates from the battles fought on land, during the last war with England, as given in Niles's Register. Of these there were 35, and about 70,000 Americans, and 102,000 British troops, were the aggregates engaged. In them about 9,300 of the British were killed and wound

ed. The whole number of British killed and wounded was, to the whole number of Americans engaged, about as one to seven and a half. In the ten battles fought by about 16,000 regulars alone, the British killed and wounded were to the Americans engaged as one to nine and four-fifths. And in ten battles fought by about 18,000 militia and volunteers alone, the British killed and wounded were to the Americans engaged as one to five. He spoke this with no purpose to dishonor our gallant army. They had excelled the best troops of Europe. But this will be so almost from the nature of things. Their officers are gallant fellows, but the mode of firing is different. Beside, the regulars have certain imperious and systematic duties to perform, and even the battle ground is often the field where advantage is sought by scientific military manœuvre. On the contrary, the militia are usually called out to resist invasion, and the whole battle is often a trial of individual skill by keen and excited marksmen, making, under favorable circumstances, awful havoc among troops moving in compact military order. While engaged, their sole business is killing.

But (added Mr. H.) he did not intend to detain the committee too long, and should not have spoken at all, were it not for the deep anxiety he felt for some defence on the frontier of the district he had the honor to represent. He was surprised to hear the honorable chairman of the Committee on Foreign Affairs, say that in case of a war with England, the Canadas would not be the theatre of action. He thought differently. Every thing tended to convince him to the contrary. After troops have been transported 3,000 miles, it was very probable, that in most cases, they would debark in their own territory, where they had a place of repose, preparation, and safety. This was a natural, almost an inevitable consequence, unless the expedition was on some particular service. This, at all events, could hardly be otherwise, in case of a rupture within a few years. The troops are already in Canada, and a strong force there, would be indispensable.

With these views, he begged to call the attention of the committee to the defenceless state of Lake Champlain. No man could shut his eyes to its importance. It has been the beaten track of war for the last century. Its position is different from that of any other of our waters. It heads in the heart of our country, crossing the line between the two nations at right angles, it terminates at a safe distance in the enemy's territory. Besides all this, it is the first naturally feasible route of ingress upon our people, after entering the St. Lawrence. Government immediately after the last war, acting upon recent experience, turned its attention to its defence, but unfortunately before the line was established. The present Secretary of War and the proper bureau have repeatedly pressed the importance of this place upon our consideration. Every one coincides in opinion with them. The British, too, know its importance. Strong fortifications command their portion of it, and a canal opening navigation into it, is nearly completed by them. Indeed they had gone so far, and were so solicitous, as appeared by affidavits in his possession, as to survey the lake in the vicinity of our contemplated fortifications. He earnestly entreated that this work might not be delayed any longer; and as it is embraced in the bill proposed to be substituted, he hoped that would be done.

One word more, and he was done. Some here have cautioned against a too free expression of sentiments, for fear of provoking a war before we are prepared. He deprecated war, so did his constituents. But he should do them injustice to intimate that they would not boldly denounce all aggression, no matter by whom offered to our country, without reference to the progress of preparation. Whenever our national honor is insulted, they are always ready.

NOTE.—From a statement furnished Mr. H. from the Navy Commissioners' Office in April, 1840, showing the time it would require to repair, rebuild, &c. our vessels of war, it appears that 13 vessels, building, could be completed in the average time of 196 days, 21 repaired and equipped ready for sea in the average time of 68 days, and 6 then in commission at sea in the average time of 90 days.

By their report in 1841, it appears that the Commissioners

have contracted for timber for 15 ships of the line, 18 frigates, 15 sloops of war, 9 steamers, and 9 brigs or schooners.

We have thirty-six vessels in commission. From an English military periodical, it appears that the British Government have 194 vessels of war in commission bearing 3,725 guns—31 of these were in North America.

Extract from list of vessels, &c. of British navy, in same work:

Name of vessels.	No. of guns.	Commander.	Where built.	When built.	When commissioned.	Station.
Niagara	20	Capt. Sanborn	Canada	1812	1838	Lakes of Canada

(This, if so, must be in direct violation of treaty.)

The same work gives the armies and navies of Europe:

	Men.	No. of vessels.		Men.	No. of vessels.
Great Britain	114,000	600	Naples	30,000	60
Russia	650,000	370	Sardinia	30,000	60
France	330,000	300	Norway	22,000	3
Austria	297,000	4	Greece	10,000	3
Prussia	167,000	6	States of the Pope	9,000	1
Holland	73,000	18	Hanover	16,701	1
Spain	70,000	18	Bavaria	43,000	1
Belgium	50,000	7	Saxony	12,000	1
Sweden	40,000	7	Wurtemberg	14,000	1
Denmark	38,000	4			

SPEECH OF MR. UNDERWOOD, OF KENTUCKY,

In the House of Representatives, February 20, 1841—

On the bill making appropriations for the Civil and Diplomatic Service of the year 1841.

MR. UNDERWOOD said that, the world over, man was the creature of the circumstances by which he was surrounded. His opinions, motives, and actions, had their origin in the animate and inanimate objects which were constantly operating upon him, affecting his senses, and through them his intellectual powers, and thus forming the character and directing the conduct of life. These circumstances, according to my observation, said Mr. U. "define the position" of members in this body. The impartial spectator, regarding the circumstances by which members are surrounded, will perceive their true position more accurately than by taking it from their own flattering definitions. In viewing the position of members, and defining it for myself, there are some striking characteristics in the different attitudes presented by the Representatives of the people. There is an Atlantic or seaboard position, which does not harmonize altogether with mine; which is entirely inland or "backwoods." There is a city position, which contrasts very strikingly with the village or country position, which most of us on this floor occupy. There is a Northern and a Southern position: and a listener to the debates in both branches of Congress would almost conclude that our sole business here was to inform mankind, ay, sir, the whole universe, exactly where we stood, and how we stood; or, in the parliamentary language of the day, to "define my position."

I have no vanity which prompts me to believe that the fate of my country, that its weal or woe, is dependent, to any great extent, upon what I say or do. Nor am I so humble as to believe that arguments, based upon popular rights, enforcing the truth, and demanding justice, will be entirely disregarded, because they emanate from one of "my position." Sir, I claim to be identified in feeling and in principle with the great mass of the American people. Like that mass, I was born to enjoy or to waste no rich inheritance. My ancestors did not enable me, by the fruits of their labor, to spend a life of criminal idleness, or to devote my time to literary and scientific pursuits, living at ease upon a large annual income, or to play the part of the man of business, wielding a large capital, unconscious of the toil and labor which accumulated it. Like that mass, I have been compelled, of necessity, to labor diligently in my vocation for the means to furnish food, raiment, and shelter for myself and family. I rejoice in the institutions of my country. They have enabled me to rise to a seat on this floor. They present an open field in which every citizen may labor to advance his fortunes; and in which each workman, no matter what may be his trade or profession, is sure to obtain, in the end, a reward proportioned to his merit.

"My position," and inclination also, require that I should condemn extravagance; that I should attempt to reform abuses, and that I should endeavor, by wise laws, to secure peace, safety, and happiness for the people. There are two classes of politicians: one is always actuated by principles, the other is always biased in the fortunes of men. The one goes for the country, the greatest good of the greatest number; the other goes for the personal advancement of the members of a party, for the promotion of a clique greedy for "spoils." In the ranks of the one you may find a high and lofty patriotism, a generosity and nobleness of purpose, which comprehends all interests and every pursuit by its benevolent and dignified legislative action. In the ranks of the other you may look for low cunning and sinister manœuvres to elevate or to pull down individuals, just as this or that party object may be accomplished by it. It is in this class you may expect to find despicable coalitions for selfish objects. And it is here that you may look for men devoted to politics more for the love of the emoluments of office than for the highest glory of our nature, the satisfaction of doing good as a public benefactor.

I will never form an alliance with those whose political life is spent in putting up or putting down particular individuals for selfish purposes. I will never allow, if I can prevent it, that system of rewards for political subservency, and punishment for political independence, which has prevailed in this country during the last twelve years. And I intend, with my last political breath, to demand a reform of those abuses which enable politicians to seize and appropriate to their own use the public property, or which, under enormous perquisites of office, furnish means with which to undermine and subvert the institutions of the country, by corrupting both officeholders and voters. I will partly co-operate with those who think and feel as I do, to carry into effect what our common principles require; but never will I enter a coalition whose chief objects is to distribute the "spoils."

The people of this country, our constituents, do not intend to have the realities of a monarchy under the name of a republic. The people will not willingly pay enormous salaries or allow unreasonable perquisites to the officers of Government. They will cheerfully grant a just compensation for services rendered, but they will not pay those who do nothing; nor will they pay those who work such extravagant wages as to enable them to vie with royalty itself, in the splendor of their equipages and expense of luxurious living. It only requires that the people should be honestly and fully informed of the extent of any crying abuse to secure the application of the proper remedy. They may and do act slowly, but act they will, and efficiently, too, in the end. I regard the election of General Harrison as a manifestation of the efficiency of popular action, when the people are convinced that abuses exist; and if his Administration should not meet their expectations in the work of reform they have willed, they will act again and again through the ballot-box until their will and their interests are obeyed and respected by their agents. The Executive Government must conform to public sentiment, ascertained by and through the Representatives of the people; and it was the apprehension that the Administration of Mr. Van Buren, "following in the footsteps," set public sentiment at defiance, and attempted to manufacture it through the instrumentality of a corrupt press and a subservient Congress, which mainly produced his recent overthrow.

The people has not yet completed their work. By the election of General Harrison they have placed at the head of the Government a man who will abstain, I sincerely believe, from the exercise of arbitrary and despotic powers; as much so as any man who could have been placed in his high station. But the Executive cannot reform existing abuses which have grown up under the operation of existing laws. It requires the repealing and reforming powers of a Congress to do justice to the people, to comply with their will, and to satisfy their expectation. Discreet and judicious action by this and the other House upon the annual appro-

priation bills can accomplish much; and I will proceed to call your attention to various subjects which deserve the notice of this body and the whole nation. I mean to call public attention to them. I intend to print what I say, and lay what I print before the people; call on them to read and reflect, and then to the polls and act. If the people wish a real, substantial reform of abuses, they must first know what they are, and then elect representatives pledged to reform them, and who will honestly redeem their pledges.

The first abuse connected with the provisions of this bill, was brought to the notice of the committee by the gentleman from Indiana, [Mr. PROFFIT] It consisted in the heavy appropriation for stationery; that we consume more paper, pens, knives, wafers, &c. than we ought, and that we do not strictly confine ourselves to the application of the stationery received to public purposes, cannot be doubted. But, sir, I shall not go into the inquiry with a view to ascertain the precise extent of this abuse. Perhaps it would be impossible to ascertain it, as no accounts are kept showing the quantities delivered to each member, and as every one calls for and obtains till he is satisfied. Many years since, I am told, accounts were kept, and members were charged with the stationery furnished them. These accounts constituted some check; but since they have been discontinued, there is no check but that which each gentleman's conscience prescribes for himself. The best remedy for the evil is that which I suggested the other day to the gentleman from Indiana. It is to allow a certain sum in lieu of stationery. But, sir, I do not advert to this abuse for the purpose of ascertaining its extent, or to suggest the proper remedy. I recur to it in order to notice the character of the remarks which were indulged a day or two since, when the subject was mentioned. Some gentlemen affected to consider it a small concern, a *picayune* affair, a matter to which the maxim *de minimis non curat lex* should apply. They seemed to consider it too contemptible for the attention of statesmen assembled to deliberate on great national affairs. Such swelling and blowing about elevated views; such sublime contemplations of subjects infinitely important to the world's welfare, which allow some gentlemen on this floor no time to attend to little things; ay, sir, which fill them with utter scorn for trifles, present a most dignified contrast with their own conduct in pocketing, or rather boxing up, the "spoils." Their flourishing words and laudatory self-gratulations are put forth in the vain attempt to hide from themselves the knowledge of the abuses they practise, and to furnish some sort of apology for failing to do their duty in exposing and putting an end to them. Sir, I have but little respect for, and not the least confidence in, the man who affects to regard little things as beneath his notice, especially little improprieties. My observation through life has proved, to my satisfaction, that those who refuse to attend to little abuses, are sure to wink at enormities. I have no faith in the intellectual ability of those whose mental and moral organization is such that they affect to be incapable of attending to small things. I have ever found them incapable of managing great affairs. Napoleon, Wellington, and our own beloved and great Washington, were men who paid strict attention to the smallest matters of camp police. They were capable of comprehending that a world is but the aggregate of atoms; that great battles are made up of individual contests; that the fate of empires may be decided by the failure to clinch a nail. Such men know that they are great in proportion as they are like their Creator, whose attention, we are informed, is even directed to numbering the hairs of our heads, and who takes note of the falling of a sparrow. Sir, I am shocked at the combined littleness, pride, and arrogance of men who affect to turn up their noses at improper and immoral actions as trifles beneath their notice. The people must dismiss all such from their service, if they would make this Government, in all its departments, what it should be—a light upon an eminence illuminating the nations of the earth—a sun blazing in the political firmament, upon whose disk no spot can be found. I have seen upon this floor some practical illustrations of this elevated disregard of

little things. I have seen additions made to the private libraries of members, by voting thousands upon thousands to pay for books, to be distributed among ourselves; and I have seen this haughty spirit, this elevated contempt for little things, skulk from exposure by refusing the yeas and nays. I have witnessed, year after year, palpable violations of the law relating to the mileage of members, and I have in vain endeavored to correct the abuse. I have witnessed efforts made by others to correct it, but all in vain. It passed by as one of those insignificant affairs which the mighty minds of great politicians could not condescend to notice!

Mr. Chairman, the honor, the dignity, and, to a great extent, the utility of Congress, depend upon the abiding confidence which the American people repose in our integrity, in our disinterested patriotism, in our love of justice, in our practical good sense, in our assiduous discharge of the duties of legislators for a great nation—a nation destined, under the guidance of wisdom, to revolutionize and ameliorate the condition of enslaved humanity throughout the world, or to demonstrate that, in the midst of professions of every noble emotion and Christian virtue, we are but canting hypocrites, seeking office with avidity for the sake only of its "spoils." Sir, we ought to clear our own skirts of suspicion by sedulous attention to the least whisper of impropriety, by applying instantly the proper remedy to petty abuses. Demonstrate your resolution to reform crying enormities in other departments, by first taking, I will not say the beam, but the mote, out of your own eye, so that you may more clearly see how to operate upon others.

We have no time to attend to trifling matters! I have known days, yes, weeks, consumed in idle debates upon preliminary motions and points of order.* From the perpetual discussion about order, a spectator in the lobby would suppose that we were more disposed than any legislative assembly on earth to observe strict order, and to do every thing by rule. And yet, sir, the newspaper reports of our proceedings are constantly presenting the country with occurrences on this floor which excite sentiments of shame and indignation in the bosoms of the people. "To-day the Hon. Mr. A. and Mr. B. had some sharp-shooting." "To-day the Hon. Mr. C. and Mr. D. passed the lie direct." "To-day the Hon. Mr. E. and Mr. F. had a fracas in the Hall of the House of Representatives." Such, sir, are the degrading accounts teeming from the press, (and I lament to say with too much truth for our reputation,) in regard to the doings of this order-discussing body. I have sometimes thought I would take up our journals and make a careful examination, with a view to ascertain the time lost in debating points or order and preliminary motions. It would result, I have no doubt, in finding that we waste time to a criminal extent.

[Here Mr. COOPER of Georgia said that he had made the computation, and found that two months of the last session had been thus consumed.]

No wonder, exclaimed Mr. U. that our eight months' labor during that session only brought forth thirty public and seventy private acts, making a little primer of eighty-five pages only. No wonder we meet and break up, and nothing is done. Is it because there is nothing which ought to be

*A most extraordinary instance of time wasted upon preliminary motions occurred in 1837. On the 21st of April Mr. TUCKER made his report relative to the duel between Mr. GRAVES and Mr. CILLEY, and moved that it be postponed until the 7th of May, and that it be printed.

Mr. ROBERTSON moved that the report be laid on the table. Pending these motions, the House adjourned, it being Saturday.

On Monday, Mr. ROBERTSON withdrew his motion (to lay on the table) and moved to commit the report to a committee to be called the Committee on Privileges, with instructions to report this course which, in their opinion, it is proper to pursue.

These questions were discussed daily until the next Monday, when Mr. PICKENS moved that the whole be laid on the table. His motion was negative. The question was then put on postponing till the 7th of May, and negative.

Mr. ADAMS then moved to recommit the report to the same committee, with instructions to strike out all argumentative parts and the resolutions at the end of the report. The motion of Mr. ADAMS was amended, modified, and discussed until the 7th of May, when Mr. SAWYER moved to lay the whole subject on the table. His motion was negative. On the 10th of May, Mr. THOMAS moved to lay the whole subject on the table, and it was carried.

Pending the discussion, Mr. LAWLER died, and the House observed the usual funeral ceremonies; and, with that exception, the whole time, from the 21st April to the 10th of May, was spent on these preliminary motions.

done? No, sir, no. I am informed by the Clerk that there are at least a thousand bills and resolutions upon his table ready for consideration. There are a great number of private claims which have been allowed by your standing committees, and which we ought to act upon. It is enough to make the heart sick to read the imploring letters which claimants frequently address to the members of this body. I have received letters, and from females, telling me that the claims allowed and provided for by such and such bills were their only hope for bread; and that unless Congress would act and pass the bills, the poor-house or the jail must receive them. I have received letters complaining bitterly that the Government failed to perform its engagements and pay for property actually conveyed to it, in consequence of which the citizen was likely to be ruined. I will mention but one case in point, and that is, your failure to appropriate money to pay for hospital sites on the Western waters, although years ago deeds have been made for the lands selected. We have public measures of vast importance which, session after session, and year after year, remain upon our table, calling for the action of this House. Sir, I have had resolutions upon your table for nearly six years, proposing amendments to the Constitution of the United States, and which I conscientiously believe to be essentially necessary to the wholesome operation, if not to the very existence, of our Republican institutions; and, under our time-wasting rules and proceedings, they have not been, and would not be, reached in regular order for a century to come. We originate business enough to talk about, and then spend the whole of our time in speech-making for Buncomb, instead of practical action for the good of the country. These are evils of crying magnitude. The effect of such a course is now glaring in our faces. We are forced, by this sinful waste of time, to act upon the appropriation bills necessary to keep the Government in motion, at the very close of the session, amidst bustle and confusion, and when it is impossible to deliberate in regard to the millions of money we are placing in Executive hands. I mention these matters to show that those who affect to be above attending to trifles do not act upon affairs of magnitude, except in the way of talking about them. And we talk about every thing, when in committee, except the business before us, as this debate fully proves, and as I shall probably demonstrate by my own remarks before I close. It is this rambling practice, with a view to lay our ideas, whether original or borrowed, upon all subjects, before our constituents in the same stump speech, that has rendered this body almost incapable of transacting the public business.

Now, Mr. Chairman, I shall proceed to call the attention of this committee to some things which I trust will, in the opinion of honorable members, so far transcend the subjects of stationery, books, and mileage, as to claim their attention on account of their magnitude. And first, sir, of attorneys, marshals, and clerks. We have official information that the attorney for the southern district of New York received for his services during the year 1839 \$23,009 07; the clerk \$19,469 92 for his, the marshal of the southern district of Mississippi \$87,150 70 for his, and the clerk of the northern district of Mississippi \$9,700 for his. The clerk of the southern district of Mississippi failed or refused to make a return. But we can judge of his fees from what the marshal of his district receives. After deducting all reasonable allowances for expenses and salaries of deputies, it has not been denied that the sum left would make to each an exorbitant compensation. How does it happen that these and other officers holding similar stations are thus extravagantly paid? It is the consequence of the legislation of Congress, which, more than forty years ago, allowed high fees for certain services, and adopted the fee laws of the highest courts in the several States where the fee was not specified in the act of Congress. Notwithstanding the fees have since been greatly reduced in most of the States, Congress has made no reduction. Now, sir, is there any reason why Federal officers acting within the States, should be paid more than State officers for the same kind of services? And if the States have found that their attorneys, marshals or sher-

riffs, and clerks, can carry on a profitable business by reducing the fees, may we not safely reduce the fees of Federal officers to the present standard of the States? Sir, I have heard no one deny that the fees which the laws of Congress allowed were too high. Gentlemen will not take issue upon that averment. But when it is proposed to correct the evil by introducing the necessary provisions in this bill, we are told that it is not in order; that, if we will introduce a separate bill proposing the proper remedy, gentlemen, who are constrained by the question of order to oppose the introduction of new subjects into this appropriation bill, will cheerfully vote for it. I will in a few words show that this question of order constitutes no barrier to the proposed reform. In the first place, it is not the introduction of a new subject, within the meaning of the 50th rule of the House. The subject of this bill is the compensation of the civil and diplomatic officers of Government for the year 1841, and whatever relates to the compensation of any civil or diplomatic officer, whether he be expressly referred to or not by the provisions of the bill, is germane to the general scope and design of the bill, and therefore ought to be admitted in the shape of an amendment. In the next place, the statute book furnishes many precedents, showing that important provisions, limiting the amount of salaries, and even legislating on subjects entirely dissimilar, have been introduced into the annual appropriation bills. In the appropriation bill of 1839 for the civil and diplomatic service, a section was introduced prohibiting extra allowances to officers of Government for disbursing public money. In the army bill of that year, a new subject was introduced, and provision made for compensating the owners of horses lost or cast away at sea, &c. In the naval bill of the same year, a new subject, in one sense, was introduced, and provision was made for building three steam ships. But the horses in the one case, and the steam ships in the other, were connected with the military and naval service, and therefore had an appropriate place in these appropriation bills. The same sort of connection exists between the appropriation bill for the civil and diplomatic service of any one year, and the salary or fees of any officer of the Government. In the light-house bill of 1838 provision was made for two additional clerks in the Fifth Auditor's office. These precedents, promulgated to the country in the statute book, must satisfy the people that we have become over-squeamish to preserve order if we now refuse to cut down extravagant allowances and perquisites upon the ground that it is out of order to do it in this bill!

Believing that now is the accepted time, and this the proper place, and from past experience having no hope that the subject will ever receive consideration separate and apart from the annual appropriation bills, I will proceed with my list of abuses which demand correction, and to correct which proper amendments will be offered to this bill in due season.

The compensation allowed collectors, naval officers, and surveyors of ports, in the shape of official perquisites, exceeds in many instances what is reasonable and just, and ought to be limited. As the most striking case, I shall call the attention of the committee to the emoluments of the collector at New York. The investigations of the celebrated Swartwout committee ascertained, by proof, that the collector received annually a profit on warehouses amounting to about \$15,000. His profits resulting from forfeitures growing out of real or supposed violations of the revenue laws cannot be less than \$20,000 annually. Your laws allow the collector to seize goods when their owners attempt to evade the payment of duties; and then permit a compromise to take place, by which a merchant pays the sum agreed on, and his goods are restored to him. The collector and other port officers are entitled to share in the compromise money, or in the proceeds of the goods if they are condemned by the judge on trial. You allow all this as a stimulus to the custom-house officers to be diligent in the discharge of their duties; and, in thus stimulating their diligence, you have tempted them, for the sake of gain, to harass merchants and embarrass commerce, by seizing goods without any just cause for so doing. The merchant, sooner than

submit to the "law's delay," compromises, and pays a handsome sum to get possession of his goods; to get clear of the lawsuit, and to get the liberty of trading free from custom-house vexations. In one case I am informed that the collector, naval officer, and port surveyor, divided among themselves \$42,000; in other words, received \$14,000 each for a compromise upon the seizure of goods! No wonder that the district attorney and judge, as we are informed by the gentleman from Maine, [Mr. Evans,] should be engaged in court almost from the beginning to the end of the year. We see that it is the interest of the custom-house officers to give them enough to do; and it is equally the interest of the attorney to multiply libels upon each separate package seized, instead of the whole cargo. We all know the story of the separate libels or suits against each box of tea at Philadelphia, for no other purpose than to increase the fees of the attorney. I have seen the same thing in Kentucky. I once knew all the sureties of an insolvent sheriff sued by separate actions upon the official bond for a less sum than the attorney's fee taxed in each suit; in consequence of which the costs for the benefit of the lawyers and clerks exceeded the amount of the debt tenfold. The Legislature of Kentucky interposed to prevent this monster Avarice from glutting his maw by adding to the calamities of the unfortunate. Take the enormous wages from the attorney, collector, &c. at New York, limit their receipts, and you will at least produce one good effect—you will suppress vexatious litigation. But let us sum up the different items in the account of the collector's profits, declare the aggregate result, and pass to something else. The account stands:

Salary per annum allowed by law	-	\$4,000
Profits upon warehouse rents	-	15,000
Income from compromises and seizures, at least	-	20,000

And we have the grand aggregate of - \$39,000 Being \$14,000 more than we pay to the President of the United States! Truly, sir, the minds of gentlemen who can tolerate all this are formed upon a magnificent scale. We shall see by their votes whether they will place those receipts of the collector upon the same footing of their own stationery, books, and mileage. I will not consume time by going into the inquiry, how much the collectors at Philadelphia, New Orleans, Boston, &c. receive. No doubt they are very careful to follow in the "footsteps" of the collector of New York, and I will leave each member to form his own estimates of their annual profits.

I now come to a subject which I have had at heart for some years. I allude to the enormous emoluments of postmasters. With the able assistance of a gentleman from Massachusetts, [Mr. Reed,] I induced this House to adopt a proposition some two or three years ago to prevent what should be denominated extortion from the public, under the pretence of renting boxes or receptacles for letters and papers to private individuals. Such boxes are indispensable auxiliaries to the postmaster, and without them, in such a city as New York or Philadelphia, he could not perform the duties of his office with promptitude to the public, ease to himself, or economy to the Government. Abolish such boxes, and instantly it would be necessary to increase the number of clerks and assistants to do the business. But the postmasters in our large cities have contrived to make fortunes for themselves out of their boxes or pigeon holes, by charging the citizen who appropriates one of them to his exclusive use from one to six dollars per annum. Some years ago I proposed a remedy, which this House adopted, to cure this abuse, but it was rejected in the Senate. We were then told that the Postmaster General had promised to inquire into the extent of the emoluments derived from box rent, and if it was found to be extravagant, that he would recommend or apply the proper corrective. Sir, I believe we had something like that communicated to us officially from the head of the Post Office Department. But that has been the last of it. We have no report of the result of the investigation, if any has taken place; and certainly no remedy has been prescribed to cure the evils complained of. I regard the promises heretofore made

as part and parcel of the tantalizing system of hollow-hearted politicians, who are ever about to commence the reformation of abuses, but who take special care never to do it. Their promises are to delude the people. Their failure to act is for the benefit of partisan associates who are rioting on the spoils.

I shall present an estimate of the profits of the postmaster at New York, founded on data the correctness of which I do not doubt, and leave each member to calculate for himself the effects produced by the operation of the present system in regard to box rents and branch post offices in other cities.

There are kept and rented by the postmaster of New York, according to my information, three thousand boxes. His price for each per year is from \$4 to \$6—say \$5 upon an average. He has established a branch post office, at which he delivers daily about two thousand letters, and receives an extra compensation of two cents for each letter so delivered; thus securing to himself an income of \$40 a day. His expenses for superintendents, house rent, &c. to conduct the branch post office cannot exceed \$15 daily. They may not amount to half so much. He may employ, for aught I know, the regular clerks of his office, paid by Government, to superintend the branch establishment. But admit that he does not, how does the account of his entire emoluments stand? Here it is:

3,000 boxes at \$5 each per annum	-	\$15,000
\$25 per day clear profit of the branch post office, or a profit per year of	-	9,125
His salary allowed and limited by law	-	2,000

Making an annual aggregate income of \$26,125

Now, sir, what do we see from the statements I have presented, and which no one controverts? We behold attorneys, marshals, collectors, &c. annually receiving a compensation exceeding, by hundreds and thousands, that which is allowed to the President of the United States, who receives and entertains all foreign ministers, members of Congress and other officers of Government, and distinguished citizens from every part of the Republic, and whose expenses exceed those of collectors and postmasters as far as the dignity of his station and the intellectual and moral qualities which he ought to possess to fill it rank above theirs. We see official perquisites placing the officers of this Republic on a footing with those who, by the grinding exactions of despotism, enrich themselves by forced contributions from an impoverished and enslaved people. Arbitrary edicts and brute force strip the people, to pamper their masters in the rotten establishments of the Old World; but with us we tolerate and encourage the officer to make merchandise of his office, and to sell favors to those who must of necessity transact business with him. There is in these enormous perquisites no one redeeming quality—no single good, even to those who receive the money, and ten thousand evils which threaten destruction to our institutions. While it is no blessing to any one to receive more than he deserves, it is a real calamity to those who pay it. It tempts the one to enter into luxurious indulgences and waste of time, which too often terminate in destruction of character, whilst those from whom the money is taken are thereby deprived of so much that might be applied to satisfy their reasonable wants.

But, sir, there are reasons to fear that a portion of these large profits are withdrawn from the officer by political coercion, to be used for party purposes in controlling elections. The committee of investigation in the Swartwout case ascertained the fact that the officers in the New York custom-house were compelled to contribute a part of their salaries, under pain of dismissal, for electioneering purposes. Now, if party impudence and proscription did not hesitate to force from a petty clerk a contribution of ten or twenty dollars, may they not say to the collector, you must give all the profits of warehouse rents, or the whole of the emoluments arising from seizures, to the party fund, or be dismissed from office? May they not say to the postmaster, you must give the half or the whole of the box rents, and on doing that you may retain the profits arising from your branch post office, and if you hesitate you must walk out of office and give place

o some one who will do it? In this way thousands upon thousands may be collected for party purposes, and I apprehend have been collected. Well, sir, how is the money spent which is thus forced from the officer-holder, and which he is tolerated in filching from the people? I cannot positively answer; because the accounts of its outlay are never published. That is a party secret, veiled from the scrutiny of the people by an impenetrable mantle. I apprehend that these expenditures love darkness rather than light, because all their tendencies are evil. From the very fact that they are concealed, I suspect that their disclosure would astound the nation. Although we cannot see, we may imagine what is going on; and as there are a good many Yankees around and about me, I will venture a few guesses as to the manner in which this "secret service money" is applied.

I guess a portion of it is applied to purchasing wines and suppers to regale party leaders during their nocturnal deliberations.

I guess a portion of it goes to pay political drill sergeants for their services in running from post to post, in drumming up the people, in making stump speeches, and in distributing circulars and documents.

I guess a portion of it goes to pay for gingerbread and liquor, and in some cases direct bribery. Here is so much for your vote. Give the vote and take the money.

I guess a good deal of it goes to pay the printer. And then the character of the publications which he furnishes for the money!—are they true or false? No matter which; how they will operate upon the election is the only inquiry. Is the candidate slandered—are praiseworthy actions misrepresented, and a life of purity assailed by every species of detraction—who cares for it among the throng of rabid partisans? Such means are only intended to accomplish some ulterior object of vast magnitude. That the "end justifies the means" has ever been the principal doctrine of unprincipled politicians and hypocritical zealots. It is necessary for party purposes to convert vice into virtue; ignorance into knowledge; a sneaking selfishness into open manly generosity; the grin of a villain into the benevolent smile of an honest man; the vulgarity of a blackguard into the manners of a gentleman; the thing is done through the instrumentality of a corrupt press, put in motion by party contributions, by actual payments, or promises of reward.

Such are the purposes, the infamous purposes, in my judgment, to which political contributions are too often applied, and for which I verily believe that money has been forced from office holders by threats of removal. No patriot, with my convictions, can contemplate such a state of things, without the most gloomy forebodings. Is there any remedy but to reduce the emoluments of office; but to bring down salaries to that amount which will support an economical man and his family, and allow him to lay up something for old age? Is it not better to encourage economical habits, and even to force office holders to economize under moderate salaries, than to stimulate them to every species of prodigality, from twenty to thirty thousand dollars, ay, even more than that, per annum? It has been twenty-six years since I commenced the practice of law. I have met with a success which satisfies me, and yet, after laboring at the bar, and on the bench for more than a third of the days unually allotted to man, I have not been able to lay up for the evening of my life as much as some of these office holders can save in one or two years. I think I may say, without boasting, that I have the capacity to make a pretty good postmaster or marshal. Their labors are not more like mine than mine. I see no reason why they should become rich and independent in the goods and chattels of this world in a year or two, while with me it is a life-time business. I desire the prosperity of all men. I desire to see all above want. But I have no idea of legislating men into principalities by a sort of political legerdemain.

But some gentlemen contend that this is not the proper time; that we cannot act deliberately just as the session is about to close, and therefore we ought to put it off until a more convenient season; and

some of those who hold these opinions have heretofore, as Whigs, cried aloud for retrenchment and reform. They have even gone so far as to reproach the dominant party, who now seem to be willing to co-operate in the work of reform, with their new-born zeal, and with their failure during the last twelve years to apply the pruning knife in clearing the tree of suckers and redundancies. These Whigs proclaim their determination to correct abuses when a new Congress assembles under the auspices of General Harrison. Now, sir, I think that the party in power are highly censurable for omitting to reduce exorbitant compensation and perquisites of their friends. Their failure to bring down their friends to a reasonable standard, and their willingness to reduce just as soon as they lose power, and a new set of men are probably to occupy their places, present a very striking contrast to the people. It proves what I have always said, that the last twelve years will live in history as the period during which the principle of selfishness controlled the political actions of men to an alarming extent. All measures of Executive policy have been adopted, recommended, and pushed along mainly for the purpose of making fortunes for combinations of men; and hence both Houses of Congress could never be brought to co-operate in reducing salaries and correcting abuses. If a direct vote upon yeas and nays could at any time be had in this House during the last twelve years, I admit that a majority would probably be found in favor of correcting any palpable abuse. Members, responsible as they are to the people, and dependent once in two years upon them for the seats they occupy, are constrained to pay some respect to the will of their constituents. This constitutional dependence upon the people is the great conservative principle of representative Democracy, and, without it, the spirit of plunder and the aspirations of ambition would obtain the ascendancy over justice and patriotism, pull down our institutions, and upon their ruins build up government: like those in the Old world, where the many are fleeced and robbed, by law, for the benefit of the few. The difficulty consists in getting a direct vote, under the many evasions which may be resorted to. When this House was constrained, years ago, to adopt my proposition to cure the abuse growing out of box-rents, the Senate, further removed from the people, and composed of a majority of expungers, who allowed no barrier to arrest them, failed to concur. But does it become the Whigs of this House—those who for years have been clamorous for the correction of abuses—now, when their adversaries are giving in and manifesting a willingness to co-operate, to advocate postponement until a "more convenient season?" Sir, in view of the wolfish appetite to feast on the flock, the avaricious yearning for the "spoils," which seemed to actuate the dominant political combinations that held the offices and wielded the patronage of Government under Jackson's reign of terror, I said, in a speech delivered some years ago, that the "sop party" was the only true and appropriate cognomen for such a set. I now say, that those clamorous Whigs, who have cried aloud until the people have become convinced of the necessity of a change, and have made it, and who may now fill the offices, either themselves or with their friends, which were heretofore held by their opponents, ought, under every consideration of consistency, of justice, and of honor, to act up to their professed principles; and all who do not, I denounce to be, in heart and feeling, sop party men. Such men may have joined the great Whig church, but never have been regenerated by a true Whig spirit. What! shall it be said, to our disgrace, that we get up a whirlwind to sweep extravagance from the face of the earth, when our political adversaries enjoyed the profits, but, just as soon as we saw a chance for ourselves, our tornado was hushed to a gentle lullaby?

But gentlemen cannot deliberate; there is no time for it now, at this late period of the session! What deliberation and time are required to enable members to decide upon the propriety of limiting the profits of a collector, postmaster, attorney, and marshal, to five or six thousand dollars per annum? Your Vice President gets five thousand dollars; your heads of Departments get six thousand del-

lars. Now, sir, it seems to me that a member of Congress who wants time to deliberate whether he ought to reduce a postmaster's salary to an equality with that of the Vice President, thinks too slow for the people, and that they will be very apt to decide, in their deliberations, to leave him at home, to ponder over his private affairs at leisure. It is too plain a case to require a moment's hesitation.

There are yet untold evils growing out of these enormous perquisites. They are the foundation of all the clamor about rotation in office. Who cares to remove a man from office who is doing his duty, when the profits of the office barely afford him subsistence and clothing? In such a case, every body unites in praying the starving incumbent to hold on, for the sake of the dear people, that their business may be rightly performed. But let the profits of the office be such that the incumbent is growing rich, and how is it then? Why, sir, rotation is then preached and clamorously contended for. Some one wants his place, not because he can discharge its duties more beneficially to the public, but because he wants the money that the situation would afford him. And he goes to work, too often by mean and despicable intrigues, to supplant the unsuspecting incumbent who sedulously applies himself to the performance of duty. The Executive, the removing power, is besieged. Flattery does its work to conciliate favor. Calumny does its work to prostrate the victim. And at last the President, being deluded, or "feeling power and forgetting right," removes and sacrifices an honest man to provide for a knave. Bring down the emoluments of office, and it will go far to break up the "system of rewards and punishments for opinion's sake" which has disgraced our political code. Bring down the emoluments of office, and it will tend more than any other thing to break up party rancor and bitterness of feeling, which engender personal hostilities and conflicts among relations and neighbors, and destroy the courtesies and charities which should adorn and bless society.

By adopting the amendments which have been prepared, and will be proposed to this bill, you will save money to the Treasury, and that is a consideration which ought not to be overlooked in the present condition of our revenue. I shall not follow the example set by others, and go into the discussion of the policy of direct taxes, a protective tariff, and all those subjects which I have frequently thought my Southern friends were too apt to bring into every debate, and which have been already discussed under this bill; but I deem this a fit occasion to say that I have no faith in the estimate presented by the Secretary of the Treasury. I have no hope that the revenue from the customs will amount to \$19,000,000 for the present year. In estimating the sum which may be brought into the Treasury from this source, the amount of duties imposed, and the quantity of goods likely to be imported and retained for consumption, constitute the basis upon which our calculations must rest. The following table exhibits the facts in a condensed view, from which our deductions and conclusions must be drawn.

TABLE
Compiled from Official Reports, showing Imports and Revenue from customs during the last four years.

Years	Value of merchandise paying specific duties.	Value of merchandise paying ad valorem duties.	Value of merchandise free of duty.	Total importations remaining for home consumption.	Amount of revenue from customs actually paid into the Treasury.
	Dollars.	Dollars.	Dollars.	Dollars.	Dollars.
1837	30,031,655	32,301,458	56,801,112	119,134,225	11,196,737
1838	23,818,864	24,572,151	52,873,594	101,264,609	16,153,693
1839	32,911,556	47,770,087	63,914,965	144,597,607	23,137,324
1840	—	—	—	86,996,552	13,000,000

NOTE.—In constructing the preceding table, the merchandise re-exported has been deducted from the aggregate importations, so that the merchandise left for home consumption only is exhibited, the revenue being raised, except to a trifling amount, on goods consumed. The commercial year terminates on the 30th of September, the fiscal year on the 31st of December; but this will make no difference in relation to the question of revenue likely to be derived from customs in 1841, and which is the only question intended to be illustrated by the table. The revenue from customs for the three first quarters of the year 1841 amounted to \$10,699,688; the revenue of the last quarter,

not precisely ascertained when the last Treasury report was printed, might probably raise the amount for the year to thirteen millions. I have had access to no Treasury report which enables me to classify the importations of 1840, so as to show the amounts paying specific and ad valorem duties.

There has been no diminution of duties under the Compromise Act of 1833, since the 31st of December, 1839, and no further diminution of duties under that act will take place until the 31st December, 1841. It will be seen from the table that the aggregate of importations for the years 1837 and 1838 does not equal that of the years 1839 and 1840. The amount imported in 1840 was much less than that of any other year of the series. The very large importations of 1835 and 1836 had no doubt much influence in diminishing the imports of the two succeeding years, and so will the heavy importations of 1839 operate upon the trade and imports of the present year. But there is another cause which, in my judgment, will have a still more potent effect, and that is, the recent suspension of the Philadelphia banks and the yet deranged state of the currency and the exchanges of the country. These things operate as heavy clogs upon commercial business, producing distrust and want of confidence, and a consequent diminution of importations. But suppose the importations of the present year for home consumption should equal the average of the last four, say one hundred and thirteen millions, still the duties collected on that amount, supposing the dutiable part only to equal that of former years, will fall short of the Secretary's estimate, in consequence of the reduction of duty which took effect on the 31st December, 1839. Besides, the fact that another reduction of duty under the Compromise Act takes place on the 31st December next, will tend greatly to diminish the importation of dutiable goods towards the close of the year. These causes combined will render the revenue of the year insufficient to meet the charges upon the Treasury, and appeal to us to save every dollar which can be saved by economical, not parsimonious legislation.

While on this subject, I shall take the liberty of saying, although it may have no direct connection with the bill, that in any future adjustment of the tariff I trust that the manufacturing interests will not be prostrated. There is an incidental protection which can and ought to be extended to them, and which, instead of being hostile to, is promotive of, the great interests of agriculture. I am, moreover, of opinion that a duty of 20 per cent, ad valorem on the home valuation of foreign merchandise is ample to afford all the protection which should be granted, and that those manufactures which cannot succeed with that advantage ought to be abandoned. It is a fact worthy of consideration, that there were cloths, cassimeres, blankets, and cotton goods imported from England and France during the year ending on the 30th September, 1839, amounting in value to \$19,029,962, being nearly equal to one-fourth of the value of all imported merchandise paying duties. The New England States supply themselves with these articles mostly from their own manufactories, and therefore pay but little of the duty on these nineteen millions. It would seem to follow, that raising revenue by a tariff tends to exempt manufactures from taxation, and to throw the burden of sustaining the Government upon the agricultural and other classes. The only compensation which these classes obtain for this unequal operation of the tariff is to be found in the erection of a home market and a greater degree of national independence. In this way they are fully remunerated, when the incidental protection which a moderate tariff affords allows an active competition between foreign and domestic articles of the same kind in our own markets. A tariff high enough to exclude foreign articles would operate as an enormous bounty to domestic manufactures, inflicting injury upon the consumer without securing any equivalent benefit; and a tariff so low as to destroy our existing manufactories would bring wretchedness to thousands, break up a valuable domestic market, and inflict a wound upon our national independence. I trust that the wisdom of the country may observe that happy medium, at a proper time, which will do justice to all. That time has not yet come.

Mr. Chairman, I must now beg leave of the

committee to imitate the example of others, and wander from the subject immediately before us. I feel that the time is at hand when I should make and publish my last political and testament. I shall designate no executor. The people, if they please, may appoint an administrator, with the will annexed, in after times. They will do it, when convinced that their safety and happiness require it. If they are never convinced—if the legacies I shall bequeath are deemed of too little value to take proper steps to secure them—why, sir, then let my principles and my efforts pass into the "receptacle of things forgotten on earth."

The very thing which I ask leave to do, in imitation of others, is a crying national evil. I mean the practice of talking on this floor day after day, week after week, upon matters and things in general; things having no sort of connection with the business immediately before us. The debates of this House usually take so wide a range, and so often turn upon subjects impertinent to the business in hand, that when we are wearied and disgusted, we put an end to interminable wrangles by adopting resolutions to take bills out of committee, and call the previous question just as soon as we get them before the House. The consequence is, that the merits of the pending question have not been touched, and members are constrained to vote with no more information in relation to the real question than if there had been no discussion at all. The bill now before us appropriates money to pay the officers of Government, and to provide means to enable them to discharge their functions. It would seem that the evils of a high or a low tariff; the blessings of direct taxes; the distribution of the proceeds of the sales of the lands; the merits of the coming Administration, or of the man who may succeed General Harrison; the gullibility or corruptibility of the people; whether their votes had been influenced by deception or British gold; &c. &c. had very little to do with it, if not absolutely out of order! And yet we have listened for days, and at times with great apparent interest to the speeches made upon these irrelevant topics. Let a member rise to propose an amendment to this bill limiting the emoluments of office, and immediately "I object" is heard, and the Chair is called on to pronounce the member and his amendment out of order. But let him rise to "define his position," or to define the position of some one else; let him only possess malice enough and talent enough to render any one odious, or to affect his popularity by calumnious satire; or, if without talent, he uses the coarse rasp of blackguardism, notwithstanding we may hear cries of "order," "order," I have rarely, I believe never, known him fail to get out all he intended, and never yet have I known any one punished; no, not even for assaults and batteries which arrest our deliberations. Why is it that we adhere to order, and thereby reject a valuable amendment which no one dares to oppose upon principle, and tolerate the greatest disorder, considering the character of our debates for irrelevancy and personality? What good has the country derived, or can it derive, from legislation thus conducted? Sir, you may find the proper answer by looking into the pamphlet of eighty-five pages, containing all your public acts of the last session. We were here from the 2d of December to the 21st of July inclusive, and during that time we passed seventy acts and one resolution of a private, and thirty acts and five resolutions of a public nature. The private acts gave rise to very little discussion, and the same remark may be made with truth in regard to the most of the public acts. I will present an epitome of their contents, that my constituents and the people of the whole nation may see how we spent our time, and what was done. There were seven general appropriation bills, and a partial one to provide for ourselves. The latter was passed without a moment's discussion, and approved on the 8th of January. The general acts made provision for pensioners, for civil and diplomatic officers and objects, for the military academy, for the army, for the navy, for fortifications, and for the Indian department. These bills, according to the rules of our House, should contain no appropriations except such as are sanctioned or required by pre-existing laws; and it would seem that, if so limited and confined, it would consume

very little time to act on and pass them. If a prior law required the appropriation, no member who regarded the faith and honor of the country would refuse to vote for it, and there would be no occasion for long speeches. Amendments to limit an appropriation, or to curtail it prospectively, might give rise to considerable debate; but even then, not much time would be consumed if all the extraneous matter was cautiously excluded from the debate. But, instead of observing this very obvious and proper course, the practice has been to waste time in Committee of the Whole, upon an appropriation bill, by speaking about every thing that the mind and heart of man can conceive of. The twenty-two public acts of last session, in addition to the eight appropriation acts, were: 1, to amend the act for taking the census; 2, to continue the office of Commissioner of Pensions; 3, to authorize the re-issue of Treasury notes; 4, to make regulations in respect to the registry of vessels engaged in the whale fishery; 5, to alter the time of holding certain courts; 6, to revive and continue in force the act allowing soldiers to surrender their bounty lands and to locate other lands in lieu thereof; 7, to extend for a longer period the acts for the relief of insolvent debtors; 8, to give names to two ports, to wit, Sippican and Mattapoisett, (very good Indian names;) 9, to continue in force the act of 1838, granting pre-emptions until 22d of June, 1842; 10, to execute the convention between the United States and Mexico; 11, to authorize registers and receivers to administer oaths; 12, to discontinue the office of Surveyor General when there are no longer lands to survey, and to abolish land offices when the unsold lands in the district are less than 100,000 acres; 13, to place the prisoners of the United States confined in Providence, Rhode Island, upon the same footing with prisoners committed by State authority; 14, to allow the payment of arrears of pensions to executors and administrators when there is no widow; 15, to establish the Sub-Treasury system; 16, to fix the times of holding certain courts; 17, to provide for holding special terms of court, when the judges do not attend at the commencement of the term prescribed by law, or when the judges think proper to hold special terms, and to declare that judgments and decrees of the federal courts shall cease to be liens on real estate in the same manner, and at like periods, with judgments and decrees of State courts; 18, to remove a land office from one place to another; 19, to provide that jurors in the federal courts shall possess the like qualifications and be entitled to the like exemptions as jurors of the highest State court; 20, to regulate the shipment and discharge of seamen, and the duties of consuls; 21, to add a tract of country to the Coosa land district; 22, to provide for the survey and exploration of the Northeastern boundary. Exclusive of the debates on the appropriation bills, and the bill for the establishment of the Sub-Treasury, there was not one week consumed in debating all the other public acts. The resolution relative to the presents from the Imaum of Muscat occasioned some debate. The other four resolutions were disposed of in less than as many hours. The members of State Legislatures, who convene usually when we do, and adjourn often in February, and seldom later than March, and who, in the course of a few months, pass hundreds of bills of as much importance to individuals, and the community upon which they operate, as our acts, will be amazed by contrasting their legislation with ours.

Why is it that we do comparatively nothing? It is because we are too numerous. We are in each other's way. Those who know how to act, and are willing to act, are hindered in the despatch of business by those who think of little else than the "spoils," and who have converted this body into an electioneering convulsion, in which the question of the succession rides over all others, to the neglect of every thing else. This is the secret spring whence flow the endless debates to accomplish the elevation or overthrow of men—to make and unmake Presidents—with a view to secure fat offices for ourselves and friends. This is the reason that on the days set apart for the consideration of private bills it is almost impossible to obtain a quo-

rum. Why, sir, the yeas and nays were taken last session fifty-one times upon calls of the House with a view to secure the attendance of absent members and twenty-five calls were ordered without yeas and nays, making seventy-six in all. The calls of the House will average at least one hour. We do not sit in the House more than four hours a day on an average during the session. It follows that we lost nineteen days last session in efforts to compel the attendance of members, and very often have I known the House to adjourn for want of a quorum at an early hour, on private bill day, without an effort to secure the attendance of the absentees. Perhaps some member might call for the yeas and nays on the adjournment, and thus spend half an hour more most uselessly. The yeas and nays were taken one hundred and twenty-four times last session on questions of adjournment, thus producing a loss of more than fifteen days of our time. Thirty-four days lost during one session in calling the yeas and nays, with a view to compel members to attend to their business! Let the nation think of it.

Two things will correct, to a great extent, these time wasting evils. First, reduce salaries, so as not to present such strong temptations to human passions; and, secondly, reduce the number of this body to double that of the Senate, and then by a constitutional provision limit it. There are now two hundred and forty-two members of this House, each anxious to convince his constituents, by speaking, that he is worthy of the trust reposed; and many are equally anxious to convince the President is, or is to be, to a great extent, indebted to them for his elevation. And there are not a few, each of whom is rabidly anxious to convince the people that he would make as good, if not a better President than even the Father of his Country. Only conceive, sir, of the ten thousand schemes of personal ambition or pecuniary profit, which, in the nature of man, are constantly operating upon an assembly like this, and our wonder must cease that there should be twenty up at a time, crying "Mr. Speaker," to the extent of their lungs, with a view to obtain the floor. And then, sir, the member who succeeds, apprehensive that his time will never come again, is forced, by a sort of necessity, to do as I am now doing, wander from the subject, and speak of other matters which he may deem of vast importance. I have known the gentlemen here to consume days in delivering a speech which, when printed, could be read in as many hours. A great proof this of their want of preparation, and want of a clear perception of the subject. And then, sir, every other member has an equal right, (and, from my experience here, is very apt to exercise it,) and thus the whole of a long session would be too short to discuss any one question or magnitude. It is altogether a mistake to suppose that members are content to hear their ideas advanced by others. Every one must speak for himself, and hence the same thing is repeated over and over to the hundredth time. We must reform this course of procedure. If we do not, the Government will break to pieces from its utter incapacity to legislate. It will sink under the disgust and contempt of an abused and tanalized people.

I have looked into the last census, with a view to ascertain what was probable in reference to making this a business body, by reducing its numbers. A ratio of sixty thousand will leave to the great States of New York and Pennsylvania their present representation in number. But that ratio would increase the whole number of members to 249, and would aggravate the evil resulting from numbers. Under a ratio of sixty thousand, New Hampshire, Connecticut, Rhode Island, Vermont, Maryland, and Tennessee would each lose one member; South Carolina and Kentucky would each lose two members; North Carolina would lose three, and Virginia four. Under that ratio Louisiana would gain one member; Alabama, Mississippi, and Michigan would each gain two members, Missouri three, Indiana and Illinois four each, and Ohio six. The other States would retain their present number of members. Ten States would lose members, eight would gain, and eight remain as they are. Now, I submit it to the American people whether it would not advance the public interests in an eminent degree to raise the ratio so as to reduce the number of mem-

bers to just double the number of Senators. A greater blessing could not be conferred on this nation by the next Congress; and I should rejoice to see the people take up the subject, and pour in petitions and memorials from all quarters demanding this great reform. It is the interest of every citizen, politicians excepted, that it should be made. It would save hundreds of thousands annually to the Treasury, and enable Congress to do the public business.

The example of the British House of Commons and some of our State Legislatures where the popular branch is very numerous, may be referred to as worthy of imitation. No one will be deluded by the reference, if he will contrast the qualities to which members of Congress are indebted for their election, with those of the members of the legislative assemblies alluded to. Popular manners and fine speaking talents are the principal ingredients to please the taste of the Republic. No State can fill its legislative halls with hundreds of accomplished orators, although it may be able to send its quota here. A numerous State Legislature, of necessity, must be composed of a majority who act rather than talk. Influential friends and much money rule the elections of England. God forbid that money should possess a controlling influence over our elections; and yet there is great danger that we may be brought to it by corruption. Those who get here by talking at home, will not readily surrender their vocation; hence Congress has scores of O'Connells, busied in nothing but agitations, whilst the British Parliament has but one.

Here we talk to acquire fame. It is not so much the case in England. If the House of Commons debated as we do, it would be impossible to do any thing. The members of the Continental Congress, who declared independence and signed the ever-memorable declaration, were fifty-six in number. The articles of confederation, which first united the States into a social compact, were the achievement of forty-eight men. There were only thirty-nine members of the Convention which formed the Constitution of the United States. There were only sixty-five members of the first House of Representatives, upon whom were devolved the duties of organizing the Government. The number of Representatives fixed by the first apportionment under the first census was 105, and unfortunately the number has been increased at each subsequent apportionment. The greatest events in our history have been the fruits of the labors of deliberative assemblies composed of less than half our present numbers. I tremble for the fate of my country, when I contemplate the prospect of another war, and perhaps with our old enemy, and reflect that we shall be dependent upon a battalion of discordant councillors in this body to provide means for its conduct and issue. The inevitable inefficiency of large masses for any deliberative purpose, or for prompt action, will have a mighty tendency in time of war to strengthen the Executive arm of the Government. The plea of necessity will justify Executive encroachments, and the people will submit, because they will see no other hope of deliverance; and thus we may tacitly yield to the arbitrary acts of a dictator. Let us return to the examples set by our fathers, by reducing this body to the half of its present numbers.

Mr. Chairman, I desire to make one remark upon the subject of the distribution of the proceeds of the public lands. I shall not attempt to answer the gentleman from Virginia [Mr. Wise,] and, and others who have opposed the distribution, although I believe every thing urged is susceptible of an easy refutation. What I desire to say is new to my own mind, and I merely wish to throw it out for consideration. If it has weight, and I think it has, it will produce its proper effect at the proper time.

The Articles of Confederation were in full operation at the time Virginia ceded her claim to the country between the Ohio and Mississippi rivers and the lakes, "for the use and benefit of such of the United States as have become, or shall become, members of the Confederation, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be

faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatever." The language quoted is taken from the deed of cession. Now, sir, the Articles of Confederation granted to the General Government very limited powers, compared with those conferred by the Constitution of the United States. The Confederation had no power to levy and collect taxes. It was even limited in the amount of profit on postages to the expenses of the Post Office establishment. It could make requisitions on the several States, requiring them to fill the common Treasury; but, if the States failed to comply, Congress had no power to coerce them. As, then, the States raised and furnished the money in their own modes, according to the portions which they were required to pay; and as the Confederation had no authority to draw a dollar from the pockets of the people, except through the action of the State Legislatures, I request gentlemen to imagine a single case: Suppose the States, influenced by the prospect of war had placed in the common Treasury a sum suited to the emergency; suppose the lowering difficulty to pass away, so that the money was not needed; is there any thing in the Articles of Confederation which forbade the return of the money to the States which furnished it? Would it not have been the duty of the Confederation, in such a case, to return the money? I believe every impartial, sound mind must give an affirmative answer. Is there any difference between the money coming from the sales of public land, and that supplied by the States under the Articles of Confederation? Can any one take a distinction, upon which the money drawn by State taxation from the people should go back into the Treasuries of the States, and yet the money arising from the sales of lands must be retained? It is worthy of remark that the deed of cession, by which the Confederation acquired the title of Virginia, does not declare that the lands shall be disposed of for the use and benefit of the Confederation as a whole, and for the purposes of the Confederation exclusively. On the contrary, it is "for the use and benefit of such of the United States as have or shall become members of the Confederation;" evidently implying that the proceeds might be applied to State as well as Confederation purposes, and that the great object of the cession was to allow each State to participate in a common fund according to a prescribed rule, without limiting and restricting the particular manner in which the fund should be used. The Confederation was made the trustee of the fund; and, as such, there could be no more appropriate disposition of the money than to hand it over to the *cestui que trust*. All this is, to my mind, perfectly clear, under the Articles of Confederation. Nor can I perceive how the subsequent adoption of the Constitution of the United States changes the case. There may be some reason for saying that, as Congress, under the Constitution, derives supplies from its own system of taxation, and as the Government is one of limited powers, money cannot be raised or applied constitutionally to any other purposes except those expressly enumerated. But such reasons have nothing to do with the question in regard to the public lands, and especially that portion of them acquired by cessions from the States. In regard to the public lands held under the purchases of Louisiana and Florida, there is no reason to suppose that it was designed to have a difference made in the money arising from their sale and that coming from the lands ceded by the States, I place the whole upon the same footing, and take the original position of the public domain, under the Articles of Confederation, as my guide. There is at least as much constitutional warrant for placing the public lands of Louisiana and Florida upon the same basis as those acquired from Virginia, as there was for the purchase and annexation of these Territories to the United States.

Some days ago, the gentleman from Ohio [Mr. DUNCAN] told us that, four years hence, the dead march, Old Roslin Castle, would be played at the funeral ceremonies of the Harrison administration, and intimated that Whig principles would ever after be consigned to oblivion. That gentleman appeared in a new character. I should never have suspected him for a prophet, and cannot now put faith in his Lochiel warning. Sir, I would com-

ment to him and his party other consolation for their own defeat than presaging disasters to those who have vanquished them. Could he but say, "I fell in a just cause," as we all know he loves poetry, he might have found consolation in the reflection that

"The sweet village maid, when with flowers she dresses
Her dark-flowing hair on some festival day,
Shall think of my fate, till, neglecting her tresses,
She mournfully turns from her mirror away."

But alas! I fear the gentleman has fallen in the cause which will not even secure him the sympathy of the log cabin lads and lasses, with whom, in days "lang syne," according to his own account, he drank new whiskey out of a gourd, and danced after music made upon three strings of a cracked fiddle.

Sir, it has not been long since I dreaded the success of lococoism. In my gloomiest moments fancy painted the scenes of the French revolution, and located them in this blessed land. The guillotine, streaming with human gore, rose like a horrible vision before me, and I saw fiends, in the garb and semblance of men, seize the head of the female victim as it rolled from the block, raise it aloft by the hair, and before the brain had ceased its functions, whilst yet a glare of intellectual perception and horror shone from the eye and countenance, spit upon and strike with the fist in the face, and shout "Hurrah for Liberty and Equality." Such was the conduct of the demon Le Gross to the dismembered head of the beautiful Charlotte Corde. If, in a gloomy moment like this, the wizard from Ohio had told his tale, even then I would have said for every true Whig what the Highland chief declared for himself—he will fall

"With his back to the field and his feet to the foe;
And leaving in battle no blot on his name,
Look proudly to Heaven from the death-bed of fame."

But, sir, my days of doubt and dismay are over. It may hereafter, as it has done, take a long time to enlighten the public mind, but I see in the election of General Harrison a verification what the great statesman said, "truth is omnipotent, and public justice certain." All that a good cause wants is perseverance. "Blessed is he that holds out to the end." And if the Whig party will only execute their professed principles, reform abuses, walk humbly in the way of doing good, eschew the monarchical and aristocratical principles practised by their adversaries, cease to follow their examples, and remember that the main object of Government is not to collect taxes from the many to enrich the few, that the glory of a nation does not consist in the wealth and personal grandeur of office holders, but in the comfort and independence of a numerous, hardy, and intelligent population—in other words, let the Whigs renounce the doctrines of the "spoils system," and their political power will continue whilst the Alleghanies maintain their foundations.

Let the Whigs give the nation a well regulated National Bank. Let them amend the Constitution, and limit the eligibility of the President to one term; place the revenues of the country exclusively in the hands of the Representatives of the people, under the management of a Secretary of the Treasury chosen by them; make the Post Office Department wholly independent of the Executive; relieve inferior Executive officers from the condition of slavery in which they are placed, and allow no arbitrary political punishments to be inflicted on those who faithfully and honestly discharge their official duties; render members of Congress ineligible to offices in the gift of the President for a limited time after their representative terms expire; give good but not extravagant salaries; let the election of President be national, and made directly by the people, without the agency of electoral college; yes, sir, let the Whigs do the things they have promised, and they will, by so doing, perpetuate their power and their principles, and secure blessing and praise from a prosperous and contented people. If they fail, political pledges are mere mockeries; Republican Government, a humbug; professions of honesty, the trick of a hypocrite; and our hopes of human liberty, the ignis fatuus of a benighted world—the phosphorescence which lures to destruction.

SPEECH OF MR. GIDDINGS, OF OHIO,

In the House of Representatives, February 9, 1841—

On the proposition of Mr. THOMPSON, of South Carolina, to appropriate "one hundred thousand dollars for the removal, subsistence, and benefit of such of the Seminole Chiefs and warriors as may surrender for emigration."

Mr. GIDDINGS said he rose to congratulate the country upon the prospect of bringing this unhappy war to a close. I am, (said he,) however, in some degree incredulous as to its speedy termination by the means proposed by the gentleman from South Carolina, (Mr. THOMPSON.)

While I would go as far as any member to bring this war to an immediate close, I think it important that we should carefully examine the causes that brought it on, the reasons of its repeated renewal and continuation, in order that we may be able to adopt such measures as will ensure peace at the earliest possible moment. I think the plan proposed is defective in one particular; and before I take my seat, I intend to offer an amendment; which, in my opinion, will correct the omission.

This war has become a subject of deep interest to the people of the nation. It has continued to occupy the attention of the Government and the efforts of the army for more than five years. Our officers and soldiers have fallen victims to the climate, and to the hostile tribe with whom we have been contending. Near forty millions of the national treasure have been swallowed up in this most unfortunate contest. The attention of our people has often been called to these facts; while few, very few, of them have been fully informed as to the original exciting cause of this war, or the manner in which it has been renewed and conducted. Our army has been defeated, and I fear that our national honor has not remained altogether unharmed. "Rumor, with her thousand tongues," has whispered of transactions which, if real, ought to be known; if not, these rumors should be forever silenced. The able speech of the gentleman from Vermont, over the way, [Mr. EVERETT,] in 1836, gave us some idea of the manner in which the Indians with whom we are now contending were treated. Our own violations of the treaty with them, while we required a rigid observance on their part of all its terms, were clearly and ably expressed by him. It is not my intention to review our treaties with those Indians, or to speak of the manner in which those treaties were effected, or of the great injustice done to the Indians, except where these subjects have manifestly conduced to the disastrous war now under discussion. It is, however, my purpose to call the attention of the committee to the causes which led to these hostilities; to that policy which has involved us in the vast sacrifice of life and treasure, expended in Florida during the last five years, and to the effect which that policy has had upon the rights and the interests of the free States. I also propose to examine, for a few minutes, the manner in which this war has been conducted, as well as the effect which the conduct of our high officers of Government must have upon the feelings of the people of the free States, and upon the honor of our nation. In doing this, I intend to test the constitutionality of that policy by those plain and fundamental principles of our Government to which I think must all yield assent. In claiming for my constituents and the State which I, in part, have the honor to represent, as well as for the free States generally, the rights and privileges which I think belong to them, and which I think should be held sacred by every officer of Government, I shall rely upon no principle that has not been frequently asserted by the slave States, and by both of the great political parties. Indeed, I intend to assert no principle but such as will command the assent of every member on this floor.

I have made these preliminary remarks in order that the committee may the better understand what I intend to say hereafter, and, having stated my premises, I will enter upon an investigation of the causes which led to the Florida war. Before I do this, however, I will take occasion to say that the lands occupied by these Indians formed no inducement for us to enter upon this war. General Jesup

says, "those lands would not pay for the medicines used by our troops while employed against the Indians." The Seminole Indians, by the treaty entered into at Payne's Landing, on the 9th May, A. D. 1832, agreed to emigrate west of the Mississippi upon certain conditions. I shall not inquire whether those conditions were performed on our part, or whether the Indians were or were not morally bound to the observance of this stipulation. It is well known that they refused to emigrate, and that such refusal induced General Jackson to order the military force of the United States to Florida to compel them to emigrate. This attempted compulsion brought on the hostilities which still continue. The important question now proposed, and which I intend to answer, is, Why did they refuse to emigrate? The answer, however, may be found in Executive documents of the 24th Congress, at its first session, (House Document No. 271, p. 8,) in an official letter of Wiley Thompson, Indian agent, to Wm. P. Duval, Governor of Florida, dated January 1, 1834, nearly a year previous to the commencement of hostilities. Speaking of the unwillingness of the Indians to emigrate, General Thompson says: "The principal causes which operate to cherish this feeling hostile to emigration are, first, the fear that their reunion with the Creeks, which will subject them to the government and control of the Creek national council, will be a surrender of a large negro property, now held by those people, to the Creeks, as an antagonist claimant."

Thus, sir, we have official intelligence that the principal cause of the war was the fear of losing this "negro property." And we are led to inquire into the history of these conflicting claims to the "negro property" between the Creeks and Seminoles.

In the letter above quoted, General Thompson, speaking further on the subject, says: "The Creek claim to negroes now in the possession of the Seminole Indians, which is supposed to be the first cause of hostility to the emigration of the latter tribe, grows out of the treaty of 1821 between the United States and the former." We have now traced the original and principal cause of this war, as given by the Indian agent, to the treaty of Indian Spring, made on the 8th January, 1821. This is the official report of an accredited officer of Government, who had long mingled in the councils of the Indians, and who was most familiar with their views, and whose word, I presume, was never doubted. I will now ask the attention of the committee for a moment, while I relate some of the historical facts that brought about this treaty of 1821.

We are all aware that Indians frequently commit trespasses upon the property of their white neighbors. In 1802, Congress passed a law by which the people of Georgia received pay for all such trespasses committed subsequently by the Creek Indians from the public treasure, and the amount thus paid was retained from the annuities or other moneys due the Indians. By the treaty of 1821, an attempt was made to obtain for the people of Georgia pay for slaves who had left their masters and taken up their residence with the Indians prior to 1802; and an agreement was obtained from them, consenting that the United States should pay to the people of Georgia the amount found due them for such losses prior to 1802, and retain the amount thus paid out of the money due the Indians for the lands sold to the United States; provided the sum thus found due should not exceed \$250,000. The indemnity sought for the slaveholders of Georgia by this treaty was for losses sustained twenty years prior to the treaty, and extending back an indefinite period.

Under this treaty the Creek Indians were compelled to pay for slaves that had left their masters forty or fifty years prior to the date of the treaty. Nor were they compelled merely to pay for slaves that lived or had taken up their residence with the Indians; but they were charged for the value of the slave when shown to have left his master without proof that he was with the Indians, or had any existence in their country. I speak upon the authority of Mr. Wirt, late Attorney General, as expressed in Executive Document No. 123, 1st session 20th Congress. Nor were those abuses unaccompanied with others of equally flagrant charac-

ter. Mr. Wirt, in the same communication, assures the President that the price allowed for a slave was two or three times his real value. Yet, after paying for all the slaves that could be shown to have left their masters, at two or three times their real value, together with other property taken or destroyed by the Seminoles prior to 1802, it was found that the whole amounted to but \$101,000, leaving in the hands of the Government \$149,000 belonging to the Indians. This money, however, was not returned to the Indians, but was retained by Government until 1834, when the owners of the fugitive slaves petitioned Congress that it might be divided among them. This petition was referred to the Committee on Indian Affairs, and the chairman, an honorable member from Georgia, [Mr. GILMER] reported in favor of dividing the money among the owners of the fugitive slaves as a compensation for the offspring which the slaves would have borne had they remained in bondage. This plan, which I think sets at perfect defiance all Yankee calculations, was rejected by Congress. But a bill was subsequently introduced, providing for a division of this money among the owners of those slaves by way of interest, in direct violation of the treaty, and notwithstanding they had previously received two or three times the real value of their slaves; and this bill soon passed into a law. This was done in 1834. These slaves had most of them united with the Seminoles or runaways in the peninsula of Florida, and the Creeks, (from whom the Seminoles had formerly separated,) having paid to the people of Georgia two or three times the value of those slaves, now claimed them as their property. The Creeks had mostly gone west of the Mississippi, and their agents were in Florida demanding these negroes of the Seminoles. The Seminoles, in the mean time, it is said, had intermarried with the negroes, and stood connected with them in all the relations of domestic life. If they emigrated west, their wives and children would be taken from them by the Creeks as slaves; if they remained in Florida, they must defend themselves against the army of the United States. With them, sir, it was war on one side, and slavery on the other. This state of things was entirely brought about by the efforts of our Government to obtain pay for the fugitive slaves of Georgia.

This interference of the Federal Government in behalf of slavery in Georgia appears to have been the origin of all our Florida difficulties.

[Mr. WARREN, of Georgia, called Mr. GIDDINGS to order on the ground of irrelevancy.]

The Chairman, Mr. CLIFFORD, of Maine, decided that the remarks of Mr. GIDDINGS respecting the origin of the Florida war were in order; and Mr. G. proceeded.]

I think this interposition of our Federal Government unconstitutional and improper, and will assign the reasons of that opinion.

[Mr. HABERSHAM, of Georgia, called Mr. GIDDINGS to order, and stated that the gentleman from Ohio had intimated his intention to offer an amendment to the proposition before the House, and was proceeding to make a speech pretty freely interlarded with abolition, while this committee were yet uninformed as to the terms of the amendment he intended to offer.]

The CHAIRMAN stated that the remarks of the gentleman from Ohio had reference to the proposition before the House, and were therefore in order.

Mr. HABERSHAM desired to hear the amendment.]

Mr. GIDDINGS resumed. I arose, Mr. Chairman, to discuss the Florida war, and I intend doing so, and cannot be drawn off upon any collateral points, nor frightened from it by the cry of Abolition.

I will, however, say to the gentleman from Georgia, that I have not said, nor do I intend saying, one word upon the subject of Abolition, although I may perhaps touch upon the doctrine of State right and strict construction.

I hold that if the slaves of Georgia or any other State leave their masters, the Federal Government has no constitutional authority to employ our army or navy for their recapture, or to apply the nation-

al treasure to repurchase them. We possess no constitutional power to do either. If, however, gentlemen of the South, who hold to a strict and rigid construction of that instrument, will point me to the clause of our Constitution containing such authority, I will confess my obligations to them. Such power would necessarily include the power to tax the free States to an indefinite extent for the support of slavery, and for arresting every fugitive slave who has fled from his master, within the several States of this Union. Such power I deny most distinctly and emphatically. But, sir, we have as much right to do this directly as we have to do it indirectly. We have as much power to employ our army and navy in recapturing fugitive slaves, as we have to make a treaty with the Indians to retake such fugitives, and then employ our army and navy to compel the Indians to do it. We have as much power to tax the free States, and apply the money directly for the purchase of fugitive slaves, as we have to tax them to carry on a war for the purpose of compelling the surrender of such slaves, or even to apply the national treasure to the holding of such treaties. In truth, sir, we have no power whatever over the subject or institution of slavery within the several States of this Union. We have neither the power to sustain nor abolish it, to create or destroy it. I mean, sir, that we have no such powers delegated to us for any purpose whatever. We have not the power to sustain it in the South, or establish it in the North. I know it is said, and repeated, and asserted, that a portion of the people of the free States hold that we have power to abolish slavery in the States. I can only say that I have never met with any intelligent man who has advanced such doctrine in my hearing. For my own part, I believe we have as much power to establish slavery in the free States as we have to abolish it in the slave States. I say nay nothing of the constitutional power of Congress over the slave trade between the States. But, Mr. Chairman, I am not willing to believe that any gentleman on this floor will urge the right of taxing the freemen of the North for the holding in slavery the colored men at the South.

I would not use those distinctions of North and South, could I avoid them. Yet I think no apology is due from me on this point, as I have constantly heard them used, and repeated, and reiterated by gentlemen from a certain portion of the Union, during the three years I have had a seat in this hall.

But, sir, I wish further to look into this power, or rather the want of power, in Congress over slavery within the States of this Union. In December, A. D. 1838, the gentleman from New Hampshire [Mr. ATHERTON] introduced to this House, a resolution expressing the sense of the House in regard to this power.

[The CHAIRMAN informed Mr. GIDDINGS that the discussion of those resolutions would not be in order.]

I had, Mr. Chairman, no idea of discussing those resolutions. I merely refer to one of them, as expressing the views of the North and of the South on this subject. It speaks the voice of all the hundred and ninety-eight members who voted for it. It reads as follows: "Resolved, That this Government is a Government of limited powers; that, by the Constitution of the United States, it has no power whatever over the institution of slavery in the several States of this Union." This resolution received the almost unanimous support of this House. There were one hundred and ninety-eight votes in favor of it, and but six against it. I voted for it myself, because I deemed it correct. Every member from the slave States voted for it. I shall be slow to suspect that any of those gentlemen will now change their position, and say that we have power to sustain slavery; and that, in voting for the resolution, they only intended to say that we have no power whatever over the subject to abolish it. I am aware, Mr. Chairman, that the Federal Government has at times interposed its influence to obtain for the citizens of slave States compensation for slaves taken by Indian tribes and by Great Britain. But this fact furnishes no argument against the position I have assumed. The cases alluded to were merely the acts of the Executive, interposed by

common consent, without discussion or objection, for the purpose of obtaining from such tribe or Government a compensation which we have uniformly refused when demanded of ourselves; for I believe it to be well understood that we have never, in any instance, paid the owner for the loss of a slave, even when such slave was pressed into the public service, and killed while thus in the employ of Government. The Florida war, having its origin in attempts on the part of the Federal Government to sustain slavery in one of the States of this Union, is so far unconstitutional, and is directly opposed to the doctrine contained in the resolution above quoted, which received the unanimous support of the slave States.

And now, having called the attention of the committee to the remote and principal cause of this war, I will ask their attention to some of the more proximate and immediate causes. On the 21st of May, 1836, this House adopted a resolution calling upon the then President for "information respecting the causes of the Florida war." On the 3d June, the President transmitted to the House sundry papers relating to that subject, among which may be found an address or petition of nearly one hundred gentlemen, said to be among the principal inhabitants of Florida, calling on the President to interpose the power of the General Government for the purpose of securing them in the possession of their slaves. These gentlemen, speaking of the Seminole Indians, say: "While this indomitable people continue where they now are, the owners of slaves in our Territory, and even in the States contiguous, cannot for a moment, in any thing like security, enjoy this kind of property."

This was a plain, direct, and palpable request for the President to interpose the strong arm of the nation in behalf of slavery. Nor did the President remain deaf to such request; but he immediately endorsed an order on the back of the petition, directing the Secretary of War to make inquiry, and if the charges were found true, "to direct the Indians to prepare forthwith to remove west of the Mississippi." Soon after this, the treaty of Payne's Landing, having remained nearly two years unnoticed by the President, was sent to the Senate for their sanction; and every preparation was made to compel the Indians, by physical force, to remove west of the Mississippi. A correspondence was carried on with the officers of our army; and all the military force that could well be brought to Florida was concentrated there, for the purpose of compelling the Indians, at the point of the bayonet, to emigrate. This was done without even laying the subject before Congress, or asking for any legislative action.

It is not my intention to enlarge on this point, or to comment upon this very extraordinary interposition of Executive influence in favor of slavery, without constitutional or legitimate sanction. Neither have I time to comment upon the manner in which the treaty of Payne's Landing was obtained from the Indians; nor upon the extraordinary terms of that treaty; nor upon the still more extraordinary method of enforcing the Indians to an observance of the compact by the use of the bayonet, without consulting the legislative authority, in defiance of justice, and without precedent. But I desire to examine into the causes of this war, and discover how far it has had its origin in attempts by the Executive to support and maintain slavery at the national expense, and in violation of the rights of the free States. In doing this, I shall speak from no vague conjecture or uncertain suspicion; but what I say shall be "from the book"—from documentary evidence and official reports.

The address to which I have called the attention of the committee estimates the number of negroes among the Seminole Indians at that time at more than five hundred; and they declare it as their belief that four-fifths of them are fugitive slaves. On the 20th January, 1834, Gov. Duval, in a letter to the Commissioner of Indian Affairs, says: "The slaves belonging to the Indians have a controlling influence over the minds of their masters, and are entirely opposed to any change of residence. It will be best at once to adopt firm and decided measures, such as will demonstrate to the Indians the determination of the Government to see the treaty

justly and fairly executed. This cannot be done until the bands of outlaws (fugitive slaves) mentioned in the agent's report are arrested and broken up; for, so long as they are permitted to remain, every Indian that is unwilling to emigrate will seek their protection." No man, perhaps, possessed better knowledge of these facts than Governor Duval, who assures us that the negroes controlled the Indians, and that the Indians sought the protection and support of the fugitive slaves. He further assures us that nothing could be done while those fugitive slaves were permitted to remain in Florida. If gentlemen will bear this advice in mind, they will better understand the policy that subsequently guided our army against the Indians.

In a letter dated January 26, 1834, Gov. Duval says: "The slaves belonging to the Indians must be made to fear for themselves before they will cease to influence the minds of their masters." You may be assured (says he) that the first step towards the emigration of these Indians must be the breaking up of the runaway slaves and outlaw Indians." Thus we are informed that the war must be first waged against the fugitive slaves. Perhaps I ought to explain that slavery among the Indians is very different from what it is among the whites. It is comparative independence. Hence the slaves of the Indians have a perfect horror of slavery among the white people. Of course the fugitive slaves and the Indian slaves become intimate friends, and act in concert for the liberty of all.

[Mr. CAMPBELL of South Carolina called Mr. Giddings to order, and stated that the member from Ohio was evidently assailing indirectly an institution which, by the rules of the House, was not liable to be assailed.]

The CHAIRMAN said that the gentleman from Ohio had expressed his intention to discuss the Florida war, and he had understood the remarks as having reference to that subject. The CHAIRMAN could not attribute a different motive from that expressed by the gentleman himself. I am (said he) therefore constrained to say the gentleman from Ohio is in order.]

Mr. GIDDINGS resumed. I was not aware, Mr. Chairman, that our rules protected from discussion any institution whatever. I will, however, assure the gentleman from South Carolina that I shall only allude to the subject of slavery so far as it stands connected with the Florida war. That, so far as it has been the means of drawing forty millions of dollars from the public Treasury, and most of it from the free States, I intend to assail it, and no further. Governor Duval says "these slaves must first be made to fear for themselves." The war was first to be waged against slaves, for the reason that they influenced the minds of their masters in favor of liberty. In other words, the war must be directed against the right of a slave to express his mind to his Indian master on the subject of human rights. Sir, these slaves were made to fear for themselves in pursuance of these intimations of Governor Duval, as I will now endeavor to show this committee. On the 28th October, 1834, General Thompson, in a letter addressed to the Commissioner of Indian Affairs, says: "There are many very likely negroes in this nation, (Seminole) Some of the whites in the adjacent settlements manifest a restless desire to obtain them, and I have no doubt that Indian raiding negroes are now in possession of the whites." Thus, sir, it seems that kidnapping was not unknown in that country. This same General Thompson, the accredited officer of this Government, on the 9th January, 1835, advises Government "that an expedition should be set on foot for the double purpose of driving the Indians within their boundary, and to capture negroes, many of whom it is believed are runaway slaves." And, sir, our army was put in motion to capture negroes and slaves, as we shall find in the sequel. But I wish to call the attention of the committee for a few moments to the manner in which these slaves, in the words of Governor Duval, were "made to fear for themselves." On the 28th July, 1835, John Walker, one of the Apalachicola chiefs belonging to the Seminole band, wrote Gen. Thompson, Indian agent, as follows:

"I am (says he) induced to write you in consequence of the depredations making, and attempted to be made, upon my pro-

perty, by a company of negro stealers, some of whom are from Columbus, Georgia, and have connected themselves with Brown and Douglass. I should like your advice how I am to act. I dislike to make any trouble or to have any difficulty with any of the white people. But if they trespass upon my premises and my rights, I must defend myself in the best way I can. If they do make this attempt—and I have no doubt they will—they must bear the consequences. But is there no civil law to protect me? Are the free negroes and the negroes belonging in this town to be stolen away publicly, and, in the face of all law and justice, carried off and sold to fill the pockets of these worse than land pirates? Douglass and his company hired a man who has two large trained dogs for the purpose to come down and take Billy. He is from Mobile, and follows for a livelihood catching runaway negroes."

This, sir, is the language of a savage, addressed to his civilized neighbors. He called in vain for protection. A few days after the date of this letter he was robbed of all his negroes; so says the report of the United States attorney, addressed to the Secretary of War, and dated April 21, 1836. But of the number of freemen kidnapped at the same time we are not informed. At all events, "the slaves were made to fear for themselves," as Governor Duval advised. Can we wonder that these Indians were driven to acts of desperation?

Here, sir, is the first mention I have met of the use of "bloodhounds" in this Florida war. They were used by "negro stealers," for the purpose of catching the colored people of Florida, and our officers have copied the example. But I intend giving further examples of the use of bloodhounds before I close. I have, however, no time for comment. My object is to place facts before the people of this nation, and let every man make his own comments, and draw his own conclusions. I will give one more example of the mode of "teaching slaves to fear for themselves." E-con-chattimico was also an Indian chief of the Seminole band, living upon the Apalachicola river, and was perhaps one who signed the treaty at Camp Moultrie in 1832, by which we solemnly pledged the faith of this nation to protect the Indians in the enjoyment of their lives and property. This chief is said to have owned twenty slaves, valued at \$15,000. These "negro stealers" were seen hovering around his plantation, and their object could not be misunderstood. By the advice of the sub-agent, he armed himself and people for the purpose of defending themselves. When the negro stealers learned that E-con-chattimico's people had armed themselves in defence of their liberty, (for they considered Indian slavery liberty compared with white slavery,) they raised a report that the Indians had armed themselves for the purpose of uniting with the hostile Seminoles, and murdering the white people. On learning this, E-con-chattimico at once delivered up his arms to the white people, and threw himself upon their protection. Disarmed, and unable to defend his people, they were immediately kidnapped, taken off, and sold into interminable bondage. E-con-chattimico now calls on us to pay him for the loss he has sustained in the violation of our treaty, in which we solemnly covenanted to protect him and his property. Robbed, abused, insulted, and deceived, he emigrated to the West, and now looks to us for a redress of the wrongs he has sustained. I give the substance of his statement, as related by him in his petition, and communicated by General Thompson, Governor Duval, and the district attorney of East Florida, and sworn to by several witnesses.

But, sir, this transaction and others equally abusive were soon known throughout Florida. The Indians and negroes were thus admonished of the necessity of uniting their efforts and energies in defence of their liberty and lives. Governor Duval, speaking of this transaction in a letter to the Secretary of War, dated the 23d May, says "it was an outrage well calculated to rouse the Indians to hostility." These are the acts that have led us on, step by step, until we have found ourselves in the midst of a most disastrous war.

The men who committed these robberies, and kidnapped these negroes, were well known, for the acts were committed in open day; their names and places of residence are distinctly mentioned; but I have yet to learn that any one of them has been punished in any manner for this warfare against the liberty of the blacks and the rights of the Indians. Indeed, it seems to have been an object with some of the officers employed in Florida to induce Government itself to enter into the business

of capturing and selling slaves. J. W. Harris, disbursing agent of Government, in a letter to the Commissary General of Subsistence, dated December 30, 1836, says: "I would respectfully suggest that you recommend to the honorable Secretary of War that the annuity due to the hostile Indians be retained to defray the expenses of this war; and that the slaves who shall be captured, whom I believe to have been generally active instigators to our present troubles, be sold at public sale, and the proceeds appropriated to the same object." This is the first official proposition that has come to my knowledge for the Government to enter into competition with the "negro stealers," by capturing and selling slaves. At the time this suggestion was made, we were engaged in open war with these people, who had sought liberty in the wilds of Florida. If they were captured, they would be prisoners of war; and for us to sell them as slaves would be as much a violation of our national honor as it would have been for them to have sold as slaves such of our people as they were able to capture.

I may perhaps be permitted to remark that, among the people of the free States, nothing is regarded with so much disgust and abhorrence as buying and selling of men, women, and children, and that this feeling is common among all classes and all political parties.

Mr. Chairman, I have called the attention of the committee to what is officially announced as the first and principal cause of this war, and also to some of the proximate and immediate causes. I think no man can doubt that it originated in the attempts of the Executive to support slavery by the influence and efforts of our national Government in violation, as I think, of the Constitution and of the rights of the free States. I propose to investigate the subject a little further, and to examine into the cause that led to its removal and continuance.

On the 6th day of March, 1837, General Jesup entered into a conventional arrangement with the Seminole Indians, by which it was agreed that hostilities should immediately cease; that the Indians should emigrate West of the Mississippi; that they should be secure in their lives and property; and "that negroes, their bona fide property," should accompany them. By the terms of this compact no negroes were included, except those who were called the "bona fide property" of the Indians, although Governor Duval, General Jesup, and the Indian agent, all unite in saying that the Indians were controlled by the blacks. These blacks comprised both fugitive slaves and free people of color, who were connected with the Indians by marriage and consanguinity. The attempt to separate them appears to have been hopeless.

The Indian who had married a fugitive slave and reared a family of children would not, in my opinion, quietly fold his arms and view his offspring and their mother marched off into interminable slavery, while he himself should go West. Nor do I believe that will ever be done. They are all the enemies of our country, fighting in arms against us. They have already cost us much treasure, and the blood of many freemen. If they will now surrender themselves "prisoners of war," I would send them all West together. No person can doubt our perfect right to do so; and I think justice to the nation and to the Indians requires it, and my amendment will be to that effect. General Jesup's attempt to separate them failed, and I believe all further attempts of that kind will fail.

This compact between General Jesup and the Indians bears date on the 6th March. On the 18th of the same month, a solemn remonstrance against this arrangement was signed by a number of gentlemen of high standing in Florida, and transmitted to the Secretary of War. These gentlemen totally objected to any pacification that did not provide for the recapture of their fugitive slaves. They objected to the Indians going West until they should take and return to their owners the slaves who had escaped from their masters in Florida. The remonstrance may be found at 55th page of Executive document of the House of Representatives, No. 225 of the 3d session of the 25th Congress. It is an interesting paper, but of

too great length for me to read at this time. It shows, in a most palpable light, the views entertained by those gentlemen in regard to the cause and object of this war. Whatever others may have thought upon that subject, it is clear that they supposed the war to have been commenced and carried on for the purpose of aiding them in holding their slaves; and they declare it incompatible with the honor and dignity of the nation to permit the Indians to emigrate until they shall bring the slaves back to their owners. I have no doubt they felt that they were correct in their views; nor do I believe they entertained a doubt of the justice and propriety of taxing the free States to any extent in support of slavery. There was, however, a cessation of hostilities, notwithstanding these remonstrances. The Indians ceased for a time to plunder the defenceless families of Florida, to burn their cabins, and murder the defenceless women and children; but, sir, the fugitive slaves remained yet hidden in the swamps and everglades of that untraversed country. Peace on such terms appears to have been acceptable to the people of Florida. I will not speak the conclusions of my own mind, however, on this subject, but will give you the words of a high officer of Government who was on the spot, and who spoke from positive knowledge. I refer to General Jesup, who, in a letter dated 29th March, 1837, and directed to Col. John Warren, speaking of the anxiety of the Indians to maintain the peace agreed upon, says: "There is no disposition on the part of the great body of the Indians to renew hostilities; and they will, I am sure, faithfully fulfil their engagements if the inhabitants of the Territory be prudent. But any attempt to seize their negroes or other property would be followed by an immediate resort to arms."

Thus we have the authority of General Jesup for saying that the Indians were anxious to maintain peace. That he was at the same time apprehensive that the people would attempt to seize the Indian negroes. What reason Gen. Jesup had to suspect that the people of Florida would be otherwise than prudent, or what reason he had to fear that they would seize the Indian negroes, I know not. He certainly exhibited fears upon the subject. For on the 5th April, being seven days subsequent to this letter to Col. Warren, we find that he issued a general order in the following words: "The Commanding General has reason to believe that the interference of unprincipled white men with the negro property of the Seminole Indians, if not immediately checked, will prevent their emigration, and lead to a renewal of hostilities." The order goes on to prohibit any person not connected with the public service from entering upon the territory assigned to the Indians. In this order we have official intelligence that the whites did in fact interfere with the Indian slaves, or, in other words, they began to rob the Indians of their slaves almost as soon as hostilities ceased. As to the outrages committed upon the free blacks during the suspension of hostilities we have no information in this order, and are left to infer the course pursued towards them from the evidence I have previously given. If these people were sufficiently rapacious to rob the Indians of their negroes under such circumstances, it is easy to form an opinion as to the safety of the free colored people found with the Indians. How many of them, if any, were made slaves, we know not. On the 18th April, twelve days after the date of his letter to Col. Warren, Gen. Jesup wrote to Gov. Call, saying: "If the citizens of the Territory be prudent, the war may be considered at an end. But any attempt to interfere with the Indian negroes would cause an immediate resort to hostilities. The negroes control their masters, and they have heard of the act of your legislative council. Thirty or more of the Indian negro men were at and near my camp on the Withlacoochie late in March. But the arrival of two or three citizens of Florida, said to be in search of negroes, caused them to disperse at once, and I doubt whether they will come in again. At all events, the emigration will be delayed a month, I apprehend, in consequence of the alarm of these negroes."

The embarrassment into which Gen. Jesup was

thrown is quite apparent, notwithstanding his order of the 5th April. The people were anxious to hunt for slaves. The negroes, it would seem, were under constant apprehension, and fled when a slave catcher came into their vicinity. Whether the Indian negroes had cause for that fear, we are unable to judge, except from the documents before us. Between the Indians and our army, it appears, there was no difficulty whatever. But the difficulty appears to have been between the Indians and negroes on one side, and those who sought to rob the Indians and enslave the blacks on the other. It is also quite evident that some of the people of Florida were restless under the order of the 5th of April, prohibiting them from entering the Indian country. When intelligence respecting that order reached St. Augustine, it seems a public meeting was called and a committee appointed to procure its repeal, in order that the white people might enter the Indian country for the purpose of seizing slaves.

This committee, said to be composed of men of high standing, addressed a long letter to General Jesup, in which they say, speaking of the people of Florida: "While they believe that the accomplishment of a certain pacification must, as it ought, be an object of primary importance in these negotiations, they persuade themselves that the preservation of the negro property belonging to the inhabitants of this desolated country must be seen by him to be an object of scarcely less moment." It is a most undeniable fact, borne out by every part of these official documents, that the people of Florida supposed that the great object of the war was to aid the slaveholders in capturing and recovering their slaves. This same protest goes to recount facts in regard to their slaves having run away, and finding a place of refuge in the Indian country, and the concluding of an armistice by General Jesup, without getting their slaves back, and then the signers add: "Against such a course, a course so destructive of their rights and interests, the citizens of St. Augustine and others, in public meeting assembled, for themselves and on behalf of the inhabitants of East Florida generally, do most solemnly protest." This, sir, is the solemn protest of the citizens of Florida against any cessation of hostilities upon other terms than of getting back their slaves, or rather of permitting them to enter the Indian country to obtain their slaves. The horror with which the negroes, both Indian slaves and free blacks, regarded those who came within their territory for the purpose of catching slaves, is shown by the letter of General Jesup just quoted; in which he states that thirty Indian negroes, and about his camp, at once ran away when they heard that two men were there in quest of slaves.

With these people the great, important, and absorbing subject appears to have been slaves, not peace. Indeed, we have their solemn protest against extinguishing the flames of war, or stopping the torrent of blood which had so long flowed, until they should have their slaves secured to them. They were unwilling that the treasure of the nation should cease to be poured out until they should have their fellow-men brought back into bondage. But, sir, I should fatigue the committee too much were I to refer to a tenth part of the documentary evidence which I have before me on this subject, or to that part which goes to prove the attempts of our Government officers to get back the slaves who had escaped from their masters; or the manner in which that object entered into the plans of the War Department. Nor have I time to give any considerable portion of the evidence showing how this object of capturing slaves and supporting slavery, entered into the designs, and was carried out in the movements of the army. The time which may reasonably be claimed by me will only permit me to glance at the subject, and to lay before this committee and the people of this nation a small portion of the facts which I wish I were able to present to them. It will be sufficient in this place to remark that, immediately after these protestations against peace—these official communications showing that the Indians had no desire to renew the war, and that the only danger to be apprehended was the unlawful interference by the people of Florida with the Indian negroes, the

flames of war were again lighted up; our troops were again put in motion; the Treasury of our nation was again placed under contribution; and the blood of defenceless women and helpless children again flowed, in order, as it appears, that slaveholders might recover their slaves. I speak, sir, from official documentary evidence. These facts, and those which I intend to refer to, are on record in the archives of our nation, and will descend in all coming time to give character to this unholy war.

It would appear, from a perusal of the documents before me, that General Jesup was unable to fulfil his covenant with the Indians to protect them, and the negroes connected with them; but on this point we have no direct evidence. Certain it is, that he was unable to bring the negroes to terms of submission. I use the term negroes, because he says, officially, that "the negroes controlled the Indians." Being unable to subdue the enemy, his troops falling a prey to the unhealthy climate in which he was situated, the citizens being murdered, their habitations burned, and his army discouraged, he issued the order No. 160, to which I will now call the attention of the committee. That part to which I particularly refer is in the following words: "All Indian property captured from this date will belong to the corps or detachment making it." The sense in which the term property was used in this order is fully explained in a letter of General Jesup to Colonel Warren, dated a few days subsequent, in which, speaking of the Seminoles, he says: "Their negroes, cattle, and horses, will belong to the corps by which they are captured." This order bears date on the 3d of August, 1837, and may be found at page 4 of the documents communicated to this House by the Secretary of War on the 27th day of February, 1839. I think that history will record this as the first general order issued by the commander of an American army, in which the catching of slaves is held out as an incentive to military duty. I mention this fact, and bring it to the consideration of the committee with feelings of deep mortification. As an American, I feel humbled at this act, which cannot be viewed by the civilized world otherwise than dishonorable to our arms and nation. That this officer, entrusted with the command of our army and the honor of our flag, should appeal to the cupidity, the desire of plunder, and the worst of human passions, in order to stimulate his men to effort, is, I think, to be regretted by men of all parties, in all sections of our country. Our national flag, which floated in proud triumph at Saratoga, which was enveloped in a blaze of glory at Monmouth and Yorktown, seems to have been prostituted in Florida to the base purpose of leading on an organized company of "negro catchers." Sir, no longer is "our country" the battle cry of our army in their advance to victory; but slaves has become the watchword to inspire them to effort. No longer does the war-worn veteran, amid the battle's rage, think of his country's glory, and nerve his arm in behalf of freedom; but with eagle eyes he watches the wavering ranks of the enemy, and as the smoke rises from the battle-field, he plunges amid their fleeing cohorts to seize upon the sable foe that he may make him his future slave.

But I intend to pursue this subject further. I shall now show that this Government—this nation, composed of twenty-six States, some holding slaves and some denying the right of man to hold his fellow-man in slavery—has been made to deal in slaves; to become the owner of slaves; that this Administration, now just going out of power, has dealt in "human flesh;" that the funds of Government, drawn from the pockets of free laborers, have been paid for the capture of fugitive slaves, and the purchase of slaves captured from the Seminole Indians. And for that purpose I refer to order No. 175, dated at Tampa Bay, September 6, 1837. It reads as follows:

"1. The Seminole negroes captured by the army will be taken on account of Government, and held subject to the order of the Secretary of War.

"2. The sum of eight thousand dollars will be paid to the Creek chiefs and warriors, by whom they were captured, or who were present at the capture, in full for their claim to them.

"3. To induce the Creek Indians to take alive, and not destroy the negroes of citizens who had been captured by the Seminoles, a reward was promised them for all they should secure. They captured and secured thirty five, who have been returned to their owners. The owners have paid nothing, but

the promise to the Indians must be fulfilled. The sum of twenty dollars will be allowed to them for each from the public funds. 4. Lieutenant Searle is charged with the execution of this order."

This order, taking the negroes "on account of Government," bears date on the 6th September. From that time they were to be "held subject to the order of the Secretary of War." On the 7th October this order of Gen. Jesup was approved by the honorable Secretary of War, as may be seen by reference to page 43 of the document just quoted. Thus, sir, we have official documentary evidence that the people of this nation, in their national capacity, became the "purchasers of human beings." The money of our people, of the freemen of this nation, was paid for the purchase of slaves.

This fund, most of it collected in the free States, and coming from the hard earnings of free whites, was appropriated for the purchase of Indian slaves, and of those who had sought freedom amid the swamps and everglades of Florida; while our most vital interests at the North are abandoned, and even the implements necessary to carry on our harbor improvements have been sold, and the money thus obtained placed in the common fund, and, perhaps, paid for the purchase of these slaves at the South. I hear it said, in an under tone near me, that the purchase of these fugitive slaves was justifiable and correct. I may differ with gentlemen as to the justice or honor of that proceeding; but I cannot enter into that subject at this time. I would merely say, if the slaveholders wish to have their slaves repurchased, I desire them to furnish the funds, Mr. Chairman, and not thrust their hands into the pockets of your constituents and mine to obtain the money to pay for them.

[Mr. BLACK of Georgia desired to be informed whether the member from Ohio alluded to the citizens of Georgia?]

Mr. GIDDINGS resumed. I deny the right of members to interrupt me for the purpose of inquiring whether I allude to them, or to their constituents. If the garment does not fit them, why do they attempt to force it on? I allude to the fact, that money is and has been collected in the free States, and used to buy up the fugitive slaves of the South, while our most important interest of the North are abandoned.

I see gentlemen here who are tremulously sensitive if the word tariff, or harbor, or manufacture, is but mentioned; and I should like to compare the benefits to the nation, arising from the forty millions expended in the Florida war, with the benefits of the thirteen millions expended throughout the United States for harbor purposes; but I have not time to do it now.

I was speaking upon the subject of retaking fugitive slaves; and I think it due to the people of the nation that they should be informed of the assiduous manner in which our troops pursued the business of catching slaves.

In a letter, dated at Tampa Bay, 25th, May, 1837, directed to Lieutenant Colonel Harney, General Jesup says: "If you see Powell (Oceola) tell him I shall send out and take all the negroes who belong to the white people. And he must not allow the Indian negroes to mix with them. Tell him I am sending to Cuba for bloodhounds to trail them; and I intend to hang every one of them who does not come in."

If the negroes, who appear to have controlled the Indians, had quietly suffered themselves to be trailed with bloodhounds, or to be hanged for their love of liberty, they would have well deserved to be slaves. Another important piece of intelligence we have here also. The expenditure of \$5,000 for bloodhounds in Cuba was not, as has been supposed, for the purpose of trailing Indians. In this letter we have it officially announced that they were sent for and obtained for the purpose of catching fugitive slaves. I desire the people of this nation to understand distinctly that they are taxed for the purpose of maintaining and supporting slavery in the slave States; that their treasure has been appropriated directly and publicly to that purpose; that our army—many of whose officers and soldiers were bred in the free States, and in the love of liberty—has been employed, by order of the Commanding General, in pursuing and capturing fugi-

tive slaves. Nor is that all. The freemen of the North are taxed for the purpose of buying bloodhounds to act in concert with our army, in this degrading and disgusting warfare.

The taking of fugitive slaves is regarded, by Northern people, as a most ignominious employment; so much so, that scarcely a man can be found who will do it publicly. Yet, it seems that our military officers in Florida were openly engaged in it.

I will now call the attention of this committee to that portion of General Jesup's order which fastens upon the people of this nation the character of slaveholders and the purchasers of slaves; by which this nation, boasting of its liberty and its regard for equal rights, became a "dealer in human flesh." I refer to that portion of the order which declares the slaves to be "taken on account of Government, and held subject to the order of the Secretary of War." On the 24th September, 1837, General Jesup wrote the Commissioner of Indian Affairs, saying, "The Seminole negroes are now all the property of the public. I have promised Abraham the freedom of his family if he prove faithful to us; and I shall certainly hang him if he be not faithful."

Mr. Chairman, I think the people of my district will be slow to admit that Gen. Jesup possessed the constitutional power, or right, to make them slaveholders. Some of them, I am sure, will disclaim all title to these slaves, and, like Gen. Taylor, will refuse to have any concern or connection with this transaction. They will, I am confident, deny the right of General Jesup, or of the honorable Secretary of War, to pay out their money for the purchase of slaves. Nor do I believe they will admit the justice or honor of selling the freedom of a man's family for the purchase of his fidelity, as promised by Gen. Jesup to Abraham. If I understand the letter referred to, this Abraham was taken into the service of Government for the purpose of acting as a pilot to lead our men to the habitations of other blacks, for the purpose of capturing more slaves and Indians. If he proved faithful to our troops and a traitor to his own kindred and friends, then his wife and children—the objects of his affection—were to have their freedom; but if he refused to betray his own people, he was to be hanged, and his family enslaved. Sir, I know not how other gentlemen view this transaction, but I am free to declare that it does not comport with my own views of honor and justice.

But, sir, where are those slaves? Are they set at liberty, or have they been sold into slavery? The purchase was certainly a very extraordinary transaction, and one that will excite inquiry. The slaves remained at Fort Pike for many months. And, if I had time, I would read to the committee a curious correspondence respecting their being employed in such manner as to earn their living, and the like; but I will not detain the committee for that purpose.

The manner in which they were finally to be disposed of seems to have created some uneasiness with the Commissioner of Indian Affairs. In a letter addressed to the acting Secretary of War, dated May 1, 1838, speaking of the purchase of these slaves, he says: "I would respectfully suggest whether there are not other objections to the purchase of these negroes by the United States. It seems to me that a proposition to Congress to appropriate money to pay for them and their transportation to Africa, could its authority for that course be obtained, or for any other disposition of them, would occasion great and extensive excitement. Such a relation assumed by the United States, for however laudable an object, would, it appears, place the country in no enviable attitude, especially at this juncture, when the public mind, here and elsewhere, is so sensitive upon the subject of slavery."

Sir, I fully agree with the Commissioner of Indian Affairs. This purchase of slaves by Gen. Jesup, and sanctioned by the honorable Secretary of War, has placed the country in no enviable attitude; it has tarnished our national honor, and deeply wounded the feelings of the North. But this suggestion, as to the propriety of the purchase, was made on the 1st of May, 1838, and, on the 24th September previous, Gen. Jesup, writing

Capt. B. L. Bonneville, commanding the Choctaw warriors, says: "In addition to their pay as soldiers, they (the Choctaws) will have all the Seminole property they capture. And those Indians (the Seminoles) are rich in horses and negroes. The Creek warriors received between fourteen and fifteen thousand dollars for their captures." Yet it seems that, some eight months after the date of this letter, showing that the Creek warriors had then received their pay, the propriety of the purchase was doubted. I think, however, that the Commissioner of Indian Affairs had good reason to suppose that some excitement might arise from this transaction, by which you and I, and our constituents, as a portion of the people of this nation, became "slaveholders," and purchasers of our fellow men.

At page 74 of the document last cited is a list of these Seminole negroes, who were sent to Tampa Bay, after being received as "public property," by order of General Jesup, at the price of eight thousand dollars. The list contains the name, age, sex, and description of each person. I should like to present it to the people of the free States, as a sample of the manner in which the slave trade is carried on under color of this Florida war; but, as the list is of great length, I beg leave to give an extract only. It is in the following form:

Name.	Age.	Sex.	Remarks.
Ben.	5 years.	Male.	Son of Elsy.
Molly.	3 years.	Female.	Daughter of Elsy.
Judy.	1 year.	Female.	Daughter of Elsy.

This short extract contains the names of three children, apparently of one family, and all less than six years of age. These children were purchased by our officers as "public property." Sir, what do our people of the free States, or of the civilized world, think of this kind of "Government chattels?" I have no doubt that many a Northern lady will inquire for the mother of those children. This question I cannot answer. I find in the list the name of Elsy, aged twenty years, said to be the daughter of Fanny. I should judge that she was not the mother of the children; but such may be the case. I am led to believe that both father and mother escaped the fangs of the bloodhounds and the slave catchers.

But the question recurs, where are those slaves? I have, for more than a month, had a resolution lying in my drawer, calling on the Secretary of War for information respecting them; but to this hour I have had no opportunity of offering it in the regular course of business, and I felt no hopes of success by offering it at any other time. It may not have been observed by many members that in the last session of the late Congress a petition was presented to this House from a Mr. Watson, in which he states that, in May, 1837, he purchased these same negroes, captured by the Creek warriors, of their agent, and paid for them \$14,600; and he gives pretty good evidence to sustain his statement. This occurred in May, 1838, while the order of General Jesup receiving them as public property was in September previous; and the confirmation of that order was on the 7th October, prior to the time of Watson's apparent purchase. General Jesup's letter to Colonel Warren, saying that these warriors had received between \$14,000 and \$15,000, bears date on the 17th of October, prior to Watson's supposed purchase. It will be borne in mind that these are official documents, transmitted at the time of their dates. There is also a curious coincidence in regard to price. General Jesup said, in October, 1837, that these warriors had then received "between fourteen and fifteen thousand dollars." And Watson says, and gives good evidence to prove, that he paid to these same warriors \$14,600 in May following. Now, if these Indians got twice paid for those slaves, they were more fortunate in slave trading than they ever were in any other transaction with the white people. Another singular circumstance I will mention. On the 1st of May, the Commissioner of Indian Affairs suggested to the Secretary of War that for the United States to assume the relation of slaveholders might create extensive excitement, particularly as the public mind here and elsewhere was so sensitive on the subject of slavery; while Watson's bill of sale bears date only eight days afterwards. On the 9th of May, the

Commissioner of Indian Affairs requests of the Secretary of War an order for the officer at Fort Pike to deliver these negroes to N. F. Collins, agent for the Creek warriors; while from other communications, one would think that the United States never had owned the negroes, although they were taken into possession of our troops on the 6th September, 1837, and kept at the public expense until, and long after, the supposed purchase by Watson.

Sir, this transaction is shrouded in mystery. I have read to the committee a portion of its history; but the whole, I think, is not communicated by the documents before us. I have an opinion, and I express it as an opinion, founded on official papers, it is true; but it is nevertheless the conclusion of my own mind in regard to the matter. I then suppose that, after the purchase of General Jesup on the 6th of September, and the sanction by the Secretary of War on the 7th October, 1837, and after keeping these negroes at the expense of the public for eight months, and transporting them to Fort Pike, the honorable Secretary began to entertain doubts whether the public would justify the transaction. He probably felt that my friend here from Vermont, [Mr. SLADE,] or the gentleman from New York over the way, [Mr. GATES,] might not remain entirely silent, "when (to use the words of the Commissioner of Indian Affairs) the public mind, here and elsewhere, is so sensitive upon the subject of slavery," especially as it was ascertained that there must be an appropriation of money by Congress for the funds that would seem to have been paid long previously. Difficulties appear to have beset him on every side; and I think his feelings were well expressed in a letter to General Arbuckle, dated July 21st, 1839, in which, speaking of this transaction, he says, in very emphatic language, "the whole affair is a delicate and a difficult one." Just at this time Mr. Watson, being at this city, was, as it appears from his statements, persuaded by the officers of Government to purchase the negroes, being fully assured that the Indian title was good and valid. The contract was accordingly made, as it appears, with the agent of the Creek warriors, by which he (Watson) paid the \$14,600, and relieved the honorable Secretary from his embarrassment; and the nation from the purchase made by General Jesup. The purchase was effected in "this market," with the approbation of the high officers of State, and in the midst of a Christian community. Now, sir, in order that I may be understood, I will leave the purchase and sale of the slaves for a moment, and ask the patience of the committee while I relate the brief story of their travels and peregrinations. They were sent from Florida immediately after the order of the 6th September, 1837, to Fort Pike, near New Orleans. Here some sixty of them were detained by a pretended claim, set up by persons living in Georgia, who insisted that this "public property" was their own proper goods and chattels; while General Gaines, who appeared better versed in the law of nations and the military code than he is in the slave trade, boldly claimed them "as prisoners of war." Yes, Mr. Chairman: these negroes, declared by one commanding General to be "the property of the public," were boldly asserted by another to be "prisoners of war." In the mean time, a Lieutenant Reynolds was deputed to conduct the emigrating Indians to their home west of the Mississippi. Among the Seminoles were these slaves, who had been the subject of capture and purchase, yet remaining at Fort Pike, all under the charge of Lieutenant Reynolds. To him, Mr. Collins, agent for the Creek warriors, and acting, as Watson says, for him, also attended by Watson's brother, applied to get possession of the negroes, and presented the order of the Secretary of War for their delivery to Collins. There is some difference in the relation of Collins and that of Lieutenant Reynolds. Mr. Watson says distinctly that General Gaines and Lieutenant Reynolds both refused to obey the order of the honorable Secretary to deliver over the negroes. General Gaines appears to have declared them "prisoners of war," and ordered them to be sent to the place assigned the Seminoles west of the Mississippi; and Lieutenant Reynolds, punctilious in the dis-

charge of his military duty, "took the responsibility," and started on his way with Indians and negroes, both slaves and freemen. He landed his charge at Little Rock, in Arkansas, to which place he was followed or attended by Collins, who, faithful to his trust, determined to get the negroes. At that place he again demanded them of Lieutenant Reynolds. But a difficulty now interposed, for that officer had not military force sufficient to hold the Indians in subjection, if irritated by an attempt to deliver over the negroes to Collins, to be brought back as slaves to the white people. He therefore called upon the Governor of Arkansas for troops to enable him to effect that object. But Governor Roane, thinking the safety of the people of his State more important than the slave trade, refused all military aid, and required Lieutenant Reynolds to proceed forthwith on his way to the territory assigned to the Indians. In his answer to Lieut. Reynolds, he says:

"Had the Government intended to dispose of these negroes to the Creek warriors, it should have done so in Florida, and not bring Indians and negroes to Arkansas, the vicinity of their future residence, and irritate the Indians to madness and turn them loose upon our frontier when we have no adequate protection. The massacre of our citizens would be the inevitable consequence." "Your immediate departure will ensure peace, and avert the outrages you had such good cause to expect."

Thus, Mr. Chairman, you see we were brought to the very verge of a war west of the Mississippi, by reason of the efforts of our officers to maintain slavery and the slave trade. But Collins, who, so far as the public documents speak of him, was the agent of the Creek warriors, now applied to these same Creek warriors for possession of the negroes. This, sir, is another curiosity. The negroes were taken west among the very Indians who originally captured them, and in whose name the Government officers and Collins were trying to obtain possession of them. But these warriors, having received the \$14,600 in "the better currency," showed no disposition to interfere any further. Indeed, they said that they had sold the negroes, and that the United States had possession of them, and that the Creeks were under no obligation to interfere any further in the business. But Collins, ever faithful to his trust, remained in that country, and a correspondence took place between him and the honorable Secretary of War, and other officers of Government, in regard to the measures to be adopted in order to get these negroes back into slavery. Orders were sent to General Arbuckle, and councils of the Indians were called; the Indians, however, showed but little disposition to aid their white brethren in enslaving those who had gained their liberty by such a concatenation of circumstances. In short, sir, they showed almost as much insensibility to the claims of our slaveholders, as our more civilized friend, John Bull, has so often evinced; excepting, always, that the Indians civilly answered all questions on the subject, while I believe the British Government has never condescended even to hold any correspondence whatever for delivering up fugitive slaves. But, sir, while the Indians appeared thus insensible to the appeals made to them in behalf of slavery, the negroes themselves appeared perfectly callous to all entreaties. The Indians would not deliver them up, and the negroes appeared to have become suddenly impressed with the belief that they could take care of themselves. They now felt themselves restored to that liberty of which they had so long been unjustly deprived. Indeed, it appears that the negroes were thoroughly convinced of the perfect safety and propriety of "immediate emancipation and of Western colonization." They, at all events, appeared determined to give to the world some practical demonstrations on these subjects; and, sir, I believe they are yet carrying out that determination.

Thus you see, Mr. Chairman, that the efforts of our honorable Secretary of War, and of other officers of Government, failed to bring those negroes back to a state of slavery, and the agents of Watson were compelled to return without the negroes.

But, in the mean time, Mr. Watson's money was gone, and the negroes were gone also. He had bought the negroes, as he says, upon the assurance of title held out to him by the officers of Government. These officers had exerted their

utmost skill to get the negroes for him, but all had failed; and Mr. Watson then applied to Congress for compensation for his loss. The Commissioner of Indian Affairs and the honorable Secretary of War, both recommend the claim to the favorable consideration of Congress, and urge us to make the appropriation. Of the propriety of doing so I shall say nothing at this time. I hope to do my duty on that subject when it comes before us. My object now is to show the manner in which the officers of this Government have attempted, not only to make us in our national character slaveholders and slave traders, but to make the freemen of the North pay this purchaser for slaves which he could not catch. I will beg leave to give the opinion of the Commissioner of Indian Affairs in his own words. In a letter to the honorable Secretary of War, dated July 1, 1840, speaking of these negroes, he says: "Any attempt at enforcing a claim to them under the Creek warriors would, perhaps, have resulted in conflict; and, as the hazard of such an issue prevented the use of more than persuasive means, I think General Watson has a just claim on the the United States for the money he paid, and interest." This, sir, is the logic of the Commissioner of Indian Affairs, and that same opinion is endorsed by the honorable Secretary of War. I have stated, and I think have shown from authentic documents, that the war in Florida originated in attempts by our Executive officers to support and maintain slavery; that it has been renewed and carried on for that purpose; that the money of our nation has been paid for the purchase of fugitive slaves and of Indian slaves. To these I now add the fact that those officers deem it just that we should pay for slaves which the owners cannot obtain.

When I obtained the floor, I intended to call the attention of the committee to the manner in which this war was renewed after Gen. Macomb's treaty of peace in 1839. But I have already detained the committee too long, and I will only say that, if the public papers are to be accredited, the people of Florida held meetings for the purpose of protesting against that treaty, for the reasons that it permitted the Indians to remain in Florida; and they urged that the territory occupied by them would afford a harbor for runaway slaves. Of course the war was renewed, and continues, like a mighty maelstrom, draws within its vortex and swallows up the immense resources of the nation. For a period almost equal to that of our Revolutionary war, the people of the Northern States have been taxed for the purpose of carrying on this contest, directed principally against the fugitive slaves in Florida. To this war the feelings, the principles, the interests, the honor of the free States are opposed; yet, sir, they have been, and still are, compelled to furnish means for its prosecution. Revolting as the trading in slaves is to the feeling of our Northern people, they have been constrained to supply the means of purchasing their fellow-beings. Holding, as the people of the North do, "these truths to be self-evident, that man is born free, and is endowed by his Creator with the inalienable right of liberty," they have been obliged to furnish money to pay for the recapture and re-enslaving of those who, fleeing from the power that oppressed them, had sought in the wilds of Florida those rights to which, by the laws of Nature and of Nature's God, they were entitled.

Sir, I am anxious to see a period put to those abuses of Northern rights. I desire to see this war terminated at the earliest possible moment; but I fear it will not be accomplished by the method proposed by the gentleman from South Carolina. My own opinion is, that all attempts to remove the Indians and leave the negroes will prove abortive. We are told that the negroes control the Indians. With those negroes, an unconditional surrender to us would be a voluntary separation from their relatives and families, and slavery for life. They would probably prefer death to such an alternative. Of course the war will continue until the murder of those people by our army shall proclaim peace to Florida, who refuses peace upon other terms. For one, I am prepared to send all who will surrender themselves as prisoners of war to the Western country, under the pledged faith of this nation to protect them in the enjoyment of their

lives, their liberty, and their domestic relations; and for that purpose I have prepared an amendment, which I now send to the Chair.

REMARKS OF MR. STANLY,

OF NORTH CAROLINA.

In the House of Representatives, February 18, 1841—In Committee of the Whole on the state of the Union on the General Appropriation bill.

MR. CHAIRMAN: I presume the bill under discussion will admit of some latitude of debate. I am anxious, sir, to avail myself of this opportunity of making known my opinions upon some important subjects which have been discussed during the present session.

I do not wish to violate the rules of order. I hope, when the present party shall cease to rule, we shall have rules of order better observed than they have hitherto been. But, while others have been allowed to indulge in a wide range, I must, in justice to myself and the cause I espouse, follow their example. That I may be allowed to do so, I make a motion to strike out the enacting clause of the bill. This opens a wider field.

I wish, Mr. Chairman, to say a word or two relative to the tariff; yes, sir, the tariff—a word which causes certain Southern gentlemen generally to start from their seats with affected dismay, as if they beheld some spirit bring “blasts from hell,” which were to desolate their country.

It will be remembered that, on the 19th day of January last, I submitted the following as an amendment which I would offer to the Treasury note bill. Here is the amendment in my hand:

“JANUARY 19, 1841.—Ordered to be printed.

“MR. STANLY submitted the following, which he will, when in order, move as amendments to the bill ‘To authorize the issuing of Treasury notes.’

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the — day of —, on the importation of articles hereafter mentioned there shall be levied, collected, and paid, the following duties, that is to say:

“On all manufactures of silk, or of which silk shall be a component part, coming from beyond the Cape of Good Hope, twenty per cent. ad valorem.

“On all manufactures of silk, or of which silk shall be a component part coming from this side of the Cape of Good Hope, ten per cent. ad valorem.

“On all wines, except the wines of France, twenty per cent. ad valorem.

“On all wines of France, as soon as the treaty with France will allow, a duty of twenty per cent. ad valorem.

“On all bleached and unbleached linens, table linen, linen napkins, and linen cambrics, twenty per cent. ad valorem; the foregoing duties being in accordance with the terms and the spirit of the act of March second, eighteen hundred and thirty-three.

“Sec. 2. And be it further enacted, That all laws inconsistent with this act are hereby repealed.”

It so happened, sir, that I was kept from the House by indisposition when the Treasury note bill passed. I was therefore prevented from offering the amendment. The committee, by the arbitrary rule adopted at the time, resolved, that, after a certain hour, no more debate should be had upon the bill. At the appointed time, the Treasury note bill, amidst cries of “order, order, question, question,” was taken out of the committee, forced through, and with unholy haste passed in the House. Several who were present wished to get the floor to obtain a vote upon the amendment; but it was impossible. The party having the majority here seemed to be determined to attempt nothing for the relief of the country.

It will be impossible for me, Mr. Chairman, to proceed in this discussion without an occasional reference to the compromise act of 1833. Much that I intended to say upon this subject has been rendered unnecessary by the able speeches of the

gentleman from South Carolina [Mr. THOMPSON] and the gentleman from Georgia [Mr. NISBET.]

These gentlemen will hardly, either of them, be accused of advocating a high protective tariff; but I should not be surprised to hear them thus accused. The Whigs were all denounced as allies of Abolitionists last year; they should not now complain that they are accused of favoring a “high protective tariff.”

The tariff law of 1832, which gave so much offence to South Carolina, was denounced, because, among other reasons, luxuries were admitted free of duty, while many necessities were highly taxed. This is most conclusively shown by the speech of the gentleman from South Carolina, [Mr. THOMPSON.] Besides the various quotations made by him from the speeches of Southern Senators, I remember, in reading the debates, that Mr. BENTON complained that luxuries were admitted free of duty, while the poor paid a heavy tax for many articles indispensable to them. I thought, therefore, sir, when I offered this amendment, that I should for once, at least, be found agreeing with the leaders of the Administration party, and among them the representatives from South Carolina. But it seems that the past is forgotten, or disregarded, and that the dictates of party, and not the interests of the country, are still to govern us. I fondly thought, too, sir, that I was but carrying out a hint of the Secretary of the Treasury himself.

In the annual report of that officer, dated December 3, 1839, he says, on page 11:

“If Congress cannot restrict the amount of appropriations, whether ordinary or extraordinary, to the certain current revenue, the only remaining courses which seem defensible are these: either to provide for calling in portions of the public money now deposited with the States, or establish an adequate system of direct taxation, or at once resort to the contingent power contemplated in the existing laws concerning the tariff, when changes become necessary for purposes of revenue, and restore the duty on several articles of luxury now free.”

The result proved that Congress could not “restrict the appropriations,” as he contemplated. We all know, from what we have seen this session, that the appropriations must exceed the estimates; for the estimates did not contain all the liabilities of the Government which must be provided for. Now, sir, I ask, if the “only remaining courses which seem defensible” are as stated by the Secretary, what are we to do? Nothing can be clearer, “either” to adopt my amendment, or recall the deposits from the States, or resort to a system of direct taxation. These are the only “courses,” according to Mr. Woodbury, and I agree with him. I am willing to meet this issue before my constituents. As a Whig, I am willing to meet this issue before the country. I wish to say a word before I conclude, as to the two other “defensible courses” of the Secretary of the Treasury.

Again, sir: in the report of the Secretary of the Treasury in December, 1840, that officer, discussing the ways and means of providing money for the Treasury, says that to recall the deposits “appears not very likely to be adopted;” and that the resort to “direct taxation” is not “to be anticipated.” The Secretary then, on page 11, proceeds to say:

“Some other permanent resource must then be looked too. The choice will probably rest between the large reduction of expenditures, with the other accompanying measures before specified, and some extensive modification of the present tariff.”

Here, then, we have again suggested to us the propriety of “a modification of the tariff,” from the Secretary of the Treasury.

As to the reduction of expenditures, we all know that it is impossible now. The Government is largely in debt. Claims have been postponed until they can be postponed no longer. Nothing is more certain than the fact that, for this session, the ap-

propriations will and most exceed the estimates of the Secretary of the Treasury.*

This being the case, I prefer a modification of the tariff to either a recall of the deposits from the States or a system of direct taxation.

When we met this session, we were told by the President and the Secretary of the Treasury that we had a most prosperous Government. We were induced to believe that we had an abundant Treasury; that all the demands on the Government had been promptly met. But, after the lapse of a few weeks, we had another proposition for Treasury notes. Yes, sir, five millions of Treasury notes were to be issued—five millions of paper money wanted in the fourth year of that Administration which was to give us all a gold and silver currency. We were called together in September, 1837, at an extra session, to give the Government money. In October, 1837, you had authority to issue ten millions of Treasury notes.

By the act of May, 1838, you gave authority to the Secretary of the Treasury to issue Treasury notes, on the same terms as the act of October, 1837, in place of the notes which had been returned to the Treasury.

In March, 1839, you extended the act of May, 1838, and authorized the President to cause to be issued the remainder of the Treasury notes, &c.

In March, 1840, another law was passed which authorized the issue of five millions more of Treasury notes.

And now, within two months of the end of this Administration, we have another law authorizing the issue of Treasury notes!

These notes have been issued, a large portion of them at high rates of interest, which, of course, is paid out of the taxes collected from the people, and paid, too, to rich capitalists or the pet banks of this Administration; for only banks and very rich capitalists are able to take the notes from the Government and give them specie.

I have endeavored to ascertain the amount paid for interest on Treasury notes, since the extra session of September, 1837, and I make it as follows:

<i>Amount of interest paid on Treasury notes, viz:</i>			
For the year 1838,	-	-	\$14,996 48
Do 1839,	-	-	401,212 94
Do 1840,	-	-	173,581 36
Do 1841,	-	-	1,302 77
			\$591,093 55

The accuracy of this statement will not be questioned, as I have it from a high source. More than half a million of dollars paid to the rich out of the taxes of the people by this hard-money-loving Administration.

I am tired of such legislation. Treasury notes

*At the beginning of this session the Secretary estimated that the receipts from customs for the coming year would be \$19,000,000. From lands 2,500,000. And he thought, if the estimates were not exceeded, there would remain in the Treasury, at the end of the year, the sum of \$34,273.

On the 31st of March, 1841, Mr. JONES, chairman of the Committee of Ways and Means, said, in answer to a question from Mr. SERRANT, “as to the probable amount of receipts from the customs, every gentleman could judge as well as Mr. J. His own opinion was that, owing to recent occurrences, they would probably fall far short of what had been formerly anticipated. Mr. J. admitted that “the whole amount appropriated by the bills and amendments would exceed the estimates by a million of dollars.”

“MR. EVANS here observed that the chairman had omitted some important items.

“MR. JONES recollected that he had omitted one item of \$575,000 contained in the naval appropriation bill. This would make the total amount of excess about a million and a half.

“MR. EVANS said the total would be nearer two millions and a half. He then went into an enumeration of items to show that this was a correct statement.

“MR. JONES said that he had spoken only of bills from the Committee of Ways and Means.

“MR. SERRANT observed that, even admitting the estimates of the Secretary of the Treasury to be correct, we should have, this year, but nineteen millions from the customs, and three and a half millions from the public lands, and the sums already appropriated would exceed this amount by between five and six millions.”

All this proves the importance of laying duties upon luxuries to meet the wants of the Government, and save the necessity of an extra session. If any additional proofs were necessary to show that the estimates of the Secretary of the Treasury could not be relied upon, it is only necessary to mention that, in his estimates, no mention is made of the Florida war. The Secretary of War, in a letter to the chairman of the Committee of Ways and Means, dated December 17, 1840, shows that the sum of \$2,335,329 75 is indispensably necessary; part of this for “arrearsages.” And yet we are told, Congress must not exceed the estimates!

do not afford any relief to the people. They enable the Administration to contract a debt, without appearing to do so. The relief to the Government is only temporary. What are we, therefore, to do? Not only the wisest and ablest statesmen of the country, but your own Secretary, Mr. Van Buren's Secretary, with them, recommend a duty on luxuries.

All admit we shall need more money than can be collected at our custom-houses and land offices during the present year. By the operation of the compromise act, our revenue will be greatly reduced by the 1st July, 1842.

Hear the Secretary of the Treasury on this head. On page 11 of his last annual report he says:

"Thus the progressive reduction of the present tariff, which has been going on since 1833, will, after December, 1841, take effect to a much larger extent than heretofore. Nearly two millions and a half will then be deducted at once.

"On the 1st of July afterwards, at least two millions and a half more of duties will be removed; making an aggregate, in six months, of quite five millions. If the imports then should not differ much from those in 1838, this would leave an income from them not probably exceeding ten or eleven millions of dollars yearly. It will, therefore, be necessary to make corresponding reductions in the expenditures of 1842, or seasonably provide otherwise, in some permanent manner, to supply all wants likely to happen from this cause."

No man in his senses, who has watched the course of public events for a few years past, can expect we are to reduce the expenditures of this Government suddenly from near thirty-nine millions to thirteen or fourteen millions. Besides, the public debt is to be paid. What is the amount of that debt no one here can tell. My able friend from New York, [Mr. BARNARD,] in whose judgment I place the most implicit confidence, has shown, with that clearness and force that characterizes all his efforts, that our obligations not provided for will amount to near forty millions of dollars for "past transactions." I adopt his statement; his knowledge is superior to mine, and entitled to more weight than any calculation I can make:

Statement of the public debt, regarded as ascertained and certain, existing on the 1st January, 1841, though the amounts may not be exact.

Treasury notes outstanding	\$4,650,000
Interest which will have accrued on them	250,000
Remains of old funded and certificate debt	335,000
Debts of the cities in the District of Columbia, assumed by the Government, without interest	1,500,000
Amounts required to be invested for Indians and Indian tribes, at least	2,680,000
Principal sums payable to Indians, probably	1,000,000
Amount required by law to make good the deficit in the Navy Pension Fund	1,200,000
Annuities to Indians, (supposed to be \$600,000,) part payable in perpetuity and part for terms of years; the purchase or value of the whole not less than	5,000,000

Making, of actual debt, it is believed, not less than \$16,515,000

To this is to be added probable amounts of indebtedness and liabilities growing out of past transactions, as follows:

For claims growing out of Indian affairs and relations, allowed, and which will be allowed in Departments or by accounting officers, probably	\$2,000,000
For claims growing out of the Florida war, &c. and which must be allowed by Congress, probably	3,000,000
Due from the Government on account of trust funds, other than Indian, probably	500,000
The fourth instalment under the deposit act of 1836 claimed by the States	9,000,000
There are claims of American citizens for French spoliation on our commerce previous to 1830, quite likely to be allowed by Congress, to	5,000,000
	19,500,000

So that the whole amount of indebtedness and liabilities, on account of past transactions, was, on the 1st of January, 1841, probably not less than \$36,015,000

Now, sir, I presume no man can suppose that, even if, as Mr. Woodbury says, the "reduction be pushed vigorously," we shall have means enough for the years 1841 and 1842.

I wish to give the Government the means which it inevitably will require to pay our debts, to sustain our national honor, by meeting our engagements punctually. I wish to do this by adhering to the compromise act—by laying a duty on luxuries, which will scarcely be felt at all, even by the more affluent, and will not affect the poor man.

My amendment, Mr. Chairman, was not intended to go into operation for some months, as the House might determine, that the importing merchants might have notice, and regulate their purchases accordingly. I selected but a few articles, that it might be liable to as little objection as possi-

ble. I was willing to adopt any amendment calculated to effect the object I had in view. At the time I introduced the amendment, I had not seen the report of the Secretary of the Treasury, laid before the Senate a few days since, in answer to a resolution of that body. If I had seen it, I would most willingly have incorporated many, if not all, the articles suggested by the Secretary.

And here let me say, sir, this report alluded to does the Secretary more credit than any paper which has hitherto emanated from him. It is Document No. 95, entitled a "Report from the Secretary of the Treasury, communicating, in compliance with a resolution of the Senate, a plan of a permanent change in the tariff." It is concise, plain, in better style than usual, and contains many valuable suggestions. I hope the members of the House will read it.

His construction of the compromise act is the same I have always heard given to it by those who framed and advocated its passage.

It will be remembered, Mr. Chairman, that I quoted from the report of the Secretary of the Treasury just now to show that by the "progressive reduction" of the present tariff, from December, 1841, to July, 1842, in six months, five millions of dollars will be deducted from the duties.

He proposes to lay a duty upon certain merchandise "free of duty;" his proposition, so worthy of commendation, so replete with good sense, deserves our attention. I quote the following passages, with the tables referred to in them.

I read from Senate Document No. 93, before referred to:

"In raising the sum needed, if it does not become necessary to subject all free articles to a duty, or to one as high as twenty per cent, and a discrimination can therefore be indulged within the restrictions of the compromise act, it is doubtless a sound axiom to select for highest taxation articles of luxury, rather than of necessity. Under similar circumstances, it is also not only competent, but expedient, to select such of the former as compete most with similar articles of American growth or manufacture, though not to raise the duty on them above the limitation of twenty per cent. And another discrimination, sometimes useful, might be to select those articles, in certain cases, for an increased impost, not usually exceeding the same limitation, which may be proper for countervailing injurious imports, placed on our own productions by any foreign power. The broad and well settled ground on which these distinctions rest, cannot require on this occasion much detailed illustration. For the luxuries of life are enjoyed by the few, rather than the many—the rich instead of the poor—and their use tends rather to effeminacy and pleasure, than to what invigorates or makes useful."

"In a form of Government like ours, these principles apply with peculiar force, as an excessive indulgence in luxuries always operates as a bane to Republican manners, and, in time, to Republican principles. On the contrary, articles of universal use, and considered as the necessities of life, are beneficial to all, and are to be cheapened as much as possible to promote the comfort of all. So what is American may well be supposed entitled to receive, within the limitations stipulated, more incidental favor than what is foreign, because obtained with more readiness and certainty, as well as being more safe and independent in its use. Nor can any other country complain with justice, if we counteract its high taxation on theirs, or our products, by imposing some corresponding impost on theirs; and however unprofitable such conflicts usually prove to all concerned, yet when such a measure becomes convenient for our own fiscal purposes, or is required by proper self-respect, and is kept within due restrictions as to the amount of duty, it is believed to be entirely justifiable. The present tariff is, in many of these respects, an anomaly. Being designed to get rid of revenue when it was too abundant, and to diminish a supposed protection to manufacturers, deemed unreasonably high, as well as to establish certain general rules for keeping all duties lower in future, it sometimes omitted to make useful discriminations, and, as a system, does not sufficiently discountenance luxuries or favor the necessities of life. Indeed, the former have already become free in many cases, and in others will be taxed lightly, under the reduction now in progress; while the latter, though at the expense of the consumer, however poor, will, in almost every instance, bear as high if not higher burden, than the greatest superfluity."

"In proposing a plan to raise the sum desired, one cardinal object is, therefore, to obtain the money in a manner that shall not prolong any improprieties or incongruities in principle; and another is to do it, and still preserve faithfully the limitations and stipulations of the compromise as before explained. To furnish some data for practical legislation, which may accomplish these designs harmoniously, two tabular statements have been prepared, which will next be briefly explained. The first one gives the names and value of all free articles imported into the United States in A. D. 1838, after deducting such of them as were exported. (See A.) Taking the imports of that year as a guide, and perhaps nearer an average, for some time to come, as than any other, though probably too low, and the value of all the free articles, excluding of course specie, and the amount of others re-exported, would be about \$38,161,583. A duty on these, indiscriminately, of 15 per cent, would yield a net revenue not far from the five millions that may be needed in 1842. But this would embrace several articles which, under the principles before suggested, might judiciously be left free, or at a lower rate of duty than 15 per cent."

"Another mode of raising the same amount of revenue would, therefore, be preferable, if it could be accomplished without including those articles. Suppose, then, that there should be selected from the free articles those which may be regarded most as luxuries, though not in every respect belonging exclusively to

that class. Such are teas, coffee, and silks. Should we then add to them others, conflicting with similar American productions, such as worsteds, linens, &c. and the aggregate, deducting the amount re-exported, would be \$29,026,448. (See the second table, B.) A duty of twenty per cent, on those, after paying the expenses of collection, would yield about the same amount of five millions. This seems to contain the general data for the most eligible and unexceptionable revision. If a less sum than five millions should prove to be needed, as it is presumed will be the case under the diminished expenditures and increased importations, anticipated and explained in the recent annual report on the finances, as well as from the further augmentation of revenue likely to happen from the new mode of assessing the value of merchandise, any suitable modifications can be made in these details, without departing from the principles believed to be the most appropriate to govern the subject."

A.		Value of merchandise, "free of duty," consumed in 1838.	
Articles for the use of the United States,		of the silver,	
Philosophical apparatus, specially imported for philosophical societies, colleges, schools, &c.	11,629	Teas	3,837,049
Books, maps, and charts for do.	21,394	Coffee	2,559,248
Statuary, busts, casts, &c. for do.	3,086	Cocoa	7,138,018
Paintings, etchings, and engravings.	5,768	Fruits, almonds	47,299
Botany, specimens of	7,209	currants	22,117
Anatomy, regulus of	3,346	prunes	7,996
Spelter or zinc	68,525	Figs	33,453
Burrs, unwrought	27,999	raisins	462,117
Brimstone and sulphur	37,467	Spice, mace	7,032
Bark of the cork tree	3,467	nutmegs	51,207
Clay, unwrought	4,421	cinnamon	26,406
Rags of all kinds	465,448	cloves	22,989
Furs, undressed	300,945	pepper	
Hides and skins	1,940,325	pimento	18,657
Plaster of Paris	131,876	cassia	23,219
Barilla	82,196	ginger	1,735
Wood, dye		Camphor	
manufactured	282,702	Silks, lace veils,	
Animals for breed	26,337	shawls, shades, &c.	156,031
all other	150,218	Other manufacture	
Pewter, old	923	of silk	7,897,342
Tin, in pigs and bars	125,995	Silk and worsted	
in plates and sheets	988,543	goods	1,520,154
Brass, in pigs and bars	35,006	Camlets of camel's	
old	1,696	hair, &c.	59,032
Copper, in pigs and bars	812,170	Worsted stuff goods	3,873,941
Copper, in plates and sheets for sheathing	528,792	Linens, bleached and unbleached, &c.	3,098,567
Copper, old	78,590	Ticklenburgs, osen-	
Bullion, gold	230,694	burgs, and bur-	
silver	390,343	laps	333,094
Specie, gold	10,703,926	Sheetings, brown and white	148,554
		Bolting cloths	26,529
		Wool costing less than 8 cents per lb.	438,669
		Quicksilver	66,746
		Opium	67,073
		Crude saltpetre	119,606
		All other articles	3,854,966
			52,967,250

Deduct excess of exports over imports:

On dye wood	\$15,533
cocoa	52,946
camphor	15,183
Excess in value on pepper	9,994
	93,666

Deduct specie	\$52,873,594
	14,712,011
Balance consumed	\$38,161,583

B.		Articles consumed in 1838.	
Silk and manu. of		Crude saltpetre	119,606
\$7,897,343		Animals, not for breed	150,219
Silk and worsted		Furs, undressed	300,045
1,520,154		Coffee	7,138,018
Worsted stuffs		Tea	2,559,248
3,878,941		Copper, in pigs	812,170
Linens, bleach'd, &c.		sheeting	528,792
3,098,567		old	78,590
Ticklenburgs, &c.			
333,024			
Sheetings, &c.			
148,554			
Bolting cloths			
26,528			
Wool, under 8 cts pr lb.			
438,669			
			\$29,026,448

Thus it will be seen, sir, if we only take the articles enumerated in table B, and lay a duty of 20 per cent. on them, that, after paying the expense of collection, they would yield nearly or quite five millions of revenue. Wines are not included in this estimate either.

Now, when we are actually pressed for money—when our Treasury is bankrupt—when we are in debt—our country in a deplorable condition for want of defences—our navy rotting from neglect—does it not become us, as patriots, to provide for the wants of the Government while we can do so without imposing any burden upon the people, upon the laboring classes of the country? Will you still force the Government to borrow money, by issuing Treasury notes and paying interest to favorite banks? Will you force the coming Administration to call an extra session to remedy your abuses, to provide for your wanton extravagance? Can you not be induced to do something for a suffering country, to do one good act before you let the power pass from your hands? Or will you prefer to die as you have lived, blinded by the malignity of party spirit, deaf to the prayers of a suffering people—following, to the last, the deluding whispers of the demon of faction?

While upon this subject of taxing luxuries, I beg leave to call attention to a few tables, prepared at the Treasury Department, which will throw light upon this subject, and be of service, I hope, to the country.

Statement exhibiting the value of certain articles, free of duty, imported during the year ending 30th of September, 1840, and showing the amount of duties which would have accrued had they been subject to a duty of 20 and of 15 per cent. ad valorem.

Description of articles.	Foreign cost and charges.	Duties, estimated.	
		At 20 p. cent. ad valorem.	At 15 p. cent. ad valorem.
Silk lace, shawls, shades, &c.	\$309,858	\$61,971 60	\$46,478 70
Silk, other manufactures	7,978,930	1,595,786 00	1,196,839 50
Silk & worsted goods, Camlets of goat's hair, &c.	1,729,792	345,958 40	259,468 80
Worsted stuff goods - Linens, bleached and unbleached	14,630	2,926 00	2,194 50
Ticklenburgs, osenaburgs, and burlaps, Sheetings, brown and white	4,164,208	832,841 60	624,631 20
Bolting cloths	261,173	52,234 60	39,175 95
Quicksilver	74,594	14,906 80	11,180 10
Opium	54,415	10,883 00	8,162 25
Crude saltpetre	40,944	8,188 80	4,141 60
Animals, not for breed	366,263	73,252 60	54,939 45
Tin in plates & sheets	135,042	27,008 40	20,256 30
Articles not enumerated	879,078	175,815 60	131,861 70
	5,808,366	1,161,673 20	871,254 90
	\$24,526,234	\$4,905,246 80	\$3,678,935 10

By this table, we perceive that a duty of 20 per cent. ad valorem, which will not violate the compromise, will bring into the Treasury the sum of four million nine hundred and five thousand two hundred and forty-six dollars and eighty cents; and at 15 per cent. the amount will be more than three and a half millions.

A duty on these articles, such as I propose, would not be felt by the country, and certainly would not be onerous to any part of it.

Here, too, is no mention of teas and coffee, now free of duty. I am willing they should remain so. They are now regarded no longer as luxuries, but as necessities. But if it becomes necessary, for purposes of revenue, to tax them, the following table will show what will be the result, at the rates therein mentioned:

Tea and Coffee, free of duty, imported in 1840.

Teas - Coffee	Pounds.	Foreign cost and charges.	Duties estimated at	
			20 per cent. 17 1/2 per cent. ad val.	15 per cent. ad val.
Teas - Coffee	19,988,374	5,418,335	1,083,767 00	812,840 25
	91,700,062	8,521,693	1,705,339 60	1,279,454 70
	13,948,632	2,789,726	557,945 10	418,459 95
			Equal to a specific duty of	
			cts. 5 419	cts. 4 741
			9 007	1 576
			1 501	1 351

Still, sir, wines are omitted. I have before me a few tables which contain useful information, which the country ought to possess. Here is a table of wines imported in 1838, 1839, and 1840, with some interesting calculations showing the present low rate of duties on these luxuries, and the rate at 20 per cent. ad valorem. The wines of France cannot on account of our treaty with that nation, be

taxed as high as 20 per cent. until after the 4th July, 1841. Here are the tables referred to:

Wines imported in 1838.

Description.	Rate of duty.	Duties on Wines.			
		Gallons.	Foreign cost and charges.	Duties, present rates.	Duties at 20 per cent.
Madeira	cts. 12 1/2	201,513	372,635	25,189 12	74,527 00
Sherry	12 1/2	92,879	126,888	11,609 87	25,377 60
Sicily	7 1/2	320,267	119,890	24,021 52	23,976 00
Red of France	15	1,206,130	274,474	18,091 95	
White of do.	24	473,798	114,885	11,844 95	
French in bot.	5 1/2	301,518	549,482	16,583 49	
Red of Spain	24	181,307	52,586	4,532 67	10,517 20
White of do.	3 1/2	909,814	300,963	34,118 20	60,192 60
Of other countries in casks	7 1/2	627,651	352,673	47,073 85	70,534 60
Of other countries in bottles	7 1/2	24,219	57,816	1,816 42	11,563 20
Total	-	4,339,121	2,318,282	194,882 01	276,688 20

Wines imported in 1839.

Wine.	Rate of duty.	Duties on Wine.			
		Gallons.	Foreign cost and charges.	Duties at present rates.	Duties at 20 per cent.
Madeira	cts. 12 1/2	299,535	585,759	37,441 87	117,151 80
Sherry	12 1/2	197,880	240,561	24,735 00	48,112 20
Sicily	7 1/2	422,173	134,529	31,662 97	26,905 80
Red of France	15	2,093,890	450,714	31,403 35	
White of do.	24	586,765	136,842	14,668 12	
French in bot.	5 1/2	536,720	820,524	29,519 60	
Red of Spain	24	185,548	39,856	4,638 70	7,977 20
White of do.	3 1/2	1,435,228	406,353	53,821 05	81,070 60
Of other countries in casks	7 1/2	789,275	566,527	59,195 62	113,305 40
Of other countries bottled	7 1/2	26,205	61,002	1,965 37	12,200 40
Total	-	5,573,219	3,441,697	289,056 65	406,723 40

Wines imported in 1840.

Wines.	Rate of duty.	Duties on Wines.			
		Gallons.	Foreign cost and charges.	Duties at present rates.	Duties at 20 per cent.
Madeira	cts. 12 1/2	190,145	354,384	23,768 12	70,876 80
Sherry	12 1/2	132,474	135,495	16,559 25	27,099 00
Sicily	7 1/2	320,461	116,129	24,034 57	23,225 80
Red of France	15	2,065,656	439,746	30,934 84	
White of do.	24	446,947	113,682	11,173 67	
French in bottles	5 1/2	379,929	499,900	29,896 19	
Red of Spain	24	217,660	37,405	5,441 50	7,481 60
White of do.	3 1/2	833,169	245,337	31,243 83	49,067 40
Of other countries in casks	7 1/2	407,751	229,155	30,581 32	45,831 00
Of other countries bottled	7 1/2	18,435	36,626	1,382 62	7,325 20
Total	-	5,012,627	2,207,662	196,065 81	230,906 80

Wines of France imported in 1838, 1839, and 1840.

Wine.	Rate of duty.	Duties on Wines.			
		Gallons.	Foreign cost and charges.	Duties at present rates.	At double the present rates. Act 1822.
1838.	cts.				
Red of France	15	1,206,130	270,474	18,091 95	36,183 90
White of do.	24	473,798	114,885	11,844 95	23,689 90
French in bottles	5 1/2	301,518	549,482	16,583 49	33,166 98
1839.	cts.				
Red of France	15	1,931,446	94,841	46,520 39	93,040 78
White of do.	24	2,093,890	450,714	31,403 35	62,816 70
French in bottles	5 1/2	536,720	820,524	9,519 60	29,338 25
1840.	cts.				
Red of France	15	3,217,375	1,408,080	75,596 07	151,194 15
White of do.	24	2,065,656	439,740	30,934 84	61,969 66
French in bottles	5 1/2	446,947	113,682	11,173 67	22,347 35
		379,929	499,900	20,896 09	41,792 19
		2,892,532	1,053,328	63,054 60	126,109 22

Wines imported in 1840, estimated at double the present rates.

Wines.	Rate of duty.	Duties on Wines.			
		Gallons.	Foreign cost and charges.	Duties.	Equal to an ad val. duty of
Madeira	25	190,145	354,384	47,536 25	13 41
Sherry	25	132,474	135,495	33,118 50	24 99
Sicily	15	320,461	116,129	46,069 15	39 67
Red of France	3	2,065,656	439,746	61,969 66	14 09
Other of France	5	446,947	113,682	22,347 35	19 65
French in bottles	11	379,929	499,900	41,792 19	8 36
Red of Spain	5	217,660	37,405	10,883 00	29 09
Other of Spain	7 1/2	833,169	245,337	62,487 67	25 47
Of other countries, in casks	15	407,751	229,155	61,162 65	26 69
Of other countries, in bottles	15	18,435	36,626	2,765 25	7 55
		5,012,627	2,207,662	390,131 69	

The above table shows the amount of duties which would have accrued under the act of 1832, at rates payable after the 3d of March, 1834.

WINE IN BOTTLES.—The duties on this class of wines are estimated on the contents of the bottles, and exclusive of the duties on the bottles, which may be estimated at thirty per cent. ad val.

Gentlemen tell us this proposition to tax luxuries is a "war against France." Well, sir, let me ask these gentlemen if France, by taxing our cotton, is not warring against us? I see it is stated by very high authority recently in the Senate [Mr. CLAY of Kentucky,] that our imports, according to the last commercial return, exceeded our exports of our own native produce to France nearly seventeen millions. And this, too, while France lays a duty of twenty-five per cent. on our cotton! Of course, these seventeen millions must be paid in specie, which we suffer to pass out of the country by refusing to tax the luxuries brought here. Gentlemen would have us believe that we ought to extend this favor to France because she was our ally. They seem disposed to show especial favor to France to the injury of our own country. I cannot forget the advice of the Father of his Country in his Farewell Address. We ought to recur to the principles of that address often. We have lost sight of its precepts in modern times. Hear the following advice from Washington's Farewell Address:

"Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with Powers so disposed, in order to give trade a stable course, to define the rights of our merchants and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be, from time to time, abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that 'tis folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more."

"There can be no greater error than to expect or calculate upon real favors from nation to nation; 'tis all illusion, which experience must cure, which a just pride ought to discard."

I stand by these precepts. The country will stand by them. They will be revered by all but those who have lost all regard for the memory of Washington and all attachment for the Union. The wholesome advice—

"To thine own self be true,
And it must follow as the night the day,
Thou can'st not then be false to any man."

is as valuable to nations as to individuals.

I think I have shown, Mr. Chairman, beyond all dispute, that the Treasury will soon need our assistance; that it needs replenishing, and that, by laying duties upon wines, silks, and other luxuries, according to the suggestions of the most distinguished statesmen of our time, as approved by the Secretary of the Treasury, we can raise a sufficient sum to answer our purposes without imposing any burden upon the people. Why, then, should it not be done?

Why, sir, we are told it is a violation of the compromise; that it will fasten a tariff upon the country; that the object is not merely to raise revenue, but to distribute the funds arising from the sales of

the public lands. And from another quarter we are told this method of collecting taxes by imposts is dangerous and deceptive; that it is not "the Democratic plan;" but it is intimated that direct taxation is the true practice for our Republican Government. I wish to say a few words in answer to these arguments. I wish, while touching upon these subjects, to reply to the remarks of my friend from Virginia, [Mr. WISE,] whom I do not now see in his seat. I regret his absence, for I could speak to him more to my own satisfaction if he were present. I shall likewise say a little upon the subject of "direct taxation," in connection with this subject of the tariff. I am glad to see the gentleman from South Carolina [Mr. RHETT] in his seat. I wish to show, as I think I can, that the issue is either to create a moderate "judicious tariff," with the union of the States, or direct taxation and disunion. I think I can show that direct taxation is advocated by those alone who have advocated or do advocate a dissolution of the Union.

In replying to my friend from Virginia, I can discuss some of the topics referred to. I begin with him, from the importance of his position, and from the respect I feel for him, and the consequence I attach to his conduct; afterwards I will notice the "direct taxation," disunion gentlemen.

I deeply regret, Mr. Chairman, that my friend from Virginia has thought proper to oppose, unnecessarily as I think, certain great measures which a large majority of the Whig party regard as of vital importance to the prosperity of our country. I regret it, not only for the sake of the country and of the Whig party, but on his own account.

I do not wish to see one of his eminent ability arrayed against important measures. I do not wish to see him opposed to his former, I hope I may say his present friends. I shall always regret the injury which I believe he will bring upon himself if he pertinaciously adheres to his present opinions. I shall long, long lament the day when he leaves his friends, leaves those who have endeavored to follow and fight under his lead, and is forced to unite with others, between whom and himself there is scarcely one feeling in common—no "thought, feeling, and taste" in harmony with his own. If he parts company with us, he must indeed be "solitary and alone"—oil and water will not mingle together. The war eagle of the mountain cannot mate with carrion crows—he would be as uncomfortable as my friend from Virginia, if he, unfortunately for himself, is hereafter found in the ranks of locofocoism.

Mr. Chairman, I entertain for the gentleman more than feelings of mere cold respect. Before I knew him personally, when a private citizen, as I hope to be again soon, I looked on his public course with admiration. I can never forget his gallant resistance of the tyranny of the chief of the Hermitage? The country, I hope, will never forget it. When in the humble walks of private life, I saw the terrible approaches of the then Executive towards absolute power; when I saw a despot, slavishly called "the greatest and best," wantonly disregarding the co-ordinate branches of the Government, seizing upon the public revenues, violating with ruthless hand our glorious Constitution, which he protected as he chose to understand it, I feared all was lost. But, I remember, the conduct of the gentleman from Virginia reanimated my hopes, inspired me with fresh confidence, and induced me to believe that all the supporters of the then President were not the mere slaves of party. I was encouraged, in my humble sphere, to continue an opposition which I had almost feared was fruitless.

I have often thought, sir, that the conduct of Napoleon in the campaign in Italy, when, at the head of a column of grenadiers, exposed to a tremendous fire, he crossed the bridge of Lodi, was not more gallant than the patriotic resistance of my friend from Virginia to the almost omnipotent power of Andrew Jackson, in his palmiest days. Bonaparte was called the "little corporal" for this act of daring. My friend from Virginia was the "little corporal" of the Whig party to me before I knew him. That most extraordinary man, the unfortunate victim of his own desperate ambition, said, speaking of the passage of the bridge, "Lannes passed before me." Sir, there was no

"Lannes" in this House; for the distinguished friend of the gentleman from Virginia (Balie Peyton) followed him.

I brought these feelings with me, and, after an intimate acquaintance of several years, they have ripened into strong attachment. There have been incidents in our personal intercourse never to be erased from my memory. It was with feelings, therefore, of the most painful character that I listened to the remarks of my friend from Virginia on that occasion. I feel it my duty to reply to some of them.

My friend seemed to fear very much that we should have a called session soon after the installation of President Harrison, and he argued against the propriety of such a step at much length. It seemed to me, sir, this was useless, if not unkind. I know of no power now in existence to call Congress together after the fourth of March next. It has been suggested, as highly important, that there should be a called session. I have thought so before the Presidential election, and said so often. Many others have concurred in opinion with me. And, sir, if, when General Harrison takes possession of the Presidential chair, he finds, as we know he will, the currency deranged, business prostrate, the Sub-Treasury either a humbug or an Executive bank in disguise—if he finds a public debt to be paid, for which no provision has been made by the party going out of power—can any man say it will not be his duty to call Congress together? Could he refuse, with a proper regard to the duties of his high office? If he find the Treasury almost bankrupt, the revenue decreasing rapidly, without any means of replenishing it, must he not take some steps to remedy the evil? Can he do this without the assistance of Congress? Surely not, sir. I presume, sir, no one recommends a called session unless it be indispensable to the welfare of the nation. Why, then, in advance, should the public mind be prejudiced against it?

If the people of this country have decided any thing by the late election, they have decided that the measures of Martin Van Buren's Administration were detrimental to the best interests of the country. I know it has been insultingly said in another quarter, that the only decision of the recent election was, that this Capitol should be pulled down and a log cabin erected in its place. This is the declaration of one of the leaders of the defeated spoils' party, in the agonies of disappointed hope. No Whig, no patriot, will concur in this sentiment. If the people, then, have pronounced condemnation on the Sub-Treasury; if they have said, we want a change of measures, shall they not be gratified? Can we refuse to hear their voice, calling on us to carry out the promised reforms as speedily as practicable? Shall we suffer the Sub-Treasury to be the law of the land for twelve months more? Are we to allow the sub-treasurers to have another twelvemonth's harvest in plundering the public Treasury.

Sir, I knew the called session of September, 1837, did much injury to Mr. Van Buren. And why, sir? In the early part of the year he refused to convene Congress, though earnestly requested to do so. He refused, with a heart harder than Pharaoh's, attempt anything for the relief of the country. And when, at last, the Government could not be administered for want of money, he did call an extra session—and for what? To enable him to establish an Executive Bank, to issue ten millions of paper money, and to withhold the fourth instalment from the States, which the faith of the Government was pledged to pay. The country was astounded at his startling measures; many of his best friends left him, not because he had convened Congress, but because, in so doing, he seemed intent only upon the acquisition of power, the accumulation of patronage in his own hands, and because, thinking the people "expected too much," he turned a deaf ear to the lamentations of a people overwhelmed in embarrassment, produced by the folly or the knavery of his own friends.

There is no parallel between the two cases. General Harrison has no selfish feeling to gratify, should he feel bound to exercise the power conferred on him to summon together the Representa-

tives of the people. He has a reputation dear to his country—a reputation gained in council and on the tented field. He is no candidate for re-election. Uninfluenced by the hopes of rising ambition, anxious only to save and serve his country, he has only to disregard the clamors of faction, and steadily advance to the work of reform, to which he is pledged, to extirpate the remnants of locofocoism, and rescue our glorious Constitution from the dangers which recently threatened to overthrow it. It becomes those who have aided in bringing him into the Presidential chair to assist him while he endeavors to do his duty. Let us leave to defeated spoilers the task of upbraiding him in advance. They need no encouragement from us. Let them rail on. They cannot intimidate the farmer of North Bend by their malignant shouts. He has heard the shouts of savages before. He has heard the desperate groans of dying savages of old. He will not call an extra session if it be possible to avoid it. If it be indispensable, the country will sustain him.

My friend from Virginia seems to have a great dread of a tariff. He seems to think he can raise the cry of tariff, tariff, throughout the country, and alarm the nation, as if some direful calamity was about to overtake us. I know, sir, the very word "tariff" is odious in a large portion of Virginia, as it has been in other parts of the Southern country. But I do not feel at liberty to depart from my opinions, or alter my course here, because it may subject me to misrepresentation. At all events, I hope I shall not be driven from my purpose, when deliberately convinced I am right, by the fear of being injured in public estimation by the humbug cry of "Tariff! tariff! tariff!"

My friend from Virginia saw, or thought he saw several "signs" of a tariff which might hereafter be fastened on the country. I was reminded, sir, when he indulged his powerful imagination in enumerating those "signs," of the words of the great poet of Nature:

"The lunatic, the lover, and the poet
Are of imagination all compact:
One sees more devils than vast hell can hold—
That is the madman. The lover, all as frantic,
Sees Helen's beauty in a brow of Egypt.
The poet's eye, in a fine frenzy rolling,
Doth glance from heaven to earth, from earth to heaven,
And as imagination bodies forth
The forms of things unknown, the poet's pen
Turns them to shapes, and gives to airy nothing
A local habitation and a name."

There is certainly nothing of the lunatic in one so wise as my friend from Virginia; but that he has the imagination of a lover and a poet I know very well. That his eye occasionally glances from this earth to that heaven (pointing to the ladies' gallery) is equally true. That he can give to airy nothing a local habitation and a name, no one will doubt who heard his late speech.

Now, sir, what were his "signs"? The first, if I remember right, was the bill of last session—a bill to prevent frauds upon the revenue—to which several sections were added in the Senate—which sections were a tariff, according to the construction of the gentleman from Virginia, and in violation of the compromise. I shall not argue this question; it is a matter of opinion. The venerable gentleman from Massachusetts, who introduced and advocated the bill in this House, told us it was recommended by the collector at New York, by the district attorney there, and by the Secretary of the Treasury. The amendments were adopted in the Senate with but few dissenting voices. It passed with the approbation of some of the same persons who originated the compromise act. The father of that act himself supported it, declaring that it was no violation of the compromise. But my friend from Virginia insists upon it, it does violate that act. If the weight of authority, from gentlemen of both parties, cannot induce the gentleman to lessen his confidence in his own opinion, I shall not attempt it.

Among the other "signs" noticed, was the resolution of my friend from Kentucky, [Mr. GREEN.] I had consulted with my friend from Kentucky after he offered his amendment, and understood from him what his intentions were. They coincided with mine, as I have already expressed them. The disorderly manner in which the Treasury note bill

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General Appropriation Bill—Mr. Stanly.

H. of Reps.

was passed from the Committee of the Whole into the House; prevented the gentleman from expressing his views relative to his amendment. He, sir, is not very active in obtaining the floor. It is an honor to him that he is not. His (Mr. GREEN'S) lameness was produced by serving his country in the field, under the hero of Tippecanoe. I hope, hereafter, the country will have his valuable aid in assisting him under whom he served in war, to carry out in peace the great measures necessary for the good of the country. We want a few more such men—such as are attentive to their business, ready and true to their principles—who prefer doing their duty by voting to consuming the time of the House by speeches. The gentleman will pardon me in giving expression to my feelings by thus referring to him. He is the last man, I know, who would speak of his own services.

Another "sign" was the resolution of my friend from New York, [Mr. BARNARD.] His resolution, so far from conflicting with the compromise act, expressly proposes to impose duties "on wines, silks, linens, spices, and other articles, being luxuries," but in such a manner as not to conflict with the principles, policy, and spirit of the act of March, 1833, commonly called the compromise act. Surely, sir, this "sign" of a tariff exists only in the imagination of the gentleman from Virginia.

As to the "sign" of my amendment, I have already referred to that.

But the gentleman from Virginia thinks, or seems to intimate, that some purpose is entertained of violating the provisions of the compromise act of March, 1833.

I have heard of no proposition from any quarter to disturb the compromise act. Although it was passed against the wishes of a large portion of the North, still they seem, with the best motives I know, to be disposed to give it a fair trial. Acting like patriots, they desire to give peace to the country. They evince a most noble spirit of concession for the sake of harmony, which we ought to appreciate. I deny, sir, that the amendment which I proposed to the Treasury note bill will be any infraction of the terms or the spirit of the compromise. I concur with the gentleman, that we ought not to disturb the act, to interfere with it at all, "without an actual and unavoidable necessity." But I maintain that that necessity now exists, and I humbly think I have proved it.

The Secretary tells us—"It is believed that the reduction of the duties on imports, which, by the existing tariff, will take place in the year 1842, cannot vary much from five millions of dollars."

I concur in all that has been said in favor of the compromise. It was not an ordinary act of legislation. It did come "with healing on its wings." It originated in the breast of the greatest statesman of his day, from an anxious wish to allay a troublesome excitement. It saved many gallant spirits from being subjected to the ruthless power of the chief, who declared he wished to hang them. If the great man who struggled so hard against such fearful odds, and finally accomplished his magnanimous and noble purpose, had no other claim to immortality than this, he would deserve to be gratefully remembered while virtuous actions continue to excite the admiration of the good.

The great and leading principle of the compromise act is as stated by the Secretary of the Treasury in his report to the Senate. Speaking of the stipulations contained in the compromise, he says:

"The first seems to be that a reduction by instalments of the former rate of duties, when exceeding twenty-five per cent. should forthwith commence, and continue uninterrupted until July 1, 1842; so that, when that period arrived, no duties whatever should exceed 20 per cent."

In this I believe we all concur.

I agree also with the Secretary when he gives the following opinion:

"Another restriction, supposed to have been intended, is, that if a revision be made to operate after June 30th, 1842, instead of before, still, as a general rule, none of the duties shall be then raised above twenty per cent. Thus, the close of the 5th section provides that, all imports on which the first section of this act may operate, and all articles now admitted to entry free from duty, or paying a less rate of duty than twenty per cent. ad valorem before the said 30th of June, 1842, from and after that day may be admitted to entry, subject to such duty not exceeding twenty per cent. ad valorem as shall be provided by law. A change could then be made at pleasure from twenty per cent. downwards to entire freedom from import, but no increase was to be permitted to go above that rate."

It is true, sir, one of the sections of the act, the

fourth, provides that certain luxuries, until the 30th June, 1842, shall be admitted to entry "free of duty," but then the sixth section of the act contains the following proviso:

"Provided, That nothing herein contained shall be so construed as to prevent the passage, prior or subsequent to the said thirtieth day of June, one thousand eight hundred and forty-two, of any act or acts, from time to time, that may be necessary to detect, prevent, or punish evasions of the duties on imports imposed by law, nor to prevent the passage of any act prior to the thirtieth day of June, one thousand eight hundred and forty-two, in the contingency either of excess or deficiency of revenue," &c. &c.

I endeavored to regard strictly the compromise act, when I offered the amendment. I think it was regarded, for nothing is clearer than the fact that there is now a "deficiency of revenue."

If I understood my friend from Virginia correctly, he said the first or main principle of the compromise act was, that the tariff should be a tariff for revenue, and that "protection was abandoned." In this, with all respect for the gentleman, I venture to say he is very much mistaken. In the report from Mr. Woodbury from which he quoted, Mr. W. states expressly that the interests of the manufacturer were consulted in the compromise act. If he will consult the debates of the day, he must see that Mr. Clay all along denied that protection was to be abandoned. Mr. Clayton, who took an active and important part in passing the compromise act, said, before he would consent that protection should be abandoned, he would let the compromise act fail. I think, upon reflection, the gentleman, who is better acquainted with the debates of the day than I am, will see in this he is in error. I know in this opinion the gentleman from South Carolina [Mr. RHETT] concurs with the gentleman from Virginia; but really, Mr. Chairman, the politicians from South Carolina differ so widely upon almost all subjects from all other persons, that I generally think to go opposite to what they recommend is to go right.

While speaking upon this subject of protection, let me say, Mr. Chairman, that gentlemen need not any longer attempt to delude the public mind by any outcry upon this subject. The gentleman from South Carolina, [Mr. RHETT], especially, I thought, seemed anxious to raise an outcry against a protective tariff. I wish to say something presently in reference to the peculiar opinions of that gentleman; and before I do so, let me say, I wish to do so in no spirit of unkindness. I wish to speak of political opinions alone. I do not intend to say any thing calculated to wound the feelings of any gentleman from that State.

But let me remark, as to this protective tariff, that when the question comes up for consideration, I shall be ready to meet it, and to act upon it. And, sir, when my friend from Virginia says, "Southern gentlemen dare not vote for a protective tariff," let me tell him, in all humility, he has no right to speak thus for Southern gentlemen. Let me tell him, here, before the next election in my district, that North Carolina Whigs do "dare to support a protective tariff" whenever they become satisfied the interest of our great country requires it. Yes, sir, we dare, I hope, do all that may become men. A tariff may not only protect Northern manufactures, but a tariff may protect commerce and agriculture. May not our cotton require protection, and that at no distant day? Does not our tobacco already require some legislative protection? The time may come, sir, when my own State shall be sufficiently aware of her own great strength and power—when she will arouse to a proper sense of her own capability, of her immense resources—when she may, as I hope she will, avail herself of the benefits conferred upon her by a kind Providence, and turn her attention to manufacturing; the time may speedily come when we shall demand of our Government a protective tariff. And when that time arrives, yes, before then, if any great branch of American industry requires protection, I shall deem myself unworthy a seat on this floor, if, by any fear of the unpopularity of the measure, I shall be deterred from supporting it. While, sir, I acknowledge the great power of my friend from Virginia; while I am proud to admit that his opposition is calculated to make any measure odious, let me tell him, sir, he is much mistaken if he thinks North Carolina, as a part of the South, "dare not go for a protective tariff." Let not the gentleman

lay "the flattering unction to his soul" that he can, by the magic of his name, prevent the Whig party of the Southern country from advocating whatever they may think right and proper. No, sir; in the old North State, thank God, we are free. We have declared our independence of the ridiculous abstractions which tied us to the car of Virginia. We have seen the error of our ways: our people, remembering the noble conduct of our State in 1775, when she took the lead of her proud sister, have determined to think and act for themselves. Yes, sir, she took the lead in 1775, when our Mecklenburg Declaration of Independence was declared, and if we have been under Virginia influence, it was not when our country was assailed by foreign domestic foes. Not only in 1775 did we go ahead of Virginia, but I am proud to say that in 1840 we did likewise. Yes, sir, after the result of elections in Virginia was well known, our people went to the polls, each man knowing he was discharging an important duty to his country, and feeling grateful that he still had a right to exert a proper influence through the ballot-box over the action of his representatives.

[Mr. RAYNER here interrupted Mr. STANLY, and said he hoped his colleague would allow him to ask if he understood him correctly in what he had said of a protective tariff. From what he had heard, he was satisfied Mr. S. had been misunderstood.]

Mr. STANLY said, my colleague is right, sir, in saying I have been misunderstood, if it is alleged I advocate a "protective tariff." As far as I have heard, no one on this floor has preterred to advocate a protective tariff. It is a false alarm, raised by certain persons here, that they may, if possible, induce some tariff man to recommend it, to give them an excuse for indulging in a little blustering talk. I did say, however, sir, that if it hereafter became necessary to the welfare of the country to resort to a protective tariff—if the people of North Carolina should think her interests required it, I should not be driven from the support of it because South Carolina representatives had threatened us that they would not submit to it. If hereafter Texas should, as she may, raise cotton enough to supply our Northern manufacturers, I think it very probable the South would not very strongly object to a little protection. If Great Britain succeeds in her plan of raising cotton in India, and can supply her manufacturers from that source, which will deprive us of a market in England, a protective tariff to keep out foreign cotton, to enable us to sell ours to our Northern manufacturers, would not be so unacceptable to the South as some of us may imagine. I really have heard a protective tariff so much denounced from a certain quarter that I begin to think it cannot be half as bad as many Southern gentlemen have thought.

But, sir, my friend from Virginia seemed to think that there is some charm in the word "tariff," which can call spirits from the vasty deep! He speaks of it as if it were as terrible a monster as that described by Milton, as seen by Satan at the gates of Hell—

"A formidable shape,
Black it stood as night,
Pierce as ten furies, terrible as hell."

Yes, sir, one would think, from the horror expressed by himself and some of the members from South Carolina of a tariff, that it was a monster threatening to attack the South, levelling his deadly aim—

"And like a comet burned,
That fired the length of Ophiuchus huge,
In the arctic sky, and from his horrid hair
Shakes pestilence and war."

I have no doubt, sir, in some parts of our country, where reading, writing, and arithmetic (the three R's, I think, they were once called) are thought to be aristocratic arts, and where "direct taxation" is regarded as the only Democratic way of raising revenue for the Government—I have no doubt in such places a tariff is believed to be some "highland blood" Abolitionist that will liberate all the slaves, and sell all the "respectable poor neighbor men and women." But what is "a tariff"? It is a table of duties on goods, or a book of rates—a declaration by law of the duties to be paid at the

custom house upon imported goods. No man, I hope, sir, who knows that we live in a Republican Government, is so deplorably ignorant as to say that a tariff is unconstitutional. I find the 1st article, section 8th of the Constitution, to be as follows:

"Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare," &c.

It is the first power conferred upon Congress by the Constitution. The framers of the Constitution seem to have regarded it as of the most indispensable importance, for without the means of raising money we could not live one day, either in peace or war; it is "the feather that supports the royal bird and adorns his flight; strip him of his plumage, and you fix him to the earth."

My friend from Virginia takes Mr. Madison as his model, he tells us. Well, sir, Mr. Madison will answer for a model upon this question. I find, during the first Congress, among the earliest acts of legislation, that Mr. Madison, the father of the Constitution, introduced a proposition for laying duties on imposts. I have consulted both acts of the first Congress, and I perceive that chapter 1st regulates the time and manner of administering certain oaths, the qualification of the Speaker, the members, &c and chapter 2d is "an act for laying a duty on goods, wares, and merchandises imported into the United States," the preamble of which is as follows:

"Whereas it is necessary for the support of Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares and merchandises imported: Be it enacted," &c.

And, sir, I could but observe that George Washington, at that time President of the United States, approved this law on the 4th day of July, 1789. He could not have been forgetful of that great day; the scenes of our glorious Revolution were still fresh in his memory. He had enjoyed the advantage of hearing the powers of the Constitution discussed before him. And he, acting under oath, on this great day sanctioned this law; Mr. Madison, the father of the Constitution, urging it upon Congress; Washington, the President of the Convention which framed the Constitution, approving it. It was "the voice of Jacob, but the hand of Esau." Let us not say such men did not know what they were doing.

In this, as it should always be, the interests of different sections of the country were regarded. Commerce, manufactures, and agriculture, each received some share of protection.

In Mr. Jefferson's messages he recommends the protection of manufactures. In his sixth message he says, "Shall we suppress the impost and give that advantage to foreign over domestic manufactures?"

Mr. Madison repeatedly recommends protection to manufactures. In his Inaugural Address he speaks of the duty "to promote, by authorized means, improvements friendly to agriculture, to manufactures, and to external as well as internal commerce, to favor in like manner the advancement of science, and the diffusion of information as the best element of true liberty."

I am willing to take Mr. Madison as my "model," especially in his recommendation of the diffusion of information.

Mr. Monroe in his inaugural and messages repeats the recommendations of his predecessors in strong language, and especially recommends protection and encouragement to manufactures.

It is well known that General Harrison concurred with Mr. Jefferson and Mr. Madison in their Republican opinions on this subject. The leading Administration prints opposed him because he was of opinion Congress had power to regulate a tariff, not for revenue only, but also for the purpose of protecting domestic manufactures. What his opinions are upon this subject, he will inform us at a proper time. I am not authorized to speak for him.

Now, sir, as to the opinions of the "illustrious predecessor" of the present "follower in the footsteps." In 1824, it is well known, General Jackson wrote a letter to a gentleman in North Carolina, in which he spoke very favorably of protection to manufactures; he thought "a careful and judicious

tariff was much wanted to pay our national debt, and to afford us the means within ourselves on which the safety of our country and liberty depends," &c.

In 1828, General Jackson said, in a letter to the Governor of Indiana: "I pray you, sir, respectfully to state to the Senate of Indiana that my opinions at present are precisely what they were in 1823-24, when they were communicated by letter to Dr. Colman, of North Carolina, and when I voted for the present tariff and internal improvements."

And yet, sir, "the South" voted for General Jackson, and all that the Whigs of the present day desire is "a careful and judicious tariff" to pay our national debt.

I will not examine the course of Mr. Van Buren upon the tariff question. We all know he voted for the most abominable tariff laws. We all know what he said in his disgraceful sheep speech, of the motives which influenced his vote. His conduct upon the tariff question was unworthy an American statesman. He deceived the South in 1828, and was reprovved for it.

To examine Mr. Van Buren's course on this subject would be to censure him. This I do not desire to do. With all his patronage, so corruptly used; with his thousands of office holders electioneering for him; with his convenient Secretaries; notwithstanding his promises and his personal efforts, the American people have consigned him to oblivion. Let him rest in peace, if he can. Worse men may, by accident, be placed in the Presidential chair; a worse President we can never have. Let him go to Kinderhook. I hope he will take with him a cashmere shawl, with a bottle of otto of roses, from his "great and good friend," the Imam of Muscat.

Here, then, is the plan recommended and adopted by Washington and Madison for raising revenue; the best and most equal, the least oppressive plan ever devised by the wit of man. When duties are paid on articles imported, especially luxuries, the man who does not buy surely does not pay any tax. The necessities of life, such as are used by the great body of the people, ought not to be taxed, further than it is indispensably necessary for the wants of the Government. But the consumers of silks, licoans, and wines, being able to pay, have no right to complain of the action of Government. The tax paid by imposing duties on imports is purely voluntary. The farmer who makes his own silk, or clothes his family in articles manufactured on his own farm, pays no tax on these articles. Those who are indirectly taxed through the custom-house never feel the tax imposed on them.

And now, sir, let us see why this venerated custom, this time-honored usage, is sought to be abandoned. Let us inquire what plan is to be substituted for this, bequeathed to us from our Revolutionary sires, handed down to us with the approbation of the framers of the Constitution.

I regard this proposed system of direct taxation as anti-republican, and calculated to be oppressive to the people. I have not time to discuss the horrors of such a system fully, nor do I think it necessary. To mention it is enough to insure its condemnation. No respectable portion of the American Congress can be so lost to all reason as to attempt to adopt the plan of direct taxation. We never will, I hope; lose sight of the path marked out for us by the framers of our Government—the path trodden in this respect by Washington, Jefferson, Madison, Monroe, Adams, and Jackson. We will never leave a well-tryed and beautiful system, under which we have flourished so wonderfully, to try the experiments of a few hair-brained, Hotspur politicians.

I not only object to this mad scheme on account of its impracticability, but because I fear the advocates of it themselves expect no great good from it. They do not seem anxious to promote the prosperity of the whole country, but they exhibit feelings of embittered opposition to the Union. Mr. Woodbury recommended this plan as one which was "defensible," as he said; and the country has said it was opposed to the "grindstone" measures—the Sub-Treasury and direct taxation.

This system is revolting to the feelings of an American citizen. It never can be effectually carried out, unless by an armed force. The thought

is worse than ridiculous, that this Government, instead of the present mode, which exempts all from taxation who do not choose to buy imported articles, should create hundreds of thousands of tax collectors, who would invade the sanctity of private life, intrude into every man's house, take an inventory of all his goods and chattels, his household furniture, take an account of his hogs, his cattle, his corn and wheat, and collect a tax on them, to pay their own salaries, to put money in the keeping of sub-treasurers, or in Loco Foco pet banks, to be used for electioneering purposes. It can never meet the sanction of a free people. They will never allow Federal tax-gatherers, the instruments of Executive power, to examine, at their arbitrary discretion, into their domestic affairs. To carry out the power, the officer must be invested with the right to search the houses of the people: They must have power to compel submission to their authority—the invaluable privilege of trial by jury could not be preserved under such a state of things. The advocates of this scheme had better wait until the people sanction the "plan" recommended to our consideration by Mr. Van Buren, of organizing an army of two hundred thousand men.

Sir, if Aaron's hand was stretched out over this land, over the streams, over the rivers, and over the ponds, and brought upon us the plague of frogs, we should not be more sorely afflicted than by this monstrous system of direct taxation.

And now, sir, I wish to examine a little the peculiar "opinions" of the gentleman from South Carolina [Mr. RHETT] and his clique, who advocate a system of direct taxation in opposition to laying duties upon imports. That I may not be misunderstood, Mr. Chairman, I wish to repeat, that, in examining, as I intend to do, with freedom, the opinions of the gentleman from South Carolina, I do not intend to use personalities. I wish to discuss doctrines, and doctrines alone.

I shall contend, Mr. Chairman, that the issue before the American people is a system of imposts, of duties on imported articles, with our present Union, on the one side, and a system of direct taxation, with disunion, on the other.

[Here Mr. RHETT asked Mr. STANLY to inform him who had advocated disunion in connection with direct taxation.]

Mr. STANLY said, if the gentleman will be patient I will show him. If I do not satisfy him, I think I can satisfy the House of the correctness of what I say. And, to be short, I would say to the gentleman, in perfect candor, as Nathan said unto David, "Thou art the man." I think I can show that not only the gentleman himself, but some of his friends who approve of direct taxation are also avowing doctrines calculated to cool the attachment which now exists for our Union.

I will furnish what I deem the proofs of what I have said. I will not charge upon gentlemen, wantonly, the desire of dissolving the Union, but I do charge them with cherishing and endeavoring to propagate opinions which must inevitably lead to disunion if they receive favor from any respectable portion of the country.

I was a good deal amused, Mr. Chairman, by reading, in the early part of this session, a correspondence between a distinguished Senator, [Mr. WEBSTER], and the gentleman from South Carolina, [Mr. RHETT]. The gentleman will allow me to say, a correspondence conducted and published with a considerable flourish on his part. It seems, if I understood the matter rightly, that the gentleman from South Carolina denied that he ever avowed a wish to bring "the North" to the grindstone. Now, sir, I think the gentleman has avowed the wish, or he has threatened to do so.

Mr. RHETT asked Mr. S. when such a wish or threat had ever been made by him?

Mr. STANLY said, I will read to the gentleman some of his own language.

I hold in my hand, sir, a pamphlet entitled "The Querist," in which the writer takes the same view of the language of the gentleman, as that taken by myself. He says "Mr. R. B. RHETT, a South Carolina member of Congress, has, it appears, buckled on his armor—denounces the tariff as unconstitutional—insists on a total modification of it—a recourse to direct taxes—and threatens us

with his all-powerful "sword" if we do not obey his mandates. When he has stated his decree, he asks his constituents, in the event of our non-compliance?"

Now, sir, here are the words of the honorable member, to which I call his attention:

"Will you submit? If you do, the question is sealed up to you and your posterity forever! The principle will have passed into the Constitution, and to the General Government belongs the power of regulating the industry and controlling the productions of the whole Union. The struggle of '33 will have been in vain—a bitter laughing mockery to point the slow-moving finger of scorn to your fatal defeat at last. Will you submit? I see your answer in your kindling countenances—I hear it in the echo from the past, still beating on the public ear—We will not submit. The alternatives are before them; direct taxation or an equal ad valorem duty! There is yet another alternative which we will leave it to them to present—the sword. Choose ye, for we are too weak in the councils of the Confederacy to choose, but we are not too weak to do all that man can do in maintaining the worst of these alternatives!"

This language, I think, is extracted from a circular issued by the gentleman to his constituents during the last Congress.

Mr. RHETT said it was an extract from an oration made on the Fourth of July to a portion of his constituents.

Mr. STANLY said, then, sir, it is but another item of evidence to support my charge. If I had known, however, that it was a "Fourth of July speech," I should have thought there was some excuse for it. I see now, sir, what was meant by "kindling countenances." I had a copy of the gentleman's circular, Mr. Chairman, but I misplaced it. It was a copy which he honored me by sending to me. I think, sir, I placed it away with a bushel of Abolition papers which I had occasion to use during our late glorious campaign. I thought they were papers of a like character, and ought to go in company. If I had it, I could furnish stronger evidence than I have yet adduced.

But, sir, what language this is from an American statesman! "Will you submit?"—"will you submit?" and "we will not submit." "The alternatives are before them—direct taxation, or an equal ad valorem duty. There is yet another alternative, which we will leave it to them to present—the sword." Mark you, sir, it is not "a grindstone." Oh, no! But it is "the sword." A direct taxation "grindstone."

But, sir, I should like the gentleman to tell us what they mean by saying they will not "submit." What do they intend to do, if Congress is not intimidated by such threats?

Mr. RHETT said he appealed to Mr. STANLY as a Carolinian to state what he would do if Congress passed an unconstitutional law which was unequal and unjust in its operations? Would he "submit?"

Mr. STANLY said, Mr. Chairman, I know this word "submit" is rather unwelcome to Whig ears in modern days. I do not fancy the word. But, sir, let me tell the gentleman to make no appeals to me as "a Carolinian." I do not answer to that name. If he appeals to me as a North Carolinian, I will give him an attentive ear.

I have no hesitation in answering the gentleman. Sir, if Congress should pass a law I deem unconstitutional, it would be my duty to obtain the decision of the Supreme Court upon it. If that court pronounced the law unconstitutional, I should most cheerfully submit. I should do as States have hitherto done in like cases. I should hold myself unworthy a seat on this floor if I impudently endeavored to excite civil war because my opinion upon a constitutional question was overruled by a majority of Congress and by the Supreme Court of the United States.*

* Since the delivery of this speech, I have met with a copy of the "Journal of the South Carolina Convention, in March, 1833," published in Charleston in that year, from which I select the following extract from the speech of Mr. "R. Barnwell Smith," now R. Barnwell Rhett:

"Mr. President, I have one more objection to urge against this report. It is not an objection to an error in principle, but in profusion. In the first column I find the following words: 'Ardenly attached to the union of these States, the people of South Carolina were still more devoted to the rights of the States.' Sir, is this profession plainly and simply true? If it is, let it stand. Since your attachment might be suspected, accumulate epithets to your professions. I ask the gentlemen upon this floor whether they can lay their hands upon their hearts and say that they are 'ardently attached to the union of these States.' Why, have we not for the last seven years been declaiming against this union as inflicting upon us oppression, and poverty, and desolation? And have we not proved it, triumphantly proved it, and throughout the wide South made common the high complaint that these States of this Confederacy, by a policy as destructive as it was unprincipled, were practically colonized to the other sections of the Union. 'Ardenly attached to the union of these States!' Where, then, is your talk about your Constitution and the rights it guarantees? You have more than once declared that the Constitution was annihilated, and annihilated under the union of these States. Is it now nothing—and the Union every thing without it? A consolidated despotism, by virtue of this union, is erected upon the ruins of the Constitution, over Carolina, yet we are 'ardently attached to the union of these States!' Sir, let others think as they may, and act as they may, I pretend not to judge of their feelings or opinions, but I cannot palter with conscience, or play the hypocrite. Nor can Carolina, consistently with her honor or her truth, dissemble as to her true situation. I boldly declare it, (and I believe that I express the feelings of the free men I represent,) under the 'Government as administered,' I have no ardent attachment to the union of these States." Once, indeed, my pulse beat high for this union. But the days of my boyhood have passed away, and the bitterest fruit which the experience of manhood has brought me has been the knowledge of my true situation as a citizen of this Confederacy. What has this union left to us? It has usurped the rights, and trampled on the independence of our native country," &c. &c.

Mr. Chairman, it would consume too much time to examine at length all the opinions of the gentleman from South Carolina. His well-known and often-avowed hostility to the North makes me suspicious of his direct taxation notions. And I think, sir, whoever will read the speech of that gentleman delivered in this House on the Independent Treasury bill, on the 22d day of June, 1840, will have ample evidence of his desire to bring the North to the grindstone. In that speech, which is before me, the gentleman says, "Indirect taxation—that is, laying the taxes on foreign articles when imported into the country—is an admirable expedient for a despotism."

Speaking of the people, the gentleman says: "To judge of the taxes they pay, they must see and understand that they pay them; and to supervise the expenditure of them with the keen jealousy their liberties require, they should be conscious of the exact burdens they impose." He wished to make the people feel what they pay—to make them conscious. The gentleman says the argument that, by indirect taxation, the people do not see the tax collector, "is a flat and flagrant insult to the people." I submit to the gentleman if he is not liable to be accused of arrogance when he says the people cannot know what taxes they now pay? What prevents others from ascertaining all that he has discovered? The gentleman speaks of this system, recommended to us by Washington, Jefferson, Madison, and others, as I have shown, as a "system absurd and anti-republican;" and it is in connection with this denunciation that the gentleman abuses Northern manufacturers. He says:

"Now, if our system of indirect taxation, by laying duties on imports, did not exist, the arm of the Government could not be used, by taxes on importations, to sustain forced prices, at the expense of the people, who consume the commodities; and the manufacturers, in common with all other producers, would be interested in correcting the evils of the banking system. As matters now stand, they are its allies, and the people are oppressed by both—first from an inflated currency by the banks, and then by taxation, at the instance of the manufacturers, by which it is sustained. The effort of the manufacturers is to exempt themselves from the evils of an inflated currency, and to indemnify themselves by high prices, exacted from the people for the increased prices in the process of manufacturing occasioned by the banks. The people are plundered by both."

Again, the gentleman says: "Formerly men plundered by open violence. It is now better done by quiet legislation." I might quote page after page from the gentleman's speeches to sustain the charge I have made.

I submit it to any impartial mind, if the opinions of the gentleman are to be relied upon, are we not "plundered" by the North? Is it not our duty to bring "plunderers" to the "grindstone?" Are not such sentiments calculated to produce feelings of alienation in different parts of the country?

In a speech which the gentleman made in this House on the 21st of January last, he gives utterance to opinions which I deem highly censurable.

According to his habit, he deals largely in general assertions, without condescending to furnish proofs.

The gentleman says: "Mr. Chairman, it does appear to me that it is only necessary for Southern enterprise and industry to find a profitable market for our staples, and it is immediately struck at by this Government."

Now, sir, why did not the gentleman tell us who strikes at the Southern markets? Have not Southern gentlemen rather taken the lead upon this question? Has not my honorable friend from South

Carolina [Mr. THOMPSON] shown, by his able advocacy of this measure, that a duty upon silks and wines is calculated to benefit the South? I congratulate that gentleman that he has disregarded the pitiful clamor by which we are all likely to be assailed for our support of this reasonable plan. It well became him to take the lead in this matter. It well became him whose gallantry resisted and overcame the attempts made by one who thought himself invincible in South Carolina, to put him down. I hope the country will again have the benefit of the service of the gentleman from South Carolina in public life. His liberal sentiments and statesmanlike views are especially valuable, coming from his State. I trust, sir, he will never be induced to follow the ridiculous dogmas of certain South Carolina politicians; that he will never give up to a party what was meant for mankind.

The gentleman from South Carolina [Mr. RHETT] tells us that we of the South have borne discriminating duties for thirty years, for the benefit of the Northern States; and he says, "We must bear more, and bear it forever; yield up the principle of protection, and once more lie at the mercy of a majority in Congress—the prosperity of whose constituents, in their opinion, rises exactly in proportion to our oppression." Strange "oppression," under which we have groaned so long, when every one acquainted with the history of the country knows that these protective tariffs were first passed by Southern statesmen, and South Carolina had her part, and a creditable part in it. But I will not into this now.

The gentleman from South Carolina concluded his speech by reading two resolutions recently passed by the Legislature of his State, which I will read, with the concluding remarks of the honorable gentleman:

"Resolved, That the power given to Congress to lay and collect taxes, duties, and imposts, does not authorize Congress to collect money excepting for revenue; and that a tariff to protect the industry of one portion of the community, at the expense of the other, is a violation of the spirit and letter of the Constitution of the United States; and when such a case occurs, the several States will decide for themselves the mode and measures of redress."

"Resolved, That the people of this State have cause to congratulate themselves that the party feuds, which lately weakened the vigor of its councils, have happily ceased; and that South Carolina now presents to the enemies of her policy and peace an undivided front; and is prepared, as she is resolved, to repel by proper means every aggression upon her rights, as a sovereign republic, the instant that aggression is attempted."

"Sir, there is no misunderstanding these resolutions, although they may be disregarded; but be assured of one thing: word for word—in spirit and in form—will they be redeemed and enforced by that free and gallant people. It is not for me to anticipate their course, in an emergency which endangers their liberties, or appeals to their honor. They will be true to both; neither dismayed by the frowns of power, nor duped by the faithlessness of unprincipled cupidity."

I have seen the report of the Legislature of South Carolina, with the resolutions, two of which the gentleman modestly referred to—a report ordered to be printed here without being read, or the contents being known. It is a report altogether unworthy the Legislature of South Carolina. It is the most insolent report (if a report of a Legislature can be insolent) ever presented to Congress. And, sir, if I had been in my seat when this report was presented to the House, I should have objected to the reception of it. It should have been treated as Abolition petitions are treated—rejected without being read or referred.

Look, sir, at the threatening language, "and when such a case occurs, the several States will decide for themselves the mode and measure of redress." Yet, sir, the sovereign Legislature of South Carolina evinced some little of that virtue, prudence, in this resolution. I remember during the debate in the Legislature of that State, when some fearless member wished to say that "Nullification" was the proper redress—but not so. The Legislature refused to say nullification was a proper remedy. I commend their discretion; though I think it would have been more "chivalrous" to have declared their remedy. But the report tells us that "South Carolina presents to the enemies of her policy and peace an undivided front," &c. &c. Who are the enemies of her "policy and peace?" Does any one doubt that all the States present the same "undivided front" to their enemies? What is the cause of all this indecorous blustering? Is the Union to be dissolved because we do not adopt the "policy" of South Carolina? Are we to be turned adrift from South Carolina, to lose the honor

of connecting our destiny with hers, unless we declare war against all banks and manufactures, and resort to a system of direct taxation, and continue the Sub-Treasury as the law of the land?

Is Congress inimical to her "policy and peace," if the distribution bill is passed? Will she resort to her "measure of redress" if a United States Bank should be chartered? Are we to be brought to the "grindstone" or the "sword," if we do not constitute the South Carolina "peculiar position" members our dictators? And hear, sir, the concluding words of the gentleman which I just now read: "Word for word," he tells us, "in spirit and in form will they be redeemed and enforced by that free and gallant people!" I would appeal to the gentleman, is this proper and decorous language for a member of the House of Representatives? One of two things must be the consequence—either to treat this childish bullying with contempt—I do not mean to be personally disrespectful to the gentleman—or to retaliate, as may be proper for our own dignity, and the rights of our constituents.

I have spoken, Mr. Chairman, in terms of censure of the report of the South Carolina Legislature. I think I had a right to do so. If the Legislature had thought proper to pass her resolutions for the benefit of her own people or the instruction of her Representatives, I should have regarded them with feelings of pity and sorrow. But this report and resolutions were ordered by the Legislature to be submitted to us. They have been printed by order of this House. I do not intend to speak disrespectfully of the State of South Carolina, or the people of the State. The glory of her distinguished sons, in war and in peace, I regard with enthusiastic pride. Their reputation is the property of the country. Her citizens may be misled. I believe they are. That they are, as a people, as high-minded, as brave, as patriotic, as any other people, I certainly shall not deny; but that they possess any "peculiar" virtues which make them superior to citizens of other States, no one I hope will render himself ridiculous by asserting, unless it should be some of those who framed this report.

I confine my remarks to this insolent report. I will call the attention of the House to a part of it.

The first page of the report refers to "the strange delusion which has distracted so many of the Southern States, and led them to unite and make common cause with parties whose avowed principles are at war with the best interests of the South." Here, sir, is a modest charge that Southern States are allied to Abolitionists!

I will read a part of the tenth page of the report: and I appeal to every Southern man, to every American heart, in this House, to say if this language is not as insulting to this House as it is derogatory to the Legislature who used it.

"Your committee unite with the Executive in amazement at that delusion which could induce any Southern State to abandon an Administration which adhered most faithfully to the doctrines which they have struggled to maintain since 1800, and hazard their interest by coalescing with a party to which are allied the Federalists and Abolitionists, the advocates of a National Bank, and the persevering solicitors of a tariff for protection; and while we rejoice to find ourselves associated on the one side with Virginia, the very nursery of Democracy and State rights, and on the other by our own offspring, the enlightened people of Alabama, we feel no unkindness towards our immediate neighbors, and are confident, relying on their general good sense and right feelings, that the moment the development of the true character of the combined and allied opponents of Democracy is exposed, they will promptly and cheerfully unite once more with us in sustaining a common cause, with a sincerity and zeal worthy of their elevated character and their devotion to the rights and interests of the South. And your committee concur with his excellency in the belief that the people of every section of the Union, firm in their principles, and resolved in their purposes, will once more rally in the great cause of Democracy, and reinstate in office its original and unwavering disciples."

"That the late election of President of the United States was corrupt and indecent, wholly unworthy of a sober and discreet public, and calculated to degrade our country in the eyes of the world, observation and rumor, too well founded, it is believed, induce us to lament. The resort to silly pageantries, ridiculous emblems, and vulgar dissipation, was an insult upon the dignity of freemen, and could only proceed from an utter contempt of their intelligence, and a readiness to degrade them to the level of the servile populace of transatlantic monarchies. That funds to a vast amount were lavished was palpable. And when it is recollected that the prize to be gained by opposition was the control of the revenues of the Union; the recuscitation of an expiring moneyed institution, whose stock is so largely owned abroad; and, above all, the delusive hope that there was a magic in change that would relieve men from the losses of improvidence or misfortune, there is great reason to conclude that the elective franchise was polluted by most extensive bribery and corruption."

The fourth and fifth resolutions accompanying

this report are highly laudatory of Martin Van Buren, "his principles and policy," and of the "steady and consistent adherence of her Senator, John C. Calhoun, to the well-known, avowed, and mature principles of the State!"

Yes, sir, while Martin Van Buren is lauded, he who supported the Missouri restriction, who gloried in "serving under the chief" who had the force bill passed; he who sustained the proclamation and advocated the bill of abominations; while he is bespattered with praise, North Carolina, Kentucky, Tennessee, Georgia, Louisiana, and Mississippi are denounced as allies of Federalists and Abolitionists!! Yes, sir, reviled by this report, accused of coalescing with Abolitionists and Federalists, and the advocates of a tariff protection; accused of being influenced in their recent elections by the money power! Was ever insolence equal to this: "And while we rejoice to find ourselves associated on the one side with Virginia, the very nursery of Democracy and State rights, and on the other by our own offspring, the enlightened people of Alabama, we feel no unkindness towards our immediate neighbors," &c.

Virginia and Alabama ought to be very grateful for this compliment, but North Carolina and Georgia are totally, irrevocably lost to all sense of gratitude if they are not overwhelmed with this magnanimous condescension! To hear that the "sovereign" legislators in South Carolina "feel no unkindness towards their immediate neighbors," is well calculated to arouse feelings of lasting admiration for such an extraordinary exertion of chivalrous benevolence! We, then, at least, her "immediate neighbors," will not be brought by this terrific power, either to the "grindstone" or the "sword." We ought to have a day of thanksgiving for our deliverance!

I am at no loss, Mr. Chairman, to account for the feelings which actuated those who adopt the sentiments of that report. They spring from the disappointed ambition of the "consistent" Senator to whom I just now referred. It may be out of order to mention names; I will therefore describe him as the Senator who is eternally seeing sea serpents in legislation. If he had been a Cape Cod fisherman, he would have done nothing but chase sea serpents. If it is proposed to lay duties on luxuries, he sees a "protective tariff" coming. If it is proposed to prevent frauds on the revenue, by any modification of the tariff, he sees a monster bank, or a great system of extravagant internal improvements, lurking in the proposition.

I speak with great regret of this distinguished man. He once had a large portion of my admiration. Many gallant spirits, in my own State, were devotedly attached to him. Yes, sir, even after he saw, or thought he saw, that the Sub-Treasury scheme was the only republican plan of taking care of the public money. He professed to despise Martin Van Buren; he had uniformly spoken of him in terms of unmingled contempt; he had compared him to the fox and the weasel, the meanest animals of the tribe.

But when it was seen that the Administration began to countenance the baleful measures of Loco Focoism and direct taxation, and that the remarkable individual to whom I have referred had departed from his lofty position, and had united himself with the spoilers, the confidence of the State Rights patriots in North Carolina was shaken—it was lost. They did not now bow in slavish obedience to the man; they had regarded him as the defender of the South, the guardian of her interests and honor; they admired him as the advocate of great principles: but when they saw him bow down to the footstool of power, when he had at last yielded—

"Yielded with coy submission, modest pride,
And sweet, reluctant, amorous delay!"

they could no more, with self respect, entertain feelings of admiration for him. It was melancholy to see him, as I did, in social, cordial intercourse with Blair and Kendall and other kitchen pets; yes, playing second fiddle to the great humbugger, who was decidedly first in favor with the past Administration.

When I view him, "fallen from his high estate," I feel the sincerest sorrow.

But does it not come with a good grace, from the admirers of his consistency, to tell the people of North Carolina that they are in alliance with Federalists and Abolitionists?

I confess, Mr. Chairman, I do feel some "sensitivity," as my friend from Virginia said, when I hear North Carolina referred to with disrespect. There is some excuse for this sensibility. We know it is the invariable usage of many persons from Virginia and South Carolina to speak contemptuously of the old North State. We have seen it on this floor; we see it in the public prints; we see it sometimes in the Senate—yes, sir, even in the Senate. I have read a severe speech made in that body not long since, and it furnishes additional evidence that those who are fond of vilifying North Carolina have probably spent much of their lives in company with "blue-beards, who are ragged, dirty, brawling, browbeating monsters, six feet high, whose vocation is robbing, drinking, fighting, and terrifying every peaceable man in the community."

I have seen it stated, by one who said he had passed through the State, through the turpentine region, on a railroad, that he had seen "the best part of the State!" Why, sir, the man who travels through the State on a railroad, and thinks he sees in the turpentine region the best portion of the State, is as well qualified to judge of the character of the productions and the soil of North Carolina as a mole, in these Capitol grounds, is to judge of the architectural beauties of this hall.

[Mr. STANLY made some other remarks in reply to the speech referred to, which he thinks, upon reflection, did not deserve the notice he bestowed upon it.]

But, sir, to pass from smaller matters, I repeat, it is a common thing to hear North Carolina derided. My friend from Virginia spoke of her as a freed "apprentice." She may have been once in the condition of an apprentice to her proud sister Virginia; but, sir, in those days, the indentures were given to master workmen, like Washington, Henry, and Madison. Virginia may have some such men in her borders now; at all events, she keeps them at home. The indentures of North Carolina are now cancelled. She is free and independent. She has shaken off the miserable abstractions which have so long kept down her energies.

I do not wish, Mr. Chairman, to cast a slur upon the venerable Commonwealth of Virginia. No lover of liberty, no admirer of true greatness, no patriot can hear her name without feelings of admiration. She is the mother of heroes and sages. There are honorable men from Virginia on this floor with whom I am proud to associate, politically and personally. But, sir, I do maintain that many of her sons, satisfying themselves with vain-glorious boasting of her former renown, have altogether overlooked her present lamentable condition. In idolizing Mr. Jefferson, and venerating his dogmas as true as Holy Writ, they seem to have entertained the opinion that a Virginian born was of course superior to all the rest of the world. I have seen several specimens of these butterfly statesmen, who have come into North Carolina. They came with a full share of Jeffersonian doctrines, with a thorough understanding, as they think, of the '98 and '99 resolutions, about which they are eternally prating, with a little "strict construction and State rights;" and, sir, I have often observed that, when they have come in conflict with the plain sense of our people in North Carolina, at the bar, or in the legislative halls, they are, in nine cases out of ten, sadly overcome. And it must be so, while they think that to be a native of Virginia is necessarily to be a statesman by nature. Why, sir, it is melancholy to reflect upon the fact, which I see stated in a paper of the highest character, that there are now in Virginia fifty thousand white adults who cannot read!

Mr. MALLORY asked Mr. STANLY how many there were in North Carolina in the same condition?

Mr. STANLY said, sir, I do not know; I have not seen the returns. There are a great many, I fear, sir. But I wish to make the number less. I wish to obtain our share of the proceeds of the sales of

the public lands, that every poor child in the State may be educated; while most of the Virginia politicians are strenuously resisting the distribution of our land money.

I confess, Mr. Chairman, that I do feel proud of the present political condition of North Carolina. I think in our recent political contest she sustained an important and highly honorable part. In the dull and piping times of peace, she may have slept; but when she saw the rapid approaches of the Executive towards a despotism, she came forward gallantly to the rescue of the Constitution—to the rescue of liberty. The words of the great novelist, in speaking of the character of his countrymen, may, I hope, without vanity, be applied to North Carolina: "It has often been remarked (he said) of the Scottish character, that it shows most to advantage in adversity, when it seems akin to the native sycamore of her hills, which, scorning to be influenced by the prevailing breeze, shows no weatherside to the storm, but shoots out its branches with equal boldness in every direction—it may be broken, but can never be bended." So stands North Carolina, steadily in the path of duty; true to the Constitution, true to herself, and, therefore, true to the Union. Her sons, instead of dwelling upon the deeds of their ancestors, and resting in the shade of the great actions of others, bear about in their hearts the never-dying recollection of those deeds, and continually endeavor to advance her welfare, and make her, as she is destined to be, one of the first States of this Union. She stands firm, uninfluenced, unswayed, by the boastings and rantings of her "immediate neighbors." She stands between them, like her own Pilot mountain—Mount Ararat among her western hills, a distinguished land-mark in the desert, to which the weary pilgrim who may be lost in clouds of metaphysical sophistries, in the impenetrable bogs of Jeffersonian abstractions and "strict constructions," may turn his eyes with undoubting confidence that in her borders he will find comfort and repose.

Mr. Chairman, I have consumed a great deal more time than I wished or intended. I will bring my remarks to a close as speedily as possible.

I have mentioned, Mr. Chairman, that some others besides the gentleman from South Carolina [Mr. RHETT] appeared to favor direct taxation. The gentleman from Mississippi, [Mr. THOMPSON,] if I understood him correctly, found fault with the system of indirect taxation. The gentleman from Alabama [Mr. HUBBARD] said "direct taxation ought not to be denounced;" and, sir, the same gentleman said, in the spirit and manner of the advocates of direct taxation, "the gentleman from New York would have trouble if he attempted to enact a tariff law"—a protective tariff I presume he meant. I should be glad to know what the gentleman meant by "trouble."

[Mr. HUBBARD was understood to say, if a protective tariff should be fixed upon the Southern country, the people of his State would not submit.

Mr. STANLY asked, what does the gentleman mean by not submitting?

Mr. HUBBARD said he meant resistance by any means, by force.]

Mr. STANLY said, I expected to hear the gentleman say so; it furnishes additional evidence that a spirit of disunion animates these advocates of direct taxation. The gentleman also said, if I understood him, that "the people of the new States would not submit to distribution." Let me ask the gentleman what he will say if New York, Ohio, and Pennsylvania were to say, or either of them, that they would not submit to pre-emption laws? If New York should tell us she would not submit to a United States Bank? What is to be the character of our legislation if remarks of this kind are indulged in?

I wish to notice but one remark more of the gentleman from South Carolina, [Mr. RHETT.] He told us he felt it to be peculiarly his duty, coming from South Carolina, to resist the proposition to tax wines and silks. One would suppose, from the gentleman's manner of treating the subject, that

the people of his district and State consumed more wines and silks than the people of all the other States together. I understand that gentleman has not more than a thousand voters in his district.

[Mr. RHETT was understood to say about fifteen hundred.]

Well, sir, fifteen hundred. Why, sir, my district gives about six thousand, and there are several others in my State which give a much larger vote. And I have the vanity to suppose, sir, that my constituents make as much use of silks and wines as the constituents of the gentleman from South Carolina. I believe also, sir, that they have as much good sense, and can as readily perceive when they are oppressed, as the South Carolina people.

It is really ridiculous, sir, to hear gentlemen from that State speak so feelingly of their "oppressions" by these "plundering" tariff laws. Why, sir, the district of my friend from Illinois [Mr. STUART] gives nearly 60,000 votes! Yes, a single district. These hardy people in Illinois, although they are able and willing to encounter danger and hardships, still they know the comforts of luxuries; they clothe their wives and daughters in silks. They know what wine is. Now, sir, compare this District with the State of South Carolina.* I have ascertained, by applying at the State Department, that the "total number of white males over 21 years is 53,705"—fifty-three thousand seven hundred and five, in the whole State! North Carolina gave more than 80,000 votes for President last November. Ohio gave more than one hundred and seventy thousand votes at the last election. Does the gentleman believe South Carolina consumes more luxuries than all these Buckeyes? Why, sir, I know they have a reasonable attachment for "hard cider," but they love good wine, and they drink it, and their wives and daughters, as well as ladies elsewhere, deck themselves in silks. Does not the gentleman suppose that Pennsylvania with more than two hundred and eighty thousand votes, consumes her share of these luxuries? I beg the gentleman to think of the glorious Empire State—of New York, with her four hundred and thirty-eight thousand voters—with a population of more than two million three hundred thousand: does he not think they consume some luxuries? I know something of New York. I never hear her name without emotions of pleasure. I was there last year, sir, and saw her people assembled together, twenty and thirty thousand at a time. I heard the welkin ring with their shouts as the glad tidings of victory came in from North Carolina. I gazed with admiration and pride at her magnificent public works, and while borne along, as if by magic, through her rich valleys and fruitful hills, I felt at home; her territory was part of my country, her citizens were brothers; we were all struggling together, with one mind and one spirit, in resisting the encroachments of power. While I gazed in wonder and astonishment at the majestic cataract on her northern border—a scene which nature seems to have made for her own gratification—even this was insignificant in comparison with the moral Niagara of a noble people like hers, casting aside all attachment for her degenerate son, and gallantly coming to the rescue of the country. It is not only a glorious country, but it is inhabited by a noble race of men—men of strong arms and stout hearts. Sir, I wish the gentleman from South Carolina would visit that country. He ought to go there, and see what industry and enlightened public spirit can do in a wilderness. Look at her charitable institutions, her asylums for the deaf and dumb, for the blind, her common schools. He will see the difference between a people, a working people, guided by the lessons of experience and common sense, and one whose leaders are eternally in chase of sea serpents and jack-c-lanterns in politics.

Instead of finding a nation of "plunderers," as he and the South Carolina clique seem to regard

*The population of South Carolina is: Total number of whites, 259,002; free colored, 8,279; slaves, 327,158—total aggregate, 594,439.

our Northern people, he will find an educated, hospitable, brave, and intelligent population. Yes, sir, they have been "plunderers" once; they may be again, if honor requires it; they are ready and able to "plunder" a British army, if our soil should be invaded. I wish the gentleman would go there and look at that noble work, her Erie Canal, by which New York is making Ohio, Indiana, Illinois, Michigan, yes, even the Territory of Wisconsin, tributary to her. Let him go there, and while upon the glad waters of Lake Erie he thinks of the name of Perry, and does not feel his heart beat with pride, if he does not feel that even there he is at home, he has not an American heart in his bosom.

Mr. Chairman, if I can be excused while I say a few words upon a proposition I introduced some time since, I will conclude.

In June, 1836, Congress ordered the surplus money in the Treasury on the 1st January, 1837, excepting five millions of dollars, to be deposited with the States. The sum to be distributed was \$37,468,859 97.

This sum had arisen from the sales of the public lands. It was intended to be a distribution bill—it was so declared at the time. It was called a deposit to save it from the veto of the then President, who had defeated the distribution bill by the lawless exercise of his power. He would have vetoed this bill, but that he knew it would be passed, in spite of his objections, by two-thirds of both Houses. At the extra session in September, 1837, a law was passed, at the recommendation of the President, withholding the payment of the fourth instalment from the States.

Many of the States have regarded this as a distribution bill. Some of them have divided it among their citizens; others have appropriated it to purposes of internal improvements. Even the act of 1837 gives proof that Congress intended the money should be paid to the States. The law proposed to withhold the fourth instalment until otherwise provided by law. On the motion of the gentleman from South Carolina, [Mr. PICKENS,] it was postponed until the 1st day of January, 1839. That day has come and passed. The money is not yet paid. The Sub-Treasurers may tell where it is; I cannot.

It is a debt due to the States. Public honor, national faith, public justice, demands that it should be paid. I fear there is no hope that this Congress will do justice to the States. That the next Administration will, I feel confident.

I was under a pledge to bring in a bill to pay the fourth instalment to the States; but the dominant party in this House have prevented the consideration of the bill. On the 12th of February, I asked leave of the House to introduce a bill to pay the fourth instalment whenever the public debt should be paid. Leave was refused—ayes 66, noes 83. And, sir, there was but one supporter of the Administration among the yeas! This conclusively shows the feeling of the Van Buren party.

Mr. MALLORY of Virginia said he had voted for it as an act of courtesy to the gentleman from North Carolina. He was opposed to the bill.

Mr. STANLY said: There is no gentleman in this House from whom I should feel more honored by an act of courtesy than the gentleman from Virginia; but, sir, I presume he was the only one who was opposed to the bill that voted with that motive.

I wish, sir, to lay a duty on luxuries to pay this fourth instalment.

I have a table before me, taken from a public document, which shows the amounts paid each State by the three instalments. The third column contains the amounts due each State, proposed to be paid by the bill I wished to introduce. And I wish gentlemen to observe that the fourth column shows the amount which each State must be taxed to refund, if Mr. Woodbury's proposition to recall the deposits should hereafter prevail.

FROM SENATE DOC. NO. 14, 26TH CONGRESS—1st Session.
Statement in answer to the first question contained in the resolutions of the Senate of the United States, passed February 16, 1839, showing the amount of money deposited with the several States under the act of June 23, 1836, and

the several periods at which the said deposits or transfers were made.

Names of States	Amounts transferred January 4 and Feb. 1, 1837.	Amounts transferred April 1, 1837.	Amounts transferred July 1, 1837.	Total each State.
Maine	\$318,612 75	\$318,612 75	\$318,612 75	\$955,838 25
N. Hampsh.	223,028 93	223,028 93	223,028 93	669,086 79
Mass'tts	446,057 86	446,057 86	446,057 86	1,338,173 58
Vermont	223,028 93	223,028 93	223,028 93	669,086 79
Connecticut	251,890 20	251,890 20	251,890 20	754,670 60
Rhode Island	127,445 10	127,445 10	127,445 10	382,335 30
New York	1,338,173 57	1,338,173 57	1,338,173 57	4,014,520 71
New Jersey	251,890 20	251,890 20	251,890 20	754,670 60
Pennsylvania	955,838 26	955,838 26	955,838 26	2,867,514 78
Delaware	95,583 83	95,583 83	95,583 83	286,751 49
Maryland	318,612 75	318,612 75	318,612 75	955,838 25
Virginia	732,809 33	732,809 33	732,809 33	2,198,427 99
N. Carolina	477,919 13	477,919 13	477,919 13	1,433,757 39
S. Carolina	350,474 03	350,474 03	350,474 03	1,051,422 09
Georgia	350,474 03	350,474 03	350,474 03	1,051,422 09
Alabama	223,028 93	223,028 93	223,028 93	669,086 79
Louisiana	-	318,612 76	159,306 38	477,919 14
Mississippi	-	251,890 20	127,445 10	382,335 30
Tennessee	477,919 13	477,919 13	477,919 13	1,433,757 39
Kentucky	477,919 13	477,919 13	477,919 13	1,433,757 39
Ohio	669,086 78	669,086 78	669,086 78	2,007,260 34
Missouri	127,445 10	127,445 10	127,445 10	382,335 30
Indiana	286,751 49	286,751 49	286,751 49	860,254 44
Illinois	159,306 38	159,306 38	159,306 38	477,919 14
Michigan	95,583 83	95,583 83	95,583 83	286,751 49
Arkansas	45,583 83	145,583 83	95,583 83	286,751 49
	9,030,263 49	9,703,766 45	9,367,614 97	28,101,644 91

*This sum was transferred under date of April 13, 1837.

†This sum was transferred under date of May 23, 1837.

‡\$125,000 of this sum was transferred under date of June 3, 1839.

\$8600 of this sum was transferred under date of July 15, 1839.

\$100,000 of this sum was transferred under date of June 7, 1839.

WM. SELDEN,
Treasurer of the United States.

TREASURER'S OFFICE, November 14, 1839.

Here is a plain question, easy of comprehension. The Secretary of the Treasury has told us, often, that these deposits still belonged to the General Government. He calls them our deposits, again and again. I propose to release the States from all obligation to pay back this money. The dominant party refuse to do so. I make the issue with that party: will you release the States—will you give up this money to them—will you pay them the fourth instalment; or will you recall the deposits already with them? If this money justly belongs to the States, why not give it to them? But you contend it does not; then, assuredly, you must, when you can, take away from them the money already received. Let the people understand this. I quote Mr. Woodbury's own language, and I say the question is correctly and fairly stated, when he, in his annual report, December, 1839, says:

"We must either provide for recalling portions of the public money now deposited with the States, or establish an adequate system of direct taxation, or at once resort to the contingent power contemplated in the existing laws concerning the tariff, when changes become necessary for purposes of revenue, and restore the duty on several articles of luxury now free."

I am willing to stand by this issue before the people. Will you tax the States, oppressed as they are with debt, to pay back the sums mentioned in the fourth column just referred to?

Will you bring upon this country the dreadful horrors of a system of direct taxation, with a standing army necessary to sustain it? or will you tax luxuries imported into the country, the burden of which the rich alone can feel?

Mr. Chairman, I have nearly concluded. I feel conscious of having consumed much time. I have done so in the discharge of my duty. For the present, I part with the gentleman from South Carolina. In discussing his opinions publicly declared, I have not intended to use personalities. I do most cordially and from my soul abominate his political principles. I regard members of Congress holding his opinions as worse than Abolitionists. The Abolitionists, the Tappan Van Buren Abolitionists, are a contemptible handful of deluded fanatics, ignorant of what they speak, ignorant of what they wish to do. They are unacquainted with our institutions, and I believe know little of our form of Government. But these politicians who are eternally accusing their Northern brethren with "plundering," who perpetually strive to create discord and hostility between different sections, seem willing, with a knowledge of the blessings of our Union, after having lived and

prospered under it, to destroy the most perfect form of Government the world has ever seen.

Mr. Chairman, I regret to have perceived that one of my colleagues [Mr. SHEPARD] seems to have an inclination to support some of these opinions. If I could be surprised at any thing in this changing world, I should have been surprised at some of his opinions. He spoke of the 'greedy manufacturers,' and of the 'free trade party;' he spoke of those who were 'hungry and thirsty after plunder;' and intimated that, while one section might receive a 'shower of gold, another was burdened and oppressed.'

But what added more to my surprise was, to hear him oppose distribution. Yes, sir, the gentleman said that "the northwestern territory no more belonged to Virginia than to China;" and he said he was glad to see that one in whose opinion he had confidence said it was sound doctrine—he referred to the venerable gentleman from Massachusetts, [Mr. ADAMS.] If I had said this, I might have been accused of favoring Abolition. But I congratulate my colleague that he and the gentleman from Massachusetts are found agreeing; and I must say, sir, I presume they are the only two in this House who concur in that opinion.

My colleague said he did it with no unkind feelings, but a great change had come over gentlemen. Now, sir, I think he is mistaken, the change has come over him. I think he once favored distribution.

[Here Mr. SHEPARD said he should like to have the proof that he ever had favored distribution.]

Mr. STANLY referred to his votes at the extra session, in September, 1837, when he opposed the postponement of the fourth instalment, and made a speech upon it.

Mr. SHEPARD was understood to say that, at that time, he was a very young man, and that he wished the money paid to the States, because he thought the Government did not need it. And that was more than three years ago.

Mr. STANLY said, my colleague pleads "infancy;" (some member said: The statute of limitations too.) No, said Mr. S. I know he does not intend to rely on that. But, sir, the plea of "infancy" cannot avail him. We were both young men then—he some years my senior; I had known him long; he was always sagacious, shrewd, and cool, never apt to act hastily. I listened to his speech with pleasure. We then stood side by side, denouncing corruption, and advocating the same measures.

It was his maiden speech. At the risk of being tedious I will read an extract. I make a long quotation that I may not be accused of doing him injustice:

Extract from the speech of Mr. C. SHEPARD on the bill to postpone the fourth instalment of the payment to the States, delivered in the House of Representatives, September 21st, 1837.

"If there be a deficiency in the Treasury, and this money which was promised to the States could be used, it is not proper that it should be withheld. They did not petition Congress for this boon; several of them, indeed, were opposed to the policy of the measure, and were partially forced into the acceptance of their shares; but after they had been led to expect this fund, and have commenced works of internal improvement, have founded schools and seminaries, and made other expenditures of local importance, it is not just that they should be disappointed. This is not a contract which could be enforced in a court of justice; but as the Governments of this Confederacy were erected for the benefit of the people, they should act towards each other with good faith and the strictest honor, in order that confidence and harmony might be permanently established. If this instalment be not paid, some of the States may be compelled to create stock and make loans to comply with their engagements; and here, perhaps, might be another source of derangement in the money market in the Union.

"An honorable gentleman from Kentucky has suggested that the bonds of the Bank of the United States should be sold to supply the wants of the Treasury; these bonds would probably be sought after in London or Amsterdam, and their sale in Europe would have a tendency to lower the rate of exchange, and hasten the return to specie payments. As the Government has been hostile to that institution, and is anxious to be freed from all connection with banks, this plan of relief is not only feasible, but ought to be satisfactory to the Executive. If this be agreeable, let us fail to carry into effect the extravagant appropriations of the last Congress; let the salaries of all the officers of this Government be reduced; let us return to the simplicity and economy of our predecessors, until we again have a redundant Treasury.

"Some gentlemen were in favor of this bill because it is not constitutional to levy money to be distributed among the States. No man ever claimed this power for the National Government. The surplus revenue has arisen from the sale of the public lands, and the 'deposit bill' is the fairest and most equitable mode of division.

"No patriot would attempt to disturb the 'compromise act,' and, if commerce revives, the revenue must be greater than a

frugal Government can expend; and it would be wiser to anticipate our future income in the payment of this instalment, than to place in the hands of any Administration a large amount of money. It will be used for selfish purposes; more offices will be created; salaries will be increased; and every effort will be made to sustain parties at the expense of the people; or the scramble for appropriations will again commence on this floor—harbors for particular sections, and to improve private property, creeks and rivers, never before heard of, will again put in their claims for national patronage. Sir, in this contest for the public money, alike degrading to the Representative and corrupting to the people, North Carolina would get but little; therefore, if it is collected, and is not wanted for the constitutional purposes of the Government, common sense and common justice demand of me to support an equitable distribution. But is there a deficiency in the Treasury? The honorable gentleman from Tennessee has made a lucid statement, from which it would appear that the Government has ample means; the Secretary has sent us his report; the members of the 'Ways and Means' have made theirs, and they all disagree in the conclusions at which they arrive. I also have made a calculation, but, as older heads have differed, I shall not trouble the House with my arithmetic, and I shall content myself with the belief that there is no need of this bill, until it is proved more satisfactory.

"Several gentlemen have indulged in sarcastic remarks on the Secretary of the Treasury. It would be unbecoming in me to follow their example, but I must say, with due respect to that officer, that he draws largely on the patience and generosity of the American people. This country is free from debt, its citizens are industrious and enterprising, they have been blessed with fruitful seasons, and yet they have been suddenly arrested in their career of prosperity without foreign war, without the occurrence of extraordinary calamity. The schemes of the financial officer have signally failed, and he now comes up to this House to propose the abandonment of a cherished policy, the creation of a new debt, and a novel experiment upon the resources of the country. Sir, if, under these circumstances, a Chancellor of the Exchequer had opened such a budget as this to the British Parliament, he would have been scouted, and the King's Ministers would have thought themselves well off to have saved their heads. But here, in this boasted land of intelligence, the people suffer from the knavery or ignorance of their rulers, and many again submit to the yoke of party, and permit themselves to be again wheeled by artful appeals to their passions and prejudices.

"But, sir, I have departed from the subject. I rose merely to express my dissent to the bill under discussion, and to state what I consider the feelings and interests of North Carolina. When the great questions involved in the President's message are properly before us, I may again trouble the committee with a few remarks."

Now, sir, I leave it to the House to judge if my colleague did not favor distribution. If he did not contend then, as I did, and do now, that the surplus revenue arose from the sale of the public lands, did he not advocate "division" of the revenue from lands? Did he not support "an equitable distribution?" If "the good faith and strictest honor" required a payment of this land money to the States, has the lapse of three years changed the nature of "good faith and honor?"

My colleague is mistaken, sir; he has changed, not the Whig party. He is like the drunken man, who went to bed, and waited until the bed turned round again that he might lie down.

My colleague told us, in conclusion, that if "the new President should think and act for the whole nation, and not for a clique, or particular section, no member of the House would give him a more cordial support than himself." The gentleman from South Carolina, [Mr. RHETT,] one of my colleague's "clique, or particular section" friends, gave utterance to something like the same sentiment. Now I beg of them—keep away from us. Do any thing but befriend us. We defy your opposition, but fear your friendship; it contributed much towards breaking down Mr. Van Buren.

I wish I had time, Mr. Chairman, to go into this question of distribution, but I know it is needless. If any question was ever well discussed, this has been. The whole argument will be found in the celebrated report of Mr. Clay, when the question first arose for the examination of Congress. In another report, made by Mr. Ewing, the argument was again presented with great power. We have heard it with great ability from the Senate during this session. Let me tell my friend from Virginia, [Mr. WISE,] in answer to his fantastic idea of "distributing a deficiency," that we propose to distribute the proceeds of the sales of the public lands, and to supply any deficiency in the Treasury by imposing duties on luxuries. We impose duties on luxuries not to distribute, but to support Government, "to pay debts," which he admits we have the power to do.

The money arising from the sales of the public lands we contend is a sacred fund, not to be squandered by the General Government. Give the proceeds to the States; it will lessen executive patronage; the States can then, in a great measure, adopt their own system of internal improvements, and keep out the hands of the General Government.

My friend from Virginia said the land money could not be separated from the money arising from customs. If this argument be good, no man who is the administrator of more than one estate, guardian of more than one child, or trustee for several persons, (all of which frequently takes place,) no one, in such circumstances, could be forced to settle his accounts. This General Government is a trustee; admit that, we can distribute peaceably and fairly.

I confidently look forward to the time when this fourth instalment will be paid—when national faith and honor will be regarded. I will not suffer a doubt to rest in my mind that the distribution bill will yet be the law of the land. Common sense and common justice demand it. Your suffering country demands it. After the fiful existence of the present party shall have ended, let us join our efforts to put down Loco Focoism forever. Let us not, in our struggles for party ascendancy, forget we have a country to serve. I most fervently hope I shall see the day when this great measure shall pass; when North Carolina shall successfully establish a system of common schools. I long to behold the day when the school house and the temples of the living God shall be in the reach of every family in her borders. Let not the glorious revolution of 1840 be without its benefits to those to whom we are chiefly indebted for it—the log cabin men of the country.

Educate the poor; elevate the condition of those who are to be our reliance in peace, our defence in war. Let every man in the nation be able to read his bible, and the farewell address of the Father of his country. Let it be known that by education, industry, and perseverance, the highest honors of our Government are in the reach of the humblest citizen. Diffuse education, and you advance the Christian religion; and the abominable doctrines of Loco Focoism, disunion, and direct taxation, will no longer find encouragement in any portion of our free and happy country.

Mr. Chairman, in bringing forward the proposition to raise revenue as I have mentioned, I was influenced by a desire to serve the whole country. My friend from Virginia [Mr. Wise] said, in speaking of this tariff question, with an air of triumph, "Try it, and see who will take the back track, like boys from a hornet's nest." I know, sir, it is much easier, and sometimes thought best, to swim with a popular current than to oppose it, although we may believe opposition to be right. I have thought otherwise. I like to take a little responsibility—I feel that I can safely rely upon the integrity, common sense, and patriotism of my constituents.

But, sir, if they should, as my friend intimated, disapprove of my conduct, I am ready to meet them. I should glory in being left at home by the attempt to discharge my duty. I have never sought office, I never will. I am ready to go to my constituents, as I did in the case of the ridiculous Atherton caucus, and tell them, if they disapprove of my conduct, I shall be happy in defeat. The hornet's stings have no terrors for me. Keep away the hornet stings of conscience; give me the satisfaction of knowing I have discharged my duty to North Carolina and to the country, and success is comparatively nothing.

I fear, sir, my ardent devotion to North Carolina may appear to some rather akin to Virginia boasting, which I have censured. I hope not. Though I love her honor and wish to promote her welfare, the wish does not monopolize my heart. It is nearest to it, but it is not alone. To love North Carolina is to love the Union—he who loves the Union must respect the old North State, for in all past conflicts she has never been shaken in her attachment to her sister States. No matter how violently the storm of Locofoco Abolition, aided by foreign influence, may prevail in one section, or the ridiculous fury of direct taxation, prompted by the spirit of disunion, may rave and fret in another, the North State stands firm and unshaken; yes, firm as the far-famed and most dangerous promontory on her coast—particular portions may be separated for a while, but the great body will remain steady, defying even the rage of Ocean itself—yes firm as the hearts of her people are in

devotion to true Republican principles and in undying attachment to our glorious Union.

I wish to make her like New York in internal improvements; like Massachusetts and Connecticut are abounding in school-houses and in charitable institutions. I wish her to imitate her sister States in this exhibition of true Yankee feeling and spirit; the true American spirit which in war shows itself at the point of the bayonet, not in words; in peace, in cultivating the arts and promoting the good of the whole people. And, sir, if I fall, as my friend from Virginia anticipates, let me fall. The interest of my country and my State demand that I advocate this measure. That man is fortunate whose happy lot it is to fall in the service of his State. He leaves an invaluable legacy to his children. I desire no greater honor, I shall be "twice blessed" if I can enable those, by whom I may be remembered, to say of me he fell in the service of his country.

SPEECH OF MR. SOUTHARD, OF NEW JERSEY.

In Senate, January 15 and 16, 1841—On the permanent pre-emption bill, and the amendments proposed to it.

Mr. SOUTHARD said that he wished to express the views which he entertained on the subject of the present bill. And though he could not but regret the late hour at which he was compelled to commence, yet, as he desired that no delay should be occasioned on his account, he would proceed.

I understand (said Mr. S.) the questions before the Senate to be, first, on the amendment moved by the Senator from South Carolina, [Mr. CALHOUN,] which proposes a cession of all the public lands to the States in which they lie, with a partial graduation of their price when in the hands of the States. This was offered in the form of an amendment to a previous amendment proposed by the Senator from Kentucky, [Mr. CRITTENDEN,] which provided for a distribution of the proceeds of the public domain among all the States of the Union, with a partial pre-emption granting to the settler, if his property was not worth over a thousand dollars, three hundred and twenty acres of land at the Government price. It is possible that I might bring my mind to consent to all these matters in a modified form—I might vote for something in the shape of pre-emption and graduation, provided they should be strictly limited and placed on safe principles—but for neither, unless limited with a plan of distribution.

In approaching this question, permit me to remark, in the first place, that I cannot consent to adhere under what I regard only as a threat, founded on the power which may in future be exerted, if we do not consent to yield up these lands now. The Senator from Arkansas [Mr. SEVIER] was pleased to commence and to close his remarks, addressed as they were, or should have been, to the intelligence and judgment of the Senate, with a direct intimation that we must now do what was required of us, or, when there should be power in the new States to enforce their will on this subject, we should be compelled to yield to necessity. I do not understand that kind of argument as addressed to the intellect, and much less to the conscience of a Senator, in the discharge of his high duty. When a great question is to be discussed, I do not comprehend how my judgment is to be made to yield by having it said to me, give these lands now, or hereafter we will take them as soon as we shall have strength to do so. I am not to be convinced by an argument of that character. If the dictates of my judgment and a solemn sense of public duty lead me to refuse my assent to measures proposed here, no appeal to future power, no threat of future vengeance, will induce me to record my vote in their favor. Such questions should be decided without reference to threats of any kind, and, in my apprehension, they are very ill-applied to a body like this, consisting of the high representatives of States, and standing here under the shield of the Constitution, for the protection of the rights of the people and the States which sent them.

Again. There has been introduced in the pre-

sent argument much which relates to the catch-words of party, and the emblems and ensigns employed in the time of the election, to obtain the benefit of the impression they might make amidst the excitement of such a scene. I ask, what have these to do with the grave questions, to whom belong the public lands? and what is the duty of Government in their management? These questions are very little connected with log cabins. What have they or other political emblems to do with the inquiry, what is now our duty? Was the word log cabin introduced both into the bill and the title, as reported from the Land Committee, by way of sneer? And can a sneer conquer the judgment or convince the conscience? Or are these things intended to forward electioneering and party purposes? The question before us is far higher than those connected with the temporary occupancy of the Executive chair. It connects itself with the origin and foundation of our institutions—with all that has followed from that eventful moment to the present—and it presses on all that is hereafter to effect our children and our children's children. Such a question had no appropriate connection with electioneering emblems.

It is proper that I should thus notice these things, because I intend, as far as I can control my feelings, to avoid entirely all such allusions; and whenever I find myself approaching, in the course of my argument, any point to which they have been directed, I will endeavor to prevent myself from turning aside to reply to the arguments derived from them.

This is said to be a question of great excitement. It is so; but it ought to be so only because of the magnificent and profound interest which is inherent in the subject itself. It should not be a question of that species of excitement referred to in the debate, and which is found here, and in the State Legislatures, and among politicians, to a far greater degree than among the plain, laborious, unsophisticated portion of the community, either in the West or the East. It is easy to see why it is here made a question of great excitement, and the motives which lead gentlemen to make it so. It is so exciting in the Legislatures of some of the States because it is a question which addresses itself to the removal of the most painful of all the duties which the members of those bodies have to discharge. If a system of pre-emption and graduation and cession could be fully accomplished upon terms which they desire, they would be relieved from many onerous duties. Taxation would give them no trouble, internal improvements become a light burden, our joint property be the easy remedy for such difficulties. There is no mystery in the reason why politicians and legislatures make this a question of excitement; but it should be freed from all such associations and influences. Here is an immense domain, the common property of the United States. It is admitted even now, and has been, in this debate, to be the common property of the whole Union, and the question is, what obligation, under the history of the Revolution, the terms of cession, and the principles of the Union, rests upon us in the management and disposal of this great common property?

The first plan is offered to us by the Senator from South Carolina, [Mr. CALHOUN,] and proposes a distribution of the whole domain, lying within nine of the States, to those States. It gives it to them, and they either take it, by cession, and obtain the legal title to it, and perfect control over it, or they are to be the agents of this Government for its management. From the argument of the Senator, I could not distinctly understand whether his amendment was intended to secure an absolute cession to those States, so that Congress can no longer have any control over the property—or whether the States are to be regarded as the agents of the General Government, to carry out its purposes, and to make return to it of the results of their agency. In the first case, that of an actual cession of the whole territory to the States, the United States lose their title to the land, if they have one, and the States require it, and have the land as their own, absolute, indefeasible inheritance. When this shall be the case, if the doctrines which have been advanced by gentlemen from the new States be correct, all the obligations which those States

may assume will be, not parchment, but pack-thread, broken by the slightest effort of the weakest among them. If the principles which have been asserted here be sound, that must be the result. I do not permit them to be so, but, arguing with those who do, I point them and others to the consequence which I think must ensue when the States shall possess the lands in a fee simple, and have the absolute control over them. They will take them—deny your right of interference; nay, deny that you have any interest in them. Their State sovereignty over all lands within their limits will be the ready answer to all your claims and rights.

But suppose the States to be mere agents of the Union to execute the duty which the General Government has entrusted to them in discharge of its own high trust under the instrument of cession. Put them in that position, and then how stand we? With our present land system still to control them, if we appoint officers to receive our portion of the money, we must keep up our registers and receivers, our land districts in the States, and our land department here. I mean that, so far as these States are concerned, all the characteristics and all the expenses of the existing land system must still continue. We gain nothing, or so little, that it is not worth consideration in relieving ourselves from responsibility and expense. They are our agents, and, as such, they must appoint agents of their own to sell the land. A citizen comes to pay for the land he has entered, and he offers to pay a part to the receiver of the General Government and a part to the receiving officer of the State. Suppose the State, or its agent shall say no. Or suppose an arrangement is made that the officer of the State shall receive the money and pay over the proper proportion of it to the United States, and he fails to do so, what is your remedy? He is not your officer, and where is your power to punish him? He is an officer of the State, and we have heard much of this Government having no power to enforce a constitutional obligation upon such. I ask, how will you enforce the payment of your money?

Look at it, then, in either aspect. You give the lands to the State in absolute inheritance, without retaining any efficient lien, or the States are your agents, and you are to enforce the obligation of the contract. Is it wise—is it discreet, to meet either alternative? Does either arrangement come within the faithful discharge of our trust over this property?

But suppose, again, a portion of the States to whom this cession is to be made shall refuse to receive the land on the conditions proposed. It has already been announced to us by one Senator that his own State is not likely to agree to such an arrangement, and that, if he be asked his opinion, he shall advise her not to agree to it. What then? Admit that Ohio shall refuse, that Indiana shall refuse, and some two or three other States in nearly the same situation with these shall also refuse—in what condition shall we stand? In this: We shall have made the grant to three or four States of an immense amount of land, and they will take all the benefits of it; while the other States, with our lands still within their limits, reject the proffered boon—demand of us the continuance of our obligations in regard to the whole territory, ceded and uncaded, and their portion of the proceeds from the whole. Three or four States take a rich inheritance for themselves and their people—have their pride, I had almost said passions, gratified, by the rejection of your authority as to your own property and still claim a participation of all the benefits of all the lands beyond their limits. The other States, in these respects, hold an inferior position. Is this right? Are we prepared to meet its consequences?

The bill says that the cession shall not be operative unless the States receiving the cession shall pass "irrevocable laws" in conformity with it. What is the meaning of this? Is it not the doctrine of the present day, (abhorrent, I admit, to my own judgment, and, in my opinion, utterly false,) that a Legislature can pass no irrevocable act—and has no power to bind its successors? Suppose such a doctrine shall prevail—the State

Legislatures pass laws, which they declare to be irrevocable, fixing the rate of allowance to the General Government for the public land sold, and the very next Legislature shall repeal the law, and declare it of no effect. Where are you then? Have they not power to revoke, according to this doctrine? True, it is a bargain, and they assent to the terms of it; but then there comes a change of circumstances, and a change of public men, and a change of public opinion, and the Legislature may say, take back your land—we revoke the bargain, and by paying back your consideration we obtain a right to break our promise. How then? I believe I have as much faith in the integrity and honor of the States, and in their devotion to constitutional principles, as any Senator can have; but when I am called to make a bargain, with which I foresee that great principles and interests may interfere, and especially when I look at the ground some of these principles rest upon, I pause and wait before I yield my assent to the agreement proposed.

But suppose, again, that all the nine Western States shall assent to the offer of cession—what then? You have given them the entire public domain within their limits; you have distributed one hundred and sixty millions of acres among nine States of the Union. Have you divided the lands equally among them? Are the benefits to Arkansas and to Indiana the same? Are the shares of Missouri and Ohio alike? No man can look at the documents and not perceive that there is a high degree of benefit conferred on some States, and a very moderate one on others.

Where do you get your authority for making this wide discrimination between State and State? Show me where, in the terms of Union of these twenty-six States, and in the terms of the Constitution you get your authority to make any such distinction. I have not read the Constitution aright if you have such power; and I hope you have not. If you commence to exercise it, where is to be the end? Your laws, I thought, were to be equal. The States are not to regard each other as inferiors or superiors—as favorites or exiles from favor. You have no right to make any such distinction, and the moment you do, the seeds of discord and dissolution are sown, and they will grow. If part of the States shall concur in the proposed arrangement, you will be in a condition to be lamented. If all shall concur, you will have made a distinction which you have no right to make. I do not speak now of the distinction between these nine States collectively, and the remaining seventeen other States of the Union, but of a distinction among these States themselves, with whom you deal, and with regard to whom you propose to take a step which is a violation alike of equal justice and of the Constitution.

If I comprehend the effect of this amendment, and especially of the grant of land to the States—if the word cede is to be understood in its technical meaning, in that in which it is used in the instruments which gave us the land, or in any meaning in which it has ever been used, so far as I know, and the States shall refuse, or neglect, or omit, the payment of the money, then you create the relation of creditor and debtor between the General and the State Governments. I ask you whether it is wise, whether it is prudent and discreet to put this Government in the relation of creditor, and any one or more of the States in that of debtor to it? In such a relationship you will stand in a worse condition than did the Colonies in the Revolution anterior to the Confederation, and the States after the Confederation. A State owes you a large sum of money; during the Confederation such a State would have been commanded, (powerless, I admit, the command, and leading to a state of things which came nigh defeating the Revolution,) but it would have been commanded to make payment. It obeyed or not, at its pleasure. Now how will you enforce your demand? Arkansas owes you a million of dollars, and says that she cannot make payment; or, speaking in the spirit of her representative here, that she will not; where is your power to compel her? You would hear very different language then from what you hear now, and you would find that you had no consti-

tutional power to coerce the payment but one, and that is the power to make war and suppress insurrection. You might compel payment, but it must be by drawing the sword, and bathing it deeply in the blood of your fellow-citizens. For such a spectacle I have no desire, and would avoid the cause of it. I would abstain from creating a relation so dangerous, because, should any State refuse that which as trustees it is your duty to demand, your only remedy is to yield, or to spill the blood of your countrymen. You must make your calculation either for results like these, or to listen to appeals made to you by sovereign States, in terms of subservency and humiliation, invoking your moderation, and begging forbearance. Before I would see States of this Union reduced to this, and begging at your bar that you will put off the day of execution, I would be almost ready to invoke the power of war itself. State degradation like that would be incompatible with the existence of the Union, and I regard the dignity of the States too highly to place them, by any act of mine, in such a situation.

Something has been said in this aspect of the subject as to the credit which is to be given to a State; and some of the arguments (such I suppose they were intended to be) sounded, in my ear, much like sneers at the credit system, and all that kind of party eloquence. I care little for sneers when dealing with such a question. It is not one of credit to the States, or of the States; but of the indebtedness of citizens to their own Government, and of States to the Union. This subject was referred to by the Senator from South Carolina, [Mr. PRESTON,] in relation to the lands sold previous to cash payments. He was right in his reference. The lands sold and unpaid for, previous to 1819—'20, amounted to \$21,775,327. It was a debt due from the people of the States, or, if you please, from the States themselves. It was due in Tennessee, in Ohio, in Indiana, and, so far as the Territories were inhabited, in the Territories. You had sold your land without receiving cash at the sales. The purchasers were then your debtors, but if the State takes the title, and is to pay, is it not our debtor just the same as individuals were in 1816, '17, and '18? What is the distinction? Then your debtors were a set of humble, faithful, industrious men, scattered over your new lands. They had bought the lands, but could not pay you; and it has been truly stated that there was not at that day a public man, that loved his country, who did not look at the condition of things with great alarm. How did you escape from such a condition? By relinquishing part of your debt; by giving time for the remainder; and by substituting for the future the wholesome system of cash payments. Now your condition is to be greatly changed. You are about to create a debt of immensely greater magnitude; and you take for your debtors, not citizens, upon whom you can act with directness and power, but States, over whom you have no control but that of force. You could not compel payment from citizens of the States, and yet you are to deal with the States of which they are citizens. You were afraid to bring the power of the Government to enforce the public right, for you were told that all your power could not reach the case; and now you propose to make States your debtors. And can you better control them? You are not to act on scattered individuals, but on corporate masses of men—on States, proud and haughty, and, if necessity require it, ready to resist your demand. Be warned in time. Avoid that condition of things. Create not that necessity. Let us see if we cannot continue to manage this public domain, and shun such threatening dangers. I think we can, and so believing, I would not render such results possible.

[Mr. SOUTHARD here gave way to a motion to adjourn.]

SATURDAY, January 16, 1841.

Mr. SOUTHARD resumed. After recapitulating the grounds of argument he had gone over, he proceeded: I have now a few further suggestions to address to the States themselves. The language of the bill is, "that the said States shall be exclusively liable for all charges that may here-

after arise from the surveys, sales, and management of the public lands, and extinguishment of the Indian title, within the limits of the said States respectively." How liable? How to be adjusted? What rights does it give to the States? What to the General Government? Upon differences of opinion, how are they to be adjudged? How claims enforced? A more fruitful source of conflict, not even the ingenuity of the Senator from South Carolina [Mr. CALHOUN] could have devised. But this is not all. Are we to understand that, according to the provisions of this amendment, the States who receive these lands are to extinguish the Indian title. Are they to take upon themselves the high relation in which the General Government stands towards the Indian tribes? If that is the meaning, I protest against the doctrine. This Government has no power to surrender this relation to any State or number of States. What right has Arkansas or Missouri to make a treaty with one of the Indian tribes? What right, if the treaty be violated, to punish or expel them from their territory? None whatever. It would be a direct infraction of the Constitution. How can this Government surrender its power to deal with the Indian tribes? Has the Union in any form assented to the surrender of this high constitutional power? Can the Union assent to it? And if a State has no right even to make a treaty with Indians, can this Government surrender the higher and holier power of determining where and how the Indians are to be disposed of by force? Can they say to any State, we give you the land—you pay for the Indian title, and have therefore a right to demand that it be extinguished when and how, and on what terms you please? Yet such must be the result. If the purport of this amendment is, that the States are to be regarded as having the power to remove the Indians by force, or to enter into treaties with them, it is utterly against the Constitution. How can the Government say to Ohio, for example, here is the miserable remnant of the Leni Lenape, the remains of the once warlike and formidable Delawares, who held control over the Northern Confederacy of Indian nations. They are now within your limits, but reduced to a few hundreds. You may make a treaty with them according to your own interests, or we will make it for you; and if they refuse to leave their ancient seats, you may remove them by any means which you choose—by force—by blood—by extermination. If there be a provision in the Constitution which justifies this, I, at least, have been unable to find it. These remarks have to do with the question of power.

Next comes the consideration of humanity and policy. These States have, or fancy they have, a deep pecuniary interest in speedily expelling the aboriginal possessors of the soil. Is it right, just, humane to let them decide on their expulsion, and the times, circumstances, and considerations which shall govern the decision, and without consultation or appeal? Are they the only States and the only people who rise above the weaknesses and errors of our natures, and can calmly see the truth and the whole truth through all the interests and passions which mislead others? And when the Union, and the people of the Union, have a recorded obligation, and in a record too which will not be erased or expunged, that they will regard these matters as a trust on their consciences and oaths, will they yield their duty to faith in others, and without the possibility of securing the performance of the trust? Should error be committed and wrong done, when and how can we make compensation—when and how relieve ourselves?

But I turn from this painful view to one of vastly inferior magnitude—yet one which has weight of its own in the scales of justice—the question of money. And in regard to this, I ask, are the States in whose favor the proposed cession is to be made, to bear the burden of the expense of our intercourse with the Indians and of removing them? If they are, then I entreat the Senate and I entreat gentlemen from those States to look at the consequences. Are they to sustain the expense of the Indian wars which may arise from their treatment of the Indian tribes left within their territory?

Should the Indians consider themselves aggrieved, as they are very likely to do, wars may grow out of their discontent, and the feeble remnants within these States may be connected with very powerful allies beyond their borders, and when oppression is perpetrated on the one, the other may be prompt to avenge it, and our history tells us there are civilized and Christian nations ready to give them encouragement. Are these States to bear the cost of the Indian wars which their own conduct may create; or are we not only to surrender the land and give up our power to deal with the tribes, but in addition to carry on all the wars which may grow out of the management and settlement of these lands? Does the Senator from South Carolina [Mr. CALHOUN] mean that such shall be the result of his amendment or does he not? Such it must be, whether he designs it or not.

Is it a part of his plan that, while we cede all the land, we shall retain all the burden? How can we avoid it? Will any "irrevocable" act of a State Legislature relieve Congress from this liability when wars shall have arisen? Let the Indian warwhoop sound, and one drop of American blood be shed by an Indian warrior, and what must be the result? This Capitol will quickly hear it, and no sooner will it be heard than the power of this nation will be called up to avenge the deed. Can we refuse? No, sir, no. It would be impossible, and yet, with such a liability upon us, we are asked to surrender to the States on the frontier this entire matter, to manage according to their own notions of justice or feelings of antipathy. As I understand the plan, the old States are not only to surrender their respective portions in the public domain, but they are still to bear the burden and cost of every frontier Indian war. I ask, again, can we avoid it? Can we, under the obligation of our constitutional duties, and in possession of those sympathies which live and glow in the bosom of every American citizen towards every other American citizen as such—can we, in the very nature of things, avoid it? New Jersey has not a single Indian left within her borders; or, if there be here and there a miserable survivor of his race, he is a being so degraded as to have neither hope nor power, nor any capacity to influence the conduct of her people for either good or ill; but let the question arise whether Mississippi or Arkansas shall be protected from the incursions of a savage foe, and New Jersey will quickly give her aid, in men or money—the soldier's touch of the elbow, or the sinews which give strength to resistance or security of protection. She could not if she would, and she would not if she could, escape her obligations in this regard. She and all the States must take and bear the full proportion of burdens in such a case. However you may frame your laws, and how solemnly soever you may declare that the expense of Indian wars and the burden of their own defence shall rest upon those States which have received the grant, you never can carry such laws into effect. The heart, the head, the hand of every American citizen rise up together and proclaim it impossible. I ask, then, is it wise or just to make surrender? And for what advantage to these States, so far as money, or any rational interest, is concerned? They are to make the expenditures for sales, &c. and to exhibit their accounts, and we to receive them. But if done wisely, discreetly, and according to the terms of this compact, how must that account be stated? They are to take out, 1. The whole expenses, according to their notion of the expenses; and I know no mode in which we can correct them. 2. Out of the nett proceeds they are to pay over 65 per cent.—when and how they will—for your laws will give and can give you no remedy. 3. They are to retain the balance, 35 per cent. in full of their rights. Let the account be justly stated, and the matter fairly administered and they will find their reward to be the gratification of the avarice of the possession of money and land, without any redeeming result in honor, power, or even profit. They now get 5 per cent. This is lost. The distribution bill would give 12½ per cent. The balance is to meet their responsibilities and expenses. Will it do it? It may, but I submit it to the Senators of the new States to reflect on the

results of this game which is offered them; and, if they cannot rise above the mere question of the possession of money and land, to decide whether they may not find themselves losers by the contact, while the Union also will be the loser. With me, however, this is, in comparison, but a small question. The question I propound and must decide is, what is our constitutional duty, and what are the rights of all the States?

But this amendment, give it all the force you will, meets not half of all the difficulties which now press upon us, and under which we are so restless and agitated on this subject of the public lands. What does it embrace? The lands within the limits of nine States of the Union, containing one hundred and sixty millions of acres. How many acres, in all, does this nation, according to the statements and estimate of the report of the Senator from Michigan, [Mr. NORVELL,] now possess? More than a thousand millions. To get rid of this question, you are dealing with one hundred and sixty millions of acres, forgetting that by their side lie over eight hundred millions more. Do gentlemen suppose they are dealing with a trifle, or with only the one hundred and sixty millions? They forget the obstacles which beset them. What is to be the progress of this thing? We must keep up the existing land system; we must continue to bear all its expenses. We have given notice, whether constitutionally or not I shall not now discuss, to every American citizen, and even to every alien, that he has the right to go in on all these eight hundred millions of acres of land when he pleases and as he pleases, provided the Indians be not in possession. We have been told here that we cannot restrain him, and that to attempt it is vain. Well, admit it to be so, what then? Sixty thousand of these people get possession of a portion of this territory, and what is their next demand? By some rash conduct they get into conflict with the Indians, and then the whole military power of the nation must be drawn out to protect them in their trespass. But is that all? It is not. There is another principle, which has been boldly maintained here, that, whenever a Territory can number sixty thousand inhabitants, it not only may be admitted into the Union, but has a right to demand admission and equality with all the other States; and then, the moment it is admitted, all the land within its limits becomes theirs.

[Mr. LINN here interposed to explain. He had never heard it advocated—it certainly never had been by him—that the American people had a right to go upon Indian land the title to which had not been extinguished; on the contrary, land of that description had always been excluded in every pre-emption law, nor had any amendment ever been proposed, so far as he knew to the contrary.]

Mr. SOUTHARD. I must have presented my idea not so clearly as I intended, if the Senator's explanation has been rendered necessary. What I say is this: on the border of all these new States lie vast bodies of vacant land which we claim. The people, or foreigners, under the doctrine which has been here laid down, may cross over the line and settle upon it, for they may not know where the Indian title has been extinguished and where it has not. Having multiplied in numbers, even if they be all foreigners, they may come here and require admittance, and when admitted may, according to the provisions of this amendment, demand all the land upon the same terms. I do not say it is distinctly claimed that our citizens and foreigners can lawfully go on land to which the Indian title has not been extinguished, but they do in fact often go on such land, and there can be no argument against admitting them there as soon as the Indian title shall have been relieved, for the language of the amendment is "whenever the Indian title has been or shall be extinguished." Here I say we maintain a principle which will authorize our citizens or aliens to go without the limits of a State into the lands of Iowa or Wisconsin. We assert and maintain their right to do it, and in doing so we bring ourselves into collision with the Indian tribes. And when a large number of these settlers shall send up their cry to our doors "You as our Government are bound to protect us:

the merciless savage is upon us: come speedily to our help!" how can we refuse them? I would not avoid it? I would not seek to avoid it. I admit, in its fullest latitude, the obligation of the Government to extend protection over all its citizens. I would have the name of an American citizen an impenetrable shield over every man who bears it, as in old Rome, at the cry "I am a Roman citizen," the uplifted arm of tyranny and oppression was paralyzed and fell powerless at the sound. I would have it so here. At the cry "I am an American citizen," I would be ever ready to put forth all the energy of this Government for his protection and defence. But, while I admit this, I insist that, when we are laying our plans for the future, and can plainly see that a certain arrangement will tempt the States into a situation which is likely to bring us all into trouble, it is an argument why we should refrain from making the arrangement. Settlers have no right, in bodies of fifty or sixty thousand, to go upon the public lands and bring upon the whole nation all the calamities and expense of an Indian war. Look at the consequences of this amendment. The nine new States take all the land within their limits. Presently the Territory of Wisconsin comes and knocks at your door. We shall hear and admit her into the Confederacy. According to some gentleman, we must do so, because we have no power—no constitutional power—to refuse. Well, Wisconsin is admitted, her territory contains millions of acres, and she then turns around and demands that you shall cede all these lands to her, as you have ceded to Arkansas and Missouri. Can you deny her? You cannot. The moment she comes into the Union, if this bill passes, all the land within her limits is hers; and must be hers, and will be hers, if you now consent to the cession which is proposed. What next? Presently Iowa comes and knocks, and she demands the same privilege as Wisconsin. She tells you that her people have gone there on the public land; that they have increased and multiplied until they have attained the constitutional numbers; and now they have a right to be a State and to enjoy equal prerogatives with all the other States. "True," say they, "there are Indian titles in the way, and there may be Indian wars, but give us all the land, and then put your hand into the Treasury of all the old States, and foot up and pay the bill of all the expense."

Your eight hundred millions of acres are daily being swallowed up by the progress of population. Territory after Territory will apply, and the moment you admit them you have surrendered every foot of the public land which they contain. You are virtually surrendering it now; for how can I stand here, after having given the land to Arkansas, and refuse it to Wisconsin and to Iowa, and to every Territory which may be formed to the Rocky Mountains and the mouth of the Columbia river? Thus you are to have the burden of the settlement of all these Territories, of the extinction of all the Indian titles, and the expense of all the Indian wars; and then to surrender to them every acre of that inheritance which the old States purchased with blood, when the claimants were unknown, when they were yet in the loins of their fathers.

There are various other objections which lie as well against the general character of this amendment as against its details, and which, to me, appear to be insuperable. I had intended to suggest a number of them, but I fear it will be unwise to attempt this, further than to call attention to one or two. On the question of price I have already commented, in showing how the States will be situated as to the profit they are to derive from the proposed arrangement. There is another feature in the plan to which I have already alluded under other aspects of the general subject. This compact, it is provided, is to be irrevocable. The States are to declare it perpetual, inviolable, now and forever, and the General Government is to be equally bound. Now, are we grown so wise, in our day and generation, as to be prepared to bind both the General and State Governments, in a manner irrevocable, for all future time, no matter what unknown events may arise hereafter? Gentlemen, to be sure, may flatter themselves that their

intelligence can stretch its piercing ken through all time to come, and anticipate and provide for every possible posture of affairs. Our fathers, however, had not equal intelligence. Go back but a quarter of a century, and where do you find a single man who ever looked at the condition of things that now exist? Yet they, I am inclined to suppose, were as wise as we. I ask those who are so very ready to enter into mutual obligations, which are to be irrevocable through all future time, whether in peace or in war, whether in prosperity or the deepest distress, if they believe that they are so wise as to be able to foresee all that will happen, and how such an arrangement will certainly bear upon events not yet present? If they tell me they are, then I bow to them as prophets induced from above with knowledge and foresight such as does not fall to the ordinary lot of humanity. For my humble self, who claim no such high prerogative, I must object to that feature of perpetuity. We are binding ourselves, blindfolded, without knowing what circumstances will arise or what will be the future conduct of these States in relation to the contract their representatives are now so ready to make. Nor can we anticipate what may be our own necessities. I object to entering into an irrevocable bond of this description. Let us pass such laws in relation to this public land that we may reach it when justice, policy, necessity may demand. Let us place the subject so that we, or those who follow us, can lay our hands upon it—so that we and they may look round, may see what our condition is—may measure all our duties and obligations, and then decide according to the existing state of things at the moment of our or their action.

I object, again, to the want of power in this Government to enforce the provisions of its own bargain, if this is to be the bargain. Look at the fifth clause of this amendment, and see how you are to enforce it. On the principles of this Union and under the powers granted you by the Constitution, you cannot do it.

And here I may notice another item, though it is a small one, in the details of the scheme. I refer to the cession here proposed to the State of Tennessee. I do not know enough of the circumstances of the case to judge for what reason this direct grant is to be made to that one State. She is at here placed upon the same ground with the other States, but stands as an exception among them. There may be good reasons for this; but I am, for the present, incompetent to conceive on what just ground a provision like this can rest.

But my chief objection to this amendment lies at the foundation of it. It has regard to the basis on which the whole rests. I oppose it as a cession of the property of this nation. What is that property? It is an inheritance in land, wider in its extent than the widest limits of the Roman Empire; an inheritance almost equal to those far-spreading lands which British rapacity and power have been able to obtain for her in this the height of her glory and dominion. Need I say that such an inheritance is valuable? How came you possessed of it? Where did you get it from, that you have the right to give it away? How did you get it, that you may deal with it as a bounty to one class of States, and exclude another part from its possession? When those who represented the American Colonies proclaimed them to be independent of the British Crown, they looked, one and all, to the Crown lands as being sufficient eventually to relieve them under the burden of the struggle. These lands were to pay the Revolutionary debt, so that the Colonies might come out of the great contest free from poverty and suffering. There was not one of the Colonies but looked to this source for relief. Hear what Maryland has said. Listen to what New Jersey said when the articles of Confederation were presented to her. She was not wanting in spirit or in love of liberty. She well knew that she was to be the Flanders, the battle-ground of the Revolution; that her property must be wrecked in the storm; and though she might come out victorious, and even rich in glory, she must be hopelessly poor in other respects. She therefore made her appeal to her sister colonies, demanding that, while others became possessed of immense wealth in these lands, and while her blood mingled

with theirs, and was poured out in streams on many a battle-field fought in the common cause, she should not be left alone in poverty and distress, while they were proud and powerful. Her appeal was listened to, and one of the grounds of the cession of these lands to the United States was that very appeal. As one of her representatives on this floor, I have not forgotten enough of all I have heard from my elders of the sufferings she endured in those days, to be willing here to surrender what, in the crisis of her trial, she demanded as her due, and what was freely yielded to the justice of her demand. The whole of these lands were relieved by the Revolution from the claims of the British Crown, and they became the common property of this nation by what has here been called the "generous" surrender of Virginia and other States. I would rather call it their just surrender to the equal rights of an equal suffering and an equal triumph. I think I do more honor to Virginia and those other States in saying that they believed it to be just, than in putting the act on any other ground—of magnanimity, liberality, or self-denial. A generous act it was, but its justice was its highest encomium. The land came into our possession as a common fund, for the common use and benefit; and I stop not to inquire whether the transaction was financial or otherwise. Discuss that point as you may, it will come to this at last, that whether the cession was made on grounds of finance alone, or with a view to what the history of our war required and justice demanded, and to sustain our Republican Government, our civil liberties, and thereby to preserve the hope of human liberty, it will be found of little consequence. I care not. In every aspect, these lands became the common property of the Union for the common use and benefit of all the States. It has always been so managed, and so regarded. During the early history of the Government, it was never looked at in any other light. Search our history from beginning to end, and you will find that all this doctrine about surrendering it to a few of the States is a notion of very modern growth. It is not a quarter of a century old, and I think we are becoming wise a little too fast, and that we are taught these lessons of wisdom by States then unknown and unborn. The men who composed them were infants in their mothers' arms, or brothers and sons of these whom they would now deprive of their inheritance. The oldest of them had not learned to read from this Virginia grant was made, who now stand here to teach us that the public domain is no longer to be regarded as common property, held for the common use. I prefer to take lessons, on such a subject, from those who were themselves in the struggle which purchased them, and formed the compact; of those who knew their rights, and were willing to deal equally and justly. They knew the grounds on which they proceeded; they prepared and exhibited to the world the principles they held, and I am inclined to believe that they were at least as patriotic in their views and opinions as those who stand in a position where local interests and State pride have their full operation on the conclusions of the mind.

But the idea that we are, either by this cession or by pre-emption laws, to take away the inheritance of the old States, has coupled with it another objectionable feature. The land belongs to all the States in fee simple. But suppose it did not, and that it had been purchased for the benefit of those who settle on it without pretence of law, I ask, how has it been paid for? You will find, when you look into the actual state of facts on that subject, (I do not refer to the Indian way of estimating the value of the land,)—you will find that reckoning the money paid for Louisiana and Florida, together with the expenditures under the existing land system, 150 millions of dollars have been paid out of the Treasury, while but 108 millions have as yet returned into it. The lands are debtor to the United States—to the old States—to the amount of forty millions of dollars. And yet we must now surrender the whole; we must forget the blood which has been shed, and all the sufferings which were endured, to earn this land, and give it away to all who choose to come and claim it. Is this just? Is it right? Take as an example

the case of the State of Arkansas; and I take that State only because she furnishes a striking illustration of the nature of this measure. Louisiana cost us, in the first instance, and in the subsequent expenses of interest and otherwise, some twenty-three or twenty-four millions. Indeed, if the account were accurately stated, with the interest, its cost would amount to little if any short of thirty millions. This money was paid for the territory, without regard to the public lands already bought; and bought, too, at the most precious price ever paid in human history. Now, what is the state of this purchase? It is said by some that the lands in Arkansas—a part of this territory—are in value one-fourth part of the whole; but I suppose that estimate is quite too low.

[Mr. SEVIER. Yes; it should have been one-half.]

It may be so. I care not. Put it even at one-fourth. The people of Massachusetts, New York, Delaware, Pennsylvania, and New Jersey, paid their full proportion for the whole. Say, for Arkansas some seven to ten millions of dollars. What then? They have received back, from sales of lands in Arkansas, only \$3,110,000. And now, what do these, our good friends, so very modestly tell us? It is true you have not yet got back more than three millions of your ten, but you must give up the balance to us. I think they might, without pretence to much moderation, at least wait till all we have paid out is returned to our pockets before they ask us to give up to them the whole estate.

This is a striking fact as to one State, but it applies, in all its force, to many other portions of the Western States, as well as to the lands of Louisiana. I have paid ten millions for a plantation; you go into possession of it; I get three millions of my money back, and you then say, give up the whole to me. I ask again, is this just? But you answer. My pride, my delicate sense of honor, forbids me to submit to you; I can't think of it. I ask, I demand, the surrender of the entire estate; and if you do not give up to me now, in a very few years I shall be strong enough and I will take it from you. Is it possible that we can consent to principles like these as the principles of a common union among independent States? I think not. I hope not.

I have called the attention of the Senate to the case of Iowa, Wisconsin, and Florida. What is Florida—for which we paid five millions of dollars? Florida, as we all remember, knocked at your door but a year ago, pretty unfortunately, for admission into the Union. How much have you received from Florida? Will any gentleman tell me? Yet you are here, by the principles of the bill and amendment, to give her all the land within her limits. If you are to give to one State or Territory, you must give to all. There must not be a handbreadth of difference in the benefits you confer on the different Territories and States of the Confederacy. The large States, perhaps, may not feel satisfied to be treated on a level with the small ones; but I hope I shall not be thought absurd in maintaining that, as to all favors, the States and Territories are to be placed on the same level. I can know no difference between them. I will never consent to treat some as higher, and others as lower. Whatever you grant to one you must grant to the others. On the principles in this amendment, the old States—worthless old bodies, I grant, but they were through the struggle of the Revolution—are to lose their rights in the common domain, that they may be given away to the young States since born. Experience often teaches us that the young frequently take pride, and are a little too apt to tread upon the heels of those who go before them.

It is perfectly apparent, as it seems to me, that this cession proposed by the Senator from South Carolina [Mr. CALHOUN] leads to the results I have indicated, as absolutely inevitable, especially when connected with your pre-emption principles. You authorize citizens, virtuous, useful, and patriotic, or otherwise, or aliens, unknown to your Constitution and laws, who may readily be collected by money and power for dangerous purposes, to go upon your territory, and 60,000 of them may de-

mand to be placed on an equality with old Virginia, and Massachusetts, and Connecticut, and New Jersey; and when the demand, which you cannot deny, is granted, they must possess the whole land, own it in their own right, pay you if they please, but, whether they do or not, enforce from you the defence of them and their lands, whether they keep any part of their bargain or not. My feelings rebel against every portion of the scheme. My judgment can find no apology for it. It breaks up the very foundations of our rights, and disorganizes the action of our system of Government.

I wish I could add the expenditures of the Government for Indian wars, and the portions of country for whom they were made. It has been, however, for the people of the West—for these new States. But, say gentlemen, ought not those people to be protected? Unquestionably. When did the old States hesitate to furnish men and arms at the first note of Western danger? Pressed down as those States say they are, let them at least remember that not one dollar of the amount has ever been expended for the protection of the territory of the old States. I beg them to remember also that, of this amount for Indian wars, New Jersey and the other old States have paid their full share. Has there been a hostile Indian on the soil of New Jersey? Was the money expended to save her citizens from massacre? No, no; she paid her share on the principle, that, when any portion of the Union is endangered, millions of stout hearts should be prepared to bleed, and twice the number of sturdy hands ready to strike in its defence. I affirm that there has not been an hour when the rights of our Western brethren were neglected, or a vote which forgot their claims to our sympathy. And if money was paid at any time for the defences of the old States, they were equally for the ultimate protection of the new, and paid in much greater proportion by the old than the new States.

On this point of general defence, the Senator from Missouri [Mr. LINN] would apply the proceeds of these lands for the support and increase of the Navy, and seems to take merit from the idea that this is most for our protection. And what interest have the States on the seaboard in the augmentation and maintenance of a Navy, which the Western States have not in an equal, if not a greater, degree? If I were called upon to say what part of the Union is most interested in our gallant little Navy, and in making it all that patriotism can demand that it should be, I would point to the Valley of the Mississippi; every portion of which can be reached in its vital interests by any naval power greater than our own. More interests depend on the outlet of Western commerce at the mouth of the Mississippi than on any, I had almost said all, the ports of the Atlantic seaboard. Hence the value of your Key West station and perhaps other stations which should years ago have been fortified and furnished for the protection and relief of the Navy when engaged in the defence of that great western commercial emporium, the outlet of the wealth—the security of the interests of the great valley.

I rejoice in the proposition, because it seems to be a waking up to their true interests in the West, after a long, long sleep. I remember when, in another station, I urged, with a zeal which was regarded as importunate, the increase of the Navy, and the protection of every interest on the borders or connected with the Gulf of Mexico, I met d.m. eyes and heavy ears, and had for my reward, often, too often, the noes of friends and the scorn and sneers of opponents. Times are changing. Our Navy may now look to more of justice and encouragement. Our stripes and stars, around which—whether in the breeze or the battle—so many affections of the patriot's heart cluster, and which, in the calm and in the storm, when peace demanded only their countenance, or war their power and vengeance, have steadily, and without change of course, borne onward the rights, the honor, the glory, not of our land only, but of liberty and free institutions—these stripes and these stars have promise of good; let it come, let it come.

But still, I may not, I cannot, adopt this proposition. The ocean should forever be our battle-

ground. Our soil should be untrodden by a foeman's foot. Our Navy, the bulwarks of our defence which float upon the waves, should look for sustenance and power to no one of our separate and distinct resources. They have a right to demand them all, if all be necessary; and until they are so, I cannot agree, deeply as I love them, to set apart a particular, separate fund, and especially this fund, to their support. Loosely and ardently as I have struggled for them, I would not let them—no, nor any other great and commanding interest—rest on one, and especially this one, of our sources for revenue and expenditure. I would not consent to put the maintenance of this arm of our defence, or jeopard it, by resting on any one interest or resource in the Republic. I would put it on the general Treasury; and I would demand for it what should cause the stars and stripes, its flag, to wave in that conscious independence of which it is the emblem. Why should we devote this specific revenue to that object? It was purchased by the States—by the Revolution accomplished by the States. It was devoted to them for their relief. They have paid the debt of the Revolution almost without its aid, but they have a right to have the balance, the remainder, to restore what they have expended, to meet their wants, to promote their prosperity. If they choose to surrender it, I cannot aid in that surrender. If New Jersey is prepared for it, she ought to find some other agent to be her instrument in the sacrifice.

There is another point which I ought to suggest. We have bought from the Indians about four hundred and forty-two millions of acres; we have paid about eighty-five millions of dollars for them, of which we have got back only about forty-five millions. Yet we are to give up what we have purchased before our expenditure is returned. Throughout this whole land scheme, I perceive this one leading, one controlling idea. Although, as the Representative, of the people of all the States, we are still out of pocket; though we have paid out enormous sums which have never been returned to us, yet we are to surrender every acre we hold to a few of the States, who have paid very little of the whole amount. Twenty-six have purchased an estate; nine, who have paid the smallest share, say, give the whole of it to us, on our own terms. What right, I ask, have you to do any such thing? Where is the principle of common union in such a demand?

But we are told that those States have already paid enormous sums into the Treasury; and the argument is, that the balance should go to them, on such terms as may best suit them. How have these sums been paid? The lands within their limits, belonging not to them, but to the nation, have been sold, and the money received has come to the nation, as the proceeds of its own property. Those States have paid nothing but as purchasers—purchasers of lands which have made them rich, as their rapidly growing population and comfort abundantly prove. Are the sellers, under such circumstances, under heavy obligations to such purchasers for additional acts of liberality? But who paid this money? Did the people of the new States? They had no people to purchase or pay. A part of the inhabitants of the old States, taking their resources from the old States, and making purchases, thus became citizens of the new. The sums paid into your Treasury were paid by the old States—by their citizens—out of their means. Those who chose to desert them, to seek new homes, and higher prosperity, ought not now to turn back to the ancient domicils of their parentage and birth, and utter reproaches because they are not permitted to take for nothing, or on their own terms, all that remains vacant and uncultivated of the inheritance of those they left behind. Look over this chamber. I believe you will find some sixteen or eighteen Senators who were born in the old States, some of them, perhaps, now with princely possessions; with an average, at least, of wealth beyond those who are here from the seaboard. How came they here and thus? They left their relations, took their means, sought fame and prosperity, and found them in a country apt to furnish such results. But is it quite benevolent

or just for them or others, the partakers of a like destiny to seek to deprive those they left behind, of their own blood, and, in a less enviable condition, of their share in the common inheritance? Let me suppose a case, and use the pronoun I. I have a brother. We inherit a few acres of worn-out land in a narrow State. We have also a common property in the West—a property from which we derive an income. I choose to remain and manage my share of the paternal estate, to let the incense still burn on the family altar, and meet, as I may, the destiny of the family hearthstone. He chooses to part with his portion—take its proceeds, and adventure to our Western property. He does so. And the moment he arrives and pays the required sum, to have a part set off to his exclusive use—he tells me that he has a right to my share also—that he is a pioneer—that he has encountered the perils of the wilderness—that he has merits far beyond mine—that I must yield to him—and if I do not, he either has or soon will have the strength to take what he claims—and he will take that which is mine—mine by the sacrifice of Revolutionary blood—mine by the dearest price which human nature can pay—mine by the compacts and covenants of the Revolutionary hour. He may succeed—but if he does, it is the triumph of unlicensed power over right and justice.

But I deny the authority in another aspect. How do Congress hold these lands? and what is your authority over them? We do not own these lands. We only represent those who do. We are the trustees for their management. Can a trustee, at his pleasure, part with the trust fund, and put it out of his hands, and either give it or confide its management to another? Are we any thing more or less than trustees? Congress, it is true, must, under the Constitution, determine on disposition of the land; but they do it in their relation to a trust fund. Have we any power to part with the fund? Where is such power given to us? And where, too, is that other principle which is involved in the amendment—the power to appoint trustees of our own choice, under ourselves? In what court of equity, in what court of honor, in what heart, can such a doctrine find its sanction? You have been appointed a trustee, and, without any authority from your principal, you are to hand over your trust to another. Such an act would be denounced in every court as a violation both of honesty and honor.

Disputants may debate about terms and expressions. They may reason about the effects of changes from the old Confederation and the old Congress, to the new and existing Government. But are we not, by these changes, which have been made by those for whom the trust is held, put in the place and stead of those who first received the trust? Does not this Government represent, and by their will and their command, those in whom they first confided? Is it not, with a mere change of form and name, the same trustee? Do not all the original responsibilities and duties rest upon us, in all their force? And can we avoid them, without quibbles, unworthy of an advocate, in the humblest tribunal? No, Mr. President, we stand here, in possession of the trust property, bound to execute it—to execute it faithfully, according to the original purposes to which it was devoted. There is not an honest and intelligent chancery on earth, which, if it could reach us, would not compel us so to discharge our duty.

But it may be asked, how, then, are you to divide and distribute that fund? I shall not enter at this moment into a discussion of that part of the subject; but will remark that the persons among whom we propose to divide the inheritance are the very persons from whom we have received the trust, who own and are competent to decide for themselves on their interests. They are competent to receive it. They are the owners: we are trustees. If they say to us, keep the title, but divide the proceeds among us, and we obey their mandate, is there any violation of justice or law in such a division? It is the only mode by which we can effect the just application of a common fund. Graduation and pre-emption apply the fund

only to a few of the owners—not equally among them all. But when you distribute the proceeds you can do exact and equal justice to all and to every part of the Union. I can see nothing either in the law or in the terms of the contract, or the principles of justice, which forbids me to adopt the measure. So far from it, I think I see in it the only and last hope of those who made the purchase to receive one dollar of their money. If you will not agree to distribute the proceeds, they must buy their account to lose the whole. What hope can New Jersey, or Connecticut, or Rhode Island entertain of receiving any return for the millions they have paid, and all the labor they have bestowed to earn this rich inheritance? None; none. And if you go on with your pre-emption bills, and your graduation bills, and your cession bills, till you have parted with the last acre out of your possession, then will have been accomplished before the civilized world a grand exhibition of the justice of Republican communities. After the country has united in an arduous and agonizing struggle for national independence, and poured out its blood like water, and secured for those to come after them a rich inheritance of free principles and social happiness, one of the great prizes which they won is seized and ravished from the possession of those who gained it, and who suffered for it. Is this your Republican justice?

But we are told that this domain is a subject of constant difficulty in the transactions of our public business—that it is a prize to be fought for—a stake for which political gamblers will always be contending—and that, if we would have any peace, it must be removed from our control. That these lands will always be held out as a bribe by the ambitious wherewith to obtain power; that we do not possess sufficient firmness and virtue to resist; and that such a bid will be made for votes, through the promise of this vast territory, as must disturb all the future regular action of the Government. It may be so. But I think that, if there have been bids made, the bid of the Senator from South Carolina [Mr. C.] far outstrips the whole of them—and I hope no future dealer in the commodity will be able to equal him. But is it so? That Congress cannot perform its regular legislative duty on account of the immense prize which the public domain holds out to ambitious men and to parties within its halls? I am reluctant to believe it. But if it be true, by whom is the bribe offered? and on whom does it act? It must be offered by the new States, or by those who court their favor. They have the lands within their limits. Their politicians can make bids, but those from the old States cannot so well do it, without the desperate hazards which ambition is, sometimes, mad enough to encounter.

When I hear gentlemen say that there is a political game to be played by means of the public lands, what am I to understand but that the new States hold a great prize, and that they can offer it to unchastened ambition, if it gratify their wishes. A political game? Where? Where does it operate? Not, surely, on the great mass of the people of this country. I do not believe the public lands, if they were worth ten times as much, could bribe the American people to give their suffrages in any quarter which their judgments and their hearts do not approve. One thing I know, that no aspirant for power or place can purchase the votes of New Jersey at any such price. How it may be with others, I can only judge by what I see of the virtue and consistency of those who represent them—and by their conduct.

In connection with this idea of our corruptibility, by means of the public lands, it occurs to me that another suggestion is worthy of some notice. It comes, however, from a different quarter, and is subject to another construction. It is this, that our political affairs have been matter of stock speculation on the Exchange of London. The inference—if any inference is intended to be drawn—must be, that London stockjobbers and London capitalists have some connection with the party opposed to the existing Administration, and have had some influence in the recent election, and must have some in its future results and effects. And the Administration—the Executive—by its acknowledged

organ, announces such to be their true opinion; an organ on which it seems more to rely than on any and all other means and instruments of defence—pride themselves as these means and instruments may. Now, to me, this is a marvellous idea; suited, indeed, to the sense of right and wrong of any editor, sold, soul and body, to his party; but reckless of every consequence save one—success. But, when offered on this floor, it should be sustained by evidence, which might at least afford an apology for asserting a fact which, if true, inflicts unending degradation upon our country. So far as relates to the late election, I have said that I could not, here, and on this occasion, discuss it. I have proved that, at other times and other places, I was not slow, however inexpert, to seize and wield the weapons of political strife. But other matters claim our attention—far higher, both to my own State and the Union, than the temporary possession of Executive power, or the triumphs of the hour to a party? But the character of the country, the virtue and integrity of our widespread people, require that suggestions, coming with the pomp of authority and the confidence of influence, and which must, however they may be intended, affect the future action of the nation, should demand at least an inquiry as to the foundation on which they rest.

I ask them for the evidence. What is it? So far as yet developed, a banking-house in London has written a letter, and articles in newspapers and reviews, and perhaps some books, have been published in London. When, and in what case, has it been established that this was the proper evidence by which to try the character of our parties, or the character and motives of our people? Since when have opinions, emanating from that source, been so much in favor as to be considered conclusive on such a point? Sir, we are changing rapidly; banks and banking-houses abroad are now regarded as good guides in estimating the character of our parties and people.

But who is this banking-house? What opinions have they expressed? What gives to their opinions such weight? How were they induced to say any thing on such a subject? I understand them to be an ordinary banking house in London, (Huth and Co.)—dealers in stocks and money—one of the firm being for the time a director in the Bank of England. They have no peculiar knowledge of us, nor connection with us; nor capacity to judge of us or of our interests, characters, or motives. I do not know that they have the slightest connection in feeling or interest with the Whig party—though it would seem that they have with a portion, and that not an unimportant one, of the supporters of the present Administration. What induced them to give an opinion? The State of Missouri chose to issue certain stock, or obligations, which rested upon the responsibility of the State, and by which money was to be raised to be used in the State. She chose to send, or permit to be sent, some of this stock—this State security—to London to pass it off and get the money which was needed. Her agent, I presume, sought the company, and not the company him, and the company was induced to manage the securities for the State, and sell them or otherwise procure the money. In all this what had the Whig party or the majority of the people to do? They surely did not control Missouri while the Senator was so commanding in his influence. They did not send the securities to London. They did not select the agent there. And if that agent, the agent of an Administration State, and Administration interests, has expressed opinions, it does not seem to accord very well with fairness and justice to bind us or the people of the country by them. It would be as fair and as just to receive as binding the allegations and opinions of the representative of that State, her Senator here, as conclusive. I should hardly be willing to place the evidence of the agent in London above that of the selected representative of the State in Washington. The latter holds a far more commanding position. But what opinion do Huth and Co. express that its evidence is to be so controlling? It seems to me, in substance, to be nothing more than this: that State securities, and those of Missouri among them, cannot be sold in the present condition of

things; and that those who wish to invest their money in them are not willing to do so because they are fearful of the opinions, and principles, and conduct which prevail, and which are to be anticipated from the party in power in this country; but that they would be somewhat relieved, and more willing to buy, if the Opposition should succeed. Now, if this opinion be ever so absurd and monstrous, I beg that we may not be saddled with it; that, if rebuke is to be given, it be applied by that State to this unworthy agent, and that he be taught by his principles more justice and good sense and courtesy towards them. It may be a difficult task for him to alter his convictions. He buys and sells, not for himself, but for those who desire to make sure and permanent investments. He does not buy to hold, but for sale to others. The London brokers and banking-houses are but the agencies through which the retired and quiet holder of money makes his investments. And if he will not buy, they cannot sell. And could he or they buy with safety? Was there not justice in the opinion expressed? proper grounds on which any man would hesitate to hazard his property. Have not the General Government and Administration States said and done enough to make a prudent man pause? Recollect the course of one State, and her want of punctuality in paying the interest; the avowed principles of the Executive of another State; the doctrines promulgated in so many quarters of influence; and, worse if possible than all, the volunteer, unnecessary resolutions of this body about assuming State debts. If you had money to lend, would you lend it those who avowed such principles? Would you not prefer to lend it to those who entertained different principles, and acknowledged the unchanging obligation of their bonds, in whose hands they might be found?

But enough of this. I ought not to reason on such a question on the floor of this body. Before the representatives of what are proudly called sovereign States, shall it be said or insinuated, without rebuke, that the people of those States have been influenced in their highest act of sovereignty by the exchange of London? Is there money enough in London and Paris, in Holland, or the combined wealth of Europe, to bribe the voters who decided the recent election—to govern their suffrages, when great principles of Government and civil liberty are to be discussed and decided? Then have I miscalculated the virtue of my countrymen.

But if the gold of British bankers did operate with such a deadly and resistless power, it must have been somewhere, and can be pointed out. I ask where? In what State of the Union? Was it in Indiana? or Ohio? or Delaware? or Vermont? or Massachusetts? or Connecticut? or Rhode Island? or Georgia? or New Jersey? or was it in Missouri? or which of the States was brought to its vote by influence from the London Exchange? Let us have some specification. And if no single State be named, then I put it to Senators, and ask them, one by one, to say whether it was their State that was "bought up by foreign capitalists? Was it in your State? or yours? or yours? No; no stock-jobbing combinations could ever accomplish a political revolution such as has changed the face of this entire land. I have no belief in any such degrading of persons or my country. I plant myself upon the intelligence, the honor, the virtue, of the American people, and I believe them far above the reach of any such influences.

I do not believe the proposed scheme as to the lands will operate at all to remove from our deliberations here the struggle of party opinions. If things have reached that point, or if we are servile and money bought, we had better at once give up the Republic to the spoiler. It is not worth struggling for, if it had become already so corrupt as such arguments assume. Let each Senator apply them to his own State, and is he think them merited, let him be content. But as applied to me and to mine, I repel them with indignation.

I have now concluded what I have to say in regard to the amendment of the Senator from South Carolina.

The amendment proposed by the honorable Senator from Kentucky [Mr. CRITTENDEN] comes

next. I have already expressed some of my opinions in regard to that. But I now repeat the expression of my hearty concurrence in a part of his amendment. I have said that I might be induced to go both for pre-emption and graduation, provided they are connected with distribution, but I must have distribution; and even then the graduation and the pre-emption must be carefully guarded. I am not satisfied with his proposition in this respect. It gives too much land. If the pre-emption be, indeed, intended for the poor man, half the amount he proposes to allow is amply sufficient. I go on the presumption that the fact in this respect is as it is presumed to be by the law. Nor am I satisfied with a limitation of the pre-emptive right to persons not worth a thousand dollars. I am willing that the poor man should possess a roof and a hearthstone that he may call his own, especially such as have had to struggle with adversity, but I go on the ground that there should be no distinction as to property in any of our legislation. It should be the act of the man, and not his property, that should form the ground of distinction. Give a privilege to-day because a citizen is not worth one thousand, and to-morrow you may and will make it ten, and the next day twenty—or you may, which is more probable, reverse it, and deny a privilege because he is too poor. Equal laws—equal privileges under the laws, and equal rights, for rich and poor—for poverty and wealth—even for profligate idleness and thriving industry—are the principles of our system—the theory of our institutions—the broad and immovable basis of the religion we profess and the liberty we would cultivate. I am not willing to depart from it for any temporary expediency—or any ingenious theory. If it be right to give the settler on the public lands a preference in the purchase, let him have it without counting the number of dollars in his pocket—without telling him your poverty justifies your nation's charity, or is the reason of your nation's justice. Tempt not your citizens to make pretence of poverty that they may acquire, by gift, either privileges or wealth. It is not a fit principle to guide our legislation. And yet, Mr. President, I must vote for this amendment of my friend (Mr. CRITTENDEN) from Kentucky, because his proposition contains two objects: the distribution of the proceeds among the States and this modified pre-emption—and, by the rules of the Senate, I cannot have them divided. I will take both, for the present, in preference to the bill of the committee, or the amendment of the Senator from South Carolina, [Mr. CALHOUN] and will endeavor, in the final action, to separate them, and establish what better suits my views on this point.

Having submitted my views of the amendments, I have reached the bill of the committee, and in what I have to offer in regard to it, I hope to be brief. Its particular provisions have already been examined by several Senators, and it is therefore the less necessary that I should dwell upon them. I could not make them more clear than they were made by the Senator from Connecticut on my left, [Mr. HUNTINGTON] whose argument I hold to be unanswerable. I yield to it my assent, and need not, and shall not, attempt to repeat it.

To the simple principle of pre-emption, as such, and connected with no trespass on the rights of the country, I have no great objection. I can, at least, content myself to submit to it if it be properly regulated. But here is a bill, calling itself a pre-emption bill, which holds out a thousand millions of acres of land as a lure to tempt all people on the face of this wide world to come and seize it. It is a bill without limit in point of time, and almost as illimitable in point of territory—wholly without restriction as to color, race, or country. The African, the Indian, the Hindoo, the Austrian, the Russian, the Spaniard, the Frenchman, the Englishman, all are alike invited to come and take a portion of our soil and at once become American citizens, and receive a title to land which can never be recalled. Nay, we are so anxious to give away these lands that we offer them to infants of the age of eighteen, who cannot make a contract, under our laws, but whom we propose to free from the iron control of parental authority. When we purchased the largest portion of this same territory, and were bound by solemn treaty, our supreme

law, to recognise and protect the rights of the inhabitants, we refused all claims to titles unless the claimant was, when the right was acquired, the head of a family or twenty-one years of age.—3 Laws, 652. Our liberality grows apace, in our zeal for pre-emptions—our justice is not so rapid in its motions. We are quite ready to admit for the whole race of man what we denied to those in whose favor the obligations of right and mercy were presented. Who makes this grant? Who issues this irrevocable proclamation? The Government. I would suggest to you, sir, if it be not, at least, a plausible idea, that, when the Government thus grants land to an individual, and he takes possession of it, the very act does not make him a citizen, and no subsequent escheat can interrupt his possession. But I do not stop to discuss this point. This bill is in violation of all the principles of all the laws in regard to the public lands which this Government has ever passed. In 1807, when the "great apostle of Democracy," who is quoted by some gentlemen much as the ancients quoted the responses of their oracles, was in the Presidential chair, a bill was passed directing the Executive to carry the laws for the protection of the lands of the Indian and national domain into effect; and, if the settlers refused to submit, to use the force of the Government in removing them. On what principle of that act is the present bill founded? I know that it was imputed to that apostolic Chief Magistrate, as he has been irreverently called, that when he urged the passage and gave his assent to the law, he had his eye on the Bature at New Orleans, and wished a pretext for removing the claimant; but that I did not believe. I was one of his admirers, and was satisfied that the law originated in a conviction, on the part of Congress, and on his part, also, that the public domain of the United States was not to be trampled upon and plundered. Subsequently and under peculiar circumstances, the inhabitants of Lower Louisiana, and also of Kahokia, Kaskaskia, and one or two other settlements, were granted pre-emption rights to the lands they held. On what grounds? Those in Lower Louisiana had taken possession of their lands in virtue of grants and public documents from the Government which had ruled them; but, owing to some defects of title, they were unable to enforce their right. The country passed into our hands, and became subject to our Government. These people were not pre-emptioners in any sense now given to the term. They had not rushed upon their lands without pretence or color of title. They settled in good faith, thinking they had a valid title to the lands they occupy. So in relation to the Kaskaskia settlers. They were the subjects of a foreign Government, and had been upon their lands for a long course of years. They had improved their possessions, and accumulated around them the comforts of life, and the Government resolved that it would not disturb them. This was just and right; but these people had not gone upon land in violation of law, and taken possession of it by building a log cabin, or planting a potato patch. All our other pre-emption laws were influenced by considerations which operate on the judgment and justice of a Government. In all your laws, you have said that, up to a given day, and under certain specified circumstances, settlers who had possessed themselves of your land should be protected, and held at the prices for which you were willing to sell it. But what do you say here? Come one, come all. Come from the four corners of the earth and with the four winds of heaven, settle on our public domain, and take a quarter section of land to the reward of your merit. But this is not all. If eight or ten seize, together, upon one quarter section, they may spread themselves over all the adjoining land, till they have each got a quarter section. You send forth a proclamation to the homeless, the homeless, the unprincipled of the world, and throw open to them all the public land of all the States of this Union. While I speak thus, I must not be considered, and will not submit to be represented, as saying harsh and unkind things of those who are called pre-emptioners. I have burdens enough to bear, without this addition of false and groundless accusations. I admit these settlers to be as upright, correct, and virtuous, in regard to other matters, as their fellow-citizens,

though I do not think them right in thus seizing the property of others. I am ready to concede to them equal merit with others, save in this—they have, heretofore, violated the laws of their country, and you now offer to bribe all the inhabitants of the globe to imitate them. But while I will do them the amplest justice, I cannot consent to sit here and hear it said that they are men of more perseverance, industry, enterprise, virtue, and patriotism than those whom they have left behind them in the old States, or that the negro of Africa, the lazzaroni of Naples, and the serf of Russia, have such merits, and may be rewarded at our expense. I am not willing to hear these perpetual contrasts between the people of the old and the new States. It is constantly rung in our ears that pre-emptors are men of great intelligence and enterprise—quite the guardians of the country. Indeed! Where did they get their intelligence? And if of more virtue, where did they acquire it? Of more devotion to their country—on what theatre did they learn this extra ultra patriotism? That they understand the principles of civil liberty better—where did they get their knowledge? Who are they? They are either foreigners, coming here from lands of despotism, or they are descendants of the men of the Revolution. If they come from abroad, why shall I admit their superiority over men born amidst the blessings, and imbued from their cradles with the love, of civil liberty? I admit no such thing. But if they are the descendants of the men of the Revolution, how came they by such exclusive and peculiar virtue? No; when I admit their equality with others, I admit every thing which can be justly demanded. Above all, I am not prepared to acknowledge that these settlers, either past or future, are men of such pre-eminent excellence that I am bound to submit to a wrong perpetrated on me and mine in order to reward them. I do not admire such contrasts. What right have the people of Illinois over the people of Delaware or New Jersey which authorizes us to say to them, You have so much merit, that we will take the property of the people of those States and give it to you? I hold it better and more just to act upon the principle that the people of the several States stand all on one common platform, and make provisions which shall apply equally to them all.

There is another idea which has been advanced here, to which I can never yield assent. It is, that we are, now, at that point in the history of these lands where we enjoy, for the last time, the opportunity of acting on them freed from compulsion; and if they are not now ceded, they will very soon be seized. I have said that this was not an argument properly addressed to the judgment: but what kind of argument is it to the feelings of an equal and an honorable man? To equal sovereign States? Gentlemen say, in substance, "We shall soon possess the balance of power in the valley of the Mississippi, and then we can vote you down, and, then, we will have the land with your consent or without it." If this were true, what sort of argument is it to address to me, as an independent Senator, standing here in the discharge of my duty to my State? I do not believe it to be true. I am not at all alarmed by the threat. In the first place, they will not have the balance of power in the valley of the Mississippi, but, if they should, they will find, on this point, a divided empire. I do not admit that, because they may have a majority of numbers, therefore political power must be on that side of the mountains. There are many other things which go to make up political power besides mere numbers. And among them, for I cannot pause for a full enumeration, are there not the advantages and influence of commerce and the means of protecting that commerce? The connection and ready intercourse with other nations who control the interests of the civilized world? Fifty millions of freemen may live and prosper in the great valley between the Alleghany and Rocky Mountains; but if they do, they will not form an exclusive Chinese Empire, but will seek avenues to and connection with those who can unite with them in promoting their interests. Have not the fastnesses of their barrier mountains been already broken open, their ravines made streams for transportation, their

frosty summits iron passways for the farmer, the miner, the manufacturer to traverse with the products of his labor to the marts where that labor may best find its recompense? They will not rely on the mouth of the Mississippi alone, but on every bay, stream, and harbor of the Atlantic coast.

In my opinion, if this Union lasts, no man will ever see the centre of power a hundred miles west of Piusburg. I say to these aspiring States, you cannot get the political power of this country. But, if you do, it is an unfounded idea that all the feelings of the people of the valley of the Mississippi must be tributary to such notions in regard to the public lands. Where is Ohio now? Where will Indiana shortly be, when there comes to be a new State beyond Missouri? Even now, Indiana, by her Legislature and her Senators, refuses to accept your bribe of the public lands. And thus you will go on and find that as fast as new empires rise in the extreme West, just so rapidly will other States, now new, be passing over into the condition and acquiring the interests and feelings of old States. Your threats about seizing the public lands, because you will have the balance of power, if addressed to me as a persuasion to cede them to you now, I value as nothing. I do not believe that your power to get possession of those lands will ever be greater than it is at this moment. Hour by hour, as Missouri, Arkansas, and Michigan, and Wisconsin, and Iowa become settled, so also, hour by hour, will other States wheel into line, and stand with us on the great question of the public domain.

When I hear gentlemen proclaiming to us, in threatening tones, that this question must be settled, that they will soon get the power, and then they will do, not what they suppose to be wrong, but what I do, it gives me no alarm. Do they remind me that Wisconsin will soon be a State, and will add weight to their side of the balance? I look at Ohio, and remember that she is at our end or the beam. Do they threaten me with Iowa? I look at Indiana. Do they point to the Far West? I point them to the whole slope on this side the Mississippi. At every hour they must lose more than they gain. I am therefore unconcerned on this point of force. But suppose they were able to put their threats in execution, I hold the right of the old States to the public lands to be unquestioned and unquestionable; and if asked to surrender that whole domain, I say "Come and take it." If I must surrender it, I had rather surrender it to the pressure of your power, than tamely give it up under alarm at your threats.

I have but a word to say as to the idea that this Government does not possess the power to enforce its own laws, to protect its own property, to perform its duty as trustee. It may be so; but is it wise to proclaim, in the ears of a listening world, that our boasted institutions, and this our American Union, rest on such principles that we are incapable of protecting our own admitted property? I know, indeed, too well, that a spirit of resistance to law has risen, within a few years, far beyond the point it had ever attained. The historian, if faithful, will trace it to the last twelve years of our annals. I know that there are men who are for taking all power and judgment into their own hands, and who supposed that, under the influence of passion and interest, they can decide better and more wisely than our judicial tribunals, and have higher authority than the laws of the land. But I trust the hour has not yet come for announcing that, in America, the Government and the laws are not strong enough to enforce the rights of the nation against individuals. I hope it is not so. I would ask Senators from those States, and I wish them to answer the question, not to me, but to themselves, would you prevent our own citizens from going to settle on such portions of this land as now belong to your States? Are your State Governments so weak, so broken down, that they cannot prevent this? Where your States have had large tracts given them, for works of internal improvement, or for other objects, do you protect your own land, or do you not? And if you do, is it right to come here and say to us "We, the State Governments, are abundantly strong to protect our lands, but you, the Government of the Union, are utterly powerless to protect yours?" It is demand-

ed of us that we shall pass pre-emption laws as an act of justice to the new States. These States hold large tracts of land, which are their own; will their Senators be good enough to show me the pre-emption laws they have passed? Or do they think it is well enough to urge this policy upon us, while they repudiate it themselves? How much stronger would their argument be, if they could say, "This thing is right in principle, and you see we practise it in our own case?" But is it so? If a pre-emption law which is to affect my land is a good thing, why would it not be as good if it affected theirs?

I have one more objection to urge. I feel strong repugnance to that feature which calls men of all nations to come and take a part of our public domain. The invitation is too broad. No matter what climate a man may inhabit; no matter what hue a Southern sun may have burnt upon his features, if he is in the form of man, he is invited. And it is now claimed for the States that they may make him a citizen at what time and on what terms they please. I have not read in the history of our Revolutionary struggle, in the Articles of the Confederation, or in the Federal Constitution, any thing which holds out to foreigners a bribe to come, nor justifies the States in making them our fellow-citizens at their pleasure. These doctrines are new, but they fit each other, and united, lead to consequences which demand that we pause and reflect. Why hold out such offers? Do we need an army of foreigners to come among us because we are incapable of managing our own affairs? or because they are men of better political and moral principles? or that they may protect us? I repeat here what I said as to pre-emptioners. I will not be thrown into the position of one who is an opponent of foreigners. None of the miserable slang on that subject can apply to any portion of my life. The question here is not as to the terms on which we shall admit them, but as to the wisdom of thus inviting them, and to the power to admit them as citizens. It is not whether they shall pass through a probation of five years or of ten years, or whether a simple oath of allegiance alone shall place them in the possession of the privileges and under the obligations of citizenship. But who has a right to say what the terms of admission shall be? You invite them to take your land in Illinois; can Illinois, as soon as they get possession, say they shall have the right of suffrage—be citizens of that State, and thus, by force of the Constitution, entitled to all the privileges of citizens in another State? A Swede, or an African, who was never a slave in this country or elsewhere, who has been freed, accepts your invitation—takes your offered quarter section—can that State make him a citizen of the Union? Is this power of creating the citizen lodged in the States or in the Union?

The question is not answered or affected by an amendment which was offered to that bill, that if the foreigner declared under oath his intention to make the land his home, he might be a pre-emptioner. It respects not the mere oath of intention or allegiance. It rises higher. Can the States make a citizen of the Union? It was not so when we were colonies. Then the power was in the British Crown. The Parliament might say who should be admitted to citizenship in England; but even Parliament itself could not declare that a Frenchman should be a citizen of one of the British colonies. The Crown was then the depository of that power. And let me remark that there are few, if any, of the great principles of American liberty which are not ultimately founded on the prerogative of the British Crown, as in opposition to the powers of the British Parliament. The King prescribed to us who should be admitted as our fellow colonists. We gave up that power to the Confederation. Before that, each State was independent of every other in this respect. But the Confederation was to control the exercise of this power, lest one colony or State should, by admitting whom it pleased, be able virtually to say to another colony or State who should be its citizens. The power given in the Confederation over the subject of naturalization, was intended to reconcile the conflicting action of the States. Some received citizens in one way, others in another. The power conferred on the Confed-

ration may be found in 1 Laws, 14, article 4. The reasons for giving it and the difficulties which arose under it, are explained by Mr. Madison in *The Federalist*. I need not detain the Senate by reading them.

Then came the Federal Constitution which created the Union; and what does it teach? Its first words are, "We the people of the United States." Who were they? They were the citizens of the United States. The honorable Senator from South Carolina said he would like to hear a definition of what a citizen is. I have no skill at definitions, but I think I can describe who are and who are not citizens. At the time the Constitution was adopted, the people of the States formed it. The mere holding of land did not constitute a man a citizen, or one of the people of the States. A State may, if she pleases, allow an alien to take land, and hold and transmit it by her laws, and yet he may not be a citizen of the State or of the United States. We must go beyond that. The moment you allow a man the power to vote, the moment you give him power to vote in the political government, you make him a citizen—one of the people. We need not go back to Rome on this matter. The man who possesses political power, united to the common rights of person and property, is your citizen. He must owe his allegiance here, be subject to all duties, possess all rights, or he cannot be a citizen with us. The language, "We the people of the United States," meant such, and none others. They formed their Government for themselves—not for Englishmen or Frenchmen—but for themselves alone, and such as they chose to admit, upon terms which they should, in their joint capacity, prescribe. The power to prescribe these they could not leave to the States. Would you have Maryland say to New Jersey, you shall receive this man because I have made him a citizen? There was, therefore, a necessity of some common rule, and the authority to prescribe it must be placed somewhere, and it could be placed nowhere but in the common councils; and accordingly the Constitution declared that Congress should have the power "to establish a uniform rule of naturalization." Could it be uniform, and yet leave the power to the States? Naturalization is the investing of an alien with the rights and privileges of one who is native born. That is the whole idea. When, therefore, the Constitution says that Congress shall have power to establish a uniform rule of naturalization, it means this, and this only: Congress shall prescribe the terms on which a foreigner, an alien, shall be admitted to the rights of a native—be one of "We the people." Can there be a uniform rule unless it is prescribed by some common central power, and by that alone? There obviously cannot. The very object to be attained requires that the power should be vested exclusively in one body, in the Federal Government.

I hold, therefore, the Constitution of Illinois and so much of the Constitution of Michigan as undertakes to admit foreigners to citizenship to be null and void—a violation of the compact. We entered into the Union on certain terms and conditions relative to representation, taxation, and other matters. It was necessary for us to say who should be admitted as copartners. But if an individual State may say this, the relative position of the States is changed—the conditions at once broken and destroyed. Illinois admits, we will suppose, 10,000 persons to vote who are aliens, not naturalized, whom she has not had the consent of other States to admit—what is the effect upon New Jersey? It is this: that foreigners, strangers probably to our principles of government, our habits, our interests, to our very language, may outweigh and overcome the citizens of New Jersey in the choice of a Chief Magistrate, and in all the management of all our public affairs. Is this fair? Is it right? This doctrine puts it in the power of certain States so to arrange as that foreigners shall send enough to make up the majority of Representatives on the floor of the other House, and may decide the choice of President. The States, it is said, are too wise and just, and will not do this. I do not say they will; but I would rather stand by the Union, and trust the principles of the Constitution than them. We agreed that there should be a uniform rule of naturalization—a uniform rule in New Jersey an

in Michigan, in Delaware and in Illinois. But is the rule now uniform? No. And if the other States should proceed after the example set by Illinois and Michigan, we shall soon have as many rules as there are States. I am not willing that such an unconstitutional and pernicious doctrine shall pass without giving it my condemnation. I insist that it is a violation of the Constitution. Read the powers granted in that instrument to Congress, and see if, where similar language is used, the power is not always exclusive. This point has been brought before the Supreme Court, and there was no dissentient voice in regard to it. I dread the consequences of this doctrine, more especially when I see such a bill as this, tempting aliens to come, giving them our lands, that the States may make them citizens. I am not willing that the members of the House of Representatives shall represent aliens, for in process of time aliens may come to be a majority, and may choose my Chief Magistrate. This law may make them so numerous in Wisconsin and Iowa as to control your native vote, and make laws for your States. I will not leave it to one State to say that they shall be permitted thus to control the general interests of all the States. Whom may not some of the States make citizens? Cast your eyes in certain directions, and you can readily see what might be done. And recollect that the moment a State has pronounced a man a citizen, the shield of the Constitution is placed over him for his protection, and he must be protected as a citizen, every where: in all the States. I entreat gentlemen to pause before they establish this doctrine. For myself, I will not hold out inducements either to our own citizens or to aliens to come and take possession of our public lands. It is a proposition obnoxious to the laws and to the Constitution, and to all the fundamental principles of our Government and Union, and I must resist it. I am willing foreigners shall come and enjoy all the privileges which I do—I am willing to have them as neighbors and as friends, and let them stand by our side in battle—but they must cease to be aliens first.

My doctrine in regard to these lands is simple—neither clothed in mystery nor connected with party politics. We have a great inheritance for us, our children, and our children's children. We ought to preserve it, not give it away or waste it. The hasty disposition of it is not demanded by our condition. Our population and our strength will not grow in proportion to our haste to part with it. We should have had our sixteen millions of citizens, if Wisconsin and Iowa had not been thrown open to intrusion. We should not have had a population so near the Rocky mountains and the Pacific, but we should have had less cause for the expenditure of money, and more vigor to resist a foe. Let us remember a maxim of wisdom—*festina lente*—and not throw over a region which we cannot command, a population which we cannot, without distress and difficulty, protect. Let us give to enterprise and to the pioneer all that enterprise and the pioneer may reasonably require, but let us reserve something for the citizens of the old States, who, when population crowds, may there seek competency and a home. The seaboard States are thickening in the future years—and years with nations are but as days to individuals—they will be crowded, dense, requiring an outlet, like the compact regions of Europe. Let it be found West—far West—but still within the boundaries of a common empire of free institutions. Use these lands liberally, not wantonly—preserve, do not squander them. Let the citizen of the old States, who bought them, look to them as the heritage of his children. Thus used, they will strengthen the Union, and last while centuries of liberty roll by.

REMARKS OF MR. HUNT,

OF NEW YORK,

In the House of Representatives, February 22, 1841—

In Committee of the Whole on the state of the Union, on the Civil and Diplomatic Appropriation Bill, in reference to the proposition submitted by him on the 18th of that month.

Mr. HUNT said that gentlemen having made a motion which overrode the one submitted by him on Thursday last, defined their positions and dis-

cussed, at length, matters and things in general and that motion being now withdrawn, after having answered the purpose designed by it, the question recurred upon his own proposition, which was, to strike out the proviso of the section under consideration. His proposition was a plain, matter of fact, business one, and the remarks he had now to submit were of an unpretending, business character. Time had been, at a former period of the session, when he had felt desirous of giving, somewhat at large, his views in relation to the course of policy of the present Administration, the present condition of the country and its finances, and our future prospects; the opportunity to do so had not been given him, and he felt that the time for such discussion had now gone by.

The chairman of the Ways and Means, in undertaking to reply to the grounds upon which he had based the motion, had been more oracular, and, as it seemed to him, (Mr. H.) less ingenious than was his wont. With an apparent air of triumph, he had asked, how the gentleman from New York (Mr. H.) could claim to be a friend of retrenchment and reform, while submitting his proposition to strike out the proviso of the bill? How gentlemen could, on this floor, support such a proposition, (as the one to strike out,) with the fact before them, that the clerk of the Federal Court in the city of New York had received \$18,000 per annum; the district attorney of the Southern district of New York \$28,000 a year; and the marshal of Mississippi \$87,000 a year?

And all this (said Mr. H.) was put to the committee and to the country as news, as information communicated to this House for the first time by the chairman of the Ways and Means, when most of it had been in possession of gentlemen for near a twelvemonth past.

He (Mr. H.) had, on a former occasion, stated that he had in his own mind doubted whether he had not better leave the former part of the proviso standing, that part requiring quarterly returns of the amount of fees and emoluments, with a view of guiding future legislation; but upon reflection he had felt satisfied that sufficient information had already been received to enable a committee to correct these flagrant abuses. He had stated, in all sincerity, that should he be spared to take his seat in the 27th Congress, the chairman of the Committee of Ways and Means would find him, (Mr. H.) if not in advance, at least by the side of the gentleman in every legitimate work of legitimate reform. And he should redeem the pledge thus given. Retrenchment and reform were called for by the people—the doctrine was a cardinal one with the incoming Administration. But to correct all the abuses of an Administration that, for twelve years past, had been squandering the money of the nation in support of parasites and favorites, in demoralizing the country and breaking down its institutions, was a work, not of a moment, but of patience, labor, and time.

The chairman had said that you have an example of the sort of connection proposed by the proviso in your custom houses and your land offices—that the officers of these establishments receive by way of compensation a per centage on the revenues collected and the amount of land sales. Be it so. Yet a very little reflection would convince the worthy chairman that the cases bore no analogy to each other, and that the practice of Government, in relation to the collectors of customs and the land offices, went but a very little way, if any, towards answering the objections urged by him (Mr. H.) to the proviso in question. Your lands are sold at the minimum Government price of a dollar and a quarter per acre. The hardy pioneer, the actual settler, and the land-shark, the speculator, must pay this amount, whether the receiving or collecting officers receive any compensation or not. That Government chooses to pay its collecting officers by giving them a per centage on the amounts collected, adds not a farthing to the burdens of the purchaser, or to the price of the lands. Precisely so is it with the customs. The duties imposed from public policy, for protection, for countervailing the action of foreign Governments, or, as Southern gentlemen perhaps will prefer stating it, for revenue alone, are to be paid at all events. And the burden to the tax payer is not in-

creased by giving a compensation to the officer from the gross amount collected.

Not so with the district attorneys. With the exception of a salary of \$200 allowed most of them, their compensation was made up of fees, increased by the increase of business done by them. The chairman had said these fees were too large. Mr. H. had said the same, when he originally submitted his proposition. He had said the amounts received were entirely disproportioned to the labor rendered; and whilst he would allow to public officers a liberal compensation—one which would command the talent and worth of the country—he would cheerfully unite in any well devised plan for relieving the people, and thus reducing the amount received by these Federal officers.

But the original bill proposes no relief to the unfortunate suitor—to the class of men, of all others, least able to bear excessive burdens. No; so that Government may but replenish coffers emptied by its own extravagance and profligacy, the poor may continue to struggle on under the load of excessive impositions. And this is the practical operation of the chairman's ideas of reform—of retrenchment. A fair exponent of the doctrine preached on the house tops, and believed by a confiding people twelve years ago—not a principle of which has been carried out.

Passing from the bill, as reported by the committee, and looking for a moment to the proposition of the gentleman from Mississippi, [Mr. THOMSON,] in connection with the other proposition coming from the gentleman from Tennessee, [Mr. CAVE JOHNSON,] other and insuperable objections present themselves. Mr. H. had no objection to the proposition to place the Federal officers on the same footing with those of the respective States—let the tariff of fees be the same for both classes; but the two propositions alluded to, and which gentlemen of the Administration, in their new-born zeal in the cause of economy, had the power to establish, would produce the result of levying a duty for the Treasury of perhaps 50,000 dollars from the marshal in the State of Mississippi, by one scale of State fees, and only 10,000 dollars from the same officer in the State of New York by another and totally different scale of fees. And this system of imposition of duties, excises, or taxes, call it by what name you please, was at war with the 8th section of the 1st article of the Constitution; that section provides that the Congress shall have power—

"1st. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States."

The want of uniformity was of itself a sufficient objection, in his mind, to the course of legislation now proposed. This course was also, in his opinion, (though he did not profess to be very learned in rules of order,) opposed to all orderly legislation. It was thrusting into a simple appropriation bill provisions changing existing laws in reference to an important class of officers; provisions hastily propounded amidst the hurry of debate, without consultation, without deliberation, and but ill calculated, in his judgment, to effect any beneficial object. If this sort of legislation was to be tolerated, we must, ere long, look into the Appropriation bill for the civil department for all the important provisions which are to regulate the conduct of the federal officers of the Government. But he had not placed his objection mainly on the ground of order. He barely noticed that ground as worthy, he thought, of grave consideration.

The true remedy for the difficulties under which the country had for years labored in reference to the officers included in the bill in committee was, coolly, deliberately, and understandingly to frame a distinct bill making them salary officers, having reference to their location and the business done by them, as ascertained by an examination of a series of years; or by a fee bill, governed in its graduation by the same considerations; and not to institute a partnership between this Government and its officers, in an income wrung from the poor, and that, too, by provisions such as, in his opinion, would, in their result, leave the Government

in some of the States without Marshals, Clerks, or District Attorneys.

Men fit for the stations would not take them under the operations of the proposed amendments

DEBATE ON THE TREASURY NOTE BILL.

SPEECH OF MR. W. C. JOHNSON,

OF MARYLAND,

In the House of Representatives, February 5, 1841—

On the bill providing for an issue of Treasury notes.

The bill authorizing the issue of Treasury notes to the amount of five millions of dollars being under consideration, and Mr. BARNARD of New York having moved to strike out the enacting clause of the bill, giving notice that, if the motion prevailed, and a report to that effect should be made to the House, he would then offer the following resolution:

Resolved, That the subject of making provision for the wants of the Treasury be referred back to the Committee of Ways and Means, with instructions—

First. To bring in a bill authorizing the Secretary of the Treasury to borrow ten millions of dollars on the credit of the Government, and to issue bonds or scrip therefor.

Second. To bring in a bill imposing duties for additional revenue on wines, silks, linens, spices, and other articles, being luxuries, imported into the United States; but in such manner as not to conflict with the principles, policy, and spirit of the act of March, 1833, commonly called "the Compromise Act."

After Mr. ADAMS had concluded his animated speech,

Mr. WILLIAM COST JOHNSON of Maryland rose and obtained the floor, but was requested by Mr. WISE to yield it for a short explanation.

Mr. WISE having concluded his remarks in response to Mr. ADAMS,

Mr. JOHNSON proceeded by saying that his purpose in gaining the floor was not to continue the exciting and personal discussion. When the gentleman from Massachusetts [Mr. ADAMS] yielded the floor to him for an instant, he had, if he might be allowed to use the cant expression of the day, defined his position; and he doubted not that it was fully comprehended, notwithstanding the intended sarcastic remark of the gentleman from Massachusetts. He would, however, say that it gave him no distress of mind to be classed with those who thought that their character and their honor were worth being preserved and protected. Whilst the gentleman rebuked, with so much severity, the consequences which grow out of personal discussions and assaults, who was there so fond as himself in generating what he denounced? In the whole range of his observation, (Mr. J. said,) he knew of no one who seemed more to take as a model and a study the striking characteristic of "Tam O'Shanter's wife" than that gentleman—"of nursing his wrath to keep it warm." He did not envy, nor would he discuss the propriety or morality of, such a course; but would proceed briefly to explain his main object in claiming the attention of the committee.

[Mr. P. F. THOMAS here asked Mr. JOHNSON to give way for a motion that the committee should rise. Mr. J. said he would as willingly conclude what he had to say that evening as in the morning; but, as he was willing to consult the pleasure of the committee, he would yield the floor the motion. The motion was made and the committee rose.]

The next day, when the House went into committee, Mr. JOHNSON resumed and said that his purpose, when he reached the hall this morning, was to occupy not more than five or ten minutes of the time of the committee, and then to move that the committee should rise and report the bill and amendments to the House, but he found the House had resolved to continue the discussion in the committee until seven o'clock this evening. He would still, however, be very brief and general in his remarks, as he had prepared no data, and it was the farthest from his purpose to make a set speech. He should not do so because he had, from the commencement, been opposed to the scope of the whole discussion. He was opposed to it, because he foresaw, or thought he foresaw, in its ineptness, that there was no object of public and permanent good to be attained—

that the whole discussion was thrown open merely for argumentation. He believed from the beginning of the session, that the party which controls in this hall—the Administration party proper—meant to do nothing, studiously intended to do nothing, of a salutary and useful character, beyond the necessity of passing the usual appropriation bills. That they meant to adopt no measure of general relief for the suffering country—were for allowing the session to pass through in profitless debate, and were for throwing the whole responsibility of every public measure on the Administration which is quickly to succeed them. Under this full and firm conviction he was unwilling to trespass on the attention of the committee, or waste time which might much more properly be devoted to the consideration of private bills, and measures which could not be tortured into party questions. But if there was one solitary member of the committee, of either of the two great political parties, who believed it to be the intention of the committee to act definitely on the question before them—on any great measure of public policy—any general system of finance—any enduring and abiding measure of national utility, he should be most happy to know who that member was, and he would acknowledge he had done that member at least injustice in forming the conclusion to which he had arrived. If (said Mr. J.) I thought that this committee meant or intended to take up for final action the great questions of the day, I should be among the first and the most anxious to see it done, and if my public duty should admonish me to give my views, I should do it most cheerfully.

Mr. J. said he would not go into a discussion of the bill immediately before the committee, in relation to issuing of Treasury notes, because he had given his views on the subject in sessions gone by. At the extra session of Congress, he was the first who gave his opinions on the subject, and he did not feel disposed to renew or repeat them. It was enough to say that he had from the commencement opposed the whole plan and system of Treasury notes. He had voted, at the extra session of Congress, and subsequently, against the emission of Treasury notes, and meant to do so again. No amendment of the bill could elicit his support or vote for it. He went against the measure then because he thought it unconstitutional, and he had seen nothing, heard nothing, to change his opinion. If he had a doubt upon his mind as to the power, he should not vote for the measure, because the Constitution points out two other remedies for every emergency to which the Government is subject in its fiscal operations. It is declared in the Constitution that Congress shall have the power to borrow money and to raise revenue from customs. He would go for a direct loan to meet the instant emergency; he would have gone for it at the extra session, and he would go heart and hand for a modification of the revenue laws, that the revenue of the Government might be made adequate to meet the liabilities of the nation. He would most cheerfully advocate and support these two measures, at the same moment and in the same bill. But, as he had avowed his belief that the Administration meant to do nothing for the permanent policy of the nation, he was willing that the responsibility should fall on the Administration in relation to the measures which it may either carry forward or omit; and he would not leap in advance of this Administration to place himself in the van of the next. He should let this Administration pass through all its course, do its own work, as it has power to do, in its own way, and, when the next comes into power, it can take its latitude and departure—can move forward with a knowledge of the past, and with a full hope of the future to speed it.

Mr. J. said he was not in his seat when the discussion commenced, and had not heard two or three speeches made early in the debate; yet, in relation to the proposition of the gentleman from New York, (Mr. BARNARD,) who had moved to strike out the enacting clause in the bill, for the purpose of offering an amendment, which is now on the table, to wit, that revenue shall be raised by a duty on luxuries, taking the precaution not to interfere with the compromise act, whilst he would

not go into a discussion of the question, even thus presented, he would give an opinion so far as to say that he would, with great cheerfulness, vote for it. But he did not expect to be called on to do this, for the committee would never take a vote on the subject; or, if it went to the House, it would never be passed upon at this session. But, having alluded to the proposition of the gentleman from New York, he felt called upon, as an act of justice to him, to say, that an imputation made the other day, that the plan was concocted in the dark, was a subtle and canvassed scheme, the result of caucus or hidden deliberation; that it was a secret spring to entrap the South, for the purpose of imposing a high tariff of protection, was, in every respect, unfounded and groundless. The gentleman from New York [Mr. BARNARD] had submitted his proposition to him, and he [Mr. JOHNSON] had candidly given him his opinion, which was, that it would be useless and nugatory, that it might lead to discussion, but no could be anticipated from it, as there would be no vote taken; and the gentleman declared at the time, that he would move it as his own individual opinion, and that he meant, whilst on the floor, to debate it as his own proposition.

Mr. HUNT of New York here rose, and Mr. JOHNSON gave way for a moment.

Mr. HUNT said he had desired speaking upon the bill now in committee, but had hitherto failed in getting the floor; and after the order which had been read this morning, to take the bill out of committee at seven this evening, he did not feel any disposition to struggle further for the floor—he could not undertake to speak by a stop watch. He would, therefore, now only say a word in reference to a prominent topic introduced in this debate. He alluded to the tariff. And his sole object was to disabuse, so far as in his power, Southern gentlemen whom he felt confident wished not to deceive themselves or others on this subject. Mr. H. said he represented one of the largest, wealthiest, and most flourishing manufacturing districts in the State of New York, and he wished to say for that district and himself, that amongst the intelligent and patriotic men of that district engaged in manufactures, there was no disposition nor desire to interfere in the slightest degree with the spirit of the compromise act. In the revision of our tariff laws, which must soon (at all events) take place in reference to the revenues necessary to carry on the Government, his constituents would desire nothing which the patriotic statesmen of the South would themselves consider objectionable.

Mr. JOHNSON continued. He was very glad to have heard the remarks which had just fallen from the honorable gentleman from New York, although his allusion was to a different gentleman from that State. He was especially happy to hear what had been said, as it convinced him the more in what he was about to say to those of his friends from the South who have been so extremely captious on the question of the tariff, that they have done the mover of the proposition alluded to injustice, and he believed that whole region of country injustice. But while he had doubted the advantage of introducing the proposition at this time, he would say, as one living south of Mason and Dixon's line, that he approved of the measure—thought it wise and statesmanlike; and if he thought the committee was in a temper and mood to go into an examination of the merits of the question, he would offer an argument in its support. He differed from some of his Southern friends, who were so excited on the question. He differed from them—first in principle, and next in policy. He differed from them in principle, because he thought the whole entire question one proper and fit to be talked about, to be discussed, reasoned on, examined, and decided upon. He thought it fit and proper, in the Legislature of the nation, that all questions of political consideration—all questions of vast national moment, if within the scope and jurisdiction of Congress, should be calmly met and deliberately discussed. He differed with many of his Southern friends in the policy of their course, because, as the weakest portion of the Union in numbers, they should not force a collision with the North when the North has shown no disposition to urge a protective tariff, and is willing that the spirit of the

compromise should be the basis of a new adjustment of the revenue laws. Are not the apprehensions of some Southern gentlemen appeased by the disclaimer made the other day by the gentleman from Massachusetts, [Mr. CUSHING,] and by a similar disclaimer just made by the gentleman from New York? Let it be remembered that these gentlemen represent the strongest and most opulent manufacturing districts in their respective States. They have both stated that the alarm which has been sounded is unfounded, and that they are willing to meet the South on a proposition in conformity with the Compromise act; and if the people of the South say that they prefer a revenue adequate to the wants of the Government shall be raised by a tax on luxuries, not interfering with the compromise act, they are willing, and will go hand and heart with them. This has all been said, and yet we find gentlemen on this floor not only endeavoring to fan up the fires which have been exhausted in years gone by, but absolutely to fret the cold ashes into heat and flames.

Mr. J. said he would again ask those gentlemen who commend this course of action, whether, as Southern men, they are either wise or judicious in thus trying to force the people of the North into collision? What pretence had they to do so, when the North said to them, adopt your own plan and we will go with you? Is there a State in the whole South which can ask more than this? Is there one that is so anxious for strife as to hoist the war-flag when it has no enemy to encounter?

Mr. J. said he had not been present when the debate commenced, having been detained from the House by indisposition. The first speech which he had heard was from his friend from South Carolina, [Mr. THOMPSON.] It was as speech so replete with argument, yet so simple and clear in itself—so full of practical wisdom—that he subscribed most cheerfully to its temper and its reasoning. He would not attempt to repeat the arguments, because it would be but to weaken and dilute them; and to dwell upon their force would be but to turn the prism to give varied tints and more blended hues to the primitive colors, without adding to their number or their beauty. He heard the gentleman from Georgia, [Mr. NISBET,] in reply to the gentleman from South Carolina, [Mr. RHEAT,] and to his system of direct taxation. His arguments, also, were complete and conclusive; and, as a Southern man, he most cordially gave his assent to them—both to their spirit and their letter. They had been attempted to be met, but not in the spirit in which they were offered, nor on their merits—but had been tortured by every gentleman who had attempted to answer them. First, by assuming that the argument was in favor of a tariff of protection, which on the contrary it repudiated; and, secondly, by asserting that the North wished to force a high protective tariff upon the South, which the Northern members openly, and again and again, have disavowed. Failing to excite others, gentlemen have themselves become excited; but he would predict that the excitement would be confined to that hall. It would meet with no response from the reflux voice of public opinion. Gentlemen warn the South to be alarmed. Why? for what? Because the Northern members say, in adjusting a great national question, they wish to consult with the South. Is this more than they have a right to do? Is it more than they ought to do? Yet are we appealed to to stand by our arms—to attack we know not whom, and to fight for we know not what! He had himself, in the short course of his life, met with so many real dangers, that he could not afford to be so prodigal of his courage as to expend much of it upon intangible, if not imaginary, difficulties. He could not return home among his constituents and awaken the echoes of his native mountain with the bugle note of alarm, or excite the peaceful and industrious inhabitants of the rich vales and green slopes with forebodings of evil. Were he to do so, they would regard him as wild as "the goat upon the hills." The time was when the South was excited on the question of the tariff, partly by the measure itself, and partly from political considerations—there was great hostility to the measure, and no little to its advocates. In that excitement, other questions and

other interests were merged, for perhaps he ought not to say sacrificed. The great grain-growing and tobacco-growing interests of his own region were lost sight of in a discussion for years about raw cotton and manufactured fabrics. It was then said, if you will but destroy this onerous and oppressive measure of Government—if you will also quite destroy the odious and frightful monster, the Bank of the United States, we, who have been crushed into the dust, as my friend from Georgia [Mr. ALFORD] said the other day, the cotton interest, will revive—Southern hopes and Southern prosperity will then bloom again—the cotton interest will rear up its drooping head amidst the deluge of national oppression, and another Eden will present itself bright and joyous—the whole South will be made rich, wealthy, and prosperous.

Mr. Chairman, (said Mr. JOHNSON,) I must be pardoned if, in making these hurried remarks, I draw the memory of the committee, and especially those from the cotton-growing region, for one instant, back to the state of things which existed at the time to which I have alluded, and which have since occurred.

[Mr. ALFORD, of Georgia, here rose, and asked his friend from Maryland to give way, to enable him to offer a word of explanation. My friend (said Mr. A.) having alluded to me, I embrace this opportunity to make a short explanation. I am truly gratified to see the spirit of compromise that prevails here this morning, in regard to the tariff question, and to see our Northern friends agree to commit themselves to the Compromise. And I would ask the gentleman from Maryland, with all his contempt for what some others from the South have said, what he thinks it is that has produced this spirit of compromise in this House? The gentleman from New York [Mr. BARNARD] certainly made a strong remark in regard to a protective tariff, when he said he hoped this nation would make such a tariff as would afford some protection to the manufacturer of the North. That was and is strong language, and the gentleman from Maryland will certainly admit the fact, even now published in his printed explanation in the National Intelligencer, while every word of mine and of the gentleman from Virginia [Mr. WISE] has been suppressed. I again say, I am happy to see the spirit which prevails here now; and if gentlemen had committed themselves at first as distinctly as now, it would have spared me the trouble of saying one word. And I stated, as the gentleman from Maryland will remember, that the productions of his district are very different from those of mine.

Mr. BARNARD desired the gentleman from Maryland to allow him the floor for one moment. He said it was not of any great consequence to repeat what he had already stated; but, as recently the whole course of debate has tended to a misapprehension of what he had at first said in reference to the bill, he would now say that, during the whole course of his remarks on that occasion, he did not utter one word in the least degree inconsistent with the remarks made yesterday—not one word—and he would beg leave to read a single sentence from those remarks:

"I hope that duties on imports will be so imposed—preserving, as I hope may be done, without sacrificing any great national interest, the policy of the Compromise Act. That, while we shall have revenue enough to meet the economical wants of Government, the rich shall not escape taxation by receiving their luxuries free of duties, the poor shall be relieved from undue and heavy burdens, and the industry of the country shall be protected from the injurious policy and measures of foreign legislation."

These remarks (continued Mr. BARNARD) are reported with great accuracy, and the only one is given in which, speaking of the future and not of the present, a misconstruction could arise; yet, upon this slight foundation, had a mountain of misapprehension been reared.

Mr. JOHNSON said he should not go into any investigation of the fact whether the disclaimer of the gentleman from Massachusetts, [Mr. CUSHING,] to which he had alluded, was made before or subsequent to the speech of his worthy friend from Georgia. His impression was, that the disclaimer was made prior to the remarks of the gentleman from Georgia, [Mr. ALFORD.]

Mr. CUSHING begged leave to say that it was correct, as has been suggested; that his remarks were

made prior to those of the honorable gentleman from Georgia, and whilst up he would add, that there might be no misunderstanding in regard to his remarks, that whatever might be the precise meaning of the Compromise act, was a very serious question, much mooted in that House. As to this, he said nothing: of course, saying nothing as to what may be the precise import of the Compromise act, he could not have undertaken to say, and did not now say, whether he adhered to it as a specific compact. What he then said, what he now says, is, that he was for pursuing a spirit of moderation, compromise, and conciliation on this subject, and did not ask, as had been stated, for an extravagant protective tariff.

Mr. ALFORD said: He alluded more particularly to the gentleman from New York, [Mr. HUNT,] who had but recently given an explanation.

Mr. JOHNSON resumed, and said he should not yield the floor again, unless some remark which he might make should render an explanation necessary; but he would ask the gentleman from Massachusetts, if he would permit him, whether, by his present remarks, he meant to qualify or vary his remarks made the other day, and published in the *Intelligencer*?

Mr. CUSHING said: In no respect, in either letter or spirit.

Mr. LINCOLN said: My colleague speaks for his constituents, and not mine.

Mr. JOHNSON continued. That the original proposition of the gentleman from New York may be distinctly understood, he would ask the Clerk to read that portion of it which alludes to the plan of raising revenue, and to the Compromise act. It was then read as follows:

"Second. To bring in a bill imposing duties for additional revenue on wines, silks, linens, and spices, and other articles, being luxuries, imported into the United States, but in such manner as not to conflict with the principles, policy, and spirit of the act of March, 1833, commonly called the Compromise Act."

Mr. JOHNSON said that his object in requiring the reading of the proposition was to revive the recollection of the committee, and show that there was no hidden mystery in it, no plan or object to create a high tariff, or to disturb the legitimate intention of the Compromise act; and though the interruptions which he had encountered for explanations had kept him much longer on the floor than he expected or desired, yet he must express his gratification at the frank avowal of his friend from Georgia, [Mr. ALFORD,] and was pleased to find that that gentleman's apprehensions were removed since he had first taken the floor. He disclaimed any purpose to excite feeling or prejudice in any quarter of the Union, and if any thing he had said had been felt, it was not owing to the temper or motive in which it had been uttered, but to the truth of the remark itself. No one approved, Mr. J. said, more than he did, of the zeal with which the gentleman from Georgia always defended his position and the interests of his State; but the very feelings which actuated him should convince him that the right of opinion and discussion should be allowed to other gentlemen who represented other interests on this floor—interests which were not antagonistic, but far more harmonious and homogeneous than some members believed. His object in inviting attention to the past was to understand better the present, so that the policy of the Government could be wisely directed to the future. It was for that purpose alone that he had alluded to the state of facts which had existed but a few years ago, and the arguments then urged. These he wished to contrast with the present state of things, and desired that gentlemen would reconcile and explain them, so that he might vote understandingly, and conceive aright the existing and future course of policy to be pursued in legislating for the whole country. To this end, and with this view, he was going to show, when he was interrupted by his friend from Georgia, [Mr. ALFORD,] that at the time of the high excitement, a few years ago, in the South, we had a National United States Bank and a tariff—that it was then urged that these were the causes of great oppression to the cotton-growing interests. Now the facts which he wished to present were those drawn from the report of the Secretary of the Treasury in 1836, on the subject of cotton, by resolution of Congress,

and from Fortune's stocks. In 1801, the amount of cotton exported from the United States was about twenty-one millions of pounds, and it gradually increased until 1836, when it amounted to four hundred and twenty-two or three millions of pounds. For the greater portion of that time the bank existed and the tariff was in force, and during all that long period, with all the vicissitudes of commercial fluctuation and misfortune—all the incidents of exchanges and currency, the Secretary of the Treasury informs Congress that the average price of cotton was, from 1801 to 1836, sixteen cents per pound. He also states that, at ten cents per pound, the culture of cotton afforded a good profit to the producer, and the authority to which he had referred will show that, within that period, after paying all the expenses of labor and production and investment, over and beyond a profitable regular business, at ten cents per pound, the cotton planters realized a profit of upwards of sixty millions of pounds sterling.

But the United States Bank has been destroyed, the tariff has almost entirely faded away by the graduating Compromise act, and how stands the price of cotton now? Has it averaged since 1836 sixteen cents per pound? Does it sell at this moment for half that price? We all know that it does not. Mr. J. said he would be pleased if some gentleman would explain the cause of the present low price of that important staple. Can they reconcile the present low prices with the sophistry of "the forty bales theory."

[Mr. THOMPSON of Mississippi here said that he wished to call the attention of the gentleman from Maryland to the price of cotton between 1828 and 1833.]

Mr. JOHNSON responded, that it was not his purpose to dwell on details, but he spoke of general propositions and manifest facts. He knew that the price of cotton varied between those years, and that it varied between the year 1801 and 1836; that sometimes it rose as high as twenty-five and thirty cents; but he was speaking of the average price as given by the Secretary of the Treasury. He was anxious to see conclusions drawn by others from the facts which he had presented, as these facts forcibly impressed his mind with the belief that the question of revenue should be settled by calm reason, and not by impassioned declamation, addressed to the fears rather than to the understanding of the committee. He did not mean to urge a protective tariff, but was most strenuously opposed to a system of direct taxation on the part of the General Government, and the only plan to obviate it was to raise revenue from importations. He was free to avow that he was in favor of such a modification of the revenue laws as would supply sufficient means to support all the legitimate wants of the Government. As a Southern man, he was unwilling that the interests of the South should be made subservient to the rapid growth of the prosperity of the North, but he had no apprehensions of this nature. The factories of the North stand on existing laws, and are sufficiently protected and established to go on themselves, without legislative protection. The manufactures of the North, who are well established, desire no protective tariff—they are too sagacious to request it—because it would invite competition, and bring new capital and labor to compete with them. The increased supply would produce increased competition in the market, and the consequences, which always follow, of reduced prices. They know this, and will not ask you for a high protective tariff. The next proposition for the aid of the Government to protect manufactures will come, not from the north of Maryland, but from the south, if it come at all—from the hills of Virginia, from the iron and coal regions. The people of those regions may in time begin to examine whether it would not be better for their interests to encourage the establishment of factories at home than to depend upon the workshops of Europe—rather than pay for the labor of the North, the profits of the manufacturer, the charge of transportation, and the gains of the wholesale and retail merchant. These inquiries may arise in those regions of the South where the raw material is in a state of crude nature—where the water courses are not as yet interrupted, as at

the North, by factories, but where they flow on to the bosom of the ocean, as unimpeded as when the morning star first rejoiced in the east. You may find that the people of Virginia, ay, even Virginia, may see in time that they should like to be placed under the same protection that other portions of the country have been—that they should like to see all the dormant capital quickened into power and usefulness. He should not urge them to ask a protective tariff; for while the interests of the North do not require it, the feelings of the South are not ready for it.

Mr. J. said he believed the people of the South were in advance of their politicians. The cotton region may find that Texas, with her genial climate and fertile soil, may enter into formidable competition in the cotton market; and they who are now so loud against protection, may look with more calmness on questions of political economy. He had seen factories of cotton at Lynchburg, and manufacturing establishments at Richmond. The coal, iron, and water power contiguous may yet develop untold wealth. Coal and iron in its vicinity gives Wales its wealth and prosperity; and what American but frets that this nation should pay to England alone, during the last ten years, eighty-five millions of dollars for the single article of iron? an amount equal to what the President, computes to be the entire amount of gold and silver in this country, though he did not believe there were fifty millions of specie in the nation at this time. That the cotton interest in the South is depressed is most true, and no one was more anxious than himself to see it flourish. But direct taxation would not accelerate its embarrassment, because, by the Constitution, the slaveholding region would have most to pay. The gold mines of the South give but little wealth to the nation, and he was the last man to urge a people to be gold hunters. When Spain abandoned her workshops, and expelled the Moors, who were her best mechanics, she built up factories, with bordering nations, which gave them wealth in commerce and men in war. The immense amount of bullion which was brought her by the discovery of the new world, and her extended commerce, could not make her independent; all the gold and silver which her colonists dug up, and all the bullion which was extorted from her conquered provinces, were insufficient to pay other nations for those very luxuries and articles with which she once supplied all Europe; and, gradually degenerating from that time, Spain has become what she is now—the crumbling corner of a once mighty empire. What was the best mode of supplying the wants of the Government, was the true question to be considered. Other questions which might arise were incidental—the balance of trade for instance, involving in itself the question of currency. He would not go into an examination of these, because he wanted information as to the condition of the Treasury, and no one could give him that knowledge, for no two agreed upon the subject. He would not take a step in the dark, and while he had no light he would pause. When a proposition for protection, direct or incidental, shall be presented, it will be time enough to discuss it; but he was free to confess that he was anxious to see agriculture, manufactures, and commerce, advance hand in hand in this nation. We cannot be prosperous without their high advancement; and he believed that time would prove that manufactures were as important to the South as to the North. In the South, they would give greater independence in time of peace, and in time of commotion within, or war without, they would give the assurance of protection to our institutions. Even in Eutopia, where its best wisdom is borrowed from Plato's Commonwealth, Sir Thomas Moore, in this *beau idéal* of a happy people, would have them till the land and pursue the mechanic arts by turns, shifting the population in regular rotation from town to country. He would have the whole people acquainted with mechanics and the useful arts.

Mr. J. said he had been in Canada, and seen the system of colonial dependence—a dependence which showed poverty, ignorance, and stupidity in the people, when contrasted with those of the States. He had seen the whip-saw used beside the

waterfall of the St. Lawrence, where five hundred dollars would have built a complete saw-mill; and so in all other matters, and why? Because the mother country did not countenance manufactories in Canada. It was the same policy which she had pursued towards these States when colonies; every effort was made to stifle the genius and curb the enterprise of the people. Manufactures of all kinds were discouraged, and every thing was to be procured from the workshops of the mother country. To foster and encourage her manufactures at home—to find employment for her surplus population—to afford her the means and articles of traffic, the policy was, as it now is, and ever will be, to make her colonists believe that every article of comfort, every instrument of art, and every implement of industry, could be made cheaper and better in the mother country; and thus the colonists, continuing the mere producers of the raw material, should remain forever tributaries—tributaries to an exaction from which no industry, no patient labor, could relieve them.

Mr. J. said he would not discuss the power of the Government to give protection, nor would he discuss the policy of such an exercise of power; it was unnecessary; but reverting to what had occurred in the past history of this country, and what might be its future policy, he would remind gentlemen, and particularly his Virginia friends, that the first movement in reference to the encouragement of domestic manufactures was from Virginia; and that Mr. Madison had urged it, as was shown by his friend from New York, [Mr. MONROE,] who had read the preamble of the second law passed by Congress, prepared and written by that sage statesman; and he would further remind them that Mr. Jefferson, in 1816, in a letter to Mr. Austin, repudiated the views he entertained when the Notes on Virginia were first published; and advancing, as he says, with his country, declared that, to be independent for the comforts of life, we must fabricate them ourselves; we must place the manufacturer by the side of the agriculturist; and, further, that experience had taught him that manufactures are as necessary to our independence as to our comfort.

Mr. J. said his own devotion to the interests of the South rested on more than mere professions, and he had given such evidences of this as no one would question. He had but alluded to certain facts and circumstances to admonish his Southern friends not to force collisions that were unnecessary, and to avoid excitements when they were unproductive of good in any quarter. He had been constrained, on more than one occasion, to request gentlemen from the South to speak for themselves and for their constituents, and not, in the benevolence of their nature, to take the whole South under their especial charge. He was not annoyed, but often amused, when some member from that region rose and spoke as if he were armed with the thunder of Jove, to threaten, command, or destroy—when such member would draw the circle of the South as contracted as possible around himself, so as to make himself the centre—the peculiar representative of the South. It reminded him of a Mandarin in some Chinese circular battery, which has bristling cannon pointed in every direction, but the commander, filled with apprehension on the appearance of the first sail, without waiting to see whether it be a harmless merchantman or a ship of war, orders a general fire, when a loud discharge will ensue; the balls flying in every direction, seldom reaching the enemy, and often doing great injury to friends around. He regretted to find that members were anxious to draw a distinction among the Whigs—of Republican and National Republican Whigs. He could perceive no beneficial object in it. Such gentlemen should remember that General Jackson was a high tariff man; Mr. Van Buren was also ultra on that question. And, if he might be allowed to make the allusion to a gentleman who often alluded to him in debate, he would say that, if he was not mistaken, the venerable gentleman from Massachusetts, [Mr. ADAMS,] had stated more than once on the floor that he was opposed to the tariff bill of 1828, and only signed it when President because he did not think it republican and proper to interpose his veto between the

representatives of the people and the people themselves. Mr. J. was himself willing to share in the censure, if any might so regard it, which might be attached to those who had opposed Gen. Jackson, for he had never supported his pretensions to the Presidency, for one moment, in thought, word, or deed, and could repose quietly on his pillow with the reflection. It was most true that he had never assailed his military reputation, for he never had felt prouder than when, in his youth, he had stood upon the battle-field of New Orleans—that field where Gen. Jackson had won his proudest fame. He always rejoiced, as an American, in Jackson's martial renown, and wished the chaplet to be perennial which he had won in arms amid the savannas and morasses of the South. The military reputation of such men was the property of the nation, and he would be the last to have it tarnished. Thus, when he thought an assault had been made upon the reputation of the President elect, a few days ago, he rebuked it; and the ardor of his feelings must be his explanation to the House for the decided point of his remarks on the occasion.

Mr. J. then took a rapid glance at many questions which had been introduced in the discussion, and, among others, the question of distributing the proceeds of the sales of the public lands among the States.

He said he would not discuss the question then, unless the friends of the bill just sent from the Senate, in relation to pre-emption and graduation, should be forced to vote upon it, which he did not expect after the postponement of the debate on his amendment to the proposition of the gentleman from Illinois, [Mr. REYNOLDS,] of a similar character. If he was disappointed in his opinion, he would be pleased if the friends of that measure would frankly so inform him, for he would use that opportunity to answer the arguments urged against the plan of distribution, and give the reasons which actuated him in advocating it. In the silence of the House, he would dismiss the subject without further remark; but, before he resumed his seat, he must be allowed to express dissent from the warm denunciation which had been made against the propriety of calling an extra session of Congress. He knew that arguments could be urged both for and against the measure; but it was not the time or the place for discussion. It was the business of the Executive to decide the question, from the facts which should come before him after the adjournment of Congress, and he would not interfere with the Executive duties. It was not the calling of the extra session that destroyed Mr. Van Buren's administration, but it was the manner of his approach to Congress, after he had convened them. He came with a threatened veto in one hand, and the Sub-Treasury in the other; and, having already the sword, virtually demanded of Congress to give him the purse also. The boldness and folly of such a course will be a lesson to every Executive in future, and the day will be far distant before such another blunder or act of temerity will be perpetrated. Instead of throwing himself upon the wisdom of Congress, after making his simple recommendation of measures, he was for dictating, unconditionally, to the representatives of the people. It became a war between Congress and the President, and the people took sides, as they always will, for the independence of their immediate representatives and agents. The people, in decreeing a change of men, decided that they wanted a change of policy. If Congress is not convened, the measures of the present Administration will continue in force for twelve or eighteen months longer. New books will be of little value or service unless they are placed in the hands of faithful bookkeepers; and books and bookkeepers are of but little consequence unless we have withal wise and practical legislation. The "statu quo" doctrine, he believed, was not what the Whigs had been contending for through a long series of anxious years. All business has been standing still long enough, and life, vigor, energy, confidence, should be infused by wise legislation and decisive Executive action, that the interests of the whole country may advance, with renewed impulse, to an enlarged prosperity.

He was as much opposed to embarrass the Exe-

cutive which is quickly to supersede the present, as he was that the Executive should interfere improperly with the legislative rights and duties of this House. He was as little devoted to Executive power, influence, or patronage, as any one. He was glad that there had been a change of Executive functionaries, but he could not, like the mountain Swiss, chime his merry anthem at the setting sun, nor, like the devout Persian, prostrate himself before the rising. That the leading measures of the next Administration may be opposed by some who have aided to bring it into power, it is but natural to suppose; but he believed that, so anxious were the people to see a new order of things, of men and measures, that many of the most zealous in opposing the election of Gen. Harrison would honestly yield their support to such measures as they might be convinced would redound to the benefit of the country. He did not expect that mere politicians would do this, but men whose only interest and object were the prosperity of the nation and the advancement of the public welfare. For himself, at least, he would say, that he would pause long and anxiously before he would take any step or position to embarrass the coming Administration. But, should a sense of public duty even make such a course necessary, he trusted that the evidence of twelve years' continued opposition to the leading men and measures of the dominant party was proof enough that a long war neither tired his patience nor subdued his energy. He trusted, however, he should never be put to the test. He would indulge in no forebodings, anticipate no follies; for sufficient unto the day was the evil thereof. He had given his opinions of the Executive, and expressed his confidence in the Administration which was about to succeed. He should not change that opinion or abate that confidence without abundant cause.

REMARKS OF MR. EVERETT, OF VERMONT,

In the House of Representatives, Saturday, February 13, 1841—On the Report of the Committee on Foreign Relations.

Mr. PICKENS having moved that the report be laid on the table and printed—

Mr. EVERETT said that, as the report embraced the case of the *Caroline* as well as that of *McLeod*, (which alone had been submitted,) he should move to print all the documents relating to both cases. They had been heretofore published, from time to time, as communicated to the House. He desired to bring them together on this occasion, to enable the House and the country duly to appreciate the report, and the measures taken by the Executive to preserve our neutrality. He thought that, since the affair of the *Caroline*, every thing had been done which the means within the control of the Executive enabled it to do. He then sent to the Chair a list of the documents, (House Doc. 25th Cong. 2d Sess. Nos. 64, 73, 74, from page 25 to the end; 76, 302, and of 26th Cong. 2d Sess. No. 33, of 28th Dec. 1840, and 4th Jan. 1841; the Neutrality Act of March 10, 1838, and the President's Proclamations of 5th Jan. and 21st Nov. 1838,) which he moved to have printed with the report.

[Mr. GRANGER, Mr. PICKENS, and Mr. ADAMS took part in the debate on the report.]

Mr. EVERETT said that, but for the remarks of the honorable chairman of the Committee on Foreign Affairs, he should not have taken part in the debate. He now felt it due to himself, as a dissident member of that committee, to state, in part, the grounds of his dissent.

The report relates to matters of the gravest import, and which are now the subject of diplomatic discussion between the two Governments—a discussion confided by the Constitution to the Executive. He felt great embarrassment in debating subjects of this character and importance with open doors. It was difficult, if not impossible, to do full justice to the subject, or to ourselves, without danger of saying things that should not be heard beyond these walls. I yield, said he, to the restraint imposed by the time and the place. I shall endeavor to say nothing that should not be heard by all. In the committee-room there was no restraint. I

said things there that I shall not say here. Perhaps I ought rather to congratulate myself on being now thus restricted, than to complain of it, as in some of my views I stood alone in the committee.

Sir, in my judgment the report is uncalled for—ill-timed—and a worse than useless interference with the duties of the Executive. The discussion is now pending between the two Governments. The documents were communicated merely in answer to a call of the House. The Executive has not asked either for its opinion or action. At this time, why should either be desired? And what is the time chosen to put forth the gratuitous opinions of the majority—and, as the honorable chairman has said, of a bare majority—of a political majority of the committee? One Administration is about going out of power. In twenty days it will expire, and another succeed. Without intending any disrespect to the majority of the committee, I ask, is it proper, is it decorous thus to attempt to embarrass the incoming Administration—to compromise its course on subjects so delicate—so important? The report is little short of an officious interference of one Administration with things that belong to another.

But, sir, without regard to a change of Administration, is this interference proper or useful? Our foreign relations are committed to the Executive. Negotiations can be conducted only by the Executive. When they are at an end, this House—both Houses must act. Congress alone can dictate the ulterior measures. I do not mean to say there are not cases in which either House may, pending a negotiation, express its opinions. If the Executive be remiss in his duty—if he pursue a course deemed wrong in principle, or dangerous in its consequences—or if the Executive seek its opinion, with a view to give effect to its measures, it may be very proper for either House to express it. But, sir, the report has none of these grounds for its support. It is entirely uncalled for, and its effect may be to compromise the Executive to a course that its better judgment would decline; and to produce an excitement in the country that may create additional embarrassments, and new obstacles to the final adjustment of our controversies with Great Britain.

I pass the discussive character of the report—its reference to subjects not referred—its (to me) somewhat exceptionable language—and come to the matter referred—the case of Alexander McLeod. That case, and that alone, was referred to the committee, and to that alone should the report have been confined. That case, though connected with the case of the Caroline, rests on different principles. The case of Mr. McLeod, as presented in the documents, is entirely separate and distinct from the question, whether the destruction of the Caroline was or was not justifiable.

I desired that no report should be made while the negotiations were pending between the two countries. In my opinion, no opinion or action of this House was, at this time, required. I will now read to the House a statement of the negotiations to this time, so far, and so far only, as is necessary to the case of McLeod—and to show that his case, as well as the Caroline, are now the subjects of diplomatic discussion between the two Governments. Before I sit down, I will also submit to the House the substitute submitted to, and rejected by, the committee. I will here take leave to say that I have given this subject the most careful consideration, without party views or party feelings. It is above and beyond all party considerations:

"THE CASE OF ALEXANDER McLEOD.—The facts material to the subject submitted to the committee are, that, on the night of the 26th December, 1837, a detachment of the British forces stationed at Chippewa, in the Province of Upper Canada, crossed the Niagara to Schlosser, in the State of New York, and there made a hostile attack on the steamboat Caroline, the property of an American citizen, killed and wounded a number of American citizens, captured the boat, towed her into the current, set her on fire, and sent her in flames over the falls.

"On the 5th January, 1838, the Secretary of State communicated to Mr. Fox, the British Minister, a copy of the evidence furnished to the Department of this extraordinary outrage, committed from her Britannic Majesty's Province of Upper Canada on the persons and property of citizens of the United States, within the jurisdiction of the State of New York; and stating that it would necessarily form the subject of a demand for redress upon her Majesty's Government."

"On the 6th February, Mr. Fox communicated to the Secretary of State a despatch from Sir Francis Head, Lieutenant Governor of Upper Canada, containing the distinct avowals, that the Caroline was destroyed by order of Colonel MacNab, com-

manding the militia in her Majesty's service, and that he (Sir Francis) approved the act.

"On the 22d May, Mr. Stevenson presented the subject to the consideration of her Majesty's Government. After referring to those avowals, he said that, 'under such circumstances, it was not to have been expected that the whole proceeding could be regarded by the Government of the United States in any other light than as a manifest act of hostile and daring aggression upon its rights and sovereignty, utterly inconsistent with all the principles of national law, and wholly irreconcilable with the friendly and peaceful relations of the two countries;' that the case, then, is one of open, undisguised, and unwarrantable hostility." He concludes by expressing 'the confident expectation of the President of the United States that the whole proceeding will not only be disavowed and disapproved, but that such redress as the nature of the case obviously requires will be promptly made.' To this our Government waits the final answer of the British Government.

"On the 13th November last, Alexander McLeod, a British subject, was arrested and imprisoned by the authorities of the State of New York, on a charge of arson and murder, as having been engaged in the capture and destruction of the Caroline.

On the 12th December the British Minister made a demand on the President for the release of Mr. McLeod, on the ground that the destruction of the Caroline was a public act of persons of her Majesty's service, obeying the orders of their superior authorities; and that the act, according to the usages of nations, can only be the subject of discussion between the two National Governments.

"To this demand the Secretary of State has replied that the President has no power under the Constitution and laws of the Union to interpose between McLeod and the constituted authorities of the State of New York—and that 'the President is not aware of any principle of international law, or indeed of reason or justice, which entitles such offenders to impunity before the legal tribunals, when coming voluntarily within their independent and undoubted jurisdiction, because they acted in obedience to their superior authorities, or because their acts have become the subject of diplomatic discussion between the two Governments.' And that 'if the destruction of the Caroline was a public act of persons in her Majesty's service, obeying the orders of their superior authorities, this fact has not been before communicated to the Government of the United States by a person authorized to make the admission; and it will be for the court which has cognizance of the offence with which Mr. McLeod is charged, to decide on its validity when legally established before it.'

"The British Minister, expressing his regret at the decision, had referred the subject to his Government."

This statement, I repeat, is limited to the case of McLeod.

The points in difference in this case, are, 1. Whether McLeod, having, in the destruction of the Caroline, acted in obedience to the orders of the superior authorities of the Province of Upper Canada, is or is not amenable to the laws of New York, as for the crimes of murder and arson; and 2. If not, whether the Executive has any power to interpose between him and the laws of New York.

On these questions I forbear expressing any opinion, in accordance with the view that none is required of the committee or of the House. It is sufficient for the justification of the ground I have taken, that these questions are now the subjects of diplomatic discussion between the two Governments. The impropriety of the report is the more manifest, from the consideration that the discussion is but just commenced; and it is not unreasonable to suppose that, on questions of such limited extent, the Government in the wrong may, by the further discussion, be convinced of its error. At least we should wait the reply of the British Government, to which the subject is referred, and the issue finally tendered by its Executive.

The consequence of an error on either side may compromise the peace of the country. In case of reprisals, executed to the extreme point, the intervention of all the powers of Europe could not prevent a war. In view of these consequences, it may be proper to review the correspondence, to ascertain the positions taken on both sides that bear on the case of McLeod.

Mr. Forsyth, in his note of the 5th January, carefully and properly avoids giving any national character to the destruction of the Caroline. He calls it an outrage "committed from her Britannic Majesty's Province of Upper Canada." He leaves it to Mr. Fox to determine whether it was a public or a private wrong, or to assume or disclaim for his Government the responsibility. Mr. Fox, in his reply, (6th Feb. 1838,) gives it a public character, by communicating the fact that it was destroyed by the order of the commander of the militia in her Majesty's service, and that the act was approved by the Governor of the Province.

And here I must express my surprise that Mr. Forsyth should deem the late note of Mr. Fox to be the first avowal of the fact by a person authorized to make it. In the note of the 6th February, 1838, the fact itself was communicated by Mr. Fox. His

late note is only the recognition and re-assertion of the fact. The fact then and now avowed is, that the Caroline was destroyed by persons obeying the order of their superior authorities; and Mr. Fox contends that those obeying were justified by the order. It remains to be seen whether the British Government will justify that order. McLeod's case is put on the first, and the case of the Caroline on the last.

[Mr. PICKENS. Does the gentleman from Vermont intend to say that the British Minister had ever, before his late note, avowed that the Caroline was destroyed by the order of the constituted authorities of Canada?]

Mr. EVERETT. I do say that Mr. Fox, in his note of the 6th February, did avow it. In the despatch of Sir Francis Head, then communicated, it is expressly stated that Col. MacNab commanded a body of militia stationed on the frontier; that in the night of the 29th, "he sent a party of militia, in boats, with orders to take or destroy her. They proceeded to execute the order," &c. Nor did he content himself with the mere communication of the fact, but even attempted to justify the destruction of the Caroline as an act of self-defence. Mr. Fox, in reference to the communication of Sir Francis Head, says:

"The piratical character of the steamboat Caroline, and the necessity of self-defence and self-preservation, under which her Majesty's subjects acted in destroying that vessel, seem to be sufficiently established."

"At the time when the event happened, the ordinary laws of the United States were not enforced within the frontier district of the State of New York. The authority of the law was overborne, publicly, by piratical violence. Through such violence, her Majesty's subjects in Upper Canada had already severely suffered; and they were threatened with still further injury and outrage. This extraordinary state of things appears, naturally and necessarily, to have impelled them to consult their own security, by pursuing and destroying the vessel of their piratical enemy, whosoever they might find her."

Mr. Stevenson presents the act, in connection with these avowals, as an act "of open, undisguised, unwarrantable hostility," "wholly irreconcilable with the friendly and peaceful relations of the two countries." He calls upon the British Government to disavow it. It is thus, by our Minister, characterized as an act of war. And it is for participating in this act that McLeod is arrested; and on this act, thus avowed and thus characterized, the question is made by the two Governments. Sir, I repeat, let negotiation be exhausted before Congress is called to act or to interpose its opinion, or to take a final ground, from which, when taken, there can be no retreat. Whether right or wrong, Great Britain may choose to put this controversy in advance of the others. Let us then be certain that it be not her strongest ground. It is much easier to be right at first, than to get right at last. We shall also look to the possible consequences of even the errors of our adversary. Is it not among the possibilities that she may deem herself bound to protect those who have obeyed the orders of their superior authorities in her service, and that, under the spirit attributed to her in the report, she may resort to retaliation? And I repeat, if pushed to the extreme, war is inevitable. Is it not, then, the safest course to leave the case in the hands of the Executive, without, at least, adding to the excitement, which, from recent evidence, is sufficiently rife?

But, sir, the report also embraces the case of the Caroline, which was not submitted to the committee. To exhibit the point in controversy, only one addition to the statement I have read is necessary, viz: That the destruction of the Caroline is attempted to be justified in the despatch of Sir Francis Head on the ground of self-defence. He alleges, in substance, that the force on Navy island proceeded from the American shore, and was augmenting, through the agency of the Caroline, unrestricted by the authorities of the State of New York, or of the United States.

This is the only ground taken by the British Government as a justification of the destruction of the Caroline; and, being taken, a report on the case of the Caroline should have met it directly, by a denial either of the fact or of the consequence.

I complain that that the case is not met. No, sir, it is not met. It is evaded. Mr. Fox says, "The place where the vessel was destroyed was nominally, it is true, within the territory of a

friendly power; but the friendly power had been deprived, through overbearing piratical violence of the use of its proper authority over that portion of territory." And what is the reply in the report? "Now the insinuation of the British Minister that Schlosser was 'nominally' within the territory of the United States, may well be retorted, as we can with equal truth, say that Navy island was 'nominally' within the 'territory' of the British Government; for, at the period to which we allude, the people collected there had as effectually defied Canadian authorities as any portion of our people had ours." What is this, sir, but an admission that Schlosser and Navy island were equally in the power of the Patriots, in equal defiance of the power of the Government to which they respectively belong? What but an evasion, if not an admission of the ground taken, by Mr. Fox? Is this the position on which we are willing to rest our cause—to place the issue of peace or war? No, sir, no. I hope we can make a better case. In order to make our case, I think the facts should be re-examined. I am not satisfied to rest the case on the evidence taken. We should be in the right—we should be certain we are right, before we take our final stand. In my judgment, the evidence should be retaken. I desire that a person of the highest respectability should be commissioned to re-examine the whole case, with a view to arrive at the truth, whether for or against us. Perhaps, too, it might be advisable to ask the British Minister to join in the investigation. Let the testimony be taken on both sides of the line. For one, I desire to know how far the proper authority of the United States was overthrown by the violence of the Patriots. I desire further information of the character of the Caroline. In both respects, I think the evidence is defective. I repeat, that I desire the truth, and nothing but the truth. It is beneath the character of a nation to attempt evasion. I am not satisfied with the depositions that speak of the Caroline having landed certain passengers and certain freight. I desire to know the character of those passengers—whether civil or military; of the quality of the freight—whether merchandise or military stores.

I do not desire to fault the present Executive, or that it should be faulted by the next Administration. No, sir. The Executive should be a unit, in whosoever hands it is placed. What I desire is, that the evidence should be fully taken. If it sustain the course taken, as I hope it may, then that course will be sustained. If it do not sustain it, then the Executive will be at liberty to pursue such course as the new case shall require, and that, without imputing any fault for the past. We must in the end deny the fact or its consequence. As the evidence now stands, I am not willing to make up the final issue. This controversy should be conducted as honest men conduct their controversies, with a mutual and earnest desire to ascertain what is true.

I have fears that this report will encourage an excitement which should have received a severe rebuke. Whatever may be our sympathies with those who live under a Government less free than our own, we ought not to forget the duties imposed on us as a neutral nation. In the case of the attempts of our citizens on Upper Canada, there was but little cause for their sympathy, and no justification for their conduct. The people of Upper Canada were well satisfied with their Government. They have shown no desire for revolution. But our citizens have volunteered to make a revolution for them. Their conduct cannot be too strongly reprobated.

At the present time, no useful purpose can be attained by the report. It proposes no action. Its effect will be only to excite on the one side, and irritate on the other. The report which I send to the Chair is that which I proposed as a substitute:

"Appearing, that the reciprocal complaints referred to in the correspondence submitted are the subjects of diplomatic discussion between the Governments of the two countries, the committee, having entire confidence that the rights and honor of the United States will be sustained by the Executive, and entertaining the hope that the controversy will be brought to a satisfactory termination, are of the opinion that no action of this House is, at this time, necessary. They therefore ask to be discharged from the further consideration of the subject."

SPEECH OF MR. BYNUM,

OF NORTH CAROLINA,

In the House of Representatives, February 17, 1841.—
In the Committee of the Whole, on a motion to strike out the appropriation to continue the branch mint in North Carolina.

Mr. BYNUM rose, and addressed the committee, by saying that he had arrived and taken his seat at a late period during the present session of Congress, with a fixed determination to remain at least one session a silent member of that body—a determination that he had come to from a variety of reasons, growing out of his peculiar situation, and the developments that had been recently made since the adjournment of the last session of Congress—but such had been the extraordinary, unprovoked, illiberal, abusive, if not to say the flagitious and wanton course that had been pursued by certain gentlemen in their false and indiscriminate denunciation of almost all that was democratic or republican in the nation—with the avowal of principles striking at the very foundation of the freedom, not only of our republican institutions as they were reared by our illustrious forefathers for the guarantee and protection of our liberties, but at the very powers and interests held directly by the people themselves, should he continue silent, and suffer such to pass unnoticed and unreplicated, without raising his feeble voice in opposition to both the truth and just policy of such doctrines, he should feel derelict in his duty as a faithful Representative, and guilty of *treachery and treason* to the great, vital and immediate interests of those whom he directly represented there, and whose interest he had ever attempted to resist the wanton invasion of upon that floor, or elsewhere, without regard either to personal hazard, or to political sacrifice. With him, the time had arrived when he had as little to expect from the benevolence and partiality of friends, as from those who had gained possession of power and of place against his will, and at the sacrifice of all that was dear and near to the sacred rights and interests of those with whom his interests, ay, his all, was so nearly, deeply, and inseparably allied, by an indissoluble identity; and he felt it to be his happy lot, while he stepped forth in defence of the sacred rights of others, to be thereby enabled to defend his own, which, to him, were held by far more dear than life itself. But as the limits of the proposition before the committee would not admit of the discussion of many of the topics to which he alluded, he would endeavor to confine himself to those which grew immediately out of the proposition then submitted for their consideration.

Sir, said Mr. B. it is not to the mere striking out the insignificant sum in the appropriation bill, as proposed by the honorable member from Kentucky, [Mr. GREEN,] to which I look; no, sir, no: had that been the only object or effect of the proposition thus unceremoniously made, I should have been one of the last members in this House to have raised my feeble voice against it. No, sir; it is not that to which I materially object; but, sir, it is to the designs, effects, and ulterior consequences of such a proposition that I object, and its insidious and covert tendencies, without knowing that such was the object of the gentleman himself, [Mr. GREEN,] who was its mover—for we often are induced to do things by others without being the least conscious of the influences by which we are moved. For the gentleman personally, my feelings are of a kind character, and I have no disposition to impugn in the least his private and personal motives.

This proposition I view, sir, as an antagonistical one to founding in this country—for the benefit of the yeomanry, the working, laboring, producing people, and for their use—a permanent and solid currency, either of hard money or upon a hard money, specie basis, by which paper can always be converted into specie at the discretion and will of the working and producing man who holds it, and who has paid for it, in his produce or labor, its full equivalent and consideration; and without which, I now contend that there never can be a permanent currency in the country, nor safety and security to the labor and to the products of the farming and planting classes of this nation.

For this reason I then oppose the adoption of

this proposition, intended, as all must admit, and as it has been openly avowed here, to strike down your mints for the coinage of hard money, for the use of the farmers, planters, and mechanics of this country. Yes, sir, with a premeditated purpose, as avowed openly and covertly by those who have just come into power, to erect on their ruins a mammoth Bank, with all its branches and sub-branches extended in every State, if not county in your Union—flooding and carpeting the whole nation with its worthless paper promises—false, false, as they have ever been proven to be, upon the very face of the paper that bears the impress of their promises. The proposition on your table looks to this; it is to effect this object and none other; it is not a new proposition at all; it has been regularly made, and by gentlemen heretofore; with this intent; to effect which, your mints must first be destroyed, and all idea of a solid, permanent currency, founded on a specie basis, discounted and discouraged amongst the laboring, mechanical, planting, and producing classes of this country.

It has been with such designs, and to effect such an object, that a similar proposition has been annually introduced, and revived in this House ever since the establishments of those mints in the Southern sections of our country. It had its birth in hatred to a hard money currency, and one of paper to be found upon a specie basis, and has ever continued its jealousy towards any and all mints for the coinage, for the use of the people, of any thing like hard money, as a substitute for their false paper promises. It is one impediment in their way, and therefore must be removed for a more successful operation of their plundering banking system, as adopted throughout our entire country, and which involves directly their consideration in this discussion.

But before I proceed to say more on this subject, I must beg permission to notice the course of some gentlemen who have preceded me, and reply to some remarks that they have made in this discussion.

In the first place, I will notice a remark of the honorable member from Ohio [Mr. MASON.]

This gentleman has said that the Secretary of the Treasury had retained in office defaulters, after he had been informed, by correspondence that they were defaulters to a considerable amount to the Government.

Now, sir, this charge has been made often here and out of doors. I ask the gentleman if he will endorse it? Will he hazard his reputation upon this charge? No, sir, no; he dare not. I deny every word of it, and challenge that gentleman and all others, who, in their reckless abuse of that officer, have asserted it, to come forward with a single proof of the facts. Why have they not done it? They have often been called on for proof, but will now do, as they always have done, let it rest upon their own assertion.

Again, sir, the gentleman had said that the President had appointed to power men whom he knew to be defaulters.

This, again, was in keeping with the conduct of gentlemen of the Opposition, who had dealt in the most barefaced assertions for the last four years without deigning to produce a single fact, or even condescending to investigate them. It was a part of their tactics to avoid all investigation, as fatal to their objects of imposition upon the credulous and ignorant.

I again deny, sir, that there has ever been the least proof produced to this House, where it should, beyond every place, have been the first in which to have brought forward such evidence, showing that the President had, in a single case, ever appointed to office, or retained any individual whatever in office, that was a defaulter to this Government to the amount of one dollar—he knowing the fact, at the time, that such was a defaulter—and I dare gentlemen to produce one single instance, in which, upon the very first information being given of any defalcation, that the delinquent, as soon as the fact could be legally established, has not been removed, and all measures, that were in the power of the Departments, were not immediately resorted to to secure and protect the interest of the Government. But gentlemen have taken up the idea, and it has, to a certain extent, been avowed here, that upon

the first rumor and intimation against an officer, the officer should have been forthwith removed.

Should such a course have been pursued by the President, then he would have been exactly such a wretch as his reckless enemies have represented him to have been; and such as every ignorant tippling shop politician in the country has denounced him as being. Sir, do honorable gentlemen here know, that if, in a solitary case, the President of the United States was to dare to turn out any individual from office, without giving to him due notice, and an opportunity to be heard in self defence, he would act directly in opposition to every principle of the sacred Constitution that he is sworn to respect and obey, and bring in truth down on him all those charges of tyranny, proscription, and cruelty, that he has been so repeatedly charged with, by the most vile and reckless opposition that ever has before, in any country, conspired to overthrow a Government, and prostrate the liberties of a free people. Sir, we are even told here that the Secretary of the Treasury ought to have had A, B, and C removed from office, and upon the mere charge of corruption and defalcation being made, either in this House or out of it, against any officer whose place might have been sought, or become an object of others, without waiting further evidence. Yes, sir, I have heard frequently, from the most ignorant declaimers of that party, such declarations made, in endeavoring to rouse and excite the people against the last and present Democratic Republican Administrations of the country; but never did I expect to hear such from a member on this floor.

Have gentlemen yet to learn that the removing power is alone in the hands of the President, and if your Secretary of the Treasury, or any other Secretary, was to dare to attempt it, as required by those who thus denounce them, they would be guilty of an act of usurpation, for which they would deservedly forfeit their heads, and render themselves infamous in all time to come? Never, sir, have I been more astonished than to hear such declarations falling from gentlemen professing to be men of intelligence, and occupying places that should be filled by no others. What! the Secretary of the Treasury removing officers, whose duty it is simply to ascertain the facts, and report them to the President, after affording a fair and an impartial hearing to the accused? Is this to be the doctrine and principles to be acted on by the ensuing Administration, and by them be carried out? Is it to be that mere rumor and suspicion, excited by some hungry office seeker for the place of his victim, are to be taken as evidence of guilt, and your infuriated Secretary is forthwith, and without a hearing, to usurp the power of removal? And is this the reform that you have so bountifully promised the people of this country; and one of the principles that the people decided on, in the last Presidential election? If it has been, then it must come with a vengeance. That there has been in this Government defaulters, and ever will be, under any future one, without regard to the party, in power, all honest and rational men will readily confess; but so long as a party, or the heads of the party do what is in their power to prevent defalcations, and expose them, as soon as satisfactory evidence is procured of the same, no honest or intelligent men in any community will ever hold them guilty of such offences, and at all subject them to censure for their commission.

Look, sir, at every instance where an investigation has been had in relation to the conduct of the executive officers; and see, in every individual case where corruption has been alleged, if it has not redounded to the most perfect acquittal of all participation, or knowledge, or connivance of it, whatever, by those much abused and persecuted distinguished individuals. Sir, there is not a parallel on record where there has been so much abuse, and so many charges made against any man, or set of men, with so little truth to sustain them. So little, did I say? To this day, there has not been one particle of evidence produced against a member of the departments, that could have, in any court of justice, subjected to censure the merest felon in the land. My allusion is to the conduct of the members who are at the heads of those departments which have been so wantonly assailed by the allied

powers, both in and out of this House. Sir, I am no apologist of these men. I owe them nothing. I have had no favors from them—not even those to which I thought my constituents entitled; personally, I have asked nothing, and certainly from them I have little to expect at this time; but, as a Representative of a portion of the freemen of my country, when I speak of them as officers of this Government, to speak truly, neither in exculpation or in disparagement, save and except what truth itself shall demand, is a duty which I owe to justice, to myself, and to the country.

Mr. Chairman, frequent allusions have been made, here and elsewhere, to the conduct and character of one of the officers of the branch mint at Charlotte, in North Carolina, Colonel John Wheeler. He, too, has been arraigned for extravagance, prodigality, and corruption. Permit me to say, sir, with that gentleman I have long had the honor of an intimate acquaintance. I know him well, and his family before him; and I know him to be a gentleman of talents, of the highest honor and integrity, against whom the voice of scandal was never heard to hiss, until he had taken office under this Administration; a gentleman, sir, whose character would suffer no disparagement, if it did not rise in the scale of comparison with any of his predecessors upon this floor, or out of this House. But it is said he writes newspaper paragraphs. Grant it. And who has a better right, as a freeman of this Republic? His conduct has been assailed, and wantonly assailed? And has it come to this, in the new reform, that one is to be assailed here, accused, and condemned, and convicted, and not to be heard in his defence? When were such doctrines ever heard of before, or dreamed of being asserted in the congregated assemblage of freemen? The paragraphs alluded to were written in vindication of his own conduct; and who denies this right, or objects to its justice? I see in the papers that he has been charged with mismanagement and extravagance in his official duties, to the enormous amount of some \$116, or \$216.

Now, sir, from the knowledge of the character of that gentleman, had he dreamed of the least objection being taken to that account, I hazard nothing in saying that he would not for one moment have hesitated to have taken the money from his own pocket and paid it without a murmur. Yes, he would have scorned to have permitted his conduct to have been arraigned, as a public officer, however unjust it might have been for him to have paid the money, and subjected himself to the malice and censure of his unfeeling and unprincipled calumniators, when it must be recollected, too, that no part of this prodigious sum was appropriated to his own use, but wholly to the improvement of the property of the Government of the United States. Such is the amount of the charges made, and harped on so much here and at other places, against the officers of this Administration.

The charges of "corruption, extravagance and prodigality," have been made and rung upon every note of the political gamut, against the friends of this Administration. It has been so often repeated and re-echoed here, that our ears have been deafened and stunned at its reiteration. From the oft-repeated sounds without the variations, one well might suppose the words *lithographed* and set to note, from their regular and monotonous sound on this floor. It is immaterial upon what subject you are called on to act, this awful note is the first to greet the ear. Sir, it frequently reminded me of the cry of a certain mischievous bird, that has been a pest in the fields of every farming and planting man, from the earliest days of agriculture, and which, at the first approach of the planter, ceases to pull up his grain, flies off from his plunder with cry of "caw, caw, caw," and with equally as much meaning, and with as little variation, as do the honorable gentleman, who, upon every occasion are heard to cry here, "corruption, corruption, corruption," &c. Where, sir, is the corruption and extravagance so much complained of? Who has been guilty of it? We well know for the four last years, the appropriations by this and the other branch of this House, have gone much above the estimates of the Executive Departments and the recommendations of the Presi-

dent. Will it be denied, then, if there has been corruption arising out of the extravagance of this Administration, that this and the other branch of Congress are equally, if not more responsible for it, than the Executive Departments. Mark you, sir, there never has been yet, within my hearing, any charge made for the expending, and disbursement of more money than what has been appropriated by law, as passed by this House and the other body of Congress. The charge of spending more than was appropriated, I say has never been made, and of course, no appropriations can be made but by the assent of both bodies.

Now, sir, during the time of the highest appropriations and the greatest expenditures took place, which was in '33, '4, '5, the Opposition party themselves held a majority in the other branch of Congress, and could at any time have rejected such extravagant appropriation, if they had deemed it proper to do so; but they did not do it; they saw the necessity and indispensability of the expenditures, and never raised an objection to them.*

If there has been extravagance, then, it must have had its origin in this House, and for it the members of this body, individually or collectively, are responsible. The leading measures of the Government that have increased the expenditures to any considerable amount of a permanent character, were the increase of the pay of the navy, and the increase of your standing army—and who were the champions of these measures? An individual who stands high in the Whig party, and had a dinner given him in Norfolk for the part he took in getting one of those measures through Congress; and if you will look at the vote on the other subject, you will find an equal number of the Whig members supporting it, or a number nearly as great in proportion to their whole number in the House as that of the Democrats. You will find, too—and I say it to their credit—their votes, or a majority of them, recorded in favor of most, if not all the appropriations to carry on the Florida war. These are matters of record, that the journals of the House will show; by turning to the yeas and nays, as recorded on the several subjects.

What measure of an extravagant character, or one that has involved the expenditure of any very large amount, except what is embraced in the regular appropriation bills, that has not been brought forward, for the last several years, by a Whig?

I hold now in my hand the votes of the members of this House at the last session of Congress, upon the most prodigal and extravagant proposition that was offered in this House during the long sitting of the last session.

Journal House of Representatives, 1840, page 592.

On the motion of Mr. PICKENS, made the 13th of February, to amend the said instructions so as to read, "with instructions to consider the expediency of reporting a bill in favor of the measure."

On the motion of Mr. MARVIN, of the 13th of February, to substitute for Mr. PICKENS's motion the following: Also, that the Committee on Ways and Means be instructed to report bills in accordance with the estimates contained in the reports from the Chief Engineer, and Chief of the Topographical Engineers, to the Secretary of War, and communicated to Congress by the President, making appropriations for the year 1846, for the continuance of the construction or improvement of harbors and roads, and the navigation of rivers, for which appropriations have been heretofore made; unless in any particular case the committee shall be of opinion that the particular work ought to be entirely discontinued; and in such case, if any, the committee shall submit to this House the reasons which lead to such conclusions.

The main question was then put on the amendment or substitute of Mr. MARVIN for the amendment of Mr. PICKENS, and passed in the negative—yeas 80, nays 112.

Of the 80 in the affirmative, there are 53 Whigs to 27 Democrats.

Of the 112 in the negative, there are 33 Whigs to 80 Democrats;

Leaving a large majority of the whole of the Whig party voting in favor of this, the most extravagant proposition that was made during the last session, and a large majority of the Democrats voting against it. Yet the Democrats are denounced for extravagance, and the Whigs are lauded as closefisted economists to the people.

But, sir, again, the next most extravagant proposition that was made during the last session, in the Committee of the Whole, was made by the member from Indian [Mr. PROFFIT, a Whig] to ap-

*The Opposition and Conservatives had the majority in the House also in 1838, '39.
†Senate chamber.

appropriate \$400,000 for the continuation of the Cumberland Road. Not being able to take the yeas and nays in a committee, the vote on this proposition was taken by tellers. And, sir, I took my seat there, near the place of the tellers, and counted the votes as they passed through, and three-fourths, or thereabout, of those who voted for this appropriation, were Whigs, and no gentleman will now deny it. The gentleman from Mississippi [Mr. THOMPSON] sat by me, and will bear me out in what I have stated, I think; and sir, strange, passing strange, I then saw certain gentlemen sneak through and vote for that proposition, who have been, and are now, the loudest in denouncing this Administration for extravagance, prodigality, and corruption; and who have rung to the very heavens their voices against the pitiful expenditure of one hundred and sixteen, or two hundred and sixteen dollars, upon the public grounds attached to the branch mint at Charlotte, in North Carolina; and which was spent, too, exclusively for the improvement of the public property. Sir, if we could be astonished at any thing that men could do at this time, these facts alone would be startling; but the public mind is not in a condition to hear facts, and old and young are ready to jump and run with every political culprit who will cry *seek him, boy—seek him, boy*, to draw attention from his own conduct.

But really, sir, it must have been amusing to an impartial spectator to have sat and witnessed, in this body, the *transitu conditum* of certain gentlemen of this most economical party, and to have observed what a jarring of language, and confusion of tongues, they exhibit in the somersets and changes that they are daily making before the world upon this subject of extravagance. Has any gentleman listened attentively at the speeches that have been delivered on this floor, within four weeks, without being satisfied of a most unaccountable change coming over the dreams of some of the minds of those honorable men, who heretofore have been so celebrated for the denunciation of this Administration for its extravagance and corruption? Could any one have listened at the speech of the gentleman from Tennessee, [Mr. BELL], and that of the gentleman from New York, [Mr. BARNARD], without being satisfied of this extraordinary change in their minds upon this subject? Can they fail to have seen, in the temper and tone of these speeches, that an infinitely more extravagant Administration than any we have yet had, was in contemplation? The gentleman from New York, [Mr. BARNARD], demonstrated most clearly, no doubt, to his own mind, the necessity there was to raise our taxes, by increasing your tariff on certain articles, and this speech was acquiesced in, and sanctioned and complimented highly by the honorable member from Tennessee, [Mr. BELL]. But, sir, the speech of my honorable colleague, [Mr. RAYNER], above all others, proves most clearly the sudden revolution that has recently taken place in that party. While we have been denounced for extravagance, and for permitting the expenditures of the General Government to run up to \$5,000,000, or \$6,000,000 of dollars, my honorable colleague has spoken of, and advocated measures in his speech, that would, at the lowest calculation, involve the ensuing Administration in an expenditure of more than \$50,000,000 per annum; and has gone on farther, and shown conclusively, no doubt, to his own mind, that this amount could be realized by an increase of taxes, by raising a tariff on luxuries, silks, wines, and linens, &c. While, sir, I acknowledge that my colleague made a most excellent speech, and in some parts of which I most cordially agreed with him, I must say, on the whole, it was one of the highest toned extravagant productions that I have listened to in this House, and to carry out the objects of which, in four years, would involve this nation in a debt, that no human eye can foresee. Others, sir, of the same party, have taken a similar view upon the same subjects, but upon whose remarks I will not dwell. One gentleman's, however, I would do injustice to omit—the honorable member from Maine, [Mr. EVANS].

Mr. Chairman, a gentleman of the talents, who is justly entitled to the position that he occupies here as a leader of his party, has had the magnanimity to meet this question openly and manly

upon every occasion. Sir, he is no ordinary man. He never amuses us here with any shallow ideas that flit across his mind. No, sir, he speaks advisedly or not at all, and by so doing, he has well earned for himself the high honor that has recently been conferred on him by his party in the State of Maine. What does he say? What did he say on this floor during a debate, in which he had an occasion to reply to some remarks of my honorable colleague from North Carolina, [Mr. McKAY]? Sir, I am glad that the gentleman [Mr. EVANS] is present, and I have him now in my eye; and if I mistake him, I call on him to correct me. That gentleman then emphatically said, for I wrote it down at the time, that it was not to the amount that this Administration had expended, but to its not having spent enough, to which he objected; also to the manner and objects to which the money had been applied. He was the advocate of no penurious, close-fisted economy. He was for a liberal expenditure, such as was necessary to carry on all the internal improvements of the country, for repairing our fortifications, building harbors, improving our navy, &c. &c. This, sir, was what I then understood that gentleman to say, and all I have heard from him this session has been in corroboration of these views. (Mr. E. made no reply.) Now, sir, I ask again and again, how do these sentiments comport with this continued cry from this small fry of politicians about "extravagance and corruption?"—men, sir, that are not even permitted in council of the great agitators themselves, who have ulterior and higher objects in view.

But, Mr. Chairman, there is one other thing to which I wish to call the attention of this House and this country. The honorable gentleman from Maine [Mr. EVANS] has stated emphatically, I think, again and again, in this House, that it was not the gross amount of expenditures that had been made by this Administration to which he had objected, but more to their "niggardly parsimony," (I think these were the words which he used on one occasion,) and to the manner and objects of those expenditures. I, sir, have spoken, in another place, of this gentleman's high standing with his party, and the weight to which every thing that falls from him is entitled. Now, sir, mark it; I had the honor, but a few days since, to visit another part of this Capitol,* where this very subject of "the extravagance, prodigality, and corruption," of this Administration, was under consideration. It was then and there, for the first time, that I heard and saw the *gauntlet* thrown down by a distinguished gentleman,† and all challenged to touch it who dare to discuss, item by item, the expediency, economy, necessity, and propriety, of any single object of expenditure that had been incurred by the present Administration; and, sir, who can conceive my utter astonishment, when I saw this challenge declined, on the plea entered by another distinguished individual,‡ that it was to the gross amount that objections to its extravagance had been made, and not to the items or particular manner of the expenditures. Now, sir, here are two positions taken by men the most distinguished of their party, as diametrically opposite as are the poles, yet both are hurried on with equal fervor to the consummation of their ultimate, though diametrically opposite, objects. Sir, in this, they both cannot be right; there is a deadly cross fire in their own ranks, by soldiers of equal skill, that proves by demonstration, conclusively, that they are in a false position, and that a retreat or destruction is inevitable.

But the cry of "corruption, extravagance, and prodigality," still rings through my ears. This *caw, caw*, note, that has been so much rung in every section of our beloved country, to impose upon the innocent, but too credulous yeomanry of our hard working and laboring population, to win them from the productive interest and subjugate them to the rule of unproductive swindling corporations.

To expose the authors of these impositions, which, I confess, commenced and had their origin here, I hold in my hand a document which should

* It was informed by Mr. MARVIN of New York, the mover of this proposition, that it embraced an expenditure of \$2,000,000; by others, nearer \$10,000,000.

† Mr. Buchanan, of Pennsylvania.
‡ Mr. Clay of Kentucky.

forever put to *blush* the individual who shall dare repeat it again on this floor, however often it may be repeated by others abroad, for the want of better information. It is composed of the six standing rules, of the 26th Congress, of this House, and is to be found in the following words, page 50, "Congressional Directory," 1841:

"The following standing committees were appointed at the first session, and stand through the Congress:

Committee on Expenditures in the Department of State.—Messrs. Joseph R. Underwood, Kentucky; Joshua Lowell, Maine; Jesse A. Bynum, North Carolina; Joseph Trumbull, Connecticut; George W. Crabb, Alabama.

Committee on Expenditures in the Department of the Treasury.—Messrs. George Evans, Maine; Lot Warren, Georgia; Charles G. Atherton, New Hampshire; Nathaniel Jones, New York; Thomas Osborne, Connecticut.

Committee on Expenditures in the Department of War.—Messrs. Peter J. Wagner, New York; Reuben Chapman, Alabama; Isaac E. Holmes, South Carolina; Nicholas B. Doe, New York; James Cooper, Pennsylvania.

Committee on Expenditures in the Department of the Navy.—Messrs. Leverett Saltonstall, Massachusetts; Willis Green, Kentucky; Aaron Vanderpoel, New York; James Gerry, Pennsylvania; William Simonton, Pennsylvania.

Committee on Expenditures in the Department of the Post Office.—Messrs. Richard P. Marvin, New York; Gurriel Davis, Kentucky; Linn Boyd, Kentucky; Henry S. Lane, Indiana; Joshua Lowell, Maine.

Committee on Expenditures on the Public Buildings.—Messrs. Edward Stanly, North Carolina; Thomas Henry, Pennsylvania; Joseph Forance, Pennsylvania; Nehemiah Earl, New York; Seth M. Gates, New York.

Here, Mr. Chairman, are six standing committees, composed of five members, with a chairman on each, and two others, who are Whigs, and are as violently opposed to this Administration as men well can be.

The chairman of each committee is a Whig, and with two others, making three out of five. They have full power of the investigation of any subject that may have had the least relation to any expenditures in any one of these several departments. Yea, sir, more, upon the suggestion, or the suspicion of any extravagance and corruption in any of those departments, it became their duty to institute immediate investigation, and to report the result to this House and the country.

It was the duty, also, of every member of this House, who should have entertained the remotest idea of corruption or extravagance existing in any of these departments, to have made it known by resolution through this House, and instructed the committee, who had cognizance of the facts, to have inquired into them, and reported forthwith the facts to the House and the country.

Here, sir, was the field widely opened to all investigation, with committees packed in their own favor upon every subject that was connected with the Government, financial and otherwise. Every department was thrown open to them, and they were invited to walk in; to examine to their hearts' content.

There was no longer a necessity for special committees to investigate fraud, extravagance, or corruption. Here they were appointed by their own Speaker, with three out of five members on each committee, with the chairman at their head. Here, sir, they have had full power to ascertain the facts in relation to every species of corruption and extravagance. For the whole of the last session, occupying near eight months, were those committees in session, and the whole of this present session; and what have they done in the way of detection and exposition of extravagance and corruption? Not one single thing, save and except \$116 or \$216, in relation to this said branch mint, and which all admit was laid out for the benefit of the public grounds connected with this mint. Such, sir, is the record, and are the facts in relation to this universal cry and "*caw note*" about corruption and extravagance, which has caused so much the condemnation of this Democratic Administration.

Such has been the facilities given to their opponents by the Democrats of this body to investigate every supposable case of fraud, corruption, or extravagance; and with what grace, I ask now, can any honorable gentleman rise here, and repeat this charge, knowing, as he must, that he has only to intimate it to one of his friends on those committees, or it becomes his duty, which he owes both to this House and his constituents, to propose to instruct one of

* Those names in italics are Whigs, with the chairman of each committee.

these committees, to inquire and report the facts to the House, in relation to any suspicion he may have? Sir, have they done this? Will they now do it? No, no, no; such a course does not suit their purpose, as it makes an issue with them, and puts the accused on his trial, which is not a part of their tactics in politics. Their system is to condemn without a trial, and sentence before a hearing and by vague and sly insinuation, to infuse their poison in the public mind. They shun all investigation by which truth is to be elicited, and resort to indiscriminate charges, founded simply upon their own reckless assertion. Yes, sir, and by such a course have they been but too successful with the most innocent and credulous of the country. But I say again, such a course cannot "come to good." There is a redeeming spirit in the people, in the Democracy of this country, that must and will in time overtake them, or the Government itself is undone. What man have they attempted to proscribe in this way, that they have not already immortalized the memory of, wherever they have been brought to a fair investigation? Look at your Secretary of the Treasury, (Levi Woodbury;) they have erected, sir, for him, an immortality more durable than brass. They had their committee—and such a one! He passed its fiery ordeal, and what hair has been scorched? Others, too, whom they dared not to put on trial, whose conduct they shrank from all investigation of by committee, are doomed to rise above their petty calumniators and traducers in immortal glory. The American people only want time to reflect, to be convinced of the character of the unwholy warfare that has been waged against the Democracy, for the profits of their labor—mechanical and productive.

Mr. Chairman, we are frequently taunted with our promises of economy while opposing the administration of the honorable gentleman who now sits before me, [Mr. ADAMS.] The innocent and uninformed have been led to believe that the entire opposition of the Republicans to the administration of Mr. ADAMS was founded on its enormous expenditures in the public departments. Not so, sir. There were higher principles at issue in that contest than in any expenditure of revenue. The Democrats objected to the manner in which that Administration had come into power, as anti-Republican. The honorable gentleman never did receive a majority of the votes of the American people. He was not even the highest candidate who reached the House of Representatives, but was taken up, as it was supposed, by an unholy alliance between high contracting parties, though with a less vote than General Jackson, and was forced in on the people as a minority President—which aroused the Democracy in every section of the Republic to revenge this wanton usurpation of popular rights. The people took the subject in hand, and at the next election rebuked that Administration, by placing in power another, at the head of which they placed the distinguished individual who had obtained the greatest number of votes at the preceding Presidential election.

Mr. John Randolph, of Virginia, in exposing the character and parties to that coalition, and while upon this subject, said:

"Sir, I have much to say, which neither my own weakness, nor my regard to the politeness of this House, will permit me now to say. As I have exonerated the principal in the weighty affair of the billiard table, I also exonerate him and his Lieutenant from every charge of collusion in the first instance, and, if it is in order, I will state the reasons for my opinion. When the alliance was first patched up between the two great leaders of the East and West, neither of the high contracting parties had the promotion of the present incumbent at all in view. Sir, I speak knowingly as to one of these parties, and with the highest degree of moral probability of the other. Can it be necessary that I prove this? The thing proves itself. The object was to bring in one of the parties to the compact, whom the Constitution subsequently excluded, and of course to provide for the other. A gentleman, then of this House, was the candidate who, to the last hour, cast many a longing and though not lingering look, with outstretched neck, towards Louisiana—*jugulo quæsitæ nega ur*—to discover whether or not he should be one upon the list. Sir, it is impossible that he could, in the first instance, have looked to the elevation of another, or have designed to promote the views of any man but in subservience to his own. Sir, common sense forbids it. But, sir, all these calculations, however ekilful, and DEMOIRS could not have made better, utterly failed. Mr. Crawford most obstinately and unreasonably, I confess, refused to die. It was certainly very disobliging in him. I saw him before I went abroad, and I thought it was an hundred to one that he could not survive the summer: he was then dead to every purpose, public or private. Louisiana refused to vote

as obstinately as Mr. Crawford refused to die; and so the gentleman was excluded. It was then that Mr. Adams was first taken up, as a *plaster*, which we planters of the South translate, a hand plant.

"Sir, I have a right to know; I had a long while before an interview with the very great man; but not on that subject; no, sir, it was about business of this House; and he so far descended, I should rather say, of so great a man, condescended, as to elect me even with me. He said to me, among other matters, if you of the South will give us of the West any other man than John Quincy Adams for President, we will support him. Let any man deny this who dares; but remember, sir, he then expected to be a candidate before the House himself. If you will give us any other man, Sir, the gentleman in question can have no disposition to deny it. It was at a time when he and the present incumbent were publicly pitted against each other, and Mr. Adams had crowded defiance, and clapped his wings against the Cock of Kentucky. Sir, I know this to be a strong mode of expression. I did not take it literally. I thought I understood the meaning to be that Virginia, by her strenuous support of Mr. Crawford, would further the success of Mr. Adams. 'Any other man, sir, besides John Quincy Adams.' Now, as neither Mr. Crawford nor General Jackson, in the end, proved to be 'any other man,' it follows clearly who any other man was, viz: one other man, *id est*, myself, as a gentleman once said in this House, we will support him. But, sir, as soon as this *egomet* was out of question, of the South lost all our influence, and 'we of the West' gave us of the south this very John Quincy Adams for President, and received from him the very office, which, being held by him, we of the West assigned as the cause of our support, considering it to be a sort of reversary interest in the Presidency. (See the letter to Mr. F. Brooks.) It was indeed 'raisane in our mouth,' but we swallowed the arsenic.

"Sir, I will take the letter to the President of the Court of Appeals in Virginia; and on that letter, and on facts which are notorious as the sun at noonday, it must be established that there was a collusion, and corrupt collusion, between the principals in this affair. I do not say the agreement was a written, or even a verbal one. I know the language of the poet is true; that men, who 'meat to do a damned deed,' cannot bring even themselves to speak of it in distinct terms; they cannot call a spade a spade; but eke out their unholy purposes with dark hints, and innuendoes, and signs, and shrugs, where more is meant than meets the ear."

Such were the sentiments and such the testimony of that distinguished statesman, who is now no more. Such is the evidence that he left on record against these high contracting parties. He has told all posterity the principles for which the Democrats contended in their opposition to that Administration, and the example that they had resolved to make of those high dignitaries, who had dared to disregard the will of the people, and for considerations, implied or expressed, bid defiance to the known wishes of their constituents.

These things, Mr. Chairman, are not to be forgotten. It is good for the country that we sometime recur to first principles—it is the retrospect of the past, that sometimes throw light on the future; and gentlemen who contend under a leader, all covered with guilt, should be at least cautious how they throw corruption at others.

But, sir, we have been frequently taunted for extravagance, and it has been told that we contended for an economical Administration, and had deceived the country; that we had opposed the extravagance of the Adams administration, but had been more guilty of it ourselves.

Now, sir, here again I take issue, and will show that the principles then avowed on the subject of extravagance, were carried out in good faith, and adhered to by the Democrats most sacredly, until they had effectually accomplished their objects, and redeemed their pledge. Sir, they did object to the extravagance of that Administration, and the principles upon which it was founded; and, sir, it was not to your little "*picayune two pence hapenny*" extravagance of a little contemptible office-holder—not to a little outlay of one hundred and sixteen dollars, or the puny salaries of a few starving clerks, or to old spoons and dishes, old bed-heads, towels, and other culinary implements. No, sir, no: those were not the objects of Democratic reform—they were reserved for other men, and other times—to the other party, with a new born zeal. The Democrats looked at high objects; they were in no jest upon subject of extravagance to tickle the vulgar and delude the multitude. They went for principle, as I trust they ever will, and opposed principles which involved the expending and squandering of millions and thousands of millions of the people's money, and thereby incurring a national debt that unborn generations would never be able to pay.

What were those principles, then, involved in that contest? They were the principles on which was founded the right and expediency of carrying on a system of internal improvements by the National Government—that was the nature of the extravagance opposed with so much vehemence by

the Democratic party; that was the character of extravagance that was so signally rebuked by the people in that great struggle. Yes, sir, an extravagance carrying with it a system of corruption and prodigality, that well might cause the people *fear and trembling*. It was to this kind of extravagance and corruption to which the Democratic party looked for reform and retrenchment, and which, sir, they have ultimately effected, triumphantly effected, and by no "*humbuggery*" about office holders, and high salaries, and "*kitchen furniture*."

The amount of the millions and hundred of millions of dollars that was sought to be expended then by the Opposition party, who are now to be placed in power for their notions of reform and economy, are justly illustrated by the following remarks of a distinguished Senator from South Carolina, [the Hon. William Smith,] who has since departed this life, at his private residence, in the State of Alabama; and, as a Southern planter of worth and intelligence, he has left few equals behind, and no superior. In this speech, delivered in the Senate by this distinguished and extraordinary man on the 11th of April, 1828, in opposition to the extravagance of that Administration, is contained these facts, to which I call the particular attention of the committee, in demonstration of the character of the extravagant measures then opposed by the Democratic party, but advocated then by the party now calling themselves Whigs:

"It was, Mr. S. said, among his objections to the system, the great inequality and injustice of its practical operations in the different sections of the Union. And this fact was fully demonstrated. At the present session there were applications from the Western States, all of which had received already large donations in public lands for at least 10,000,000 of acres for internal improvements and other purposes of their own. And there were applications now before Congress, in some shape or other, for appropriations for internal improvements in the different States, except the States of South Carolina and Georgia, for more than \$300,000,000. And with all this preparation and appropriation in the other States to fill them with roads and canals, at the expense of the public Treasury, not a chain had been stretched, nor a Jacob staff planted, within the States of South Carolina and Georgia, by authority of the General Government, for that purpose; and because their Legislature have not deemed it constitutional, nor proper that their members in Congress shall join in the general struggle for the mere favors of the General Government, and higgie and huckster for a road or a canal, as they would in a market or fair for a bale of goods or an ox."

Here, sir, we are informed that at that time, at one single session, there were applications and projects before Congress to the amount of \$300,000,000* for objects of internal improvements, without an application from two large and respectable States of this Union, which, taking the year 1818 as an average, exported within \$3,000,000 as much as the whole of the States north of the Potomac,† except Maryland, that exported about \$4,000,000.

This distinguished Senator in continuation said:

"Sir, it is not the revenue you collect on foreign merchandise that constitutes the real wealth of a nation. It is the amount of your exports you are enabled to send abroad, that constitutes your national wealth." "And turn it as you will, all your revenue is ultimately paid from the agricultural pursuits of the *laboring community*, who are entitled to their full share of the dividends of the Treasury."

Without going into the enormity of the inequality and prodigality of such an extravagant amount, which was then sanctioned by the principles and recommended by the self same party, that has since become the advocates of economy under another name, I shall confine myself simply to the enormity of the amounts that they then had in contemplation to expend. Let it be held in mind that \$300,000,000 had been applied for, exclusive of two large States;† which, if rewarded according to their exports, would have increased these applications near \$200,000,000 more, making an aggregate of about 500,000,000 dollars, at a time, too, sir, when this nation was in debt to the amount of near \$70,000,000, which, had these measures met the approbation of the Democratic party, in the aggregate would have left this nation in debt not less than \$570,000,000; and if that party had failed in their opposition to such measures, would have been increased by this time into a national debt of from one thousand to two thousand millions of dollars; just enough, sir, to

* See report, Executive documents to the Senate and House of Representatives, 1828.

† See table of statistics of Waterson and Vanzandt.

‡ South Carolina and Georgia.

have realized all their splendid hopes of a "great national debt being a great national blessing."

Such were the extravagance, prodigality, and corruption, to which we directed all our energies of reform in the revolution of 1828; against this monstrous doctrine, of British origin, that "a great national debt is a great national blessing," it was against that we waged war, which resulted in a glorious triumph, and the prostration of the whole "American system" party, who were then their advocates, but who are now again raised to power by the wild infatuation of a deluded country, who, in my judgment, are destined to witness (if they have not authorized it by their own recent acts) a reiteration of the same attempt to rivet on them the renewal of this self same "American system,"—with recuperated energies, backed and sustained by the omnipotent power of the great paper credit system, to filch from the laboring and productive classes the profits of their industry, and, by its power of oppression of those classes, to subjugate them, and force them to a final acquiescence and submission to their tyrannical and oppressive measures of tariff taxation—of extortion, and extravagance.

This is the species of extravagance and corruption, and their results, that the Democracy were pledged to oppose, and which they have faithfully carried out to the letter, so far as they have had the power. Nor have they failed, upon proper evidence being produced, to correct such other extravagance in any of the departments of the Government that may have occurred even amongst the salaried officers, however much of minor consequence to the great principles of extravagance, that they had in view for reformation and retrenchment.

It is remarkable, sir, to have observed the declarations of the honorable member from Massachusetts [Mr. Adams] in relation to our State debts. He stated that the debts of the States were upwards of \$200,000,000, and that they had been incurred for internal improvements, which should have been effected for them by the General Government—no great difference between the absolute debt and the projected one, as stated in the speech of the distinguished Senator from South Carolina, to which I have referred; and the only difference is, likely, that which might be saved by the conducting such works by the States having them under their immediate control; and that of the General Government, whose control would be more remote and more susceptible of a loss. And in this, too, the honorable member gives us no obscure hint, that it is the design of his party, if they dare do it, to assume these debts of the States in some shape or other, and saddle them on the shoulders of the General Government. In fact, in substance, such were his emphatic declarations. But, sir, I will pursue that branch of the subject no farther, in vindication of the party with which I act, against the charge of extravagance and corruption, and feel perfectly safe in trusting the whole subject to an impartial public.

I will return again to the branch mint, for the continuance of which, a motion has been made by the honorable gentleman from Kentucky, [Mr. Green], to strike out the appropriation. I consider this question as directly involving the consideration of a National Bank. We cannot be for abolishing our mints, without having in contemplation a substitute; and sir, no one will deny that that substitute is a National Bank. The annihilation of one is, in effect, the substitution of the other. They are, in fact, antagonistical propositions in a great measure. The friends of the one are prone to view the other with great suspicion.

Now, sir, I here take my stand, not only against a National Bank as a substitute for our mints—to afford the laboring agricultural classes paper promises as a substitute for gold and silver, as equivalent for their labor and produce—but, sir, against the whole system of banking as it is now carried on in this country, as one of plunder and robbery of the great planting, productive, and laboring classes of the country. I stand opposed to this whole system of robbery of the planting, laboring, mechanical classes, as one unknown to the constitutional framers of our Government, and one which was openly and expressly repudiated and rejected by

them, in refusing to grant the power (while in the Federal Convention that sat at Philadelphia) to Congress to form, originate, or establish, any such corporations whatever. I oppose them, sir, as a spurious batch—an off-spring illegitimately begotten of your Government, both State and General, if you please, unauthorized, and not sanctioned by any safeguard of your nation. I oppose them as engendering, and as having already engendered, an interest and influence in the country, not provided for under the Constitution of the nation, nor foreseen, nor even dreamed of, by its illustrious founders—an interest that has grown, sir, with gigantic strides, and has thrown a shade, and does, at this time, both here and abroad, over all other interest known and provided for by the fathers of the Constitution.

Sir, what were the great interests referred to during the long discussions that took place in the Federal Convention that framed your Constitution? What were those referred to in your State Conventions that sanctioned your Federal Constitution? What were they, I emphatically ask, (after the preservation of liberty,) but the commercial, manufacturing, and agricultural interests of the country? They held them as the great primary interests of the nation, as spoken of, referred to, and reiterated over and over again in your Federal Convention, and in every State Convention that was held at that time in the nation; but, sir, which are now held as only secondary considerations to the great paramount interest of bank corporations, rallying around them all the unproductive interests and influences of the nation, more potent than all the others combined, and have thereby effected a most complete revolution in the whole theory and practice of your constitutional Government, and if not speedily arrested in their onward course, must in future make and unmake all your Presidents *ad libitum*, and monarchs too, if it be their pleasure.

Will any man here dare deny their predominant influence in this nation at this time over any one other interest, and all combined, of those to which I have referred. A fact not more humiliating to the proud spirit of every free American, than it is appalling to every friend to the freedom and independence of his country throughout the Republic. They have effected a revolution in our whole free Republican system, that the united armies of all Christendom could not have effected in the same length of time. Facts, which the faithful historian must record, to our shame and lasting infamy, proving ourselves a degenerate race of a noble ancestry.

But, Mr. Chairman, we are told that in the last Presidential election, the people decided in favor of a National Bank, and sanctioned this monstrous system of banking in the country. Sir, can it be so? I cannot believe it. We have not less than ten subjects that the people, we are told, decided at the last Presidential election, and have they done it? Here they are—

1st. That they are to have a National Bank of \$50,000,000 or \$100,000,000 capital.

2d. That the taxes are to be increased by an increase of your tariff (upon luxuries, you are kind enough to say,) &c.

3d. The distribution of the proceeds of the public lands.

4th. Internal improvement by the General Government, or the assumption of the State debts.

5th. Reform and retrenchment, and the expulsion of corruption, &c.

6th. The erection of light houses and the building and rebuilding of harbors, fortifications, &c.

7th. That the making a national debt to supply temporary deficiencies in the revenue, was preferable to the use of Treasury notes, looking to it as a national blessing.

8th. The immediate and unqualified repeal of the Independent Treasury law, and the immediate reunion of Bank and State to fleece and tyrannize over our people.

9th. The call of an extra session, to put in operation this odious system, before the people are allowed time to detect the imposition.

10th, and lastly. That General William Henry Harrison is a real, and not a sham hero.

I might add another, which the Abolitionists say was decided in their favor; but as it might be considered out of order, I shall omit it for the present.

[Here some of the Southern members said, in an under tone, it was out of order, and the chairman indicated that it would be.]

Sir, I shall not press it, although I believe it was decided in their favor as much as any other question was decided by the people, except that General Harrison should be President—an effect which was produced, in my opinion, by combined causes, brought about mostly by that great and potent influence of the banking interest, which, by a certain process, was made to circulate through and penetrate every city, village, and hamlet in the land.

I do not believe, sir, that the mass of the people were bribed by those institutions. No, sir; far be it from me to suppose such a thing. There was no cause for such bribery. But that these institutions, or those interested deeply in them, used them as political machinery to coerce, rouse and agitate the people against their Government, there is not a doubt in the mind of any intelligent man in this country, and that their means were used, in every possible way, to effect their object, there is just a little doubt? It may be asked, how was this done. I answer, in a variety of ways. First, by furnishing and circulating, by agents employed, political documents themselves; and secondly, by furnishing their partisans the means to do it; the enlisting public presses, by accommodations in their favor, and furnishing the means for by continuance of some, and the establishing of others, through the whole country, to operate upon public opinion, and to rouse and excite the people to resist any and every thing in Government that did not promote their immediate interests. Yes, sir, yes; you now have it; it was the influence of the banking institutions over the public presses of the country, that brought about, more than any other cause, the revolution in 1840; and, sir, with the same machinery and materials, they can bring about another in 1844, and 1848, and 1852, and as often as it becomes their interest to do so, until the people are arcused with a just sense of the enormity of their powers, and the variety of means they use to effect their objects, and pass sentence of annihilation or reform on their whole system of operation. Yes, sir, here is the interest. Here is the influence that has undermined the great constitutional fabric erected by the immortal fathers of the Revolution of 1776. This has been the operation of that *baselessly power*, unbegotten of the Constitution of our forefathers—rejected and repudiated by them in convention assembled, to influence and overcome the right of suffrage of a great and free people, in the selection of the highest presiding officer of the nation.

Yet we are insultingly told that the people wills that it should be so. We are told, too, if the banks are let alone they will give peace to the country. How, sir? How? I say while they exist as they are, there never can be peace or repose in this country. Does not the very success of their operations depend upon their expansions and contractions. While this process is continued, how can there be peace or repose? Sir, the very idea of a banks giving peace or repose to a people, is a contradiction in the very nature of things; they never, never, can have it while they exist unbridled, as they have been for years. I have asserted that the whole system of banking is a mere system of extracting the profits of the laborer and producer, from the hands of those who toil in its production; as an illustration of the fact, suppose there was a community of bankers, and no other subjects upon which they could operate? Can the mind conceive a condition more wretched, in which mankind could be placed? Why, sir, such would be the starving condition of such a community, that they would be compelled to feed one upon the carcass of another, until the entire society should become extinct.

But, sir, how different would that community be who lived without the curse of those institutions, who depend upon their honest labor for a livelihood, and the produce of the soil given them by the God of nature, whereon to feed and procure their raiment? In such a state, a community could

not fail to enjoy all the blessings that the earth afforded, without the least prospect of starvation, or of suffering, where the means of industry were properly applied, and the greatest profusion and abundance in the production of the earth would be theirs. Such would be the striking contrast between a banking community, and one where a bank was not allowed to exist. It is therefore clear that it is from the productive interest alone, that banks derive their greatest profits, either directly or indirectly.

Sir, these institutions are at war with the best interests of the nation in another way. They attract both capital and labor of thousands and hundreds of thousands from the pursuits of productive industry and mechanical labor, and convert them into an unproductive mass of bankers, stockjobbers, speculators, and sinecures, and disseminate them throughout the country, to suck the very life's blood of those who do labor in mechanism, or in the cultivation of the soil. So far, then, they operate most injuriously to the great growing interests of the nation, and add nothing to the wealth of the country, but act as continual embarrassments to its onward course in the production of substantial national wealth, and creating continual embarrassments to the operation of our whole political machine, by their eternal contractions, extortions, and expansions, and thereby rendering themselves a blight to all our internal repose and national prosperity.

Their injurious operations, too, upon our manufacturing classes, seem to have been greatly overlooked by many of the first statesmen and financiers of the age. It does appear, sir, clear to me, that nothing could act more injuriously to the manufacturing interest themselves, than the banking system to which I have alluded, and at the head of which I have placed a great National Bank. It is clear to my view as noon day, (though no manufacturer,) that the whole operation of the banking system, as at present carried on, is in deadly hostility to every manufacturing interest in the nation, and thus here involves the immediate consideration of its operation on the tariff to a certain extent. To me it has been an unaccountable fact, that the most of those who professed the greatest friendship for the manufactures, and the most strenuous advocates for high protective tariffs, for the benefit of those manufactures, should be the loudest in their cries for a National Bank, and the most active advocates of every State institution of a banking character.

Now, sir, it does appear to me most obvious, that nothing could be more destructive to the manufacturing interests, than an inflated, bloated paper currency, given by these banks to the country; and to ask for protection, by a tariff, to your manufacturing interest, while you advocate the banking system with its inflated currency, does appear to be an inconsistency amounting to a state of delirium or madness—a heterodox at war with the plainest doctrines of an unbiased reason and practical common sense. Let us examine for a moment the practical operation? By this paper inflated currency, the price of every article of consumption, the price of every commodity necessary to be used in your manufactures—the price of labor, even, is raised to a fictitious and inflated value in your operations, to the amount of from one to two hundred per cent. Under these circumstances, your raw materials are manufactured at an immense cost, arising entirely from the simulated inflation of your paper currency banking system. They are then taken by the vender to market, (say in Philadelphia, if you please, and are there brought in competition, for the first time, with similar fabrics manufactured in Europe, (say in England, France, or Germany,) where the same or similar articles have been manufactured, with labor, with commodities of consumption, or use in the fabrication of the articles, procured at the prices given them by a most stable and permanent currency, at a less cost to the manufacturer, by from one hundred to two hundred, and sometimes four or five hundred per cent. By this means, it is clear that the American manufacturer, with no better article, is compelled to sell at double the price at which similar and often better articles can be purchased of the European

manufacturers; and the consequence is, that he cannot sell at all, and he is driven out of market. What is the next step? He flies to Congress for a remedy. The European or foreign articles must be taxed to the teeth by a tariff, either to exclude them from our markets, or to lay it so high on them as to disable them from selling to us their articles, though of a better quality, at so low a price.

Sir, in obedience to the demand of the American manufacturer, the tariff-tax is raised from 50, 100, 150, to 200 per cent. on the foreign articles, to force them to a demand for their goods, the same high prices that the American manufacturer asks for his, or to quit your markets.

Well, sir, this is protection to American manufactures. Foreign articles are by this process either excluded, or are forced to be sold, at the same high prices that the home made articles are sold for. And, sir, contented might we be if this operation only stopped here, and its consequences were no worse.

At this, all clamor ceases from that quarter, though at a great public sacrifice to all other interests. Things for a while seemed to go on well; but on a sudden your banks again expand; and labor, and provision, and all necessary articles in the manufactures are again increased in valuation, and again an additional increase in the price of all American manufactured articles is increased and demanded, in proportion to the additional quantity of the expansion of your banks. What, again, is the result to your manufacturer? He is again undersold by the foreigner, as he is by the inflation and expansion of the banks compelled to sell, if at all, at a higher price, being forced by that operation to fabricate his articles at a greater cost. And what next, sir? The clamor for protection is again raised to the skies, and another demand is made on Congress to raise your tariff taxes, to enable our manufacturers to sell in our own market, and to compete with the foreigner, who has crossed the ocean, paid his tariff tax, and is enabled to undersell, by this operation, the American manufacturer.

In obedience to this demand, Congress again increases the tariff tax to 25 or 50 per centum; this affords temporary relief, and gives a momentary quiet, until, again, your banking capital is increased, or another expansion is made, and with the resort to the same process over and over again; and thus is produced, by the clandestine operation of this banking machinery, one continued scene of revolution, crash, and confusion, in the whole body politic.

[Here Mr. LINCOLN rose and called Mr. B. to order for discussing the tariff, and said he represented an interest deeply interested in that subject; and if the subject was gone into, he should feel it his duty to reply to the remarks of the gentleman of North Carolina.]

The Chairman (Mr. BELL of Tennessee) said, the discussion of the tariff was out of order.

Mr. BYNUM said that it was very far from his purpose to discuss the subject of the tariff at this time—in fact, nothing could be more so; his object was only to show how injurious to the operation of the tariff system the existence of a National Bank was, in connection with the whole banking system; and to prove by it the inutility of a National Bank, and its injurious operation upon the manufacturing interests; it was, therefore, perfectly in order for him to refer, incidentally, to the tariff.

Mr. B. continued: He had but one other view to take of this subject, which was, in relation to the process of the practical operation of the banking system on the price of the manufactured articles of the country, in demonstration of the injurious and destructive effects of the banking system.

I have shown (said Mr. B.) in what manner the banks affected the prices of manufactured articles of this country, under the protection of the tariff system. I will now undertake to show that so long as the banks are encouraged and stimulated to inflate your "paper currency," and raise all domestic articles to the prices of a "paper currency valuation," that the increase of your tariffs, and their continuation even, is but a bounty paid to your bankers out of the profits of the productive classes, without affording the least relief to the manufacturers, for whose

benefit it is intended. Now here is the practical operation; and it is in the worst light that the subject can be viewed: by your "banking paper currency" inflated prices, every article is increased, and to its highest price. Then this was the natural process practically resorted to by your foreign importer, to undersell your American manufacturer. Remember the price of all articles is now at their maximum, or highest pitch. The foreigner imports his goods, pays the tariff tax on them, and sells them again in the market at the inflated price created by the paper currency. He receives his money in the currency of the country—paper, of course. His first step is to take it to the bank and demand for it the specie, which, so long as the banks pay it out at all, is given to the foreigner. This specie is taken back to England, France, or Germany, and is again laid out in the purchase of foreign manufactured articles, at a specie currency valuation, at a price less by from 1 to 2, or 500 per centum of their selling prices here, given them under the influence of the "inflated paper currency system;" and thus the foreigner is again enabled, by the low prices in Europe at which he buys, and the increased high prices here, at which he sells, to pay, without injury to himself at all, the amount of the increased tariff by which he is taxed here. By this process, you will see it is perfectly plain that by the increase of your tariff taxes, direct or incidental, while the banks retain the power of expansion, and your banking capital is increased, you afford, not aid to the American manufacturer at all, but keep him eternally in the hands of his foreign competitor; and what is equally impolitic and injurious, it keeps up a perpetual drain of the specie from our country, and leaves the banks in a situation totally unable to comply with their domestic engagements of keeping their paper equivalent to specie; by which ruinous and destructive policy the whole people of the nation are brought to suffer most distressingly—all sir, all, resulting from this most ruinous system of banking corporations and fictitious paper credit system. Such I have shown is the practical operation on the tariff system and the manufacturing interests of the country. Let them look to it, and be prepared to meet its consequences.

Mr. B. said I will now endeavor to show in what manner this paper money currency affects the great growing, planting interests of the South, if I should not be considered out of order in doing so, with the same view that I have attempted to show in what manner it operated on the great manufacturing interests of the North.

I this day believe the people of the South the most oppressed and the most deluded people in relation to the operation of their own Government, of any portion of people in the American Republic. They pay at this time, in many of the States, a greater tax, in proportion to their capital and private investments, than any people on the inhabitable globe. What are the operations of this "inflated paper system" on the planting; producing and exporting classes? Sir, the South constitutes very near the whole of your exporting interest. Rice, tobacco, and cotton, are the great articles of exportation of the country; they are exclusively of Southern growth, with a small exception. Now, sir, the price of those articles is but little affected, if at all, by our own "inflated paper currency," the prices of those articles depend exclusively, and almost entirely, upon the currency of those foreign markets in which they are sold—i. e. the currency of the English, French, German, and other European markets, where those articles are sold, and which currency, in those markets, is emphatically, to all intents and purposes, a specie currency, and below that of ours from fifty to two hundred per centum; and upon those foreign markets, with this specie currency, are the whole South, or at least the growing interests of the South, entirely dependent for the prices of the articles of their productive labor. The "inflated currency" here made by bank issues, cannot affect the price of their produce abroad. This is too plain to admit of a doubt in any practical view that may be taken of the subject. Then, sir, how is that great essential and invaluable interest from which we derive eight-tenths of our national wealth and revenue, (or there-

about,) affected by this base, spurious, "paper inflated currency?" Sir, this is exceedingly plain to every practical Southern farmer and planter in the country; and, sir, here they are affected precisely as are the *home manufacturers*, by the "inflated currency of the bank paper;" to them, every article and commodity, for use and consumption, provisions, labor, necessities of clothing, the price of slaves, stock, superintendents' wages, mechanical repairs, and every conceivable commodity connected with their farming and planting establishments, and with the indispensable supplies necessary for their cultivation—all these staple commodities of rice, tobacco, and cotton, are produced and are purchased at the high and exorbitant prices given to them by the fictitious, "inflated currency of bank paper," thereby forcing, by this operation of the system, the Southern planter to purchase all necessities for carrying on his business in the home markets at the highest prices, produced by the "bank paper system," and forcing him to sell his production in foreign markets, at the low prices arising from a more stable specie currency or its equivalents. Our cotton, rice, and tobacco are sold, in the foreign markets, at the lowest cash prices, and are grown and produced here, with all the means necessary for their production acquired at the highest possible "inflated paper currency" prices. Yes, sir, yes, this is the actual condition of the South, over which they have groaned and slept for the last twenty-five years and more, for the want, sir, in my judgment, of practical men and practical politicians among them to expose the enormity of the system, and the direct inflictions of it, from which they have suffered so much and so long.

Now, Mr. Chairman, I have endeavored to show, and have at least satisfied my own mind, that the whole banking system, with a National Bank at the head, has operated most ruinously and destructively, not only upon the great planting, laboring, and productive interests of the nation, but that it has operated as a *withering blight* to the great American manufacturing interests themselves, and which I think will be shown to every intelligent, practical man, as clear as the sunbeams, who will fully and impartially examine the subject in all its bearings upon American interests.

It has been for these reasons I have taken my stand against this policy, and though alone I may be left, am determined to abide the result.

I am, therefore, opposed on those grounds to the abolition of our mints, to make way for the more effectual application of the enormous system of banking institutions—*blighting and withering* as I believe and feel them to be, upon these great, essential, and invaluable interests of my country.

Having now shown, Mr. Chairman, the pernicious influence and effects of these institutions upon some of the greatest interests of the country, it is almost needless to inquire, what interests are benefited by them? That there are a variety of interests benefited by their operation, there can be no doubt; to state them in detail would be a useless consumption of time—they may all be included under the head of the *non productive classes*, who live and enrich themselves, not by their own labor, nor by the cultivation and production of the soil—the owners of foreign capital* in this country are benefited by them—the great owners of capital in our own country are benefited by them and above all, those are mostly benefited who are invested with the privilege of issuing paper, called money, to circulate with interest, without capital, and who constitute emphatically (I had liked to have said the *ennobled*) but in truth, the privileged classes of the land. Added to these are the whole *surplus, idle, floating population* of the country, which are mostly to be found in your larger cities, in every section of your nation, who are always ready for any revolution and change of rulers in the Government, so they find ready employment in effecting that change.

It was from this reason more than any other, perhaps, that Mr. Jefferson was induced to say that he viewed your large cities "as cancer warts upon the body politic," and, sir, upon this subject Mr. Jefferson spoke with a prophetic tongue. Such, in

truth and in fact, are the beneficiaries of this great banking system, that has outgrown the Constitution itself in power.

But there is one other view of these institutions to which I would call the particular attention of the committee and the country. I have often spoken, sir, of the *taxes* which were levied on the people by these institutions, and which were paid without a murmur, while they raised their voices to the highest pitch against taxes paid to Government. I have also spoken frequently of the aggregate losses that had been sustained by the people from the banks during the time that the "*hue and cry*" was set up against the Administration for extravagance, &c. I then asserted that the people had sustained a greater loss by the banks than by all other sources known to the country. I have asserted, upon rough calculations, that the people paid a greater tax to the banks annually than they had to their own Government. And, sir, what was then assertion and calculation only, have now become official facts, by estimation yet uncontroverted. Here is an exhibition of losses sustained by the people from these institutions, as laid before the Senate on the 12th of February, 1841, by the report to which I have just alluded, in obedience to a call by that body on the Secretary of the Treasury for information of "the losses by the General Government, and by the people of the United States, from the use of banks and bank paper." Here is the summary contained in that report of the aggregate losses of the public, and the annual amount paid by the people, by the *productive classes*, emphatically, to the banks of this country, to which I invoke the sober and serious attention of every man in the Republic, and particularly those who live by labor or productive industry. I read from the report, pages 14, 15, and 16:

1. Losses by bank failures	\$108,888,721
2. Losses by suspensions of specie payments by banks, and consequent depreciation on their notes	95,000,000
3. Losses by destruction of bank notes by accidents	7,121,332
4. Losses by counterfeit bank notes, beyond losses by coin	4,444,444
5. Losses by fluctuations in bank currency affecting prices, extravagance in living, sacrifices of property, and by only a part of the other incidents to the banking system, not computed above, at least	150,000,000
Aggregate, computed,	\$365,451,497

Amount paid by the community to the banks, annually, the last ten years, for the use of banking institutions.

1. The resolution calls for the sums thus paid, whether "directly or indirectly," and whether by "the people or the Government."

It may be, therefore, that the amount collected by banks from the community annually, for interest, exchanges, rents, &c. ought, in the opinion of many, to be considered as what is paid to them "for the use of banking institutions." Consequently, an attempt has been made, first, to form some estimate of this amount which shall approximate the truth.

The result has been, that the whole payment made to the banks for the use of them, their capital, &c. during the last ten years, has been in the aggregate

This would be annually on an average

To explain the amount thus received by banks annually, during the last ten years, the following data are submitted:

The aggregate capital and discounts of all banks in the United States, during that period, so far as can be ascertained from the Treasury reports on banks, and some estimates, have been as follows:

	Aggregate capital.	Aggregate discounts or loans.
In 1831	Not ascertained.	Not ascertained.
In 1832	Do	Do.
In 1833	Do.	Do.
In 1834	\$200,005,944	\$324,119,499
In 1835	231,250,337	365,163,834
In 1836	251,675,392	457,506,080
In 1837	290,772,091	525,115,702
In 1838	317,636,778	455,631,687
In 1839	327,132,512	492,272,015
In 1840	358,442,692	462,896,523

[In 1830, \$145,192,268, as capital, and \$200,451,214 as discounts or loans, have been ascertained and computed by Mr. Gallatin, in his Considerations on the Currency.]

[The above amounts stated as the capital employed in banking require some explanation. It has been the practice, in most parts of the country, to put banks into operation chiefly upon the stock notes of the proprietors. By the reports of the Legislature of Massachusetts, in 1838, it appears that many of the banks in that State, which are generally as safe as any in the

Union, have been put into operation upon the naked promissory notes of the stockholders, with little actual capital, excepting that which has accumulated from the operations of the banks. These promissory notes are the principal basis of the paper currency issued in the first instance. If confidence should happen to be buoyant for a succession of years, the interest on this currency, paid in advance, compounded as it always is at short periods, soon enables the stock notes to be withdrawn, without the application of any capital whatever, by the original stockholders. On the other hand, should a previous general inflation give rise to a demand for specie for exportation, in the early stages of any new bank, or where the stockholders have applied the dividends to other purposes, it explodes, and the community generally lose the greater part of the circulation out at the time. (See Raguet on Currency and Banking, p. 115; Tucker on Money, p. 409; Gouge on Banking, part 1st, p. 137.)

But in these tables I am compelled to make the computation as to capital as if it was all real and paid in, (so far as returned paid in,) on account of the difficulty in discriminating the amount that is factitious from what is not so. But I do not consider any thing as capital, which is merely authorized and not returned as paid in.]

Estimated average bank capital, yearly, from 1830 to 1840

Estimated average discounts or loans, yearly, from 1830 to 1840

The loans have, in some years, been nearly double the amount of the nominal capital in the whole Union. Thus, in 1838, they were 180 per cent. on it, and in ten States exceeded 20 per cent. In scarcely any State is it believed that they are, by law, limited below that rate, and sometimes they are limited in their charters at only three times the amount of capital. (Gouge on Banking, part 1st, p. 51.)

As the income or gross profits are derived, not only from loans of the capital, deposits, and circulation, over and above the specie on hand, but from exchanges, and a larger interest than six per cent. in all cases, by the mode of computing and paying it, (and, in several States, from 7 to 9 per cent. permitted by law,) it is supposed that the annual gross income must average twelve per cent. on the capital. This would be, as before stated, in the last ten years, annually,

Or, for the whole period,

Now, by the evidence contained in this report, there are two facts brought to light, which are as astounding and startling as they are enormous in their magnitude. In this the gross amount lost by the American people through your banking system, is ascertained, to be, by the best estimation, \$365,451,497. More than half the amount known to have been paid for the expenses of the Government, since the foundation of the Republic.

And, sir, within the last ten years, notwithstanding the "hue and cry" raised against the expenditures of the Government of the people, the people have quietly paid annually to these unproductive, destructive institutions, \$28,000,000, without a murmur, at least from the friends of this system; a sum in amount one-third more than they paid as the necessary expenses of the whole nation, as administered by the National Government. Yes, sir, here are 28,000,000 of dollars annually paid to the banks of the country by the people; the *productive classes chiefly*, without a murmur, while they have arraigned, tried, and condemned their own Government for expending in its operations an amount by one-third less than they have paid in taxes annually to those fleeing corporations.

Now can it be believed that the people have done this knowingly? Can it possibly be presumed, with such a knowledge, and such evidence before them, they can or will decree, by their suffrage, the continuation of such a system? Will they ever assent to pay to the support of such a system, an amount by one-third more than they pay for the support of the whole of the American army, navy, our civil and diplomatic relations? No, sir, no, sir; they may suffer a temporary delusion, by their too confiding dispositions in politicians, and their credulity in the *hired, suborned, mercenary* public presses of the country, that have become the mere agents—a part and parcel of this great machinery in the system I have described, to keep up the delusion, while they wrest from the hands of the poor laborers and producers of my country, by extortion, yes, extortion, the unprecedented amount per annum of \$28,000,000.

Sir, can this American people behold this spectacle, without deep indignation swelling in their patriotic bosoms, that must burst with revenge on the heads of those *hiring* agents and their employers, who have so long combined to rob them of their substance by clandestinely wringing from them the hard-earned profits of their toil, to the enormous amount per annum of \$28,000,000?

Mr. Chairman, can there be an occasion conceived by a freeman, that calls more loudly for revenge, revolution, or blood? Here is a sys-

* The foreign capital in this country at this time is estimated by the Treasurer at \$35,665,500. (See page 18 of the Report.)

tem unknown to your Constitution; nay, more, rejected by your immortal framers of that sacred instrument, while in council assembled; now trampling upon the Government of their choice, and wringing from the earnings of this people a sum of \$28,000,000 per annum—more than your constitutional, legitimate Government dare do. And yet, sir, we are tauntingly told, that the people, in the Presidential election of 1840, decided that these things should be so; that this system should live in the resuscitation of a great National Bank, with powers and means more potent and alarming than any ever heretofore conceived or dreamed of by the American people. Do the advocates of this system flatter themselves, by the acts of mystification, through their cordon of disciplined public presses, that operate so systematically upon public opinion from one end of this great continent to the other, that it will continue to avail them in practising their deception and extortion upon the great laboring, growing, and productive interests of this country? And when they are suspected even of oppression or extortion, or producing even embarrassment amongst the people, they are to whirl with the facility of a practised legerdemain, the whole of their misconduct, exactions, and oppression, upon the shoulders of the Government, and thereby induce a deluded people to hold their Government alone responsible, while they make off with the "spoils" of twenty-eight millions of dollars per annum. Sir, are they not presuming too much, and drawing too largely upon the ignorance and want of intelligence amongst the great mass of the hardy freemen of this country? Much sir, much. Well sir, well, as they have succeeded in such calculation, to the eternal discredit of the nation, I am myself still unwilling, loth, and reluctant, to believe it; I will not, cannot, while there is a vestige of liberty for the freedom of thought to be exercised in.

But we are told that we are still to have rechartered a National Bank, and this whole system revived and invigorated under its auspices, and that the people have willed it.

Has such a decision been submitted to the people? What said the honorable member from Virginia [Mr. MALLORY] a few days ago? Did he not state emphatically, that if a National Bank had been decided on by the people in the last Presidential election, he had been deceived, and that he had deceived others? What said the member from Georgia, [Mr. ALFORD,] and another member from Virginia, [Mr. GARLAND? Do they consider a National Bank to have been decided in favor of, in the last Presidential election? And what said another member from Virginia in relation to that and other subjects, which are said to have been decided by the Presidential election? There are members of the same party, and differ most widely from others of that party in their opinions relative to what was decided in that election. I have nothing to do with the differences of gentlemen on that side of the House, and refer to them only as evidence that nothing of a decisive character upon that subject was decided by the people in the recent election. There are other facts I could mention, of a similar character, to show the gratuitous and most fallacious opinion that has been expressed upon that subject here, and particularly in another branch of this body.

Sir, let us take admonition from the lesson that is now before us? What is the situation of that institution that it is now in contemplation to re-charter? Does not every breeze that blows from the North bring with it some additional news of the disastrous condition of that mis-called institution, the United States Bank? Is not that institution now lying gasping for life, from diseases brought on it by its own follies and iniquities, and in its crash burying beneath its ruins the prosperity and fortunes of thousands and thousands of the most innocent persons? Do we not feel even here the shock which its fate has created? Does not every paper that we daily receive from Philadelphia, bring news of some new disaster to the public that has resulted from the ill management of that most mischievous machine, whose credit is now down literally to nothing, and bringing down with it, as I have before said, that of the credit of thousands? Sir, I deeply feel for the com-

munity who have suffered so sorely from the death-like struggles of this expiring monster; but fear that it is but a part of retributive justice, for overweening confidence, and criminal credulity. Yes, sir, a credulity which is now becoming the disease of the age, and the curse of the times—a credulity, that has been rejected by the wisdom and experience of every age. The losses by that institution to the public, no man yet can tell the extent of. Every city and village in the nation will, in some measure or other, be affected by them. Ay, sir, and in the country too, will many feel most sensibly the effects of this most magnificent failure.

Were this an isolated case of the disastrous effects of these pernicious institutions, I would not press it here, in demonstration of the baneful and mischievous character of the whole system. But, sir, what mail arrives from the North, South, East, or West, that does not bring with it some news of some recent bank failure? I have this day heard of one in the West, *Gallipolis*, I think it was called; and, sir, they have become so frequent, that no man who reads or hears of them, retains it a moment on his memory, unless he has some particular interest in the result. The whole system is continually blowing up from the North to the South, at the loss and sacrifice of millions to the people. Yet rotten and destructive—ruinous and disastrous as every additional day's experience proves this whole theory to be, strong as it is, there has long been a party that has embraced the whole system as a part of their creed, and who are resolved to hazard all that is dear and valuable to the people of this country in its defence, with all its ruinous, destructive, and devastating consequences. And this, too, is attempted in the very face of the explosion and failure of three hundred and sixty-five of these mischievous incorporated institutions, since the year 1789.

Here, sir, is the statement from the official report of the Secretary of the Treasury, to which I have before alluded—page 4 and 5.

Number and capital of banks which have failed in the United States since 1789.

1. From 1789 to 1811—	
Ascertained and estimated at 20 in number, and a capital averaging each \$150,000.	
This would make the capital of all failing between 1789 and 1811	3,000,000

2. From 1811 to 1830—	
Ascertained and estimated at 195 in all, viz:	
Ascertained by Mr. Gallatin, in his Considerations on Banks, 165.	
Capital of 129 known	\$24,247,309
Capital of 36 not known, and estimated by me in nearly a like ratio, at \$190,000 each	6,840,000
[Capitals of both estimated by Mr. Gallatin at near thirty millions.—Considerations on Banks, page 50.]	
Computed to have been unknown to Mr. Gallatin, 30 banks with like capital	5,700,000
[See Gouge on Banking, page 224, part 2d, first edition; where it is stated that 25 more had been ascertained than were in Mr. Gallatin's list.]	

Whole capital of banks failing between 1811 and 1830	\$36,787,309
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3. From 1830 to 1841—	
The banks considered to be already broken, or failed entirely, since 1830, are supposed to have been about 150; of which, 140 have been ascertained. The average capital must be at least \$300,000 each. This would make the capital of the 150 equal to	\$45,000,000

Now, sir, with all these startling facts before the eyes of this injured and much abused people, will there be any party who will dare to step forward with ruthless hardihood, and propose a revisitation and continuance of these evils upon the heads of this suffering people? Will they dare to rivet on this country another mammoth Bank of fifty or one hundred millions of capital, with branches to bestride this nation, and extort twenty-eight millions of dollars per annum from the laboring and productive classes of the country? Can the people, by the operation of any system of trained and disciplined public presses upon public opinion, ever be brought to bear such a state of things? Sir, re-charter such a Bank under present circumstances, and what President will ever dare again to throw himself in the breach, and stay its onward course of extortion and oppression of this devoted people? Where will you find another Jackson, who will dare to grapple with such a hydra?

[Mr. MORGAN of New York said, in an under tone, "no where, he hoped."]

No, sir, said Mr. B. you will not find such another, for General Jackson was no "sham hero," no "paper chieftain." His fame will not be sung in mock heroics, nor be transmitted to posterity by sham and ostentatious parades, to gull the witless mob. The plainest narratives of his services on the battle field are written on the hearts of his countrymen, and will be handed down to future generations as monuments, as durable as time.

Once more recharter this Bank, and you will give it a perpetuity which may well bid defiance to the whole power of your Government to remove! Once more en throne it, with increased capital and privileges, and you enable it to laugh to scorn the calamities of this mighty people, and to inflict, with perfect impunity, whatever of embarrassment and distress may become necessary to promote its interest or to gratify its cupidity—a power, sir, which, before your Government will ever dare to encounter, it will trundle and bow down its humbled and humiliated head. Under the reign of such an institution, with its variety of means and resources of operation upon the wants and necessities of the people, and on public opinion itself, tell me not, sir, of liberty—its very name will be a mockery of the inestimable freedom of my country. Away with that boasted power of the people of electing their own President! You will have transferred it to more arrogant, ruthless, irresponsible hands; while you retain for them only the name—a mere shadow of a thing!

Yes, abolish your mints! Conclude the tragedy—or catastrophe, I had better say. Obliterate every vestige from the minds of the people of a solid, permanent currency, founded upon a specie basis! Repeal the Independent Treasury system, that separates Bank and State! Reunite them again, to operate on the people, and grind them into dust, as did the "union of Church and State of old," and you will have repealed your Constitution, and put an end to American liberty.

THE PUBLIC LANDS.

REMARKS OF MR. RIVES, OF VIRGINIA, IN SENATE OF THE UNITED STATES.

The question being about to be put on the various propositions for the amendment of the prospective pre-emption bill—

Mr. RIVES rose and said, before the sense of the Senate was taken on the various questions about to be submitted for its decision, he desired to say a word or two in explanation of the votes he should give upon them. He had no design to enter into the debate, as he felt that would be out of place for one who had so recently taken his seat in this body, without having had the advantage of either hearing or reading the able discussion which had occupied its attention for the last three or four weeks, on the subject of the public lands. He wished merely to state a few general notions which would govern the votes he intended to give.

The public lands (said Mr. RIVES) are the common property of the nation. They are so expressly declared to be, and solemnly consecrated to the common benefit of all the members of the Confederacy, in the deeds of cession of the respective States which originally held them, or have been since acquired and paid for by the common treasure of the Union. He was, therefore, against all schemes for alienating or dissipating this common inheritance, either by the wholesale operation of a cession to the new States, as proposed by the Senator from South Carolina, [Mr. CALHOUN,] or by the piecemeal process of prospective pre-emption rights, as contemplated by the bill of the Senator from Missouri, [Mr. BENTON.] But while he was thus opposed to all partial or exclusive appropriations of this common fund to the special benefit of particular States or particular classes, he had always been willing to see it administered in a spirit of liberality and paternal kindness to the new States, in the spectacle of whose prosperity and magical growth no one felt a higher degree of patriotic pride, or a livelier fraternal sympathy, than he did. A kindly and fostering policy towards the

new States, and equal justice to the old, ought, in his opinion, to go hand in hand in all our legislation on this great national interest.

In regard to the proposition of the Senator from Kentucky [Mr. CRITTENDEN] to recommit the bill of the Senator from Missouri, with instructions to report a plan for distributing the proceeds of the public lands among all the States, it is (said Mr. R.) a question which necessarily and inseparably connects itself with the general revenue system of the nation, and could not be safely or properly treated apart from that general system. The public domain had always hitherto been a collateral, and often a very productive, source of national revenue, lightening to the extent of its auxiliary contributions, the burdens imposed upon the general consumption and industry of the country. It is true that, since the extinguishment of the debt of the Revolution, and of the debt created by the last war with England, there may not be the same urgent necessity for its aid in the national finances; but its diversion to other purposes, at the present moment at least, he thought neither prudent nor safe. The entire revenue of the nation, embracing both the proceeds of the lands and of the customs, it is admitted, falls short at present of the actual wants and expenditures of the Government; and we have, moreover, a new debt of unascertained and indefinite amount hanging over us, the extent of which cannot yet be known. The revenue, too, we are informed by the Secretary of the Treasury, will be still further reduced in the ensuing twelve or eighteen months, by some five millions of dollars more taken from the customs under the progressive reductions of the compromise act of 1833. In this state of things, actual and prospective, to withdraw the proceeds of the public lands from the National Treasury, and to throw the Government for its support and expenses exclusively on the customs, would be, of necessity, to add very greatly to that branch of the public taxes, and to run the risk, at least, of reviving those angry contests about the tariff which so recently distracted the country with intestine divisions, and which threatened, indeed, at one time, the peace and even the existence of the Union.

I know (said Mr. RIVES) it is proposed to obviate this danger by laying the additional duties that would become necessary to supply the resulting deficiency in the revenue, on articles of luxury. He was himself in favor of subjecting all articles of luxury from abroad to reasonable duties. They were proper and legitimate subjects of taxation, and ought, in his opinion, never to have been exempted to the extent they have been. But it must be borne in mind that there is a limit even to this resource, both in the nature of things and in the policy and wisdom of legislation. These articles of luxury enter largely into the commercial exchanges between foreign countries and our own, and constitute with some of them, indeed, their principal means of payment for the productions of our soil and industry. To burden them, then, with duties beyond a certain point, would be to derange the natural relations of commerce, and to diminish, to a greater or lesser extent, the effectual demand for, and consumption of, our products in foreign markets. It must be remembered, too, that an increase of revenue is not always the consequence of an augmentation of duty. It was a saying of Dean Swift, he believed, that, in the arithmetic of the customs, two and two do not always make four, but oftentimes one. You may double the duty upon a given commodity, and, instead of doubling the revenue from it, you may reduce it one-half or more by discouraging the consumption.

He held it, therefore, impossible, with any data we have now before us, for any one to say *a priori* with a satisfactory approximation to certainty, whether the contemplated duties on foreign luxuries would produce money enough both to fill the place of the land sales in the public fisc, and to supply the deficiency arising from the progressive reduction of duties under the compromise act. Without going into any details at present, he would merely say that to him it seemed quite doubtful. Suppose, then, in the event they should prove inadequate to perform this double office, what would be the con-

sequence? You must either resort to what are commonly called the protected articles to raise the duties upon them beyond the 20 per cent. stipulated by the compromise act, and thereby renew the bitter strife which we have vainly hoped was finally laid to rest by the conciliatory adjustment of 1833, or otherwise you must create a new public debt by resorting to a loan in some or other—either of them consequences which, he was sure, would be sincerely deprecated by gentlemen who, with other views, are inclined to give their present support to the policy of distribution.

It seems to me, therefore, said Mr. R. that, regarding it for the present as a fiscal question only, the proposition for a distribution of the proceeds of the public lands is necessarily posterior to, and dependent upon, the permanent adjustment of the tariff, which must take place during the next session of Congress. The provisional arrangements made by the compromise act will run out by the 1st of July, 1842, and the large and admitted deficiency in the revenue that will then arise must impose upon Congress, at their next session, the inevitable duty of revising and permanently adjusting the entire revenue system of the nation, with a view to that "economical administration of the Government" which is recognised and consecrated as a principle in the very text of the compromise act, and which he hoped and believed would be faithfully carried out by the new Administration. The subject was one of the highest delicacy and importance in all its parts and bearings, and he had no doubt it would be met in a manner worthy of the character of American legislators—in the catholic spirit of American patriotism, and not in the narrow spirit of sectional jealousy on the one hand, or local cupidity on the other—and he felt a high degree of satisfaction in the belief that its harmonious adjustment was destined to become a new bond of union between the various portions of our widespread Confederacy.

He was not disposed at this time to disturb the foundations of that system which had been established by the wisdom of our most experienced and renowned statesmen for the disposition of the public lands, and which had been so often the theme of eulogy here and elsewhere. It had become fashionable of late, in some quarters, to decry this system, but, for his part, he had not seen the bitter fruits ascribed to it. Under it, the new States had already grown up to an extent of wealth and empire which, for the rapidity of its progress, was unparalleled in the history of the world, and hitherto harmony and contentment had been reserved by it among all the members of the Confederacy. He would not say that changes might not become necessary in this system. But this he would take the liberty to say, in a spirit of the most perfect kindness and respect to his friends who represent the new States on this floor—that if that measure which they seemed, most of all others, to deprecate, (distribution,) should ever hereafter become the law of the land, it will have been owing to too eager efforts to appropriate to special and exclusive uses a common fund, which the older States, to secure their equal participation in, under the sanction of the most solemn compacts, might be driven to unite in placing in a situation where it would become the common interest to preserve and protect it for the equal advantage of all.

In conclusion, he would merely add, as the result of the views he had expressed, that he should vote against the proposition of the Senator of Illinois [Mr. YOUNG] to recommit the bill with instructions to report the plan of the Senator from South Carolina [Mr. CALHOUN] for a session of the public lands to the new States; if that should be negatived, he would then vote against the proposition of the Senator from Kentucky [Mr. CRITTENDEN] to recommit with instructions to report a plan for distribution; and in the event of that being also defeated, he would then have the temerity to vote against the "log cabin" bill, so called, of the Senator from Missouri, [Mr. BENTON,] certainly in no spirit of unfriendliness to the real tenants of those homely dwellings, but from a sense of duty to the cause of justice and equal rights, which they are ever the foremost to defend.

REMARKS OF MR. JOHNSON, OF MARYLAND,

In the House of Representatives, December 24, 1840—
In relation to the public lands.

The memorial presented by Mr. REYNOLDS from the Legislature of the State of Illinois, praying a reduction in the price of the public lands, coming up for consideration, and Mr. REYNOLDS and Mr. PICKENS having addressed the House on the subject—

Mr. WILLIAM COST JOHNSON called for the reading of the memorial, and the instructions proposed to be attached to its reference to a committee.

The instructions were "to report a bill to grant prospective pre-emption to actual settlers, and to reduce the price to settlers, according to the value of the land."

Mr. JOHNSON moved to amend the instructions of Mr. REYNOLDS, by striking out all after the word *instruct*, and to insert, "to report a bill to have the proceeds of the sales of the public domain divided among the States in an equitable ratio, to be used by the States for internal improvements, education, or any other purpose, as may be deemed wise by the several States receiving said distribution."

Mr. JOHNSON then proceeded to address the House at considerable length on the subject of the proposed instructions, and in reply to the course of remarks of the gentleman from Illinois, [Mr. REYNOLDS,] and to some of the observations of the gentleman from South Carolina, [Mr. PICKENS.]

He hardly knew, he said, whether to express pleasure or regret that the proposition had been brought forward by the gentleman from Illinois, or that suggestions had been thrown out in relation to it by the gentleman from South Carolina, [Mr. PICKENS.] He (Mr. J.) hardly knew whether to express pleasure that the subject of the public domain had been introduced at this session, or regret that it had not been deferred until the meeting of the next Congress. If the next Congress shall be composed of materials such as have been already intimated on this floor, the question of time is one of grave importance. It was, however, one of those questions on which his own opinion had been matured, and upon which he was as ready to act now as he should be at any time. He believed it to be a question which required profound deliberation and cautious and wise legislation. And although the debate had sprung suddenly upon the House, he would endeavor to make audible his opinions, and the reasons of his opposition to much which had been said. He had listened to the lamentations of gentlemen from the far West; he had heard them implore this House to be kind and generous towards them; he had heard them make appeals as if they were in the most dejected and impoverished condition. If the State of Illinois had suffered, as the gentleman who had addressed them this morning would have the House believe, by the oppressive legislation of Congress, let him tell the House how it was that that State had increased in population in a ratio beyond that of any other State of this Confederacy; why it was that an overwhelming tide of population had flocked there; and why it was that she was growing up like a mighty empire in the West. When gentlemen approached the House in this way, they ceased to be either generous or just to themselves, their people, or this House.

Mr. J. then referred to the history of the Western States, and proceeded to demonstrate the fallacy of certain positions assumed by the gentleman from Illinois. He asked if it was oppressive on the Western States that the lands entered by settlers are exempted from taxation for five years after said entry, why it was that the gentleman had not made an effort to have that condition removed by Congress? He (Mr. J.) would vote for such a bill. But the fact was, the exemption from taxation of the lands of the settlers was really a bonus to induce purchases, and in a great degree to tempt emigration from the old to the new States. And this measure of munificence on the part of the General Government to protect the settler from land taxes by the State until he should be allowed time to settle the land and improve it, is called a gross

outrage upon the sovereign authority of the States. The gentleman has failed to inform the House how many millions of acres of public lands the General Government has granted to the new States for the purpose of education. One thirty-sixth portion of the lands within their limits has been granted for this purpose alone, to the total exclusion of the old States; and this done, too, by Congress when the vote of the new States was very inconsiderable. But now we are told that the new States have found out their strength, that they will first advocate pre-emptions and graduation of prices, and, finally, a total surrender of the whole to their cupidity.

Mr. JOHNSON said that he was unwilling to treat so grave a question with the slightest levity, but he could not better illustrate the justice and force of the gentleman's remarks, than by stating that it called to his memory the incident of a last will and testament of a gentleman who resided in one of the counties of Virginia, as he was informed by a distinguished citizen. This gentleman had fourteen sons, towards all of whom he cherished the kindest regard and tenderest affection; and, as often happens with an ancient parent, the youngest child became the greatest favorite. The confiding parent got his youngest son to write his will for him, in which he gave his homestead and stock—in short, all his real and personal estate, to this most honest, youngest son, and the rest of the estate to be divided equally among his brothers. [Much laughter.] And so are the thirteen old States to fare, if the gentleman speaks the sentiments of the new States. After they have received grants of many millions of acres—after they have grown up vigorously amidst the liberal policy of the General Government, they come here and taunt the House with their power and strength; telling us that justice no longer had a habitation in their bosoms, but that they came here armed with power, and would teach the old States not only that they will receive without acknowledgment past kindnesses, but that, by force of numbers, they will rescue the just heritage of the old States from them. Language of this kind might do to flatter the vicious taste of some few men; but he believed that it did not speak the sentiments of the people of the West. He believed that they would scorn the man who would wish to rob his neighbor for his own immediate benefit. He believed that gentlemen who uttered this language were not speaking the sentiments of a magnanimous and high-minded constituency.

The gentleman urges upon the House the necessity for a reduction of the prices of the public lands, because some land has been surveyed for ten, and some fifteen years, that is not yet entered at the land offices. Mr. J. would ask if that was not owing to a want of population and capital rather than a want of value in the lands. Can it be expected that the whole public domain is to be peopled with inhabitants, from the Wabash to the Rocky Mountains, in a few brief years? The old States are now annually drained of their wealth and their population to fill up the West. And where, upon the face of the globe, is labor so well rewarded as in the new States, or where is wealth so rapidly accumulating?

If the gentleman will examine the reports made to this House, he will find that the lands estimated as worth but a quarter and the eighth of a dollar a few years ago are now entered with great avidity for a dollar and twenty-five cents. The simple facts connected with the settlement of the public lands overthrow all the gentleman's assumptions and reasoning.

And he would appeal to the members from Mississippi, even Tennessee, and especially Alabama, for the truth of what he would assert, that, in those States, at the present reduced Government price, if it was not a mode of continual practice for planters to enter lands at one dollar and twenty-five cents an acre, and place them in cultivation a few years, without renewing the soil by the mineral or vegetable manures, discard them and enter fresh lands, and continue this process until the destruction of the soil followed their advance, and a dreary waste was left by this migratory cultivation. The gentleman's proposition would be to encourage this process of desolating the lands, rather than

invite entries for permanent abode and cultivation; and it would encourage false entries and perjuries, and feed the insatiate appetite of the thousands of land speculators.

Mr. J. then alluded to some remarks which fell from Mr. PICKENS, and said that he could not agree that the Western States were in the condition of colonies, nor could he advocate the views of that gentleman, as he understood them, to surrender the public domain at once to the States, upon the condition of their returning a portion of the proceeds of sales to the National Treasury. He would acquit the gentleman from South Carolina of any improper motive in his course, but he believed that there were those in the nation who were playing high political games upon the capital of the nation—who were offering, as in times of old, largesses of the public property to effect selfish ends. And the effort at the other end of the Capitol to surrender the public domain to the States would fail of its purpose; the prominent gentleman who may have expected to gain the favor of the pre-emption settlers and squatters, would find that they would most warmly oppose his plan, because they would find it more difficult to take advantage of the States than of the General Government. Their selfish purposes could be better attained by the present than by that plan; and, in the end, if that plan should be effected, the General Government would quickly lose the proceeds of sale, after it had disposed of its own right to sell. The suspension of a State would be more embarrassing to the General Government than the suspension of payments by a bank, and an execution would be an awkward process to coerce payment in the event of delinquency.

He (Mr. J.) did not look to the increased representation of the new States on this floor with the same distrust as many other members. He thought that Ohio and Indiana were old States, as far as their interests were involved. Their distributive share of the public lands was an interest paramount to any other; and so had Ohio spoken by its legislative resolves; and such he believed to be the real interest of all the new States as well as the old. He believed that the calm and practical judgment of the citizens of the new States would so decide. Not only those who have entered lands at Government price, whom the Government would now injure by reducing the price, but all save land jobbers and land speculators, and political speculators of small intrinsic capital, with but few exceptions.

The gentleman who first addressed the House [Mr. REYNOLDS] said that the Western States are embarrassed in their finances. He (Mr. J.) would grant it, and that fact would be an argument against the plan of almost wholly abandoning the public domain to rapacious speculators. The old States are also embarrassed; and hence the interests of the old and the new are identical. Their mutual interest is to have their own property divided fairly among the whole, so that they can relieve themselves from their embarrassments. His own State, (Maryland,) Pennsylvania, and other States, required their just share of the fund arising from the sales of the public lands. Maryland had commenced a vast system of internal improvement, and one too extensive perhaps for her present limited means; but, with her share of the proceeds of the sales of the public lands, she could prosecute it, and be relieved from direct taxation, otherwise there would be great embarrassment. Pennsylvania has had recourse to direct taxation, and she has claimed, by resolutions of her State, as Maryland and other States have done, her just proportion of this fund, set apart by the acts of cession of the various States surrendering the public domain to the General Government as a trustee, to divide the trust fund faithfully and fairly among all the States.

Mr. J. then, turning and addressing himself to Mr. PICKENS, said that, if he had a just conception of the policy and interest of South Carolina, that State was anxious to extend her avenues of trade to the valley of the Mississippi, that the rich commodities of its production should be emptied into the lap of Charleston, and that her distributive

share would come very opportunely to her financial relief.

[Mr. PICKENS here rose and said that South Carolina had adopted direct taxation to meet her State exigencies, and that the people very cheerfully paid it.]

Mr. JOHNSON resumed, and said that he did not doubt that the people paid the exaction with great cheerfulness, nor did he know that it was a high point of honor for a State or individual to pay willingly just debts. He only would say that the people of South Carolina were a most strange people, if they preferred paying direct taxation to be wholly relieved from it, and that they would pursue a course different from any other people if they would rather eschew their portion of the public land in order to have their own property oppressed with a system of taxation of which his (Mr. J's) instructions would greatly relieve them.

He (Mr. J.) would say, whilst alluding to the opinions of the gentleman from South Carolina, [Mr. PICKENS,] that there was one opinion which he advanced whilst he was on the floor that he would most cordially agree with—that this question of the public lands was not a revenue question. He (Mr. J.) thought that it should not be so regarded.

When the Constitution was formed, the question of the public lands was a question of fruitful discussion. Maryland had for three years, during the darkest period of the Revolutionary war, refused to sign the Articles of Confederation unless the States would make cession of the waste territory within their territorial limits. And when the Constitution was formed, the States surrendered all power over revenues derived from customs to the General Government, among other reasons, because by the acts of cession of the States the public domain was to be divided among the States in proportion to taxation and representation; and it never was expected that the General Government was to live upon the bounty of the States' property, like a Revolutionary cripple or a superannuated mendicant.

Mr. JOHNSON then said that the remarks of the gentleman from South Carolina [Mr. PICKENS] who advocated the postponement of this question and the tariff until the next Congress, only confirmed the convictions which he had formed when he first read the President's message, that no measure of finance or relief to the people would be urged by the present dominant party in this House during this session. That the people would have to look to the next Congress for hope and for useful measures. Standing, as the gentleman did, in the high confidence of the President, he (Mr. J.) could but regard that he spoke advisedly when he urged a postponement of all those grave questions.

[Here Mr. PICKENS again rose and said that he did not wish to be understood as saying that the President or his friends would recommend no measure of finance to this Congress, for he had no such authority, and only spoke for himself.]

Mr. JOHNSON resumed. The disclaimer of the gentleman was inconclusive with him (Mr. J.) as an affirmation of what he had intimated; for he (Mr. J.) felt assured that if there was any purpose on the part of the Executive or his friends to bring forward any measure of relief, that gentleman [Mr. P.] above all others would have been cognizant of the fact, and that he [Mr. P.] was too skillful a parliamentarian to throw himself at full length in the Executive path if there was any such purpose in contemplation.

It was now clear to his (Mr. J's) mind that all the very important questions to the country were to be delayed, and that the responsibility of deciding upon them was to be thrown upon the next Administration. Such a course reflected as deeply upon this Administration as it was really complimentary, though not so intended, to that which would quickly succeed.

He, (Mr. J.) like Mr. Van Buren, would, on the 4th of March next, be placed, by the Constitution, on the dignified level of a private citizen. But, whilst on this floor, he was ready to act upon all questions which might arise; and none would he more cheerfully speak and vote upon than the tariff. But he would not contend with abstract theo-

ries, nor would he show his heroism, however well armed, by aiming blows at advancing shadows. When the question should arise in a tangible shape, when a bill on the subject shall be reported, it will be quite time enough for a discussion. He had no doubt in his mind, however, that when that subject should be properly brought up for consideration, it would be found less fearful than many gentlemen imagined; he doubted not that it could be settled to meet the wants of the Treasury, and in a manner so that the North and South could cordially shake hands, even in this Hall of fruitful contention.

The policy, which is adopted by the Executive party, of doing nothing of usefulness to the country, made it only more incumbent on such members as himself, who stood in the minority, to propose at least some plan of relief for the States and the people of the States; and hence he had introduced his substitute, which he believed the calm judgment of the unprejudiced would approve.

Mr. J. then addressed himself to Mr. REYNOLDS, and said that the gentleman from Illinois had made one earnest or seemingly earnest appeal to the members of the Whig party to support his (Mr. R's) proposition, if they were really the friends, as they pretended to be, of the tenant of the log cabin. He (Mr. J.) would inform the gentleman that it was because he was the friend of the tenant of the log cabin that he had opposed his (Mr. R's) proposition and introduced his own; it was because he was really anxious to improve the condition of all classes, and especially the most needy, that he was for dividing their own property among themselves; it was because he was sincerely the friend of the indigent that he was for rescuing their own estate from the grasp of the land jobber and the land speculator, where that gentleman's measure would place it, and was for dividing it for the benefit of all. The tenant of the log cabin in Maryland had the same interest with the citizen of Illinois. The blood and treasure of the old States had won the public domain, and the deeds of cession had consecrated it as a trust-fund for the benefit of all to the latest posterity.

Does the gentleman desire that every citizen of the old States must abandon the land of his fathers and of his birth, and take up his residence in the new States, or be excluded from his own patrimony? Can he, as a statesman or a philanthropist, desire to see the old States depopulated? Does not the present broad and strong tide of emigration satisfy his ambition and sufficiently gratify his hopes and his pride?

He would not boast of his Democracy, because the professions of public men were generally heartless. But he trusted he was still not the less a Democrat if he boasted but little about it. His Democracy he would have to consist of this: As a citizen, to respect the will of a majority constitutionally expressed; as a legislator, to advocate and adopt such measures as would dispense the greatest amount of benefits to the greatest number of the people. And he humbly conceived that his proposition would diffuse the splendid inheritance of the people of the nation among all the States, so as to open avenues of commerce, and give a stimulus to agriculture and the mechanical pursuits. The proposition of the gentleman [Mr. REYNOLDS] would close the door of the log cabin to the schoolmaster: his (Mr. J.) would throw it open to the light of instruction. It would furnish the States with a fund which would rear up a temple of education in every region of the nation, and diffuse moral and religious knowledge to all the rising generations. And who that has looked abroad is not impressed with the necessity?

A morning's paper had informed him that Kentucky, as noble as that patriotic State is, was rearing up more than half of her children without proper education; and in Virginia and other States, the condition of the rising generation was as deplorable. The very foundation of our Government is based upon public opinion. Public opinion was almost as strong as the Constitution itself. And this public opinion should be enlightened, to be patriotic. Public liberty is unsafe when electors are too ignorant to understand the true interest of the nation; and he who is most ardent in the

hope of having the wise genius of our Republican institutions transmitted, must advocate measures which diffuse universal education in every region of the nation. Congress discharged but half of its duty when it granted large amounts to all the new States and Territories for free schools and academies; it should have set apart a like amount to all of the States. Let the neglect of the past Congress be amended by this; or let his instructions go to the committee, that they may report at least a bill upon the letter and spirit of the acts of cession.

SPEECH OF MR. COLES,

OF VIRGINIA.

In the House of Representatives, February 2, 1841—
In Committee of the Whole, on the Treasury note bill.

Mr. COLES addressed the committee as follows:

MR. CHAIRMAN: It has not been my practice to engage in the general and protracted debates which have so frequently occupied the time of this House, and exhausted the patience of its members. I have, upon such occasions, given place to others more anxious to speak, and contented myself with a silent vote.

We are now on the eve of unknown changes: it is declared from high sources, that an eventful revolution in the policy of the Government is at hand. Vital questions have been introduced into this debate, which have not been decided by the people, and which deeply involve their individual and political condition. The present discussion may not enlighten the country, but it cannot fail to excite universal interest, and that degree of solemn reflection which will enable the public mind wisely to instruct those who are to come after us. In this respect, it is one of the most important debates that, at any time, has taken place in this country. If further apology was necessary for departing from my usual custom in now trespassing upon the attention of the committee, it may be found in the fact that an important interest of my constituents has been brought under review, and my course, in regard to it, particularly alluded to. The tobacco trade has been introduced in connection with retaliatory duties—the effect of which may be to enlist that interest into the dangerous combination with manufactures, for the establishment of a system of unlimited taxation. Under such circumstances, it is my duty to remain silent no longer.

I shall vote for the bill on your table—not as a party measure—not to favor the coming or the departing Administration—but to provide means for the Executive faithfully to execute the laws. If, sir, the new President, and the party who have elected him, shall truly aim to accomplish what was promised for them in my portion of the Union, they shall have, with little exception, my hearty co-operation in whatever station I may be placed. If they shall reform real abuses, reduce expenditures, oppose distributions out of the common fund, oppose taxation of the whole to enrich favored portions of the community, oppose a National Bank, and if they shall honestly aim to administer their trusts for the common good, and in strict conformity to the Republican maxims of Jefferson; then, sir, it will cost me no change of my previous course to lend my cordial support. All these promises were made. I knew better than to believe they would be fulfilled, and voted against the successful candidate. From an intercourse with members of both political parties, from their votes, and from their open declarations at this, as well as at former sessions of Congress, I have just as little hope now as I had then that any such results will take place. No, sir; it is evident here, and will shortly become palpable to the whole country, that the reigning policy of the new Administration must tend in a contrary direction. My position, should I again be honored with a seat on this floor, must necessarily be in the opposition. It will, though, Mr. Chairman, be a frank, decided, and determined opposition to measures which I honestly believe will be disastrous to important interests, and dangerous to the safety of free institutions, on which all that I hold dear mainly de-

pends. Nevertheless, I shall not lend my representative character (after the example of others) to injure the interests and honor of my country, and to create confusion and distress, in order to render a party obnoxious to the people, who have, as I think, been unfortunately entrusted with the management of their public concerns. I have had no personal favors to ask of the President, and have as little care for the smiles or the frowns of his successor. It has been my object to perform my duty to the Constitution and to the people; and it shall be my endeavor to require the performance of the same duty by the Executive incumbent, whoever he may be.

The bill under discussion proposes to authorize the Secretary of the Treasury to issue five millions of Treasury notes. Does the condition of the Treasury require additional means, and if so, is this the best mode of supplying them? are questions to be considered.

It is not remarkable that there should be difficulty in clearly understanding Treasury reports. It is no new thing, and has occurred from the days of General Hamilton to the present time. The business of the Treasury embraces such a variety of subjects, and such a multitude of details, that it is impossible so to condense it as to make a balance sheet that can be fully comprehended at a glance. The Secretary of the Treasury, in his annual report, submitted in December last, says, that, according to the estimates made by the different Departments, of what would be required to be paid in the last quarter of the year 1840, there would be a balance of unexpended appropriations on the first day of January, 1841, of \$10,549,905. In that event, there would have been little or no balance in the Treasury on the last named day. But the Secretary (having two months more to judge from) was of a different opinion, and estimated the payments of the last quarter of 1840 at about five and a half millions, which would leave a balance on hand on the first of the year of about one and a half millions, and a balance of unexpended appropriations of over thirteen millions. The Secretary appears to have been nearer right, since not so much as his estimate was called for, and, in consequence, the cash left on hand, as well as the amount of unexpended appropriations, were something greater than were even at the time of his report calculated on. Precise accuracy cannot be arrived at in these amounts until the accounts can be received from the remote points of this extended Confederacy. Nor is it important, for all experience justifies the expectation that the amount of appropriations remaining unexpended at the end of one year will about equal and offset that of the preceding. We may therefore fairly calculate that the amount remaining unexpended on the 1st day of January, 1842, will nearly or quite equal the amount existing on the 1st day of January, 1841, leaving the means of the year free to meet the amount of permanent and new appropriations.

Unexpended balances of preceding appropriations necessarily exist at the end of every year. They always have existed, and always must exist, without any regard to the amount of money in the Treasury; being sometimes greatest when the surplus amount in the Treasury is largest. Appropriations are made by one session of Congress, not for the service of the year alone, but to continue the operations of the Government until the close of the next session. If this were not the case, and there were at the end of the year no unexpended balances of appropriation, a very large portion of the public service would have to stop until Congress could pass the usual appropriation bills, which is frequently not done until June or July. No matter how much money might be in the Treasury, not a dollar could be drawn out without an appropriation made by law. What, then, would be the condition of the army and navy, together with all of your public works, without funds from the end of one year to the middle of July in the next? This balance of unexpended appropriations is denominated a debt, which in fact arises out of the customary and necessary action of the Government. An appropriation is the authority to pay out any money that may be in the Treasury, for specified objects. The amount

of unexpended appropriations at the end of the year is ascertained without difficulty, by deducting the amount of payments from the whole amount of appropriations authorized by law. The Secretary's report is made up before the end of the year, and he is obliged, of course, to estimate the payments for the last quarter. He states with certainty the actual payments made in the three first quarters of 1840, at - - - \$21,188,128 41
And estimates those expected in the last quarter (including \$425,000 for the redemption of Treasury notes, and \$30,527 71 cents, for balances of funded debt) at 5,455,527 71

This calculation would make the payments of 1840 - - - \$26,643,656 12
Leaving in the Treasury on the 1st day of January, 1841 - - - 1,580,855 00

By examining the accounts that have been rendered in the different reports, and the laws of the last year granting appropriations, gentlemen might (with half the labor they seem to have devoted to this subject) have tested the accuracy of these estimates. The large documents giving an account of the total receipts and expenditures, which are annually submitted to Congress, exhibit the receipts, the payments, the cash on hand, the appropriations, and the amounts of unexpended appropriations at the end of each year, up to the year 1840. The details in the last quarter of that year cannot all be precisely stated, owing to the impracticability of getting in all the accounts so soon after the close of the year, but they can be estimated with sufficient accuracy for all practical purposes. By deducting the payments from the receipts, you have the balance that ought to be in the Treasury; and by deducting the payments from the amount of appropriations, you have the balance of unexpended appropriations.

If the Secretary was wrong in estimating the payments of the last quarter of the year 1840, it will not alter the final result. Say that less than five and a half millions were paid in that quarter; then there will be a larger balance of unexpended appropriations outstanding on the 1st of January, 1841, and a corresponding larger balance of cash on hand at the same period to meet it; which I understand are, to some degree, the facts. In the opposite state of the case, if more than five and a half millions had been paid, then there would have been less cash on hand, and a less amount of unexpended appropriations to discharge.

The President, in pursuance of authority vested in him by law, suspended the appropriations on certain public works. But the superintendents of those works, it is said, yielding to the importunities of the workmen, consented for them to go on, in a limited way, upon important parts of the works, on condition that they were to be paid at a time when the state of the Treasury would admit of it. I allude to this transaction now, only to show that it does not vary the general result, and cannot be an additional obligation; it constitutes a part of, and is included in, the balance of unexpended appropriations. It is represented by the Departments not to exceed \$200,000; and, whether small or large, cannot be set down as an additional charge.

At this session the cry is changed; from the same quarter that we have heard, during the pendency of the election, charges of profligate expenditure; we now hear charges of parsimony, niggardly economy, and suspended payments, in order to throw on the next Administration heavy debts. How is this met by facts? The amount of unexpended appropriations is less on the first of this year, than it was at the commencement of this Administration, or at the beginning of any other year.

It was on the 1st day of January, 1837 - - - \$16,946,670 53
On the 1st day of January, 1838 - 19,144,747 58
On the 1st day of January, 1839 - 17,839,935 32
On the 1st day of January, 1840 - 15,361,272 91
And is estimated to have been on the 1st day of January, 1841 - 14,000,000 00
These balances of unexpended appropriations are never all expended; appropriations to pay unsettled accounts, frequently exceed the amount

found due on settlement; and appropriations to construct a public work or pay any other estimated demand, sometimes exceed what is actually required. If from these or any other causes any appropriation remains unexpended for two years, by a standing law it ceases to be an appropriation, and is returned (as it is denominated) to the surplus fund. In this way a variety of balances, amounting to from one hundred thousand to a million of dollars, have annually ceased to be authorized to be expended.

Gentlemen should be cautious in setting down unexpended appropriations as unwarrantable debts against a succeeding Administration. If the votes of a large majority of their friends, if the declarations on this floor, in the Senate, and elsewhere, of the most conspicuous members of their party, are to be taken as indications of the measures of the new Administration, the expenditures will be largely increased; and General Harrison will be fortunate if he does not, at the end of his term, transmit to his successor a balance of unexpended appropriations of twice the present amount.

A large permanent debt is said to exist, justifying an immediate loan, and increased taxation. Where is this debt? In what does it consist? The ten thousand claims which are said to be asking justice in vain at our hands, are placed as the first item. I have no doubt there are some instances of hardship, arising out of the impracticability of deciding on such a multitude of cases that are annually presented to Congress. When I first came to Congress my sympathies were frequently excited in behalf of pitiful claimants, said to be cruelly sent from your hall without justice or mercy. A little experience has taught me that most of these cases are cases that have been properly rejected at the accounting offices, many of them have been repeatedly presented and rejected here, and I have good reason to believe that very few, perhaps not one in a hundred, ought to be allowed.

If the new Administration is eager to constitute a national debt out of these claims, and will proclaim to the country that such claims will be paid, instead of ten thousand, it may have ten hundred thousand to satisfy. Does any one expect that the claims, amounting to five millions of dollars for French spoils before 1800, will be shortly allowed. Is it expected that this Congress will borrow money, or levy taxes, in order to grant to the States nine millions, the amount of the fourth instalment, of what was falsely called the deposits? Is it gravely expected that five or eight millions shall be borrowed, and vested in stocks, in order that the interest shall be ready to pay the annuities engaged to be paid to the Indians? or do gentlemen expect so soon to revive their favored objects of harbors, roads, and other improvements? or to unreasonably extend the public defences by studding your immense frontier with armaments, and whitening every sea with your navies? No, gentlemen, if you are to have a great national debt, made up of rejected claims, many of which are as old as the Government, and of new projects of distribution and wild extravagance, you must contract it yourselves—you cannot indulge the hope of beginning it in the few remaining weeks of this session. Go home first, and ask your constituents if General Harrison was elected for any such purposes. I will warrant that you have mistaken the issue at the late election, or many, very many of the voters have done so. It appears demonstrable that the balance of unexpended appropriations on the 1st day of January, 1841, may properly be assumed as including every expenditure that can fall on the year, except the estimated permanent appropriations and such new appropriations as shall be authorized at this session of Congress. It also is reasonable to expect a like amount to remain unexpended at the commencement of the next year. We have then, Mr. Chairman, only to inquire whether the cash in the Treasury, and the probable income, will be sufficient to meet the amount of permanent appropriations, and such as this Congress may authorize.

The balance in the Treasury on the 1st day of January, 1841, was estimated by the Secretary

of the Treasury at - - - \$1,580,855
And the income from all sources at - 23,142,618

Making the whole estimated means of the year - - - \$24,723,473
On the other hand the estimate of the expenditures of the year 1841 are stated
For ordinary purposes at \$19,250,000
For the funded debt, chiefly for the cities of this District - 149,200
For the redemption of the Treasury notes - 4,500,000
\$23,899,200

Leaving a balance in the Treasury after discharging all the obligations of 1841, on the 1st day of January, 1842, of - - - \$824,273

The above estimate of \$24,723,473, as the means of the present year from all sources, is admitted by both sides of the House to be low enough; and particularly by those who are most competent to judge. I shall therefore not trouble the committee further on this point; and take it for granted.

The permanent and new appropriations of all sorts, ordinary and extraordinary, which have been estimated to be required for the year 1841, amount, as above stated, to 23,899,200. This estimate is greater by \$1,764,480, for ordinary purposes, than is called for by the Departments, and will allow for other grants by Congress, and any unexpected diminution of the balance of unexpended appropriations, on the first of January, 1842. But it must be recollected, that the greater part of the above estimate of twenty-three millions is yet under the full control of Congress, and cannot be a charge, unless we make it so. The gentleman from South Carolina [Mr. RHETT] has shown that it is ample for the service of the year. The Committee of Ways and Means, I understand, propose to reduce the amounts of many of the items. It would appear, therefore, that all objects not included in the estimate, and requiring appropriation, may be provided for, without trenching on its amount. I, and most of those with whom I usually act, will be disposed to reduce the appropriations still lower, and leave in the Treasury a larger balance at the end of the year, after paying all demands. Will those who have been preaching economy so lately, grumble at the allowance of twenty-three millions of dollars; which is nearly double the average amount of their pattern Administration? It is in keeping with first contributing to force on us expenditures, which they afterwards denounced as extravagant.

From the face of the statement I have presented, it would appear that no additional supply was required; but from the inequalities between the receipts and expenditures in the different periods of the year, some provision becomes necessary for the occurrence of larger demands, and diminished receipts, during the first quarter of the year. During the existence of the funded debt, and before the reduction of the tariff, more money was raised than was required for the ordinary support of Government; and no such contingencies were experienced. As long as the policy is continued of attempting to square the revenue with the economical wants of the Governments, we shall be liable to these temporary inequalities between the receipts and expenditures. The appropriations are made in anticipation of revenue to be collected from taxes on importations, and sales of public lands. They are fixed and demandable generally at certain periods; whilst the revenue is uncertain, and subject to vary from any estimate, no matter how carefully made. If after the appropriations have been made, and Congress should adjourn with every reason to expect a revenue adequate to meet its appropriations, an unlooked for deficiency should occur, serious embarrassments would be the consequence, unless the Executive had authority to suspend a part of the appropriations, contract a regular loan, or issue Treasury notes, which appear to be the only means by which such a de-

iciency can be guarded against. During the last session, it was thought advisable to authorize the President to suspend a part of the public works, until the accruing revenue would justify their resumption. At this session it is proposed to authorize the issue of five millions of Treasury notes. They will not make any addition to the obligations of the Government, because they are not to be issued except for lack of timely means, and, when issued, stand in place of obligations incurred by the appropriations authorized by law. They are not required on account of any deficiency of the whole year, but to meet heavier payments than the accruing revenue in the earlier part of the year will be in time to satisfy, though by the close of the year it may be equal to the redemption of these notes, as well as all other charges. The want appears to be temporary, and is immediate. How shall it be supplied? No one will say that taxes can be made available in time. It is also well known that a regular loan cannot be had without more delay for advertising and contract than circumstances admit. To do what individuals are in the constant habit of doing, give their own notes instead of borrowing, or in other words issue Treasury notes, seems to be the only alternative. The issue of Treasury notes is no new thing. It has not been confined to this Administration, and has not the least connection with what is called the Sub-Treasury system, as some have ignorantly or deceptively represented. Their issue was authorized by six separate acts of Congress during Mr. Madison's administration. The then members from my district, Mr. Clay and Mr. Kerr, voted for them, although the latter, who is still alive, is far from being a Sub-Treasury man. Mr. Jefferson, Mr. Crawford, Mr. Macon, Mr. Lowndes, Mr. Cheves, Mr. Giles, and nearly, if not quite all, of the old Republican party, sanctioned or recommended their occasional use. Every known Government in the world, and I had almost said every individual, has, at some time, found it necessary to use credit in a similar mode.

The constitutional power by this Government to issue Treasury notes, has not been entirely without question; but it has been doubted so rarely, and by so few, that little weight of authority rests against it. I will not trouble the committee by repeating arguments much better urged in the able discussions on the constitutional question, at this, and at preceding sessions of Congress. For myself, it appears equally rightful to issue notes directly to original creditors, as to regular lenders; and much more so, than to give bonds to banks in exchange for their notes, with which to pay creditors.

The issue of Treasury notes is the most convenient mode of borrowing; and its very convenience forms the chief objection to its exercise—upon the ground that it may be better for an individual to deal at the furthest store, or borrow money from the most distant bank—a too frequent resort may be prevented by the additional trouble. In temporary and sudden emergencies, such as the present, the case is different; and the convenience becomes important to supply a want, which, if not supplied at once, need not be applied at all. The notes are authenticated after the manner of authenticating certificates of loans—are charged to the Treasurer as soon as issued, and have to be accounted for by him under all the guards that give security to the funds of the Government. They may be made ready to meet immediate wants, pay no interest until the day they are issued, are receivable, and generally are all received in payments of the dues to the Government; and they bear no interest at the end of twelve months from their date. Although they have greatly the advantage of regular loans, or of taxes, in being more speedily got and gotten rid of, yet the power to issue them is liable to abuses; and I am far from being favorable to its use, upon any occasion whatever, except the supply of a temporary want, in anticipation of an accruing income. It is not enough that there are objections to Treasury notes. There are objections to other loans, and to taxes—they, too, are liable to abuse. Although each may be necessary in its place, yet they are all evils, and the less we have of either the better.

As amendments to this bill, we are told that se-

parate propositions will be submitted—to contract a loan for ten millions, and to raise the taxes on silks, wines, and linens. Both are unavailable for present purposes, and premature and unjustifiable as provisions for any probable want of the future. No one knows what the future will require. The new Administration and its friends, now in the majority, are to settle the scale of expenditures—they alone can properly estimate the supply. If they, contrary to their past votes, contrary to the declarations recently made on this floor, should prefer to redeem the pledges of economy lately made to the people during the canvass for the Presidency, they will have ample opportunity to do so. The Florida war, the purchase of immense tracts of land, the removal of Indians, and the reducing list of Revolutionary pensions, together with other objects of expenditure, will cease to hang so heavily on the coming Administration as they have on the present. The income of this year will, in all probability, meet its expenditures, including the redemption of Treasury notes. The income of the next may be adequate to economical wants. If, on the other hand, the coming Administration is to embark on the splendid voyage described by so many of its friends—if they shall attempt to sustain the fallen fortunes of banks and State stocks, by loans and distributions out of the common Treasury; then the proposed loan of ten millions, or the tax on wines, silks, and linens, will be but an insignificant beginning of the supply of the millions upon millions that will be needed.

We are asked, will you not tax luxuries? And much is said of the poor and the rich, with the view no doubt of getting up a poor man's feeling in behalf of this tax. Take off an equal amount of the taxes on necessities, and I will go with you. Until you do, before you levy this tax on luxuries, tell us what you mean to do with its proceeds. Is it for the proper service of the Government? No, sir: it is openly avowed, by many of the most influential members of the party, that it is to supply the place of the revenue from the sales of public land, which it is designed to give away to the States. I consider this object as totally unwarranted, and but the entering wedge of boundless extravagance and unconstitutional legislation. But how is it to be effected? The revenue from public lands is estimated at five millions; the proposed duty of 20 per cent. on silks, wines, linens, &c. will yield an amount not exceeding two millions more than is at present received from those articles. You will then have to go further into the list of free articles, and those paying a duty less than 20 per cent.

According to the very able report of the Secretary of the Treasury, made to the Senate, on the subject of the reorganization of the tariff, it appears that, after June, 1842, all duties on importations now above twenty per cent. will be reduced to that rate, as limited by the act called the compromise act; and that, between the first of December next and the following June, the duties on the same importations will fall five millions short of their present amount. Presuming that the limit of twenty per cent. on protected articles will be adhered to, and that it may become desirable to supply the place of the five millions reduced by the compromise act in December, 1841, and in June, 1842, he proceeds to select from the list of free articles, and that of those paying less duty than twenty per cent. all articles in his opinion fit to be taxed; and shows that fifteen per cent. on this selected list will only raise the required amount of five millions of dollars. Silks, wines, and linens, are included. The importations of coffee amounted to seven millions, of tea amounting to two millions, together with all necessities which have been considered proper subjects of taxation, are also included. Now, sir, distribute the five millions from the proceeds of the sales of the public lands, and can any one shut his eyes to the consequences? You must exhaust at once, to supply its place, all those resources pointed out as necessary to supply the deficiency arising under the last reductions of the compromise act. If this deficiency has to be provided for, as most of the Harrison party, at least, think will be necessary, where will be your resources? Given away—the compromise forgotten—duties for protection raised higher than 20 per cent. and necessa-

ries, such as salt, sugar, iron, and coffee, as well as luxuries, subjects to onerous duties. But this is only the first step. Follow up this lawless distribution, by distributions from the other branch of the revenue: enter on your system of harbors, roads, and other unnecessary and unauthorized measures, and you will have to add to the taxes faster than they have been reduced in the last ten years. Exorbitant and oppressive as they may become, they may leave but a scanty allowance for the wants of the Government, after paying the interest of the gigantic national debt, to which the policy of the Harrison party must lead us, unless it can be arrested by the interposition of the people.

It is said that the Treasury is bankrupt. If, sir, a temporary want of present means, in anticipation of a sufficient annual revenue, constitute bankruptcy, I glory in it. It forms the strongest guarantee against the contemplated waste and extravagance of the coming Administration. How is the Treasury bankrupt? has any legal demand been rejected during the last year? No, none can be pointed out. The taxes have been gradually reduced. But is there any falling off of resources? During all the affected and real ruin among bankers and stockjobbers, those who defend and support the country have wonderfully increased in numbers and in wealth. They hold in their hands ample resources for all proper purposes; you have only to call on them, and your wants will immediately be supplied. In the last ten years, one-third has been added to your population; and the assessments of property in the different States show even a greater increase of wealth. Whilst you have heard of ruin, ruin, ruin, every where, you have increased in population four millions of people; and in wealth, nothing short, perhaps, of one thousand millions of dollars. Has any nation such boundless credits as is possessed by this Government? What is the condition of most of the States in this Union, or of any State in Europe, compared to that of ours? Abandon not the policy that has contributed to such results. If this Capitol could be converted into gold, I would reconvert it into stone, rather than it should be made the instrument of corrupting and overturning the free institutions purchased by the blood of our fathers.

The character of the country is said to be at stake, and it has been gravely urged as an argument why this Government should extend relief to the sinking credit of State stocks and State banks. To what enormity would this argument lead? The first duty is not to foreigners, or to spendthrifts of our own land. Our first duty is to our oaths, and to our constituents; and the best mode of preserving our character is to perform our duties and confine ourselves to our own business. I deplore the fallen condition of State credit and the general ruin of banks and speculators. But their calamities have sprung from moneyed operations, in which this Government had no agency. On both sides, those concerned have been, and must be, their own guardians. They cannot expect this limited Government to burden the whole community, in order to stretch out relief to unfortunate or profligate portions of it. There is a much prouder characteristic than the credit abroad of any one class. The character we have for living in a land where a written Constitution guarantees equal laws and liberty, is far dearer to Americans, and more admired by the mass of sensible foreigners, than the standing of our stocks or the reputation of our bankers and speculators. To sink the first, in order to raise the latter, would be poorly compensated by the smiles and good graces of the money dealers of all the cities in the world.

There is much difficulty in properly arranging the tariff of duties. No necessity requires action on that complicated and perplexing subject at this session; and every view of it admonishes us that it is proper to leave all its parts free to be arranged in the best possible manner by the next Congress.

My constituents are, chiefly agriculturists, as is the case with the great body of the American people. They are ready to march in defence of the country, if need be; and will cheerfully contribute all that is required by an economical Administration; but, sir, nothing more. They are individually and politically interested in keeping down the

taxes to the just wants of the country. They pay at least their equal share of the taxes; and, in addition, almost as much more, in the shape of profits laid on the taxes, by the merchants, through whose hands they receive their imported goods. They are injured in their exportations by taxing the importations, which are received in return for them, because you cannot permanently affect the one, without disturbing the other. For reasons more solemn than these, they are opposed to high taxes. They extend the sphere of the whole Government—aggravate the violence of parties, and of elections—invite unconstitutional and unjust legislation—increase Executive patronage, and multiply all those evils and corruptions, to which the best Governments are prone. All attempts at reform will be vain, without keeping this pregnant source of all mischief within due bounds.

The taxing power is the most dangerous power in our system. Republicans have insisted that this power was limited by the authorized objects of the Constitution. But if the opinions advanced by the first officer of the new cabinet (Mr. Webster) shall prevail—that the sense by Congress of the general welfare is the only limitation, and that the right to dispose of the money and other property is co-extensive—then a power carrying with it all other power has no practical limitation, and the people have just cause to be alarmed at the rapid progress of absolute despotism.

Mr. Chairman, a vital interest of my constituents has been introduced into this debate, in connection with a dangerous system of countervailing duties. No one on this floor individually, or as the representative of others, is more deeply interested in the tobacco trade than the individual who addresses you. Reluctant as I am to trespass further on the committee, I feel bound to attempt to expose such a mischievous movement, in whatever shape it may assume, from the imprudent rashness of friends, or the covert designs of enemies.

My colleague, [Mr. Wise,] in the course of remarks with which I generally agreed, represented the tobacco interest to have been in a prosperous condition and having nothing to complain of. The gentleman from Maryland, [Mr. JENIFER,] on the other hand, not only insists that this interest labors under injurious burdens, but that these burdens laid on the use of our tobacco in foreign lands are aggravated wrongs, appealing to the courage and patriotism of American citizens for redress by the strongest measures. With neither of these views do I agree. If the tobacco trade has been in an encouraging and satisfactory condition, why is it that, amidst the increase of every thing else in this growing country, the quantity exported, and the price of that article, have not materially advanced for more than half a century? Why is it that the cultivation of tobacco has been abandoned in the favored district of my colleague, once the garden spot of the world? Its product gave character to the far famed James river tobacco, and its fine Back river and other lands would now produce the best description of tobacco for the English market? It is because other products have become more profitable, and tobacco has been driven to places more remote from market. In like manner it has been retreating from the greater portion of the State, and is probably destined (if the causes that have produced these results shall not subside) to take its flight to distant regions of the West, beyond the reach of competition. The gentleman from Maryland [Mr. JENIFER] stated the average in his State to be three thousand pounds per hand, and the price at about five dollars. This is much more than in Virginia. The average product there is not half that amount, and the price but little higher. Tobacco making with us, as an object merely of investing capital, promises little profit. Those who depend on its cultivation alone for revenue, have to live pretty much within themselves, and to exercise rigid economy. Some wealth we have amongst us, but it has been derived from inheritance or commerce; and few, or none, can trace its acquisition to the production of tobacco. Yet, sir, the condition of the people of my district is good in comparison with that of most of the people of

the United States. Their habits had conformed to long continued low prices, and the slight increase of price in the last two or three years, arising chiefly from accidental causes, has given to all more than they had reason to calculate on. The reverse is the case with our Southern friends. They have enjoyed the receipt of three times our profit for a succession of years; their habits were conformed to their higher income; and now their receipts (from temporary causes I hope) had sunk to a level with ours; they consequently get less than they had reason to expect, and are in a most embarrassed and troubled condition.

Saying nothing, Mr. Chairman, of the effects on tobacco and other subjects of agriculture of our home policy in attempting to encourage and stimulate manufactures, commerce, and navigation, the injurious effects of foreign legislation cannot be mistaken. England taxes her subjects for the use of our tobacco 800 per cent. on its original cost; Russia 200 per cent.; Germany 100 per cent.; France, Spain, Italy and Austria have a rigid restrictive monopoly, admitting only from a few hundred hogsheads to one-sixth of their consumption at most, causing the forced culture of an inferior article, or the diversion of the trade to other quarters. An annual revenue is thus raised in Europe upon tobacco alone, of more than thirty millions of dollars; which is at least three times greater than the first cost of the whole quantity exported from the United States. The consequences must be to limit consumption, and in a much greater degree to reduce the demand for American tobacco.

I am aware that Virginia has some advantage growing out of the existing state of things. The high duties in England elevate the quality of the tobacco required for her markets, which the Virginia tobacco is best adapted to supply. And for a like reason, three-fourths of the limited quantity, admitted into France, is taken from Virginia. But these advantages may be temporary, and, at best, are not an equivalent for the immense reduction of the general demand. No, sir, remove, if practicable, all restrictions, and we are willing to enter into equal competition, in the supply of an unshackled trade. We have no apprehensions of foreign rivals, and we are assured that it will be to the advantage of every country in Europe to exchange other commodities for our tobacco, which they will find better than their own, cheaper than their own, and in quantity equal to the vast increase of their consumption.

Although the condition of the tobacco trade is not so good as not to be capable of great improvement, yet it is not so bad as not to be made infinitely worse, by ill-advised measures. Tamper not with it by hastily flying to untried experiments. Add not taxes directly affecting us at home, in the vain hope of removing the indirect effects of burdens on those who consume our product abroad.

Mr. COLES said that his friend from Maryland [Mr. JENIFER] had thought proper to animadvert on a letter, giving an account of his course in the tobacco convention, and informed us that it was published in all the anti-American papers from Baltimore to Georgia.

[Mr. JENIFER here interposed, and said that he had alluded to the other articles on which he commented.]

Mr. COLES resumed, and said, that since he was mistaken, and as the articles referred to were not, as far as he knew, published in any paper friendly to him, he would omit to say what he intended.

Mr. COLES said that he was unwilling to obtrude a letter of his, or his previous course on any subject, before the committee, but they had been thought of sufficient consequence to have been brought up by another; and it might be proper here to give a brief history of this tobacco question, and his connection with it.

Mr. COLES said, that early after he became a member of Congress, a memorial from the Legislature of Maryland, and one from the first Convention of tobacco planters, were presented to Congress, and referred to a special committee on the tobacco trade. The gentleman and himself were placed on that committee, and had continued

on similar committees raised at each session since. They had co-operated in all that had been done in those committees, except in one thing, and that divides them now. The gentleman will recollect that, in the first report made by the tobacco committee, a clause intimating an ultimate resort to retaliation, was stricken out at his instance; for which over scrupulousness, as the gentleman considered it, he has frequently laughed at him since. In pursuance of the recommendation of this committee, several measures were adopted, among the rest a resolution requesting the Executive to instruct our ministers and diplomatic agents abroad to bestow special attention to the tobacco trade. How this duty has been performed, the voluminous correspondence submitted from the State Department will testify.

During the last spring (chiefly at the instance of his friend, Mr. JENIFER) he had written a letter for publication, urging the usual reasons why the approaching tobacco convention should be attended; and as a further reason, "that if any lacked faith in the advantages to be gained, it might be important that mischief should be prevented." Believing that the tobacco convention would be a meeting of gentlemen from different parts of the country, whose purpose it would be to investigate the condition at home and abroad of a common interest, that they would exhibit to our own Government and to the world the importance of the tobacco trade, the burdens and restrictions under which it suffered, and the advantages to all parties concerned, of adopting the best modes of relieving them, but knowing the opinions of some in favor of retaliatory duties, he had even then alluded to them as a mischief to be prevented. The anticipated convention was held, but he was not a member of it; and the gentleman was mistaken in supposing that he had been twice a member.

He, for the first time, attended a tobacco convention, which met in this city on the 15th of January last. Extraordinary resolutions, proposing, among other things, a system of countervailing duties, were presented to that convention. He considered it his duty to warn the convention against the danger and impolicy of such a course. Nevertheless, the resolutions were adopted with but two in the negative; the gentleman from Missouri [Mr. JAMESON] and himself. These resolutions were extensively published, and have since been presented to both Houses of Congress. To protect himself at home against the imputation of having been instrumental in passing resolutions so contrary to his uniform, and frequently expressed opinions, he wrote the letter alluded to, referring to the mischief he had before suggested, and giving an account of his course in the convention. This is the letter the gentleman from Maryland has thought proper to comment on. This is the course which he has had stronger reasons to adhere to, and has the fullest confidence will be approved by the great body of the tobacco planters in the United States. The gentleman from Maryland says that I, in this letter, admitted the grievance, and stated that there were two remedies, viz: negotiation and retaliation; adding himself, that the first having failed, he asked, will I refuse to take the second. If, sir, instead of playing upon a mixture of my words and his, he had adhered to the letter, he would have seen that I denied that the first had been fully tried, and that I considered the second, if a remedy at all, even worse than the disease.

He further asked if from 1783 to 1840 was not long enough for negotiation. Now, sir, let me ask him if from 1783 to 1838 is not nearly as long, and why it was that at the latter period he was so zealous in pressing negotiation? Had not negotiation then failed?

[Here Mr. JENIFER said that he did not know at that time what negotiations had taken place. It was not until the correspondence was submitted, at the last session, that he was aware of the state of the negotiation.]

Very well; the gentleman will find that this will not bear him out. He contends that negotiations on the subject of tobacco have been strenuously prosecuted down to 1840.

[Here Mr. TRIPLETT of Kentucky affirmed that it was so.]

The gentlemen are mistaken. I hold in my hand the correspondence to which they have referred me, as the only source of their information, in which not one word appears in regard to England, Austria, Germany, Russia, Spain, or Portugal, until after the date of the resolution passed by this House in 1837, and not a word in regard to France from 1786 to 1829. In the latter year Mr. Rives addressed a short note to the French Minister, not on the merits of the monopoly, but on the contemplated appointment of an agent to purchase for the Regie, creating the double monopoly, which has existed since. In 1833, Mr. Livingston took up the subject in some earnest, but the indemnity was settled, and tobacco forgotten. The negotiation was not seriously pressed, even in France, until General Cass opened it again in 1838, under special instructions. I call on gentlemen to show me where and when this negotiation has been so zealously and uninterruptedly continued from 1786 to 1840. This document cannot be mistaken. It was selected from the whole correspondence on the subject, which was submitted to the House by the Secretary of State, at the last session of Congress. The selection was made by the gentleman from Maryland, and if there had been any thing else of consequence, it would not have escaped his keen sighted vigilance. Did gentlemen expect in 1838, when this negotiation was commenced generally and actively, for the first time, that the fixed habits and prejudices, and the long established systems of Europe, were to be changed in a year or two? No, sir; they could have expected no such thing. They knew that time was required to obtain the necessary information, to impart that information, and to avail ourselves of opportunities depending upon ever changing circumstances. They must have known that if success ever was reached, that it must be by a slow and gradual process. Whence, then, the present impetuosity?

Gentlemen say that our ministers at the courts of London and Paris have written home that the negotiation was at an end, and that nothing more could be done in that way. It is, in truth, in a more promising condition than could have been expected. From the facts that have been elicited, and the manner our representations have been received every where, I have more hope of eventual success than I had at first. Let us look into the correspondence referred to. In the beginning of the very paragraph in which General Cass concludes by recommending retaliatory duties, you will find good reasons to show that his recommendation was wrong. In page 16, of document 229, 1st session, 26th Congress, General Cass says, in his letter to the Secretary of State, that, "From some observations made last session in the Chamber of Deputies, it is obvious that the public, and I think, in some respects, the Government, appreciate neither the extent of this trade, nor the peculiar advantages which France derives from it. In the event of the publication of the correspondence, it would become important that the grounds of our application should accompany the statement of the reasons which are given for declining to comply with it. Public opinion will finally operate upon the question, which has been violently attacked here, and which presents so many assailable points, in principle and in practice, that it is much easier to support it than to defend it."

In another part of the same letter he says: "But you will perceive by the course of the Marshal's observations in the letter, and of my answers, that the difficulty in the way of any change is to be found in the amount of the revenue, yielded by this system, and the fear that any substitute would be the less productive."

In Mr. Stevenson's letter to the Secretary, contained in the same document, he says, that from Parliamentary documents it appears that "the consumption in the United Kingdom was not less than 50,000,000 of pounds; of this quantity, duty was only paid on 22,000,000 of pounds." The balance being smuggled. "Hence it was," Mr. Stevenson said, "that the commissioners of the revenue, in their recent report to the Government, declared that the suppression of smuggling tobacco cannot be effectually provided against, *except by removing the cause, viz: the excessive rate of duty.*" Again, Mr.

Stevenson says: "Indeed, the Chancellor of the Exchequer expressly said that he had no difficulty in declaring that the present duty of three shillings was infinitely higher than any just policy would sanction. The president of the board of trade also said, that he admitted the force of the opinion I had referred to, as expressed by him in 1830-'31, when he submitted to Parliament (as one of the ministers of the Government) a plan for the reduction of this duty on tobacco. These opinions he still entertained, and was desirous of seeing carried into operation." "They admitted that, with an overflowing Treasury, there was no duty of customs in which her Majesty's Government would be so much pleased to make the experiment, as that on tobacco. Such, however, was not the condition of their Treasury at this time." "Both, therefore, concurred in opinion, that the experiment of reducing the present high duty was very desirable, as well in relation to the interests of the United States as to those of Great Britain. They said they wished they could entertain the hope that it would be in the power of their Government to do it at an early day, but of this they could give no assurance. They begged me, however, to be satisfied, that, if it was possible, they would be as ready and willing as we could be to make the experiment." "The Chancellor of the Exchequer, in my last interview, emphatically assured me that he would not lose sight of the subject, but that the moment it was in his power he would submit a plan for the reduction to Parliament." "While, therefore, there is little hope of any speedy or acceptable change on the subject, we have at least gained, in so much, that the present system is admitted to be indefensible upon general principles, and a favorable opportunity only wanted to get rid of it. This, I flatter myself, under the influence of the enlightened and liberal principles of the age, may be looked to as an event more than probable."

Extracts of a similar bearing might be multiplied from the foregoing letters, as well as from the correspondence of other ministers. The treaty concluded with Sardinia in 1839, by a representative of the Government, acting under instructions in regard to tobacco, has not been without its effects already. Its removal of the transit duties has opened the interior to our tobacco; and I understand that, during the three first quarters of the last year, three cargoes of tobacco, amounting to over a thousand hogsheads, were received at Genoa, although none had been sent directly there from the United States before. At the instance of Mr. Niles, who concluded the treaty with Sardinia, Austria during the same year, repealed or modified her quarantine regulations at the port of Trieste, which had so embarrassed our trade with that populous empire as to leave little direct intercourse between us; the effects of which have been a considerable increase in the number of cargoes sent to that port, consisting of cotton and other articles including tobacco. In addition, I learn that the Austrian Government has manifested a disposition to take a larger quantity of our tobacco, after the example of France. These may be looked on as small beginnings; but, taken together with the manner our representations have been received every where else, are far from discouraging.

Gentlemen ask, will you not cease to appeal to the justice and magnanimity of Governments? It is, sir, a matter of trade between independent nations, and must be managed on the principles of trade, by appealing to their interests and not to their fears. Why are your ministers stationed at foreign courts? Will you abandon all negotiation, when you cannot succeed at once? Then call in your ministers from every court, and give from this Capitol law to the other nations of the world, to which they must immediately conform, or be threatened with retaliation, non-intercourse, reprisal, and war, as the final resort. Has this been the policy of our fathers? Did we abandon negotiation on the first failure of the attempts, going through a series of years, to obtain indemnity for French, Neapolitan, and other spoliations, which succeeded at last? Did we abandon negotiations in the various controversies with England and other countries? All of them did not finally fail, or result in war. The long controversies on the colonial trade were

adjusted, not until 1830, by Mr. McLane's arrangement; we have yet questions pending with England, which have from the date of our independence been subjects of negotiation. Will you suddenly stop negotiation? I hope not, until war is, if it must be, inevitable.

The digest of commercial regulations abundantly shows the value of what has been achieved, and what may be expected from our foreign negotiation. Although much remains to be done, yet its progress has been steady and considerable, in removing the numberless restrictions which embarrassed our infant trade. Our liberal policy has had its influence on other nations, and much has been effected towards its propagation among them. The old system was one of oppressive restriction—interfering with, and attempting to regulate, almost every occupation of the people; but it has been yielding, by little and little, to the liberal spirit of the age. In nothing is the present period more distinguished than for the rapid progress of the principles of free trade. Scarcely a treaty has been made in Europe for the last ten years, without yielding some homage to those glorious principles.

The Secretary of State, in his report on commercial privileges and restrictions, made to the last Congress, says that "these prohibitions and restrictions, however, although affecting seriously our agricultural, maritime, manufacturing, and mechanical industry, cannot be rightfully regarded as evidences of hostility, but are to be imputed to that erroneous policy which seeks to establish the prosperity of a whole community by burdening the mass, for the purpose of securing unnatural profits to selected portions of its productive industry. The success of our efforts in the advancement of liberal principles of intercourse, has been such as to justify a hope that we may, by constant adherence to the true principles of political economy, and the use of the means fairly within our reach, be useful in correction of the opinions on this subject, which now form the great barrier to a universal, unrestricted, and advantageous interchange of the varied commodities of the civilized world."

All must be aware of the fact, that high duties, monopolies, and restrictions, have become subjects of intense interest and enlightened discussion throughout all Europe. The errors and impolicy of the old system in regard to them, must become palpable; and whenever they do, they will be mitigated or abandoned, no matter under what form of Government they exist.

Had I not already occupied so much time, I would here read an article on the effects of free trade in Switzerland, lately written by an able writer on the spot. It forcibly illustrates the superior prosperity of Switzerland, under its free trade system, over the surrounding countries, possessing higher natural advantages, but laboring under the existence of rigorous systems of protective restriction. The former country, in the midst of the restrictive policy of its neighbors, without retaliation, renders her peculiar advantages, limited as they are, available to the utmost: whilst the latter, by their protective legislation, repress, or divert from their appropriate employment, the superior natural endowments they have been blessed with, and are in a much worse condition.

It is to the comparative freedom of industry and trade that the United States owe their unexampled progress—not to miserable banking systems, monopolies, and protective restrictions. There can be no liberty unless labor is free. Take away the freedom of industry, which we hoped was guaranteed by our institutions, and you steal from them their brightest gem. Cease not to afford your example, and to extend your influence to break the chains which have bound the sinews of agriculture for ages, and reduced the lot of the husbandman (in many parts of the world) to that of a slave. To emancipate industry and trade from the fetters which Governments have imposed, under the delusive names of protection and retaliation, would be a revolution in the affairs of mankind, attended with greater and happier results than any human event recorded in history.

With freedom of domestic industry, and a reciprocal trade among nations, the peculiar advantages of each would receive their fullest development,

and the comfort and happiness of all wonderfully promoted. Although the full achievement of a good so great and universal in its blessings may be hopeless, yet the partial attainment will be a benefit in proportion to its advancement, and the nation which, in these respects, is freest, will be richest and happiest. We have every motive to prosecute so desirable an object; we may look to our reward in the appreciated value of the superior natural advantages we enjoy, and to the proud satisfaction of contributing to the happiness of millions abroad.

Now, sir, as long as we have ministers abroad, it will be attended with no additional cost, and at least can do no harm, that they be instructed to be in readiness to avail themselves of all favorable opportunities, to promote the tobacco interest, as well as to advance the principles of free trade generally.

Suppose, though, that the negotiations have utterly failed, and are to fail forever; what then?

The gentleman from Maryland [Mr. JENIFER] asks, will I not resort to measures of retaliation?

I answer, not as a matter of course even then. There is a plain rule of common sense which governs this question. No nation is justified in adopting measures of retaliation, such as are proposed, without almost a moral certainty of being thereby able to force the offending nation into its terms.

The taxes and restrictions imposed on the consumption of tobacco in foreign countries, inflict more injury on their subjects than on us. We can bear the lesser injury more easily and longer than they can the greater. Taxes laid on our citizens for the consumption of their products, operate directly on us, and but indirectly on those against whose taxes we propose to retaliate. The burden to us of such taxes may be in the proportion of five dollars for every one dollar it takes from them, in the reduced consumption of their products. If, sir, in subjecting ourselves to taxation, there is not a positive certainty of success in removing the taxes of other nations, it would be madness to attempt it. It would be equal to the folly of cutting off the nose to spite the face. Gentlemen seem to have overlooked this consideration. They have not attempted to demonstrate the mode of operation which is to give the least probability of success. In an attempt to do so, difficulties would have met them at the threshold, and thickened at each step of their progress.

The attainment of the object by the proposed means of coercion, is well nigh impracticable from the nature of things. Select France, if you please, as the first nation to be brought into terms. We chiefly take silks and wines from her in return for our cotton, rice, and tobacco. Lay a heavy discriminating duty on French silks, leaving silks from other nations free, or at a less duty—what will be the consequence? We see it, in the operation of the present duty of ten per cent. on all silks from beyond Cape Horn, and the Cape of Good Hope, leaving silks from other quarters free. This duty is evaded; India silks are brought to England, colored a little, and shipped to us as free goods. Reverse the case, and the result would be the same. Lay a heavy retaliatory duty on French wines. It would cost but a trifle to place on the casks or bottles, German, Italian, or Spanish labels; the wine might be sent by one of those countries, and come to us free of the discriminating duty. Similar results might attend retaliatory duties on other articles, the production of other countries. Your remedy would tempt evasions and frauds, and drive the trade into circuitous channels. It would also miss its aim, and would be even fruitless of revenue, unless you are prepared to enforce it by a system of custom-house espionage and penalties, inconsistent with our institutions.

We have been proceeding upon the presumption that Congress will indulge gentlemen with their experiments in regard to tobacco. Are there no difficulties here? The bill reported from the Committee of Manufactures a few weeks ago, proposed to lay a duty on silks from India of twenty per cent. and on other silks ten per cent. Was this intended to operate on India as a retaliation for not using tobacco at all? Suppose you attempt to change the discrimination against France, will you not be met in this House by conflicting interests? It is not France alone that you complain of, but of

other nations in a greater degree; and, in fact of all Europe, in some degree or other. It is not one article only that is burdened by foreign legislation. In the report of the Secretary of State on the restrictions and duties of foreign Governments, before referred to, you will see many articles oppressively taxed as well as tobacco. I will select two: the duties on our bread-stuffs in England, France, and some other countries, amount almost to a prohibition. The gentleman from Kentucky [Mr. TRIPLETT] stated that the duty on wheat in England was about forty per cent. but, sir, the duty in that country amounts to a prohibition except when large masses of her population are absolutely starving. Upon such occasions we may get a high price for our grain, but the market is generally so fluctuating that any farmer or miller who relies on European markets, is likely to be ruined.

Our extensive coast from New Brunswick to Texas is lined with inexhaustible forests in timber. The duty in England on our timber is two pounds fifteen shillings on the fifty cubic feet, and to an oppressive extent on lumber, staves, and shingles. Cutting off, in a great measure, our abundant resources from the supply of an immense demand for ship building, houses, and other objects. Now, sir, is it expected that Congress, representing all these interests, will consent to commence with tobacco, without including breadstuffs, timber, and many other articles. If a general system of retaliation is adopted, what will it lead to? An unmitigated system of high taxation. The protective tariff men will be ready to avail themselves of strength from this source. Most, or all, of the protected articles of manufacture will be obliged to be used in this general scheme of retaliation. You may succeed by means of a combination of interests in having taxes laid on, but you would seldom get two interests to agree at the same time in taking them off, even in case of relaxation by a foreign Government in regard to tobacco or any one article. No, sir; let us keep out of this connection. The tobacco interest is to be courted into a general system of increased taxation. It is to be used as the pretext for adding burdens on the many, without hope of sharing the benefits of the few.

In regard to foreign countries there is not one alone, but all, in some degree, to be operated against. Why do gentlemen speak so much of injuries from the regulations of France? Austria has similar restrictions. France takes seven thousand hogsheads of tobacco, and Austria not as many hundred. The latter is a great tobacco consuming country, with nearly the population of the former. In fact, instead of France being first to be complained of, she is among the last. It is all Europe you propose to war against; and in this war of who shall tax highest, it is not difficult to foresee who are to be the sufferers. Why, sir, foreigners will laugh at you for merely entertaining such a proposition. Had I not profound respect for the many gentlemen who advocate the policy, I would say it was absurd and ridiculous in the extreme.

It has been said that Mr. Jefferson, when Secretary of State, in 1793, did, in a report to Congress, sanction the policy of retaliation for exorbitant duties on our products in foreign countries. It was under different circumstances, and at a time when the principles of free trade had scarcely begun to relax the inexorable restrictive systems of that period. Those who adduce this authority should be governed by Mr. Jefferson's better authority, after years of experience and reflection. He had been minister in France from 1783 to 1786, took a lively interest in the tobacco trade, and was well informed as to all its bearings. He was President of the United States from 1801 to 1809; the condition of the tobacco trade became worse; but still not one word is heard from him in regard to retaliation on this account, or on account of any other foreign internal tax on our productions. If Mr. Jefferson was here now, it is presumable that he would give you stronger reasons why you ought not to resort to it, than prevailed with him through the whole period of his Presidency.

If you enter on the proposed policy, it will be the first time it has been adopted in the history of the Government.

[Here Mr. JENIFER read from an act of Congress, which he said enacted similar retaliatory duties.]

The section just read refers to a different subject altogether. Several other acts have like provisions. By these acts tonnage duties, and duties on the cargoes of foreign ships coming into our ports, were laid to counteract injury to our navigation, from the discriminating duties laid upon our ships and their cargoes in foreign ports. These acts could be made to affect the offending nation directly, without the power of evasion, and are very different cases from the present. There is not in all the statutes of the Government, one which was intended to operate as a retaliation against the internal taxes or restrictions of foreign Governments on our productions. Equal commercial privileges of our citizens in foreign lands, and equal exemptions for the cargoes of our ships, have been peculiar subjects of regard. The nature of the remedy can in these cases be effective. We have their citizens and their ships to operate upon, instead of our own. I am not sure, in the zeal to accomplish benefits for commerce and navigation, the interests of agriculture have not in our negotiations been too frequently overlooked.

In our own legislative history we can find no example to justify, and much to deter us from the proposed course. My colleague from Norfolk [Mr. MALLORY] reminds me of the West India trade. Yes, sir, the West India trade was sacrificed for a time, and Norfolk nearly ruined, by indulging merely the idea of retaliation. The act of Parliament of 1825, extended to all nations accepting them, very liberal terms of trade with the colonies of Great Britain. This country alone, I believe, refused to accept the terms, expecting to be able to force better. Negotiation after negotiation followed; we were refused the terms offered at first—the trade was sacrificed, and it was not until the arrangement of Mr. McLane, in 1830, that we were admitted to a participation in the trade on the terms we had rejected before.

No encouragement can be drawn from the history of retaliatory duties in Europe—one retaliation has generally brought on another, until a system of high taxes, restrictions, and monopolies have weighed down the laboring classes almost to the condition of brutes. A commercial war of this character was waged between France and England, that amounted almost to non-intercourse, until the benign influence of free trade principles began to relax its rigors.

The burdens imposed on our tobacco abroad have been complained of by several gentlemen as acts of hostility, which we had a right, and were called on to avenge. It has been considered in the light of violated honor, which should make the blood boil, and rouse the chivalry of American citizens. This is new doctrine in this country; no public functionary ever claimed the right to regulate the interior administration of any other Government. Our present ministers in England and France have both, in this correspondence, repudiated any such pretension, and so have our ministers elsewhere. It would be a most dangerous position—take it in regard to other nations, and they claim it in regard to this. The Holy Alliance may take a fancy to regulate your tariff, or to elect your President. England may require you to sustain the credit of banks, or assume the debts of the States. We may wrangle about these matters as we please, but foreigners must let us alone. The French Government may restrict their people to the use of sugar extracted from the beet; or to such poor tobacco as they may cultivate, free from the right of other nations to interfere; and other nations may exercise their discretion in similar respects, without the right of interference by France. England may carry the taxing of her subjects so far as to reduce the food of her poor to potatoes without salt, and the United States will have no right to complain of it as a wrong; yet I hope few will be found willing to follow her example.

Gentlemen taunt us with backwardness in asserting the rights of our suffering countrymen. What redress do they propose? Simply to tax them more, and over again. The remedy is misapplied; and if the wrong was of the character described, it would

be too weak and too tame by far. No, if gentlemen are really in earnest, let them rouse up their courage and ask Congress to declare war at once. A war against foreigners, would be scarcely less disastrous than a war of taxation at home.

The gentleman from Massachusetts, [Mr. CUSHING] gave us a short supplement to the speech of the gentleman from Maryland, in which he stated that, in Massachusetts, the three great interests of that State were so balanced as to be opposed to a high protective tariff; but were in favor of an ample revenue for the wants of the Government, to be raised with a view to protect manufactures, and to retaliate against impositions on our agriculture. Let me tell him that, to carry out the Harrison policy on these principles, a high tariff in its greatest dimensions is at once constituted. You have only to add to this protective and retaliatory system the projects avowed so generally in this House and elsewhere, as leading objects of the new Administration, and you have a powerful conjunction of interests, breaking down the barriers of the Constitution, and overwhelming the equal rights and common welfare of the country.

SPEECH OF MR. HUBBARD,

OF ALABAMA,

In the House of Representatives, January 29, 1841—
On the Treasury Note Bill.

MR. CHAIRMAN: I will say a few words in support of the bill under consideration, in answer to objections raised against it; and will then reply to some general remarks made by gentlemen on the other side, as to the proper policy hereafter to be pursued by this Government.

It is admitted by both parties here, that we have not money enough in the Treasury to supply the wants of the Government for the first quarter of the year. All agree that more must be had; but we differ as to the best mode of raising it. The party opposed to me want to borrow and create a permanent national debt, and seem anxious to make the outstanding claims against the Government appear as large as possible, because they desire to have a large amount of money to expend under the coming Administration, and to raise which they propose to increase the taxes. The party with which I act believe that the taxes are already high enough, and that, instead of increasing them, we ought to cut off expenses as fast as possible; that the Government should spend less, make no permanent debt, and leave more for the people. We therefore think this the best mode of raising money for temporary purposes—because cheapest, and because it is safest.

It is cheapest, for this reason: if we issue our own notes, the credit of the whole Union being better than the credit of a part, composed of stockholders in any bank, we would circulate the Treasury notes, many of them at a less rate of interest than bankers could lend us the money for; and upon all the notes kept in circulation after interest ceased to run, would save the interest to the people. Besides this, these notes being made receivable for public lands and taxes, interest upon them would cease as fast as paid in; whereas, if we borrow from capitalists, and put the money in the Treasury in large sums, and give bonds for the loan, the people are made to pay interest from the date, and also lose interest on every dollar lying idle in the Treasury. Why, then, should the whole people, better credit than only a few, swap credit with the few, and pay boot? It won't do, sir. It is nothing but favoritism to a few capitalists; and gentlemen ought to find out some way to let the whole people live upon their own credit, rather than buying, at so high a rate, the credit of only a few of that people. This bill provides such a method; and if not the best, let gentlemen find out a better mode—always taking care to let the whole of the people be partners in the gain, and not a few of the wealthy or pretended wealthy.

Some gentlemen fear that if we adopt this cheap mode of raising money when we do need, we may, from habit, use it when we do not need. This argument, if it has any force, would compel us to adopt the most expensive schemes of Government, for fear the people would like a cheap one too well.

I have no such fears; and, sir, I should here have closed my remarks upon the bill, if gentlemen on the other side had been contented to stop their political strife. I thought that the country was tired, and wanted quiet—wanted the public business attended to. My friend, the chairman of the Committee of Ways and Means, [Mr. JONES, of Virginia,] who brought in this bill, said not a word in relation to party politics or the late election, and we did hope that no allusion would be made to it. But, sir, we are not allowed to get along in this quiet way. The election last summer, which decided that General Harrison should be President, and decided no other question, has not satisfied the great body of the Whig party in Congress. The people are to be carried further. Not only is what they call *Loco Foco* Van Buren Democracy to be put down, but, I much fear, Republicanism itself. The country has to be carried back to a period before Mr. Jefferson's day. The Government is to have a new direction given to it, if we are to believe the most talented gentlemen on the other side, who have marked out the line of policy which General Harrison is to pursue.

The gentleman from New York, [Mr. BARNARD,] who leads in this debate, denies the correctness of that part of Mr. Van Buren's message which says that "the Government has answered the great objects of its creation;" and says that "General Harrison will pursue a policy to effect those great objects."

Let us look at that policy, however, as laid down by the learned gentleman; and we find it an effort to persuade the people to submit to much greater burdens than were even pretended before the elections.

Fortifications are to be built along the whole of our extensive seacoast and lakes, and also upon the whole of our western and northwestern frontier; old forts to be repaired; expensive barracks to be built, even in the wilderness, with public money, as if a soldier could not cut a board-tree and build a cabin; roads are to be cut out, from post to post, throughout the west and northwest. Did any one ever hear of propositions so extraordinary? Did the people when they elected General Harrison, ever dream of such things? Millions upon millions are to be added to the expenses of the Government, and the people taxed to raise it; and, at the same time, that part of the revenue received from public lands, which belongs to the whole Union, to pay the debts of all, is to be distributed to pay the debts of indebted States, contracted for their own benefit, and for objects in which those not indebted have not the slightest interest.

This, sir, is but an outline marked out for the action of General Harrison's administration, and for the future course of the Great Whig party. And, sir, how truly have the different members of this party, with but one exception, followed in the track marked out; and each, in his turn, according to the climate or locality of his constituents, and their ability to bear their part of the load intended to be laid upon them, taken his part? Some (like the gentlemen from New York) boldly take the whole; others, what they can bear at home; some, the tariff, bank, and internal improvements, all together; some, the distribution; some, the military; and some, the naval expenditures; some, harbors; some, light-houses; and some internal improvements alone; and some only take what to me seems merely an apology for the tariff, like my friend from South Carolina, [Mr. THOMPSON,] who says that the South once contended for taxing of luxuries; and if she won't now let wines and silks be taxed, she will be like the pouting child, who would not let his bread be buttered on either side.

Now, I understand that when the South took this course, she wanted the taxes laid on luxuries, and taken off of necessities; and if the same proposition was before her, she would desire the same thing now. But no such proposition is made; the tax on salt, iron, woollens, flannels, and all of the necessities of life, are left, to the great injury of the great body of the people; and it is proposed to add this additional tax to their burdens, not for support of Government, but for all of these splendid schemes of national expenditure, that the tax is to be laid; and, instead of refusing to have our bread

battered on either side, we, of the South, are only refusing to butter both sides of the bread of every other section of the Union, where these large sums, extorted from our working people, are to be expended.

I consider this argument, therefore, a mere apology for a high tariff and excessive expenditure, and was sorry to hear it come from one who, in former times, stood up so manfully for Southern interests.

But, Mr. Chairman, I have somewhat wandered from the line of my intended remarks. The gentleman from Maine [Mr. EVANS] followed the gentleman from New York; and he took issue with the Secretary of the Treasury, both as to his facts, estimates, and policy. He denied that "there was any recorded evidence of the country's prosperity," as alleged by the Secretary in his annual report upon the state of the finances; and the gentleman has gone throughout the whole Union, and picked up here and there isolated cases of fiscal derangement. Now, sir, this must, and always will, happen; and under all Governments, whether Republican, monarchical, or despotic. But they furnish no just ground for revolution or change; and I was sorry to hear a gentleman of his talents exerting his great intellect, and powers of debate, to create dissatisfaction among our people, when there was comparatively so little ground for it. If he had only looked around him, he would now have found the British and French Governments so much distressed for money as actually to have to borrow millions. This pecuniary distress of those Governments is, without doubt, caused by commercial derangements brought about by the paper money system, which has prevailed with them as well as with us; and which derangement throughout this country, has wrongfully been charged to General Jackson's and Mr. Van Buren's administration. Gentlemen have effected their object by it. They have got into power; and it is time, now, to stop it. If they did not know better when they made all this complaint, they know better now; since they see that the strongest Governments on earth are suffering embarrassments under the paper system, as well as ours, and to a much greater extent. And it was on this account—because we had been enabled to get along better than others—because our exports and imports had gone on so well, and suffered so little—that the Secretary of the Treasury spoke of it as "the recorded evidences of the country's prosperity," which the gentleman from Maine has denied.

I now, sir, proceed to prove that the Secretary is right, and the gentleman from Maine wrong; and I do it by simply giving a list of the value of our foreign imports and exports for seven years before, and seven years after, the deposits were removed from the United States Bank, with the differences in favor of the last seven years (from 1833 to 1840) over the former seven years, (from 1826 to 1833):

Average annual exports from 1826 to 1833	-	-	-	\$80,053,194
Average annual exports from 1833 to 1840	-	-	-	119,028,564

Difference in value of exports from 1833 to 1840 over the seven years before removal	-	-	-	38,975,370
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Nearly thirty-nine millions yearly!

Let us see how it stands with imports:

Average annual imports, from the removal of the deposits, for seven years	-	-	-	\$141,143,109
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Average for the seven years next before removal	-	-	-	89,386,005
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Yearly difference -	-	-	-	51,757,104
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Nearly fifty-two millions!

Gentlemen say much of the excess of importations was the fruit of the State loans. Admit this to be true; the same cannot be said of the exports. They were, for most part, the value of the labor of that portion of our people who dig the ground for a living, and whom gentlemen are now so anxious to tax again; and afford evidences of their prosperity,

as a whole, that cannot be disputed. And this evidence is upon record; and the record sustains the Secretary of the Treasury, and condemns the gentleman from Maine; and is a full answer to the main argument he has advanced against Mr. Woodbury's report.

I fully understand the object of this warfare so fiercely commenced against Democracy.

Brave men never cut and hack to pieces a fallen foe, without some further object in view. These gentlemen, therefore, I fear, do not believe that "Democracy has fallen;" or they have objects to effect, which require public excitement to be kept up and not cool, until these odious (and, to my mind, unconstitutional) measures of expenditure, and taxation are carried out and fastened upon the people. And, sir, I am brought to believe that such is their object and intention, from the remarks and the manner of the distinguished gentlemen from Kentucky, (Governor POPE,) a veteran in politics, with perhaps forty years' experience.

He heard his friends lay out their grand plan of operations—their National Bank, internal improvements, tariffs, and other splendid schemes of expenditure and taxation, with the greatest apparent delight; it seemed to fall upon his ear like notes of martial music, which had delighted him in his youthful days, and which again had been brilliantly struck up in the beginning of a charge. His countenance seemed to beam with joy, and he watched, as a skilful general would his untired soldiers, the younger members of his party; and, sir, when he noticed in their countenance some wavering, some giving way—heard some say "they could not do this," others "that they could not go that"—he became impatient for the floor, and, as soon as he had obtained it, commenced in the most animating manner to extol the proposed measures; and after he supposed that he had made them appear (if not popular) at least plausible, turned to his young friends, and encouraged them "not to be alarmed or faint by the wayside,"—"not to commit themselves too soon or too strongly against any measure of the Whig party." They were young and inexperienced; "they did not know what they might yet have to do;" and when he, as might be supposed, had infused into them a sufficiency of courage, he proceeded to point out to them a way to make these schemes of expenditure, taxation, and distribution, popular and acceptable with the people, he told them that "he was unwilling to see the revenue arising from the sales of the public lands go into the Treasury, because it robbed the poor and relieved the rich from taxation;" that this money "ought to go to the States, and be divided among them to pay the State debts, where it would relieve the poor from taxation."

But sir, this argument wont do for the young Whigs, or for the people; because they know better. They know that the Legislatures of the several States are compelled to tax property and wealth, as well as persons, and can make every man pay tax according to his property or income, whether his wealth is in lands, houses, stocks, banks, or money at interest, and dare not, therefore, tax the poor and leave out the rich—as is done here, sir, where you tax all articles of daily use, such as the great body of the people need, must have, and cannot do without; and then, sir, they are told "that the tax is equal," that "they need not pay the tax if they do not choose to use the taxed articles." This, sir, is a mockery, to tax articles such as every family must have—iron, salt, knives and forks, plates and spoons, and coarse woollens and cottons; and then tell them "they are not taxed unless they buy." And, sir, this same spirit would lead you to tax the air, light, and water, and then tell the people they need not be taxed unless they choose to breathe, drink, and look about them. These taxes, sir, upon articles of daily use fall most heavily and grievously upon the poor, and people in moderate circumstances, because they need, and must have and use nearly an equal amount with a rich family; and, therefore, a man with a family depending alone upon his labor for support, needs frequently as many of these taxed articles as a rich man, and is compelled on that account to pay as much of this indirect tax as a man who can command twenty, fifty, or

a hundred laborers. Yes, sir, Girard, with his millions, could get along, and not have to buy more taxed salt, taxed iron, sugar, woollens, cottons, knives, forks, and spoons, than a day laborer with five in family; and he would enjoy all his property, with the almost unlimited means of making more, without being compelled to pay more for the support of Government than a common laborer. This, sir, is indirect tax—a tax upon articles of necessity. And, sir, it is proposed by the gentleman from Kentucky to keep up these taxes, and to take from the Treasury the amount for which the public lands are sold, (three and a-half millions of dollars,) and divide it out among the States, to pay State debts, and relieve rich men from taxation for that purpose.

The gentleman from Kentucky must put his young friends upon some other tack, to make these odious measures popular. The people, sir, begin to find out that taxation is taxation, whether laid upon lands, houses, or property, or upon food and clothing; and it will not be long before they will understand that it is more just to tax lands, houses, and money incomes, according to their value, than to tax food and clothing, according to men's necessities; and when the politician, who desires to protect the rich man's plantations, palaces, bank stock, and income, by crying out "direct tax!" and proposes to lay the tax upon food, clothing, and necessities, the people will understand it as well as the gentleman from Kentucky; and when he begs them for the money arising from the sales of public lands, to give to the States to pay State debts, and to relieve rich men's estates and incomes from being taxed according to their value, they will remember that he and his friends now refuse to take the tax off of iron, salt, sugar, knives, forks, spoons, plates, and every other article needed by the poor. The tax on French wines and French silks will, to the extent of the tax, fall upon the tobacco-grower and cotton-grower, and upon all of the people who raise grain, pork, stock, and provisions, and who exchange it with the cotton and tobacco-growers. And, sir, this three and a-half millions, yearly, additional tax, will have no other effect than to lessen the amount of cotton and tobacco which we sell to France; or it will lessen the amount of money which we get for it; and instead of falling upon the rich alone, who wear the silks, or drink the wines, will fall upon thousands of poor families, whose little sons and daughters are out in the sun when they should be at school, working the tobacco or cotton to make money to buy taxed iron, taxed salt, taxed flannel, taxed knives, forks, spoons, plates, and other necessities, without which they cannot live; and will fall, also, upon the sons and daughters of thousands of poor families in Tennessee, Kentucky, Ohio, Indiana, and Illinois, who are working out, in the cold and heat, wet and dry, to raise corn, wheat, or stock, to sell to the cotton and tobacco-growers for money to pay for these taxed articles, which they are obliged to have for their families; so that if you lay this three and a-half millions of taxes on France, she buys that much less tobacco and cotton, or buys it for less money; the growers of which are able only to buy that much less grain, stock, and provisions, or buy it at a less price; and the gentleman from Kentucky can't see the working folks of any of the States, until he tries some other soft corn than this. If he and his party (who can, if they choose) will take the tax off iron, salt, flannels, coarse woollen plates, knives and forks, and such things as every poor family must have, then I will begin to believe that the Whigs want to distribute the public lands among the States "to relieve the poor from taxation;" but if they won't take this tax off such articles, nobody will believe them. Every man who hears it, will know it is nothing but humbugery.

The gentlemen from Tennessee [Mr. BELL] and from South Carolina [Mr. THOMPSON] spoke of the pre-emption land bill as a humbug—a bait thrown out to catch votes, political gambling, &c. Now, Mr. Chairman, let us for a moment compare it with these great Whig schemes spoken of, and see which looks most like bait thrown out, or fishing for popularity. We only propose that the poor man, who goes West upon the public lands, clears them up, puts them into cultivation, and

after mixing his labor with the soil and giving it additional value, that he shall have the right to buy that land, with his little improvements thereon, in preference to strangers who have no claim upon it, and who would be put to no trouble by having to go and buy an unimproved place. Is it not just? Is it not humane? Is it wrong or immoral? In thus taking the part of the poor Western men, or those poor men in the old States who desire to go West and settle and own small tracts of land, do we offer a bait to the great body of voters? Certainly not; for the larger portion of good public lands are in the Territories, where people have no votes in Presidential elections; and among the new States, by far the greater portion of men of influence live in towns, are interested in public works, banks, &c. &c. or are owners of land themselves, and feel and care but little for the poor settlers upon the public lands. It is clear, therefore, that our motives arise from a sense of justice, and not from any vote-begging or vote-catching disposition on our part. But how is it with gentlemen Whigs on the other side? Their mode of distribution of the proceeds of public lands is addressed to the whole of the old States, and all of the new not interested in the pre-emption system. It is addressed to the internal improvement interest; in fact, to all of the great masses, and combinations of masses, that desire to throw burdens off their own shoulders, and to lay them upon others. It is like the fisherman who lays out a long line in deep water, and fastens hooks at different depths, baited to suit the habits of the different kinds of fish. Near the surface plays the greedy and hungry fish. Little or no bait is required to catch him; only conceal the hook with a little white and red hair, or red flannel, and he strikes and is caught. My friend from Maryland, who has figured in the tobacco convention, [Mr. JENIFER,] and those who are trying to lay countervailing duties, under the notion of protecting tobacco, either know how to set this hook themselves, or will bite and be caught. I can assure them there is no bait upon it—scarcely enough of the appearance of bait to conceal the hook.

The next fish to be caught is a larger one, who swims much deeper, and he cannot be caught but with meat—"a large mouthful"—he will not nibble at a trifle: you catch him only by feeding him well. A National Bank, large appropriations, expenditures, and taxes, collected from a whole nation of people, have to be put together before he will bite. Is not that, also, Whig bait for the cities and great thoroughfares of commerce? and don't they expect to catch these big fish with it? Most assuredly they do. But there is a hook placed upon the bottom, in the mud, intended to catch "suckers," and this is baited with mush; and I have been of opinion, sir, that this project of countervailing duties was a scheme got up by the great tariff interests of the North, to distract and divide the South, by setting the tobacco and cotton interests by the ears, that we might be governed and controlled by our sectional prejudices, like England governs Ireland with her Scotch regiments, and Scotland with her Irish regiments; and therefore this seemed to me only bait for greedy, hungry fish, and I was surprised to find any tobacco-grower likely to bite. But, sir, this proposition for a National Bank, high taxes, high and extravagant expenditures upon roads, canals, harbors, dry-docks, fortifications, light-houses, barracks, and ships, is, sir, a bait at which all of those big fish will bite; but the idea that "it will be a tax upon the rich, and relieve the poor," and that by distributing the revenue arising from the sales of public lands among the States for these purposes, "that you will thereby relieve the poor from taxation," why, sir, it is all "a humbug." It is your soft bait, laid to catch "suckers;" and if I mistake not, you will find it too soft to catch them. Every disinterested voter in the Union must see, from the course taken by gentlemen here who go for distribution, that they are only fishing for "suckers" with soft bait, for most of them have made figures and calculations to show to their constituents how much each State would get out of the public Treasury by the scheme—not one of them has made and published a calculation to show

Estimating the cost of collection for seventy years at the present rate, and the amount of taxation to be such as to raise twenty-five millions a year, the people of the interior of the country would pay, in seventy years, one hundred and seventy-five millions to officers in the cities, for expenses alone; which they would get without interest; and if you put interest upon it every year, at six per cent. and add to it the principal, makes, in seventy years, the enormous sum of over two thousands of millions of dollars. It is true that but few of the people can make compound interest; but bankers and money-lenders in cities do make it; and it is no wonder that your large cities grow so rapidly, and a few managers within them make millions upon millions of dollars. It is no wonder that they should be so fond of indirect taxes, and of increasing them by every opportunity they can get, and of increasing the general expenses of this country. It is no wonder that the gentleman from New York should bring forward all of his splendid schemes of expenditure and taxation. It is fully explained in the fact that the real estate, houses, and lots, &c. in the city of New York alone, are worth nearly as much money—and have been so valued and assessed—as all of the lands, farms, cities, towns, and villages of the whole of that great State; and besides, if we go on taxing, collecting, and expending, in the cities, as we have done, the cities upon our coast will, in less than a hundred years, swallow up the industry of the whole of this extensive country; and city property will be to the whole Union, what the city of New York now is to that great State—be worth as much, or nearly as much, as the whole of all the other property of the Union. This never could be the case if taxes were collected, and cost of collection expended, in every county of the Union. When gentlemen can show that direct taxes would produce worse consequences than I have proven to flow from indirect, then it will be time enough to try and make

it odious to talk of direct taxation. The principal objection, I presume, to direct taxation, is a fear that the people will see it and understand it; and a Representative would be afraid to go home and meet his constituents, after raising the taxes upon them, which he can now do by telling them "that he laid the tax so that it don't fall upon them, but falls on somebody else"—"on a rich man," or "a Southern man," or "a Northern man," or a Frenchman, or an Englishman—according to the place and company he is addressing.

Mr. Chairman, I gave my views about a National Bank last session. I attempted then to show that it was both unconstitutional and inexpedient. It would, in my opinion, be attended with most disastrous consequences in the present condition of our State and local banks. There is some solid capital in the country yet. People are more and more going to work, instead of relying upon credit, and, in a few years, times will get better; but if you charter a bank, all of the country banks will be prostrated, and the specie withdrawn, to enable the new National Bank to totter along during infancy, and the whole country will be overrun and scourged, as was the case from 1818 to 1827, by the late bank. But, gentlemen Whigs say that this has been determined upon. They have the power now, and, I suppose, intend to exercise it. It is, therefore, my duty to hold them accountable to the people for fair and just dealing when they make the charter; and if they act justly with the people when they give the keeping of their taxes to a bank, they are bound to demand from the stockholders, as a bonus, the value of the money left in the vaults of the banks to be loaned out on interest. When the Sub-Treasury bill was passed, those opposed to it contended it would keep twenty millions of the people's money locked up, and out of circulation. This we denied. But gentlemen have now changed their complaint; we are not now about to keep enough money on hand, since a Bank is likely to get it. The gentleman from Tennessee [Mr. BELT] thinks we ought to keep always on hand a quarter's salary; that is, one quarter of the yearly expenses of the Government. The gentlemen from New York and Maine suppose we ought to have regularly a balance unappropriated at the end of the year, of about eight millions, if I understood them. Now, the value of these deposits, on collecting, keeping, and disbursing for twenty years, (supposing balances on hand to be eight millions, and the deposits, after appropriations by disbursing officers, and sums lying in bank not called for, to be only four millions,) then the value or amount which the Bank would receive in twenty years, as interest on the people's taxes, lying in their hands and loaned out, would be \$26,485,624—twenty-six and nearly a half millions of dollars; the present value of which, without expenses, would be \$8,758,342—nearly nine millions of dollars—which could be given by any company for a charter, and then they would net six per cent. on their money so given as a bonus; and if they have any capital of their own to put in, the advantages of the charter, with the credit of the Government, will enable them, without doubt, to make expenses and profits out of their own money. I now tell the gentleman from Maryland, [Mr. JENIFER,] that the charter, with the use of the people's taxes, is worth nearly nine millions of dollars; and whenever he and his Whig friends do go to hire out to capitalists the labor of our constituents, that they will be expected to charge something like the value of money belonging to the people, and we will hold him and his friends accountable to the people if he does not.

I have, sir, given a general view of the extravagant and splendid scheme of expenditures and taxation proposed by the gentleman from New York. I will now notice the single one of fortifications, and our defenceless state, upon which he dwelt so fully. Whenever Governments desire to get the people to submit to increased taxation, and wish to silence all opposition, this is the cry: "war is coming, and we are defenceless." That was the cry in 1824 and 1828, when these odious tariff schemes were put on the country. Some only wanted to protect manufactories, that blankets might be made at home, "to keep our soldiers warm," and "iron

provided for the manufacture of arms." And, sir, hundreds of millions were extorted from the laboring people, and wasted, squandered, and expended, gentlemen say; and still the country is defenceless, and more taxes are wanted. People begin to find out that this, too, is mere humbug. There will be no war, sir, unless Government finds out that it can make more out of their people by this mode of taxing, than they can make out of any other. For Governments, in modern times, have found by experience that it is easier and safer, and more profitable, to get their own people to hold still and be fleeced, than to attempt to make the same amount out of another nation by war. The plunderers, therefore, of nations of the present day, thrive better in peace than in war. But, sir, suppose I am mistaken, and we are to have war. This scheme of fortifying our immense seacoast and frontier is an absurdity. All of the work and wealth of the nation would not construct the forts which gentlemen would keep up, nor will it repair the old ones, so as to be of any use. It is agreed on all hands that the great increase of the size of cannon new in use, will enable a single vessel to knock down any fort we have built, or could build; that stone, brick, or mortar, cannot stand against them; and that the only mode of defence against such, is to arm vessels with guns of equal size, and meet the invaders on the water, and drive them off, sink them to the bottom, or sink ourselves. This is the only alternative, as it appears to me.

Nations, sir, have usually selected for their emblems some terrible animal of either the four-footed or feathered tribe—such as a lion, tiger, eagle, or hawk—an animal that could seize and tear its foes to pieces. But, sir, if we are to set all of our people to digging in the ground, and going into fortifications, we should take the eagle from our flag, and change the emblem. There is an animal called a "gopher," of the terrapin tribe, with a shovel in the fore part of his shell, with which he digs deep in the sandy lands of the South, and hides himself from his enemies; and we should select him as a fit emblem of our national character, if all of our people are to be engaged in digging out fortifications, as proposed by the gentleman from New York. Does the gentleman desire to see us a nation of gophers? I am sure our people would cease to think of any thing but hiding in the ground, if they saw the whole money and energies of the nation employed in digging out such hiding places. An invading enemy would have nothing to do but go around these forts; and the people, already accustomed to look upon fortifications as the only means of defence, would quickly surrender, unless they could get into these "gopher holes," where the enemy, after overrunning and subduing the country, would then dig them out at their pleasure. No, sir; make the character of your people correspond with that of the proud bird which you have selected as an emblem. Let them be ready to fly at and pounce upon an enemy, wherever he is to be found; not to flee from him, and hide in your "gopher dens."

A few general remarks, Mr. Chairman, and I shall close. We are not only considering this bill to raise money for temporary wants of the Government, but we are considering the state of the whole Union. And, sir, how different is the language I now hear, from what was said during the last session of Congress, previous to the election of General Harrison.

Then, gentlemen told the people that the Democrats had been wasteful and extravagant.

Now, they say that no reduction can be made in expenditures.

Then, they told the people [that we were for reducing the prices of labor.

Now, they are for increasing taxes and expenditures, which, in every country and age, has a direct tendency to reduce the wages of labor; because it is out of these wages the taxes are made up.

Then, they told the people that the Whigs went for reducing Executive patronage. But now, they go for every measure that must and will increase it. For, sir, these hundreds of schemes for clearing out rivers, making roads,

light-houses, harbors, dry-docks, fortifications, barracks, &c. &c. &c. multiply the number of people who are to depend on Government for work and employment, in the shape of contractors, artists, and laborers; multiply, also, the officers to be appointed by the President and under his control, and that of his friends: all of these must add to the Executive influence felt in elections—an influence which the gentlemen had the benefit of, to a great extent, in the late election; for these men were getting hungry and alarmed at the reductions in expenses making by Mr. Van Buren—were greedy for another routine of taxation and expenditure, and therefore joined in the cry, and voted against him. The present proposed measures, therefore, have a direct tendency to increase this Executive patronage and influence.

It will not do for gentlemen to say that General Harrison only intends to serve one term, and, therefore, will not interfere and exercise this power.

They will remember that they charged General Jackson with appointing his successor. If this be true, why may not General Harrison? Is he better and wiser than Jackson? If he is, will every man that comes after him be wiser and better? This will not do for argument with the people, who will not allow great principles to depend on any one man. And gentlemen and General Harrison must follow the advice of the gentleman from Virginia, [Mr. WISE,] and must *practise* here, after they get power, THE PRINCIPLES which they *preached* to the people before the elections.

The gentleman from New York [Mr. BARNARD] denies the truth of that part of the President's message which states "that our Government has admirably fulfilled the objects of its creation. And, sir, I have given an examination of the measures of Government proposed by that gentleman, for General Harrison and his party to make the Government answer the purposes for which "they think it was created." It is found, I humbly conceive, to be only a mode of bettering the condition of the great and already overgrown interests of officers, bankers, capitalists, politicians, and rich men, engaged mostly in commerce, navigation, and manufactures, and owning city property, at the expense of agriculture, mechanism, farming, planting, and labor, throughout the whole country besides.

I will tell gentlemen how they can make a plain Republican form of Government suit our people much better than any change they will be able to make. Let them, instead of employing their powerful talents and abilities in making our people dissatisfied, use those abilities in producing the only reform in our power—"a reform of our habits." Let them advise their people, young and old, rich and poor, against relying on bank credits for the means of support, instead of industry, frugality, and economy. Let them admonish people who have property, and desire to keep it, to cut down their expenditures; that their young men cannot longer be indulged in smoking, drinking, and idleness at taverns and hotels, if they expect to keep their property; that if they let their daughters marry such idle and extravagant young fellows, that they will live with them only so long as they furnish them money to spend in idleness, and that, so soon as the duties and drudgery of taking care of a family come on, these gay idlers have not energy enough to take care of them; that they generally leave their families in disgrace, as soon as the property is exhausted. Tell them, therefore, to discontinue all such idlers, and keep them out of their houses, and, by force of public opinion, compel them to work. Tell the wealthy and heretofore extravagant families, that they cannot keep their property, and go on with their extravagant indulgences; that the three Governments of England, France, and the United States, are all borrowing money to get along, and that our young men cannot indulge in boiling their hams in Champagne wine at the Astor House, going to theatres, and other such extravagant and wasteful practices. Tell them to lend their countenance to the prudent, industrious, and upright, however they may appear to want polish, and what is usually called refinement. Tell them that such make the best husbands and family connections. Turn to the poor and

midding classes, and advise the youth of both sexes against buying things to wear, which their fathers cannot afford to furnish. Tell them that it was this, and their neglect of business—throwing the whole labor of families off the young, strong, and healthy, upon the father, mother, and smaller children—tell them it was this, and this alone, which has embarrassed them. Tell them, also, to encourage industry in their families and neighbors; to turn out of their houses the scamp who wants to figure in fine clothes, and who has nothing to give, and will not work to pay the merchant for them; and tell them, also, to uphold, with their countenance, the honest youth, however homely his appearance, who will earn his living by the sweat of his brow. Impress these truths and principles upon the public mind, and you will restore prosperity among individual families, and upon this great family of States. It is better than to try and relieve some by plundering others.

If General Harrison and his friends shall only pursue this course, I shall most gladly render him my feeble support. If, however, he follows the path which appears to have been marked out for him by his friends here—if he shall encourage or countenance these schemes of taxation, extravagance and expenditure—I shall be found in opposition, wherever I may make such opposition useful to a confiding but deceived and plundered people.

REMARKS OF MR. JOHNSON, OF VIRGINIA,

In the House of Representatives February 19, 1841—

A bill to extend, for five years, the act approved the 7th July, 1838, "granting half-pay and pensions to certain widows," being under consideration—

Mr. HOPKINS submitted the following amendment, viz:

"Be it enacted, That the provisions of the act approved 7th June, 1832, entitled 'An act supplementary to the act for the relief of certain surviving officers and soldiers of the Revolution,' be, and the same are hereby extended, so as to embrace all those officers and soldiers, spies and rangers, who, under one or more engagements, shall have served for a term of three months or upwards, in the wars against the Indian tribes, at any time previous to the treaty of Greenville, in the year 1795; and on application at the proper department, and proof thereof, they shall be entitled to have their names placed on the pension roll."

Mr. JOHNSON said: I thank my honorable colleague for having brought to the notice of this House the long deferred claims of a remnant of our Revolutionary days and our Revolutionary struggles, the rights and interests of whom have been overlooked and neglected amidst the numerous acts of justice and liberality with which the records of the legislation of the country abound, and which do honor to the heads and hearts of American statesmen. Although millions have been annually drawn from the public Treasury, in discharge of that debt which the wealth of the nation can never fully discharge, no murmurs have been heard from the people; but, on the contrary, these acts have all been responded to by a generous community, in notes of unequivocal approbation, from the centre to the circumference of this widely extended country.

But, Mr. Chairman, I regret to say, that in the plenitude of our liberality, the old maxim, "be just before you are generous," seems to have been lost sight of. We have left, unprovided for, a class of soldiers whose services were equalled by few, and surpassed by none, whose claims have been rejected by the American Congress; while their compatriots in arms have been made comfortable by the bounties of the Government. I refer to that class of soldiers who continued the war from 1783, when the treaty of peace with Great Britain was ratified, down to the treaty of Greenville, in 1795.

Twelve long years did they continue the struggle against fearful odds, after the mild beams of returning peace had made glad the heart of every freeman in the Atlantic country—ay, sir, when the sound of rejoicing was heard throughout the land from Massachusetts to Georgia. These cheering notes reached not the year of the Western man: there was no peace to your trans-Alleghany brethren; for, although the civilized enemy had withdrawn his armies from the field, his savage

allies lurked in the woods. Although a treaty of peace had been signed, yet he held on to his western posts, and virtually to the western country, maintaining his position by an armed force, under the vain hope, no doubt, that our glorious experiment would fail, and that, by keeping up the war through his Indian allies, he would stand ready to avail himself of the first advantage to recover his lost power, by adding the northwestern territories to his Canadian dominions. The history of the war proves, that, notwithstanding the acknowledgment of our independence by the British, they assembled in council with the Indians as late as the year 1793, when they admonished the savages that a new line must be drawn between the United States and the Canadas by the sword. And with that view, fortresses were erected on the Miami of the lake, and garrisoned by British soldiers.

The stipulations of the treaty of 1783 did not change the condition of your western people. The blessings of liberty, for the benefit of which you had prosecuted a seven years' war, had been but partially secured, and were not participated in by the western men: they found themselves in the deep recesses of a wilderness, far removed from succor, surrounded by innumerable hordes of merciless savages, by whom the war was continued with all imaginable horrors. The pecuniary means of your Government had been exhausted; your army was disbanded; and your Western people thrown upon their own limited resources, and cut off from the Atlantic States by the then almost impassable mountains. They had no place of retreat, but their log cabin, which they had sworn to defend, or die on the sill of its door! In this forlorn condition, they prosecuted the war from 1783 to 1795, with no hope of aid; no friend to support; no tongue to cheer; no pen to record; no eye to weep! Arm to arm, steel to steel, they met the savage, and struck for liberty! Nor was the conflict confined always to the harder sex: tender females became more than soldiers, and, forgetting the delicacy of their textures, fought bravely by the sides of their husbands and brothers, in defence of their humble domicils, their hearths, and cradled infants. Their little fields, whence alone their rations were drawn and their families fed, were cultivated at intervals snatched from the busy scenes of war; and while the son silently held the handles of the plough, the father was sentinel in a corner of the fence, and poised steadily the unerring rifle.

I have said there was no pen to record the deeds of chivalry, which the traditions of the times have dimly and imperfectly handed down. Could the facts be correctly detailed, a vacuum in the history of this country would be supplied with rich matter; and scenes of disinterested patriotism developed, adding many facts in the history of our countrymen, at the recital of which the hearts of freemen would beat high with national pride, and veneration for the character of the chieftain. But, unfortunately for our country, the story can never be all told: it must remain sealed up amongst the hidden treasures of the past. The remaining actors in the drama, whence alone the tradition might have been obtained, stand few and far between, like the oak, once wide spread and noble in the forest, but now in the old field, deprived of its vital sap, streaked with lightning, decayed in its roots, and ready to yield to the lightest blast.

Mr. Chairman, a few of these aged veterans still linger in the district I have the honor to represent; a district extending from the Alleghany mountains to near the Kentucky line, embracing a portion of the country watered by the Monongahela, the Great and Little Kanawha, and extending along the banks of the Ohio, more than one hundred miles. This portion of country formed emphatically the line of demarcation between the white and the red man during the Revolutionary war, and was the arena in which gladiators met. Your sentinel upon the outer wall was placed there, and ably and gallantly were your outposts defended.

It is mockery, sir, to say that those men were not engaged in the struggle for independence. They were the first who took the field, and the last who left it. The first battle fought in that contest was on the 10th of October, 1774, at Point Plea-

sant, in my district, and it was clearly connected with our Revolutionary movements. In fact, it may properly be styled the first battle of that momentous struggle. The contest was continued, with short intervals, down to 1795; and murders were perpetrated in the same district, according to my recollection, as late as 1793. And yet, it has been gravely said that "they were not engaged in your struggle for independence; that it was a private war between the white man and the Indian!" Let us see what the historian of that day said on this subject.

After speaking of the defeat of St. Clair, he proceeds to say:

"The Indian war now assumed a more serious aspect than it had hitherto worn. There was reason to fear that the hostile tribes would derive a great accession of strength from the impression which their success and the spoil they had acquired would make upon their neighbors; and the reputation of the Government was deeply concerned in retrieving the fortune of its arms, and affording protection to its citizens. The President, therefore, lost no time in causing the estimates for a force, which he deemed competent to the object, to be prepared and laid before Congress. In conformity with a report made on this subject by the Secretary of War, a bill was brought into the House of Representatives, directing three additional regiments of infantry and a squadron of cavalry to be raised, to serve for three years, if not sooner discharged. This bill experienced great opposition. It was argued, in favor of the bill, that the justice of the war could not be questioned by any who would allow that self-preservation and indispensable necessity could furnish sufficient motives for taking up arms. It was originally undertaken, and had been since carried on, not for conquest, but to defend their fellow-citizens on the frontiers, who, if not assisted, must fall victims to the rage and barbarity of their savage enemies. It was said to be proved by unquestionable documents, that, from the year 1783 to 1790, there had been not less than fifteen hundred persons, either the inhabitants of Kentucky, or emigrants on their way to that country, who had been massacred by the savages, or dragged into captivity; and there was reason to believe that, on the frontiers of Virginia and Pennsylvania, the murdered and the prisoners would furnish a list not much less numerous. In 1790, when a treaty was proposed at the Miami villages, the Indians at first refused to treat; they next required thirty days to deliberate; this request was acceded to, and, in the interim, the inhabitants were expressly prohibited by the President to carry on any offensive operations against them. Yet, notwithstanding this forbearance on the part of the whites, not less than one hundred and twenty persons were killed and captured by the savages, and several prisoners were roasted alive during that short period, at the expiration of which the Indians refused to give any answer to the proposition which had been made to them. The bill was carried for the augmentation of force required by the Executive."—pp. 336, 341, 342.

Will any one question the national character of this war, after reading the above extracts? The entire debate proves that Congress considered it a continuation of the same struggle for independence, as in truth it was. The western posts were still in the hands of the enemy, notwithstanding the treaty stipulations which required their surrender; the soil of your country was degraded by the occupancy of foreigners, and the national honor was tarnished by the non-compliance of Great Britain with her solemn treaty. It was national in every respect, and in every sense of the word; and great and lasting benefits resulted from its favorable termination. The honor of the nation was vindicated, and a source of revenue, incalculable in its extent, was secured in the acquisition of the public domain. It is from this source that you have drawn many millions of the money with which you have enriched your Treasury. Ay, sir, those millions of dollars which flow annually into that Treasury, are the proceeds of the sales of the public lands which were wrested from the common enemy, by the blood and valor, and reclaimed by the toil and

industry, of the very Indian fighters whose cause I now endeavor to plead.

The same Western men who had continued the contest throughout the Revolution, and down to the treaty of Greenville in 1795—a period of twenty years—were the first to unlock the gates and open the avenues to the "far West," by which a safe and permanent entry was made into the Northwestern territory. They were, emphatically, the vanguard to the emigrating multitude, who, in search of a home and a competency, flocked to the Western country; at the approach of whom, the affrighted natives, pressed at the point of the bayonet, retreated with hasty steps to the banks of the Mississippi; thereby affording partial security to the bold and enterprising adventurers.

What, I would ask, was the situation of the West in 1795? A deep and almost interminable wilderness—"where the boughs of the lofty buckeye waving in the wind served but to swell the melancholy notes of solitary nature;" where a monotonous silence ever reigned, save when disturbed by the howl of beasts of prey, or the more hideous yell of savage man!

But, Mr. Chairman, never was transformation from the long silence of the forest, to the active, cheering, busy scenes of civilized life, so sudden, rapid, and so radical. Millions of freemen in the full enjoyment of all the comforts, and, I may add, all the luxuries of life, are now spread over that extensive and diversified country; and if we may be permitted to glance at futurity, and measure the probable increase of population by the ratio of the past, the time is near when a majority of the

inhabitants of the United States will be found in the valley of the Mississippi.

Will Congress continue to disregard the claims of this meritorious class, after having provided for every other description of soldier? Will you do this, too, at a time like the present, when we are at peace with all the world; the national debt paid off; the country in the full tide of a prosperity unexampled in any nation, with a population exceeding seventeen millions, in the full enjoyment of all the blessings and immunities which Providence, in the plenitude of its goodness, has capacitated man to enjoy? I will not believe it! I think I know too well the liberal and honorable feelings of gentlemen of both parties. It is a subject elevated far above the party feuds which too often enter this hall, and prevent action upon important measures. I am sure the hydra-monster *party* will not be permitted to interfere in this sacred question. Will the Northern man hesitate to place these claimants upon an equal footing with the thousands of pensioners in his own section, where three-fifths of the pension fund is expended? Surely his sense of justice will forbid it! Shall we appeal in vain to the generous South on this occasion? No, sir; she has ever been feelingly alive to the claims of the war-worn soldier, and her liberality, which is proverbial, will not be withheld on this—perhaps the last—appeal in behalf of some of the few who remain unprovided for. To Western gentlemen I have nothing to say; the scenes which I have feebly attempted to describe are all familiar to them. The first impressions made upon their juvenile minds, were derived from the the traditional history detailed by their fathers; in which the thrilling inci-

dents of Indian warfare were feelingly and eloquently detailed. And although no costly edifice or marble monument points to the place or commemorates the battle field of these heroes, yet their memory will be cherished in the bosom of every Western man, long after the most stately temples shall have been mouldered away by the ravaging hand of time.

I will only add, in conclusion, that, if aught be done to smoothe the short but rugged path which intervenes between the aged man and the grave, it must be done quickly. The fell destroyer, death, is rapidly removing him from earth, and hurrying him to "that bourne from whence no traveller returns!"

On reference to the report of the Secretary of War, it will be seen that more than two thousand pensioners have died during the last year. The number pensioned under the act of 1818, has decreased from about twenty thousand to less than eight thousand. Of those pensioned under the act of June 7, 1832, eight thousand six hundred and nine have died. Out of eleven hundred and eighty-six pensioned under the act of 1828, only six hundred and five remain.

A few short years, and the last relics of Revolutionary times will have been gathered to their fathers, the most of them having spent their latter days in penury and want, and dropped into the grave "unwept, unhonored, and unsung!"

Will an American Congress permit these things to transpire? If so, our lips should be hermetically sealed when the charge shall be repeated, which has been so often gratuitously made by the enemies of free Government—that "Republics are ungrateful!"

THE END.